

**The Application of Traffic Laws to Bicycles  
Course Supplement**

**Statutes**

- Chapter 551, Transportation Code
- Sec. 545.058, Transportation Code
- Sec. 545.302, Transportation Code
- Sec. 545.401, Transportation Code

**Case Law**

- **City of Dallas v. Woodfield, 305 S.W.3d 412**
  - The rider was cited under the ordinance for operating or riding his bicycle without wearing a helmet. While the criminal charge was pending against him in the municipal court, he filed a civil equity lawsuit in the county court. The rider took advantage of a compliance dismissal and the municipal court dismissed the criminal case. The rider amended his petition to seek both a declaratory judgment and a permanent injunction preventing the city from enforcing the ordinance. The court concluded that the civil equity case became moot when the municipal court dismissed the criminal case. Because the rider had not received any more citations for violating the ordinance, there was no longer a live controversy. The court further held that the capable of repetition, yet evading review, exception to the mootness doctrine did not apply because the rider had not met his burden to show that the time between issuance of a citation and judgment was always so short as to evade review.

**Articles**

- **DU Law Professor Brain Dead After Bike Accident**
  - [http://www.denverpost.com/search/ci\\_12308168](http://www.denverpost.com/search/ci_12308168)
  - A University of Denver law professor Erik Bluemel, 32, was declared brain dead on May 6, 2009, the day after Bluemel crashed his bicycle under a bridge at 1485 15th St. on Tuesday morning between midnight and 12:20 a.m. No vehicles were involved, said Avendano. Despite surgery, Bluemel's injuries were so serious that he had not survived.
- **Cycling Advocate Killed**
  - <http://www.valleycentral.com/news/story.aspx?list=~\news\lists\state&id=484170>
  - Authorities say on Saturday morning around 8:20, 24-year-old Gage Sippy was traveling southbound on US 87, 8.9 miles south of Canyon in the right lane. Cynthia Whitney of Amarillo, was bicycling southbound in the right lane of US 87 south of Canyon. The group was riding three abreast from Canyon to Happy.
  - According to Sippy he became distracted by his cell phone which had fallen, and reached down to grab it. After picking up his cell he saw the group of bicyclist in front of him. He attempted to avoid the collision with the bicyclists and swerved to the left but was unable to avoid the collision.
  - Whitney who was the left most bicyclist riding near the center stripe was struck from behind and thrown to the shoulder of the roadway. The vehicle came to a stop in the median of US 87.
  - Whitney was pronounced dead at the scene, she was wearing her helmet.
  - Related Story: Grand Jury to Weigh in on Death of Bicyclist
    - [http://amarillo.com/stories/072010/web\\_bicyclist.shtml](http://amarillo.com/stories/072010/web_bicyclist.shtml)
- **SMU Prof Indicted in Cycling Incident**
  - <http://www.lawschool.com/texasprofindicted.htm>
  - In May 2004, a distinguished law professor was indicted, accused of using her Volkswagen Passat as a deadly weapon in what police and cycling advocates describe as an extreme case of road rage.

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- What started with yelling and hand gestures on a Sunday morning near White Rock Lake was quickly punctuated by the sound of crunching metal as car struck bicycle.
- Jane Dolkart, 56, was charged with aggravated assault with a deadly weapon. If convicted, she faces two to 20 years in prison and a fine of up to \$10,000. Southern Methodist University officials said Ms. Dolkart remains on the law school faculty while the case is under review, but she is not teaching classes this summer.
- According to police reports and court files, tensions escalated quickly as two cyclists were riding single-file and a motorist in a green Passat started following them closely, honking the car's horn, yelling and gesturing "in an unfriendly manner," Moments later, a witness described hearing a scream, followed by the vehicle accelerating and then the sound of "an awful crunching noise and brakes screeching," according to court records.
- When police arrived to investigate and found Ms. Dolkart in a parking lot nearby, she reportedly described her actions as an attempt to let the cyclists "know I was there," according to court documents.
- Bicycling advocates praised the indictment Wednesday and described the incident as an extreme example of what occurs daily for cyclists who share the streets with vehicles.
- **Bicycle Travel Returns for Personal Transportation**
  - <http://www.motherearthnews.com/print-article.aspx?id=2147489664>
  - The bicycle has many attractions as a form of personal transportation. It alleviates congestion, lowers air pollution, reduces obesity, increases physical fitness, does not emit climate-disrupting carbon dioxide, and is priced within the reach of the billions of people who cannot afford a car. Bicycles increase mobility while reducing congestion and the area of land paved over. Six bicycles can typically fit into the road space used by one car. For parking, the advantage is even greater, with 20 bicycles occupying the space required to park a car.
  - Ripon College in Wisconsin and the University of New England in Maine have found it cheaper to give each incoming freshman a bike if they agree to leave their cars at home than to build new automobile infrastructure. Replacing cars with bikes on campus is reducing air pollution and traffic congestion while creating a sense of community.
- **City Council Adopts Downtown Bike Share Plan**
  - <http://www.bizjournals.com/sanantonio/stories/2010/06/14/daily37.html>
  - Building upon San Antonio's efforts of increasing the amount of bicycle usage in downtown, City Council on Thursday approved a bike sharing, rental and tour program.
  - The initial program will consist of 140 bikes at 14 locations that will be supported by a central hub. City officials say the bike program will serve both residents and visitors.
  - San Antonio's bicycle sharing program will involve riders paying to rent a bicycle at one station and then dropping it off at any of the other bus stations. The bikes themselves will be equipped with RFID (radio frequency identification) chips and computers. The program will be overseen by the city's Office of Environmental Policy.
  - "The city will use seed money from stimulus funds through the U.S. Department of Energy and the Centers for Disease Control and Prevention.
- **Paving Way to Bike-friendly Dallas is Urban Planner's Task**
  - <http://www.dallasnews.com/sharedcontent/dws/bus/stories/091210dnbusbikeplanner.2b632cb.html>
  - A decade from now, Peter Lagerwey sees a vibrant city where more people pedal to grocery stores and to work, where bike racks line the front of coffee shops and restaurants, and where all kinds of cyclists – from the spandex-clad to the business-attired – share the road with lane-clogging SUVs.

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- His vision will result in the 2011 Dallas Bike Plan, revamping the 1985 version to increase connectivity between bike trails and on-street bike paths. The city's existing 365 miles of marked bike routes could ultimately double.
- Lagerwey, a senior planner for Maryland-based Toole Design Group, is working on the \$375,000 plan for the city along with local consultants Bowman-Melton Associates Inc. and Kimley-Horn and Associates Inc. A \$300,000 grant from the North Central Texas Council of Governments kick-started the planning process.
- **Forth Worth plans to make streets more bike-friendly**
  - <http://star-telegram.com/2010/09/28/v-print/2502617/fort-worth-plans-to-make-streets.html>
  - Fort Worth City Council moves forward with plans to re-stripe another major street for bike lanes and require bike racks at some new buildings.
  - Advocates for bicycling say both moves are steps toward a different way of life, with less emphasis on cars and more on bikes, walking and mass transit.
  - The zoning change requiring bike racks grew out of the Fort Worth Bike Plan, which the council adopted in February.
- **More Than 200,000 a Day Now Cycling, Data Suggests**
  - <http://cityroom.blogs.nytimes.com/2010/04/26/more-than-200000-a-day-now-cycling/?scp=1&sq=more%20than%20200,000%20a%20day%20now%20cycling&st=cs>
  - The latest annual estimate of the number of bicyclists in New York City by Transportation Alternatives found roughly 236,000 New Yorkers riding each day in 2009, up 28 percent from 185,000 daily riders the year before.
  - “More and better designed bike lanes, that’s clearly what’s fueling this growth,” said Wiley Norvell, a spokesman for the bicycling and pedestrian advocacy group, which has conducted an annual cycling estimate for nearly two decades.
  - With more than 200,000 cyclists now rolling around, New York has more daily riders than any other city in the country, Mr. Norvell said, though he admits that this has been the case for several years, owing to New York’s greater size. “Chicago, which is a great cycling town, would need 10 percent of its commuters on bikes to reach these numbers,” he said. “But the rapid growth in New York has moved us out into the front of the pack.”
- **Shifting Gears on Bike Paths in Houston**
  - <http://www.chron.com/disp/story.mpl/life/main/6853429.html>
  - Ian Hlavacek was born to drive. The son of a Houston traffic engineer, Hlavacek grew up to be one, too: knowledgeable about signal timing and at-grade crossings, a warrior skilled in the fight against congestion.
  - Houston, more than almost any other city, is designed for driving — a city of wide lanes and empty parking spaces. A city where “the family car, like the family dog, is very much a member of the family.”
  - But for Houston, cyclists’ commutes signal a big change. This city ruled by the combustion engine is beginning, tentatively, to recognize that walking and biking are legitimate forms of transportation, and beginning to give them a little infrastructure of their own. Our fragmented system of bike paths and bike lanes is at last beginning to link up. It is becoming possible for a sane, not-too-eccentric person — a person born to drive — to choose instead to commute across town on a Schwinn.
- **Council Gets More Details on Bike Lanes**
  - [http://www.dentonrc.com/sharedcontent/dws/drc/localnews/stories/DRC\\_City\\_Council\\_0414.2460b8810.html](http://www.dentonrc.com/sharedcontent/dws/drc/localnews/stories/DRC_City_Council_0414.2460b8810.html)

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- Planning is under way to add more bicycle lanes in Denton in coming years by restriping and widening streets and updating city codes.
- Some changes could come soon, including proposals to restripe parts of Eagle Drive and Welch Street to remove one of four traffic lanes to create space for bicycles. Such a change would convert the four-lane streets to two-lane with a center left-turn lane.
- City staff members are working on various fronts to improve bicycle connectivity in Denton. Ideas include hiring a consultant to develop a bicycle master plan; creating a focus group of government officials and cyclists to advise the city; and working with the state transportation department, local universities and others to find ways to connect Denton through bicycle lanes and trails.
- Denton currently has few dedicated bicycle lanes, although city leaders plan to add more as part of an ongoing drive to implement a 2002 downtown master plan and connect the University of North Texas campus to the planned commuter rail and bus station east of the Square.
- **BikeTX petitions against Bartonville Ban**
  - <http://bikedenton.wordpress.com/2010/09/04/biketx-petitions-against-bartonville-ban/>
  - Bartonville, TX is attempting to regulate cyclists off the roads with ordinance 494-10.
  - Bartonville now requires a “rally permit” for groups of 10 or more cyclists, pedestrians, or even drivers to travel together on Bartonville roads. According to a Denton newspaper article, “police have observed cyclists running stop signs, urinating behind Town Hall and riding more than two abreast and impeding traffic.” It’s unclear how the enacted ordinance affects any of those complaints.
  - The ordinance text states that this regulation applies specifically to races and rallies:
    - *Race* means a contest of speed, as in running, riding, or driving including training with 10 or more participants.
    - *Rally*: A competition in which motorists, runners or bicyclists traverse public roads and/or right-of-ways under normal traffic regulations but with specified rules as to speed, time, and/or route, including training with 10 or more participants.
- **Car Hits Teen on Bike**
  - <http://www.myfoxdfw.com/dpp/news/062410-car-hits-teen-on-bike>
  - A 15-year-old Flower Mound boy was hit by a car while riding his bike. Police said the accident happened after 5 p.m. just outside city hall near the intersection of Morriss and Cross Timbers roads. The driver of the Lincoln sedan did stop to help.
- **Bicycle Laws in Texas**
  - [http://austincyclingnews.com/?page\\_id=84](http://austincyclingnews.com/?page_id=84)
  - This is a collection of laws, safety guidelines and tips for motorists and cyclists concerning sharing the road.
- **Texas Road Rides**
  - [http://www.bicycletexas.com/tx\\_bike\\_rides.htm](http://www.bicycletexas.com/tx_bike_rides.htm)
  - This website provides a calendar showing all of the organized road rides in Texas.
- **Dallas jogger hit by bicycle on Katy Trail dies**
  - <http://www.dallasnews.com/sharedcontent/dws/dn/latestnews/stories/100410dnmetjogger.156702d91.html>

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- A Dallas jogger who was severely injured in a collision with a bicyclist on the Katy Trail died as a result of the injuries.
- Lauren Huddleston, 28, at Baylor University Medical Center at Dallas, said her brother, Charles Townsend.
- Huddleston was hit Thursday evening, apparently when she abruptly turned into a cyclist's path in a section of the trail near Routh Street. She was wearing headphones and may not have heard the bicycle approaching, police said.
- She was taken to the hospital with critical head injuries. The medical examiner's office did not release details on the cause of her death.
- Huddleston said the family bears no malice toward the cyclist.
- "It was just a bad situation waiting for an accident to happen," he wrote. "We will work to solve the problem of crowding on the Katy Trail.
- "Lauren would want that most of all."
- **Ghost bike memorials in New York highlight cycling fatalities**
  - [http://www.dallasnews.com/sharedcontent/dws/fea/healthyliving2/stories/DN-ghostbikes\\_04nat.ART.State.Edition1.48cbf09.html](http://www.dallasnews.com/sharedcontent/dws/fea/healthyliving2/stories/DN-ghostbikes_04nat.ART.State.Edition1.48cbf09.html)
  - The well-trod sidewalk beside a busy urban boulevard is an unlikely place for a young man's memorial, but there it is, chained to a signpost outside a furniture store: a man's bicycle painted ghostly white.
  - The practice began in New York in 2005 after Elizabeth Padilla died beneath the wheels of an ice cream delivery truck in Brooklyn, but it had started two years earlier in St. Louis, where volunteers began erecting ashy white bikes to remember fallen cyclists. Now, there are ghost bikes in as many as 134 cities in 35 states and 21 countries, according to [www.ghostbikes.org](http://www.ghostbikes.org), which tracks the activities of the volunteer groups that maintain the bicycles.
  - Supporters of the ghost bikes say the bicycles could save lives by reminding people of the hazards on cities' crowded streets, but some who have lost loved ones do not embrace them.
- **Awareness cited after few tickets for new ordinances: Police numbers show vehicle-bicycle collisions are down slightly**
  - [http://www.statesman.com/news/local/awareness-cited-after-few-tickets-for-new-ordinances-814236.html?cxtype=rss\\_eca\\_frontend](http://www.statesman.com/news/local/awareness-cited-after-few-tickets-for-new-ordinances-814236.html?cxtype=rss_eca_frontend)
  - A hot-button city ordinance may have generated a lot of conversation last year, but it has not generated a lot of citations in the months it's been in place.
  - The new rule requiring three feet between vehicles and other road users, such as cyclists and pedestrians, three citations have been issued since its inception in November.
  - In the first six months of this year, there were 147 wrecks involving cars and bicycles, compared with 168 during the same period last year. In the first six months of 2008, there were 157 such wrecks.
  - The three-foot-distance violation is a Class C misdemeanor, which carries a fine of up to \$500 and can be appealed in Municipal Court.
  - For the most part, cycling advocates agreed the ordinances are helping.
  - "In working with the Legislature last year, the most valuable component is the educational component," said Mark Stine of the statewide advocacy group BikeTexas. "While there still are problems and issues, I see more awareness as time goes on."
  - Stine said even a few citations for both ordinances are steps in the right direction toward safer roads for cyclists.
- **Defensive Cycling Class lets bikers erase tickets**
  - [http://www.austin360.com/blogs/content/shared-gen/blogs/austin/fitcity/entries/2010/06/03/defensive\\_cycling\\_class\\_lets\\_b.html?cxntfid=blogs\\_fit\\_city](http://www.austin360.com/blogs/content/shared-gen/blogs/austin/fitcity/entries/2010/06/03/defensive_cycling_class_lets_b.html?cxntfid=blogs_fit_city)

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- The Austin Cycling Association has partnered with the Austin Municipal Court to offer the a defensive cycling class that gives bicyclists who have received traffic tickets a chance to have them erased, one of the nation’s first defensive cycling courses.
- Cyclists who successfully complete the three-hour class, which costs \$25, will receive a certificate that the court may honor to dismiss a traffic ticket.
- *See also:* [http://www.statesman.com/news/local/cited-cyclists-appreciate-new-ticket-dismissal-option-794863.html?extype=rss\\_ece\\_frontpage](http://www.statesman.com/news/local/cited-cyclists-appreciate-new-ticket-dismissal-option-794863.html?extype=rss_ece_frontpage)

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE C. RULES OF THE ROAD

CHAPTER 551. OPERATION OF BICYCLES, MOPEDS, AND PLAY VEHICLES

SUBCHAPTER A. APPLICATION OF CHAPTER

Sec. 551.001. PERSONS AFFECTED. Except as provided by Subchapter C, this chapter applies only to a person operating a bicycle on:

- (1) a highway; or
- (2) a path set aside for the exclusive operation of bicycles.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1318, Sec. 4, eff. Sept. 1, 2003.

Sec. 551.002. MOPED AND ELECTRIC BICYCLE INCLUDED. A provision of this subtitle applicable to a bicycle also applies to:

- (1) a moped, other than a provision that by its nature cannot apply to a moped;
- and
- (2) an electric bicycle, other than a provision that by its nature cannot apply to an electric bicycle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 9, eff. Sept. 1, 2001.

SUBCHAPTER B. REGULATION OF OPERATION

Sec. 551.101. RIGHTS AND DUTIES. (a) A person operating a bicycle has the rights and duties applicable to a driver operating a vehicle under this subtitle, unless:

- (1) a provision of this chapter alters a right or duty; or
- (2) a right or duty applicable to a driver operating a vehicle cannot by its nature apply to a person operating a bicycle.

(b) A parent of a child or a guardian of a ward may not knowingly permit the child or ward to violate this subtitle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.102. GENERAL OPERATION. (a) A person operating a bicycle shall ride only on or astride a permanent and regular seat attached to the bicycle.

(b) A person may not use a bicycle to carry more persons than the bicycle is designed or equipped to carry.

(c) A person operating a bicycle may not use the bicycle to carry an object that prevents the person from operating the bicycle with at least one hand on the handlebars of the bicycle.

(d) A person operating a bicycle, coaster, sled, or toy vehicle or using roller skates may not attach either the person or the bicycle, coaster, sled, toy vehicle, or roller skates to a streetcar or vehicle on a roadway.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.103. OPERATION ON ROADWAY. (a) Except as provided by Subsection (b), a person operating a bicycle on a roadway who is moving slower than the other traffic on the roadway shall ride as near as practicable to the right curb or edge of the roadway, unless:

(1) the person is passing another vehicle moving in the same direction;  
 (2) the person is preparing to turn left at an intersection or onto a private road or driveway;

(3) a condition on or of the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the person from safely riding next to the right curb or edge of the roadway; or

(4) the person is operating a bicycle in an outside lane that is:  
 (A) less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or  
 (B) too narrow for a bicycle and a motor vehicle to safely travel side by side.

(b) A person operating a bicycle on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.

(c) Persons operating bicycles on a roadway may ride two abreast. Persons riding two abreast on a laned roadway shall ride in a single lane. Persons riding two abreast may not impede the normal and reasonable flow of traffic on the roadway. Persons may not ride more than two abreast unless they are riding on a part of a roadway set aside for the exclusive operation of bicycles.

(d) Repealed by Acts 2001, 77th Leg., ch. 1085, Sec. 13, eff. Sept. 1, 2001.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 10, 13, eff. Sept. 1, 2001.

Sec. 551.104. SAFETY EQUIPMENT. (a) A person may not operate a bicycle unless the bicycle is equipped with a brake capable of making a braked wheel skid on dry, level, clean pavement.

(b) A person may not operate a bicycle at nighttime unless the bicycle is equipped with:  
 (1) a lamp on the front of the bicycle that emits a white light visible from a distance of at least 500 feet in front of the bicycle; and

(2) on the rear of the bicycle:  
 (A) a red reflector that is:  
 (i) of a type approved by the department; and  
 (ii) visible when directly in front of lawful upper beams of motor vehicle headlamps from all distances from 50 to 300 feet to the rear of the bicycle; or

(B) a lamp that emits a red light visible from a distance of 500 feet to the rear of the bicycle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 11, eff. Sept. 1, 2001.

Sec. 551.105. COMPETITIVE RACING. (a) In this section, "bicycle" means a nonmotorized vehicle propelled by human power.

(b) A sponsoring organization may hold a competitive bicycle race on a public road only with the approval of the appropriate local law enforcement agencies.

(c) The local law enforcement agencies and the sponsoring organization may agree on safety regulations governing the movement of bicycles during a competitive race or during training for a competitive race, including the permission for bicycle operators to ride abreast.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.106. REGULATION OF ELECTRIC BICYCLES. (a) The department or a local authority may not prohibit the use of an electric bicycle on a highway that is used primarily by motor vehicles. The department or a local authority may prohibit the use of an electric bicycle on a highway used primarily by pedestrians.

(b) The department shall establish rules for the administration of this section.

Added by Acts 2001, 77th Leg., ch. 1085, Sec. 12, eff. Sept. 1, 2001.

#### SUBCHAPTER C. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

Sec. 551.201. DEFINITION. In this subchapter, "electric personal assistive mobility device" means a two non-tandem wheeled device designed for transporting one person that is:

- (1) self-balancing; and
- (2) propelled by an electric propulsion system with an average power of 750 watts or one horsepower.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

Sec. 551.202. OPERATION ON ROADWAY. (a) A person may operate an electric personal assistive mobility device on a residential street, roadway, or public highway with a speed limit of 30 miles per hour or less only:

- (1) while making a direct crossing of a highway in a marked or unmarked crosswalk;
- (2) where no sidewalk is available; or
- (3) when so directed by a traffic control device or by a law enforcement officer.

(b) A person may operate an electric personal assistive mobility device on a path set aside for the exclusive operation of bicycles.

(c) Any person operating an electric personal assistive mobility device on a residential street, roadway, or public highway shall ride as close as practicable to the right-hand edge.

(d) Except as otherwise provided by this section, provisions of this title applicable to the operation of bicycles apply to the operation of electric personal assistive mobility devices.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

Sec. 551.203. SIDEWALKS. A person may operate an electric personal assistive mobility device on a sidewalk.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

#### SUBCHAPTER D. NEIGHBORHOOD ELECTRIC VEHICLES

Text of section as amended by Acts 2005, 79th Leg., R.S., Ch. 281, Sec. 2.86

For text of section as amended by Acts 2005, 79th Leg., R.S., Ch. 1242, Sec. 2, see other Sec. 551.301.

Sec. 551.301. DEFINITIONS. In this subchapter:

(1) "Neighborhood electric vehicle" means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

(2) "Motor assisted scooter":

(A) means a self-propelled device with:

- (i) at least two wheels in contact with the ground during operation;
- (ii) a braking system capable of stopping the device under typical operating conditions;
- (iii) a gas or electric motor not exceeding 40 cubic centimeters;
- (iv) a deck designed to allow a person to stand or sit while operating the device; and

(v) the ability to be propelled by human power alone; and

(B) does not include a pocket bike or minimotorbike.

(3) "Pocket bike or minimotorbike" means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter 501. The term does not include:

(A) a moped or motorcycle;

(B) an electric bicycle or motor-driven cycle, as defined by Section 541.201;

(C) a motorized mobility device, as defined by Section 542.009;

(D) an electric personal assistive mobility device, as defined by Section 551.201; or

(E) a neighborhood electric vehicle.

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1325, Sec. 19.07, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 281, Sec. 2.86, eff. June 14, 2005.

Acts 2009, 81st Leg., R.S., Ch. 722, Sec. 1, eff. September 1, 2009.

Text of section as amended by Acts 2005, 79th Leg., R.S., Ch. 1242, Sec. 2

For text of section as amended by Acts 2005, 79th Leg., R.S., Ch. 281, Sec. 2.86, see other Sec. 551.301.

Sec. 551.301. DEFINITION. In this subchapter, "neighborhood electric vehicle" means a vehicle subject to Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1325, Sec. 19.07, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1242, Sec. 2, eff. June 18, 2005.

Sec. 551.302. REGISTRATION. The Texas Department of Motor Vehicles may adopt rules relating to the registration and issuance of license plates to neighborhood electric vehicles.

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 933, Sec. 2I.01, eff. September 1, 2009.

Sec. 551.303. OPERATION ON ROADWAYS. (a) A neighborhood electric vehicle may be operated only on a street or highway for which the posted speed limit is 45 miles per hour or less. A neighborhood electric vehicle may cross a road or street at an intersection where the road or street has a posted speed limit of more than 45 miles per hour. A neighborhood electric vehicle may not be operated on a street or highway at a speed that exceeds the lesser of:

(1) the posted speed limit; or

(2) 35 miles per hour.

(b) A county or municipality may prohibit the operation of a neighborhood electric vehicle on a street or highway if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(c) The Texas Department of Transportation may prohibit the operation of a neighborhood electric vehicle on a highway if that department determines that the prohibition is necessary in the interest of safety.

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 722, Sec. 2, eff. September 1, 2009.

Sec. 551.304. APPLICATION OF SUBCHAPTER TO POCKET BIKE OR MINIMOTORBIKE. This subchapter may not be construed to authorize the operation of a pocket bike or minimotorbike on any:

- (1) highway, road, or street;
- (2) path set aside for the exclusive operation of bicycles; or
- (3) sidewalk.

Added by Acts 2005, 79th Leg., Ch. 281, Sec. 2.87, eff. June 14, 2005.

#### SUBCHAPTER E. MOTOR-ASSISTED SCOOTERS

Sec. 551.351. DEFINITION. In this subchapter, "motor-assisted scooter" means a self-propelled device with:

- (1) at least two wheels in contact with the ground during operation;
  - (2) a braking system capable of stopping the device under typical operating conditions;
  - (3) a gas or electric motor not exceeding 40 cubic centimeters;
  - (4) a deck designed to allow a person to stand or sit while operating the device;
- and
- (5) the ability to be propelled by human power alone.

Added by Acts 2005, 79th Leg., Ch. 1242, Sec. 3, eff. June 18, 2005.

Sec. 551.352. OPERATION ON ROADWAYS OR SIDEWALKS. (a) A motor-assisted scooter may be operated only on a street or highway for which the posted speed limit is 35 miles per hour or less. The motor-assisted scooter may cross a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b) A county or municipality may prohibit the operation of a motor-assisted scooter on a street, highway, or sidewalk if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(c) The department may prohibit the operation of a motor-assisted scooter on a highway if it determines that the prohibition is necessary in the interest of safety.

(d) A person may operate a motor-assisted scooter on a path set aside for the exclusive operation of bicycles or on a sidewalk. Except as otherwise provided by this section, a provision of this title applicable to the operation of a bicycle applies to the operation of a motor-assisted scooter.

(e) A provision of this title applicable to a motor vehicle does not apply to a motor-assisted scooter.

Added by Acts 2005, 79th Leg., Ch. 1242, Sec. 3, eff. June 18, 2005.

#### SUBCHAPTER F. GOLF CARTS

Sec. 551.401. DEFINITIONS. In this subchapter, "golf cart" and "public highway" have the meanings assigned by Section 502.001.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136, Sec. 10, eff. September 1, 2009.

Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) The Texas Department of Transportation may not register a golf cart for operation on a public highway regardless of whether any alteration has been made to the golf cart.

(b) The department may issue license plates for a golf cart only as authorized by Section 504.510.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136, Sec. 10, eff. September 1, 2009.

Sec. 551.403. LIMITED OPERATION. (a) An operator may operate a golf cart:

(1) in a master planned community:

(A) that has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved a plat;

(2) on a public or private beach; or

(3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.

(b) The Texas Department of Transportation or a county or municipality may prohibit the operation of a golf cart on a public highway if the department or the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136, Sec. 10, eff. September 1, 2009.

Sec. 551.404. OPERATION IN MUNICIPALITIES. (a) In addition to the operation authorized by Section 551.403, the governing body of a municipality may allow an operator to operate a golf cart on all or part of a public highway that:

(1) is in the corporate boundaries of the municipality; and

(2) has a posted speed limit of not more than 35 miles per hour.

(b) A golf cart operated under Subsection (a) must have the following equipment:

(1) headlamps;

(2) taillamps;

(3) reflectors;

(4) parking brake; and

(5) mirrors.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136, Sec. 10, eff. September 1, 2009.

Sec. 551.405. CROSSING CERTAIN ROADWAYS. A golf cart may cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136, Sec. 10, eff. September 1, 2009.

Sec. 545.058. DRIVING ON IMPROVED SHOULDER. (a) An operator may drive on an improved shoulder to the right of the main traveled portion of a roadway if that operation is necessary and may be done safely, but only:

- (1) to stop, stand, or park;
- (2) to accelerate before entering the main traveled lane of traffic;
- (3) to decelerate before making a right turn;
- (4) to pass another vehicle that is slowing or stopped on the main traveled portion of the highway, disabled, or preparing to make a left turn;
- (5) to allow another vehicle traveling faster to pass;
- (6) as permitted or required by an official traffic-control device; or
- (7) to avoid a collision.

(b) An operator may drive on an improved shoulder to the left of the main traveled portion of a divided or limited-access or controlled-access highway if that operation may be done safely, but only:

- (1) to slow or stop when the vehicle is disabled and traffic or other circumstances prohibit the safe movement of the vehicle to the shoulder to the right of the main traveled portion of the roadway;
- (2) as permitted or required by an official traffic-control device; or
- (3) to avoid a collision.

(c) A limitation in this section on driving on an improved shoulder does not apply to:

- (1) an authorized emergency vehicle responding to a call;
- (2) a police patrol; or
- (3) a bicycle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 545.302. STOPPING, STANDING, OR PARKING PROHIBITED IN CERTAIN PLACES. (a) An operator may not stop, stand, or park a vehicle:

- (1) on the roadway side of a vehicle stopped or parked at the edge or curb of a street;
- (2) on a sidewalk;
- (3) in an intersection;
- (4) on a crosswalk;
- (5) between a safety zone and the adjacent curb or within 30 feet of a place on the curb immediately opposite the ends of a safety zone, unless the governing body of a municipality designates a different length by signs or markings;
- (6) alongside or opposite a street excavation or obstruction if stopping, standing, or parking the vehicle would obstruct traffic;
- (7) on a bridge or other elevated structure on a highway or in a highway tunnel;
- (8) on a railroad track; or
- (9) where an official sign prohibits stopping.

(b) An operator may not, except momentarily to pick up or discharge a passenger, stand or park an occupied or unoccupied vehicle:

- (1) in front of a public or private driveway;
- (2) within 15 feet of a fire hydrant;
- (3) within 20 feet of a crosswalk at an intersection;

(4) within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;

(5) within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance, if the entrance is properly marked with a sign; or

(6) where an official sign prohibits standing.

(c) An operator may not, except temporarily to load or unload merchandise or passengers, park an occupied or unoccupied vehicle:

(1) within 50 feet of the nearest rail of a railroad crossing; or

(2) where an official sign prohibits parking.

(d) A person may stop, stand, or park a bicycle on a sidewalk if the bicycle does not impede the normal and reasonable movement of pedestrian or other traffic on the sidewalk.

(e) A municipality may adopt an ordinance exempting a private vehicle operated by an elevator constructor responding to an elevator emergency from Subsections (a)(1), (a)(5), (a)(6), (a)(9), (b), and (c).

(f) Subsections (a), (b), and (c) do not apply if the avoidance of conflict with other traffic is necessary or if the operator is complying with the law or the directions of a police officer or official traffic-control device.

(g) If the governing body of a municipality determines that it is necessary to improve the economic development of the municipality's central business district and that it will not adversely affect public safety, the governing body may adopt an ordinance regulating the standing, stopping, or parking of a vehicle at a place described by Subsection (a)(1), other than a road or highway in the state highway system, in the central business district of the municipality as defined in the ordinance. To the extent of any conflict between the ordinance and Subsection (a)(1), the ordinance controls.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 814, Sec. 1, eff. June 18, 1999.