

BILL ANALYSIS

S.B. 1967
By: Carona
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Motorcycle safety is an important issue in Texas. Currently, it is an offense under Section 661.003 (Offenses Relating to Not Wearing Protective Headgear), Transportation Code, to drive or ride on a motorcycle without a helmet unless the person is 21 years of age and has completed a motorcycle safety course or has health insurance. However, Texas statute does not require all motorcyclists or the public to complete any motorcycle safety training.

S.B. 1967 requires the Texas Department of Transportation (TxDOT) to conduct a continuing public awareness campaign to promote motorcyclist safety and the concept of sharing the road with motorcyclists. The bill requires an applicant for a certain license or permit that includes an authorization to operate a motorcycle to furnish evidence satisfactory to TxDOT that the applicant has successfully completed a basic motorcycle operator training course approved by TxDOT. The bill creates an offense for an accident that results from failure of a vehicle to yield the right-of-way to another vehicle and bodily injury or serious bodily injury occurs. S.B. 1967 requires the Texas Education Agency by rule to require that certain information relating to motorcycles be included in the curriculum of any driver education course or driving safety course. The bill amends provisions relating to the minimum required amount of insurance coverage for motorcyclists.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Education Agency in SECTION 7 (Section 1001.1025, Education Code) SECTION of this bill.

ANALYSIS

SECTION 1. Amends Subchapter H, Chapter 201, Transportation Code, by adding 201.621, as follows:

Sec. 201.621. MOTORCYCLIST SAFETY AND SHARE THE ROAD CAMPAIGN. Requires the Texas Department of Transportation (TxDOT), from funds appropriated for that purpose, to conduct a continuing public awareness campaign to promote motorcyclist safety and the concept of sharing the road with motorcyclists.

SECTION 2. Amends Subchapter G, Chapter 521, Transportation Code, by adding Section 521.148, as follows:

Sec. 521.148. APPLICATION FOR CLASS M LICENSE OR AUTHORIZATION TO OPERATE MOTORCYCLE. (a) Requires an applicant for an original Class M license or Class A, B, or C driver's license that includes an authorization to operate a motorcycle to furnish to TxDOT evidence satisfactory to TxDOT that the applicant has successfully completed a basic motorcycle operator training course approved by TxDOT under Chapter 662 (Motorcycle Operator Training and Safety).

(b) Prohibits TxDOT from issuing an original Class M license or Class A, B, or C driver's license that includes an authorization to operate a motorcycle to an applicant who fails to comply with Subsection (a).

(c) Requires TxDOT, when TxDOT issues a license to which this section applies, to provide the person to whom the license is issued with written information about the Glenda Dawson Donate Life-Texas Registry program established under Chapter 49 (Donor Education, Awareness, and Registry Program of Texas), Health and Safety Code.

SECTION 3. Amends Subchapter C, Chapter 522, Transportation Code, by adding Section 522.034, as follows:

Sec. 522.034. APPLICATION FOR AUTHORIZATION TO OPERATE MOTORCYCLE. (a) Requires an applicant for an original commercial driver's license or commercial driver learner's permit that includes an authorization to operate a motorcycle to furnish to TxDOT evidence satisfactory to TxDOT that the applicant has successfully completed a basic motorcycle operator training course approved by TxDOT under Chapter 662.

(b) Prohibits TxDOT from issuing an original commercial driver's license or commercial driver learner's permit that includes an authorization to operate a motorcycle to an applicant who fails to comply with Subsection (a).

(c) Requires TxDOT to provide the person to whom the license is issued with written information about the Glenda Dawson Donate Life-Texas Registry program established under Chapter 49, Health and Safety Code, when TxDOT issues a license or permit to which this section applies.

SECTION 4. Amends Subchapter D, Chapter 542, Transportation Code, by adding Section 542.4045, as follows:

Sec. 542.4045. PENALTIES FOR FAILURE TO YIELD RIGHT-OF-WAY OFFENSE RESULTING IN ACCIDENT. Provides that if it is shown on the trial of an offense under this subtitle in which an element is the failure by the operator of a vehicle to yield the right-of-way to another vehicle that an accident resulted from the operator's failure to yield the right-of-way the offense is a Class B misdemeanor with a minimum fine of \$500, if a person other than the operator of the vehicle suffered bodily injury in the accident, and the offense is a Class A misdemeanor with a minimum fine of \$1,000, if a person other than the operator of the vehicle suffered serious bodily injury in the accident.

SECTION 5. Amends Section 661.003, Transportation Code, by amending Subsection (c) and adding Subsections (c-1) and (c-2), as follows:

(c) Deletes existing text providing that it is an exception to the application of Subsection (a) (relating to certain offenses a person commits while operating or riding as a passenger on a motorcycle) or (b) (relating to an offense committed by a person on a motorcycle) that at the time the offense was committed, the person required to wear protective headgear was at least 21 years old and had successfully completed a motorcycle operator training and safety course under Chapter 662 or was covered by a health insurance plan providing the person at least \$10,000 in medical benefits for injuries incurred as a result of an accident while operating or riding on a motorcycle.

(c-1) Prohibits a peace officer from stopping or detaining a person who is the operator of or a passenger on a motorcycle for the sole purpose of determining whether the person has successfully completed the motorcycle operator training and safety course or is covered by a health insurance plan.

(c-2) Requires the Texas Department of Insurance (TDI) to prescribe a standard proof of health insurance for issuance to persons who are at least 21 years of age and covered by a health insurance plan described by Subsection (c).

SECTION 6. Amends Section 662.011(a), Transportation Code, to delete existing text requiring the Texas Department of Public Safety (DPS) to send \$5 of each fee collected under Section

661.003(d) to the comptroller of public accounts (comptroller) for deposit to the credit of the motorcycle education fund account.

SECTION 7. Amends Subchapter C, Chapter 1001, Education Code, by adding Section 1001.1025, as follows:

Sec. 1001.1025. MOTORCYCLE AWARENESS INFORMATION. (a) Requires the Texas Education Agency (TEA) by rule to require that information relating to motorcycle awareness, the dangers of failing to yield the right-of-way to a motorcyclist, and the need to share the road with motorcyclists be included in the curriculum of any driver education course or driving safety course.

(b) Requires TEA, in developing rules under this section, to consult with TxDOT.

SECTION 8. Repealer: Sections 661.003(d) (relating to TxDOT issuing a sticker to certain motorcyclists), (e) (relating to application for a sticker from TxDOT), (f) (relating to the expiration of a sticker from TxDOT), and (g) (relating to a sticker from TxDOT communicating completion of a motorcycle training and safety course), Transportation Code.

SECTION 9. Makes application of Chapters 521 and 522, Transportation Code, prospective.

SECTION 10. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009.