

By: Ellis

S.B. No. 129

Substitute the following for S.B. No. 129:

By: Phillips

C.S.S.B. No. 129

A BILL TO BE ENTITLED

AN ACT

relating to the maximum speed limit for a neighborhood electric vehicle being operated on a street or highway.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (1), Section 551.301, Transportation Code, as amended by Chapters 281 (H.B. 2702) and 1242 (H.B. 1596), Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

(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 ~~[subject to]~~ Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

SECTION 2. Subsection (a), Section 551.303, Transportation Code, is amended to read as follows:

(a) A neighborhood electric vehicle may be operated only on a street or highway for which the posted speed limit is 45 ~~[35]~~ 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 ~~[35]~~ 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.

SECTION 3. Section 521.001(a), Transportation Code, is

amended by adding Subdivision (6-a) to read as follows:

(6-a) "Motorcycle" includes an enclosed three-wheeled passenger vehicle that:

(A) is designed to operate with three wheels in contact with the ground;

(B) has a minimum unladen weight of 900 lbs.;

(C) has a single, completely enclosed, occupant compartment;

(D) at a minimum, is equipped with:

(i) seats that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 207, 49 C.F.R. Section 571.207;

(ii) a steering wheel used to maneuver the vehicle;

(iii) a propulsion unit located in front of or behind the enclosed occupant compartment;

(iv) a seat belt for each vehicle occupant certified by the manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 209, 49 C.F.R. Section 571.209;

(v) a windshield and one or more windshield wipers certified by the manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 205, 49 C.F.R. Section 571.205, and Federal Motor Vehicle Safety Standard No. 104, 49 C.F.R. Section 571.104; and

(vi) a vehicle structure certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 216, 49 C.F.R. Section 571.216; and

1 (E) is produced by its manufacturer in a minimum
2 quantity of 300 in any calendar year.

3 SECTION 4. Section 521.085, Transportation Code, is amended
4 to read as follows:

5 Sec. 521.085. TYPE OF VEHICLE AUTHORIZED. (a) Unless
6 prohibited by Chapter 522, and except as provided by Subsection
7 (b), the license holder may operate any vehicle of the type for
8 which that class of license is issued and any lesser type of vehicle
9 other than a motorcycle or moped.

10 (b) Subsection (a) does not prohibit a license holder from
11 operating a lesser type of vehicle that is a motorcycle described by
12 Section 521.001(a)(6-a).

13 SECTION 5. Section 661.001(1), Transportation Code, is
14 amended to read as follows:

15 (1) "Motorcycle" means a motor vehicle designed to
16 propel itself with not more than three wheels in contact with the
17 ground, and having a saddle for the use of the rider. The term does
18 not include a tractor or a three-wheeled vehicle equipped with a cab
19 or occupant compartment, seat, and seat belt and designed to
20 contain the operator in the cab or occupant compartment.

21 SECTION 6. Section 680.013, Transportation Code, is amended
22 to read as follows:

23 Sec. 680.013. USE OF PREFERENTIAL LANE BY MOTORCYCLE. A
24 motorcycle, including a motorcycle described by Section
25 521.001(a)(6-a), may be operated in a preferential lane that is not
26 closed to all vehicular traffic.

27 SECTION 7. This Act takes effect September 1, 2009.