

By: Carona

S.B. No. 1967

A BILL TO BE ENTITLED

AN ACT

relating to the safe operation of motorcycles and other vehicles in this state; providing penalties.

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

SECTION 1. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.621 to read as follows:

Sec. 201.621. MOTORCYCLIST SAFETY AND SHARE THE ROAD CAMPAIGN. From funds appropriated for that purpose, the department shall conduct a continuing public awareness campaign to promote motorcyclist safety and the concept of sharing the road with motorcyclists.

SECTION 2. Subchapter G, Chapter 521, Transportation Code, is amended by adding Section 521.148 to read as follows:

Sec. 521.148. APPLICATION FOR CLASS M LICENSE OR AUTHORIZATION TO OPERATE MOTORCYCLE. (a) 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 must furnish to the department evidence satisfactory to the department that the applicant has successfully completed a basic motorcycle operator training course approved by the department under Chapter 662.

(b) The department may not issue 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).

1       (c) When the department issues a license to which this  
2 section applies, the department shall provide the person to whom  
3 the license is issued with written information about the Glenda  
4 Dawson Donate Life-Texas Registry program established under  
5 Chapter 49, Health and Safety Code.

6       SECTION 3. Subchapter C, Chapter 522, Transportation Code,  
7 is amended by adding Section 522.034 to read as follows:

8       Sec. 522.034. APPLICATION FOR AUTHORIZATION TO OPERATE  
9 MOTORCYCLE. (a) An applicant for an original commercial driver's  
10 license or commercial driver learner's permit that includes an  
11 authorization to operate a motorcycle must furnish to the  
12 department evidence satisfactory to the department that the  
13 applicant has successfully completed a basic motorcycle operator  
14 training course approved by the department under Chapter 662.

15       (b) The department may not issue an original commercial  
16 driver's license or commercial driver learner's permit that  
17 includes an authorization to operate a motorcycle to an applicant  
18 who fails to comply with Subsection (a).

19       (c) When the department issues a license or permit to which  
20 this section applies, the department shall provide the person to  
21 whom the license is issued with written information about the  
22 Glenda Dawson Donate Life-Texas Registry program established under  
23 Chapter 49, Health and Safety Code.

24       SECTION 4. Subchapter D, Chapter 542, Transportation Code,  
25 is amended by adding Section 542.4045 to read as follows:

26       Sec. 542.4045. PENALTIES FOR FAILURE TO YIELD RIGHT-OF-WAY  
27 OFFENSE RESULTING IN ACCIDENT. If it is shown on the trial of an

1 offense under this subtitle in which an element is the failure by  
2 the operator of a vehicle to yield the right-of-way to another  
3 vehicle that an accident resulted from the operator's failure to  
4 yield the right-of-way:

5 (1) the offense is a Class B misdemeanor with a minimum  
6 fine of \$500, if a person other than the operator of the vehicle  
7 suffered bodily injury in the accident; and

8 (2) the offense is a Class A misdemeanor with a minimum  
9 fine of \$1,000, if a person other than the operator of the vehicle  
10 suffered serious bodily injury in the accident.

11 SECTION 5. Section 661.003, Transportation Code, is amended  
12 by amending Subsection (c) and adding Subsections (c-1) and (c-2)  
13 to read as follows:

14 (c) It is an exception to the application of Subsection (a)  
15 or (b) that at the time the offense was committed, the person  
16 required to wear protective headgear was at least 21 years old and  
17 had successfully completed a motorcycle operator training and  
18 safety course under Chapter 662 or was covered by a health insurance  
19 plan providing the person with [~~at least \$10,000 in~~] medical  
20 benefits for injuries incurred as a result of an accident while  
21 operating or riding on a motorcycle. A peace officer may not arrest  
22 a person or issue a citation to a person for a violation of  
23 Subsection (a) or (b) if the person required to wear protective  
24 headgear is at least 21 years of age and presents evidence  
25 sufficient to show that the person required to wear protective  
26 headgear has successfully completed a motorcycle operator training  
27 and safety course or is covered by a health insurance plan as

1 described by this subsection.

2 (c-1) A peace officer may not stop or detain a person who is  
3 the operator of or a passenger on a motorcycle for the sole purpose  
4 of determining whether the person has successfully completed the  
5 motorcycle operator training and safety course or is covered by a  
6 health insurance plan.

7 (c-2) The Texas Department of Insurance shall prescribe a  
8 standard proof of health insurance for issuance to persons who are  
9 at least 21 years of age and covered by a health insurance plan  
10 described by Subsection (c).

11 SECTION 6. Subsection (a), Section 662.011, Transportation  
12 Code, is amended to read as follows:

13 (a) Of each fee collected under Sections 521.421(b) and (f)  
14 and~~[7]~~ Sections 522.029(f) and (g), ~~[and Section 661.003(d),]~~ the  
15 Department of Public Safety shall send \$5 to the comptroller for  
16 deposit to the credit of the motorcycle education fund account.

17 SECTION 7. Subchapter C, Chapter 1001, Education Code, is  
18 amended by adding Section 1001.1025 to read as follows:

19 Sec. 1001.1025. MOTORCYCLE AWARENESS INFORMATION.

20 (a) The agency by rule shall require that information relating to  
21 motorcycle awareness, the dangers of failing to yield the  
22 right-of-way to a motorcyclist, and the need to share the road with  
23 motorcyclists be included in the curriculum of any driver education  
24 course or driving safety course.

25 (b) In developing rules under this section, the agency shall  
26 consult with the department.

27 SECTION 8. Subsections (d), (e), (f), and (g), Section

1 661.003, Transportation Code, are repealed.

2           SECTION 9. The change in law made by this Act to Chapters  
3 521 and 522, Transportation Code, apply only in connection with an  
4 application for a driver's license, personal identification  
5 certificate, commercial driver's license, or commercial driver  
6 learner's permit filed on or after the effective date of this Act.  
7 An application for a driver's license, personal identification  
8 certificate, commercial driver's license, or commercial driver  
9 learner's permit filed before the effective date of this Act is  
10 covered by the law in effect when the application was filed, and the  
11 former law is continued in effect for that purpose.

12           SECTION 10. This Act takes effect September 1, 2009.