

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. Subsection (a), Section 521.001, 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 pounds;

(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;

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

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

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

8 (v) a windshield and one or more windshield
9 wipers certified by the manufacturer to meet the requirements of
10 Federal Motor Vehicle Safety Standard No. 205, 49 C.F.R. Section
11 571.205, and Federal Motor Vehicle Safety Standard No. 104, 49
12 C.F.R. Section 571.104; and

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

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

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

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

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

1 SECTION 4. Subchapter G, Chapter 521, Transportation Code,
2 is amended by adding Section 521.148 to read as follows:

3 Sec. 521.148. APPLICATION FOR CLASS M LICENSE OR
4 AUTHORIZATION TO OPERATE MOTORCYCLE. (a) An applicant for an
5 original Class M license or Class A, B, or C driver's license that
6 includes an authorization to operate a motorcycle must furnish to
7 the department evidence satisfactory to the department that the
8 applicant has successfully completed a basic motorcycle operator
9 training course approved by the department under Chapter 662.

10 (b) The department may not issue an original Class M license
11 or Class A, B, or C driver's license that includes an authorization
12 to operate a motorcycle to an applicant who fails to comply with
13 Subsection (a).

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

19 SECTION 5. Subchapter C, Chapter 522, Transportation Code,
20 is amended by adding Section 522.034 to read as follows:

21 Sec. 522.034. APPLICATION FOR AUTHORIZATION TO OPERATE
22 MOTORCYCLE. (a) An applicant for an original commercial driver's
23 license or commercial driver learner's permit that includes an
24 authorization to operate a motorcycle must furnish to the
25 department evidence satisfactory to the department that the
26 applicant has successfully completed a basic motorcycle operator
27 training course approved by the department under Chapter 662.

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

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

10 SECTION 6. Subchapter D, Chapter 542, Transportation Code,
11 is amended by adding Section 542.4045 to read as follows:

12 Sec. 542.4045. PENALTIES FOR FAILURE TO YIELD RIGHT-OF-WAY
13 OFFENSE RESULTING IN ACCIDENT. If it is shown on the trial of an
14 offense under this subtitle in which an element is the failure by
15 the operator of a vehicle to yield the right-of-way to another
16 vehicle that an accident resulted from the operator's failure to
17 yield the right-of-way:

18 (1) the offense is punishable by a fine of not less
19 than \$500 or more than \$2,000, if a person other than the operator
20 of the vehicle suffered bodily injury, as defined by Section 1.07,
21 Penal Code, in the accident; and

22 (2) the offense is punishable by a fine of not less
23 than \$1,000 or more than \$4,000, if a person other than the operator
24 of the vehicle suffered serious bodily injury, as defined by
25 Section 1.07, Penal Code, in the accident.

26 SECTION 7. Subdivision (1), Section 661.001,
27 Transportation Code, is amended to read as follows:

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

7 SECTION 8. Section 661.003, Transportation Code, is amended
8 by amending Subsection (c) and adding Subsections (c-1) and (c-2)
9 to read as follows:

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

25 (c-1) A peace officer may not stop or detain a person who is
26 the operator of or a passenger on a motorcycle for the sole purpose
27 of determining whether the person has successfully completed the

1 motorcycle operator training and safety course or is covered by a
2 health insurance plan.

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

7 SECTION 9. Subsection (a), Section 662.011, Transportation
8 Code, is amended to read as follows:

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

13 SECTION 10. Section 680.013, Transportation Code, is
14 amended to read as follows:

15 Sec. 680.013. USE OF PREFERENTIAL LANE BY MOTORCYCLE. A
16 motorcycle, including a motorcycle described by Section
17 521.001(a)(6-a), may be operated in a preferential lane that is not
18 closed to all vehicular traffic.

19 SECTION 11. Subchapter C, Chapter 1001, Education Code, is
20 amended by adding Section 1001.1025 to read as follows:

21 Sec. 1001.1025. MOTORCYCLE AWARENESS INFORMATION.

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

27 (b) In developing rules under this section, the agency shall

1 consult with the department.

2 SECTION 12. Subsections (d), (e), (f), and (g), Section
3 661.003, Transportation Code, are repealed.

4 SECTION 13. The change in law made by this Act to Chapters
5 521 and 522, Transportation Code, apply only in connection with an
6 application for a driver's license, personal identification
7 certificate, commercial driver's license, or commercial driver
8 learner's permit filed on or after the effective date of this Act.
9 An application for a driver's license, personal identification
10 certificate, commercial driver's license, or commercial driver
11 learner's permit filed before the effective date of this Act is
12 covered by the law in effect when the application was filed, and the
13 former law is continued in effect for that purpose.

14 SECTION 14. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1967 passed the Senate on April 23, 2009, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on May 29, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1967 passed the House, with amendments, on May 26, 2009, by the following vote: Yeas 144, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor