

By: Carona

S.B. No. 1967

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the safe operation of motorcycles and other vehicles in
3 this state; providing penalties.

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

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

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

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

14 Sec. 521.148. APPLICATION FOR CLASS M DRIVER'S LICENSE OR
15 AUTHORIZATION TO OPERATE MOTORCYCLE. (a) An applicant for an
16 original Class M driver's license or Class A, B, or C driver's
17 license that includes an authorization to operate a motorcycle must
18 furnish to the department evidence satisfactory to the department
19 that the applicant has successfully completed a basic motorcycle
20 operator training course approved by the department under Chapter
21 662.

22 (b) The department may not issue an original Class M
23 driver's license or Class A, B, or C driver's license that includes
24 an authorization to operate a motorcycle to an applicant who fails

1 to comply with Subsection (a).

2 (c) In addition to the information required by Section
3 521.401, when the department issues a license to which this section
4 applies, the department shall provide the person to whom the
5 license is issued with written information about the Donor
6 Education, Awareness, and Registry Program of Texas established
7 under Chapter 49, Health and Safety Code.

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

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

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

21 (c) When the department issues a license or permit to which
22 this section applies, the department shall comply with Section
23 521.401(c) and provide the person to whom the license is issued with
24 written information about the Donor Education, Awareness, and
25 Registry Program of Texas established under Chapter 49, Health and
26 Safety Code.

27 SECTION 4. Subchapter D, Chapter 542, Transportation Code,

1 is amended by adding Section 542.4045 to read as follows:

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

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

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

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

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

1 sufficient to show that the person required to wear protective
2 headgear has successfully completed a motorcycle operator training
3 and safety course or is covered by a health insurance plan as
4 described by this subsection.

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

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

14 SECTION 6. Subchapter C, Chapter 1001, Education Code, is
15 amended by adding Section 1001.1025 to read as follows:

16 Sec. 1001.1025. MOTORCYCLE AWARENESS INFORMATION. (a) The
17 agency by rule shall require that information relating to
18 motorcycle awareness, the dangers of failing to yield the
19 right-of-way to a motorcyclist, and the need to share the road with
20 motorcyclists be included in the curriculum of any driver education
21 course or driving safety course.

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

24 SECTION 7. The change in law made by this Act to Chapters
25 521 and 522, Transportation Code, apply only in connection with an
26 application for a driver's license, personal identification
27 certificate, commercial driver's license, or commercial driver

1 learner's permit filed on or after the effective date of this Act.
2 An application for a driver's license, personal identification
3 certificate, commercial driver's license, or commercial driver
4 learner's permit filed before the effective date of this Act is
5 covered by the law in effect when the application was filed, and the
6 former law is continued in effect for that purpose.

7 SECTION 8. This Act takes effect September 1, 2009.