

1-1 By: Carona S.B. No. 1967  
1-2 (In the Senate - Filed March 12, 2009; March 24, 2009, read  
1-3 first time and referred to Committee on Transportation and Homeland  
1-4 Security; April 14, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 April 14, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1967 By: Carona

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the safe operation of motorcycles and other vehicles in  
1-11 this state; providing penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter H, Chapter 201, Transportation Code,  
1-14 is amended by adding Section 201.621 to read as follows:

1-15 Sec. 201.621. MOTORCYCLIST SAFETY AND SHARE THE ROAD  
1-16 CAMPAIGN. From funds appropriated for that purpose, the department  
1-17 shall conduct a continuing public awareness campaign to promote  
1-18 motorcyclist safety and the concept of sharing the road with  
1-19 motorcyclists.

1-20 SECTION 2. Subchapter G, Chapter 521, Transportation Code,  
1-21 is amended by adding Section 521.148 to read as follows:

1-22 Sec. 521.148. APPLICATION FOR CLASS M LICENSE OR  
1-23 AUTHORIZATION TO OPERATE MOTORCYCLE. (a) An applicant for an  
1-24 original Class M license or Class A, B, or C driver's license that  
1-25 includes an authorization to operate a motorcycle must furnish to  
1-26 the department evidence satisfactory to the department that the  
1-27 applicant has successfully completed a basic motorcycle operator  
1-28 training course approved by the department under Chapter 662.

1-29 (b) The department may not issue an original Class M license  
1-30 or Class A, B, or C driver's license that includes an authorization  
1-31 to operate a motorcycle to an applicant who fails to comply with  
1-32 Subsection (a).

1-33 (c) When the department issues a license to which this  
1-34 section applies, the department shall provide the person to whom  
1-35 the license is issued with written information about the Glenda  
1-36 Dawson Donate Life-Texas Registry program established under  
1-37 Chapter 49, Health and Safety Code.

1-38 SECTION 3. Subchapter C, Chapter 522, Transportation Code,  
1-39 is amended by adding Section 522.034 to read as follows:

1-40 Sec. 522.034. APPLICATION FOR AUTHORIZATION TO OPERATE  
1-41 MOTORCYCLE. (a) An applicant for an original commercial driver's  
1-42 license or commercial driver learner's permit that includes an  
1-43 authorization to operate a motorcycle must furnish to the  
1-44 department evidence satisfactory to the department that the  
1-45 applicant has successfully completed a basic motorcycle operator  
1-46 training course approved by the department under Chapter 662.

1-47 (b) The department may not issue an original commercial  
1-48 driver's license or commercial driver learner's permit that  
1-49 includes an authorization to operate a motorcycle to an applicant  
1-50 who fails to comply with Subsection (a).

1-51 (c) When the department issues a license or permit to which  
1-52 this section applies, the department shall provide the person to  
1-53 whom the license is issued with written information about the  
1-54 Glenda Dawson Donate Life-Texas Registry program established under  
1-55 Chapter 49, Health and Safety Code.

1-56 SECTION 4. Subchapter D, Chapter 542, Transportation Code,  
1-57 is amended by adding Section 542.4045 to read as follows:

1-58 Sec. 542.4045. PENALTIES FOR FAILURE TO YIELD RIGHT-OF-WAY  
1-59 OFFENSE RESULTING IN ACCIDENT. If it is shown on the trial of an  
1-60 offense under this subtitle in which an element is the failure by  
1-61 the operator of a vehicle to yield the right-of-way to another  
1-62 vehicle that an accident resulted from the operator's failure to  
1-63 yield the right-of-way:

2-1 (1) the offense is a Class B misdemeanor with a minimum  
2-2 fine of \$500, if a person other than the operator of the vehicle  
2-3 suffered bodily injury in the accident; and

2-4 (2) the offense is a Class A misdemeanor with a minimum  
2-5 fine of \$1,000, if a person other than the operator of the vehicle  
2-6 suffered serious bodily injury in the accident.

2-7 SECTION 5. Section 661.003, Transportation Code, is amended  
2-8 by amending Subsection (c) and adding Subsections (c-1) and (c-2)  
2-9 to read as follows:

2-10 (c) It is an exception to the application of Subsection (a)  
2-11 or (b) that at the time the offense was committed, the person  
2-12 required to wear protective headgear was at least 21 years old and  
2-13 had successfully completed a motorcycle operator training and  
2-14 safety course under Chapter 662 or was covered by a health insurance  
2-15 plan providing the person with [~~at least \$10,000 in~~] medical  
2-16 benefits for injuries incurred as a result of an accident while  
2-17 operating or riding on a motorcycle. A peace officer may not arrest  
2-18 a person or issue a citation to a person for a violation of  
2-19 Subsection (a) or (b) if the person required to wear protective  
2-20 headgear is at least 21 years of age and presents evidence  
2-21 sufficient to show that the person required to wear protective  
2-22 headgear has successfully completed a motorcycle operator training  
2-23 and safety course or is covered by a health insurance plan as  
2-24 described by this subsection.

2-25 (c-1) A peace officer may not stop or detain a person who is  
2-26 the operator of or a passenger on a motorcycle for the sole purpose  
2-27 of determining whether the person has successfully completed the  
2-28 motorcycle operator training and safety course or is covered by a  
2-29 health insurance plan.

2-30 (c-2) The Texas Department of Insurance shall prescribe a  
2-31 standard proof of health insurance for issuance to persons who are  
2-32 at least 21 years of age and covered by a health insurance plan  
2-33 described by Subsection (c).

2-34 SECTION 6. Subsection (a), Section 662.011, Transportation  
2-35 Code, is amended to read as follows:

2-36 (a) Of each fee collected under Sections 521.421(b) and (f)  
2-37 ~~and~~ Sections 522.029(f) and (g), [~~and Section 661.003(d),~~] the  
2-38 Department of Public Safety shall send \$5 to the comptroller for  
2-39 deposit to the credit of the motorcycle education fund account.

2-40 SECTION 7. Subchapter C, Chapter 1001, Education Code, is  
2-41 amended by adding Section 1001.1025 to read as follows:

2-42 Sec. 1001.1025. MOTORCYCLE AWARENESS INFORMATION.

2-43 (a) The agency by rule shall require that information relating to  
2-44 motorcycle awareness, the dangers of failing to yield the  
2-45 right-of-way to a motorcyclist, and the need to share the road with  
2-46 motorcyclists be included in the curriculum of any driver education  
2-47 course or driving safety course.

2-48 (b) In developing rules under this section, the agency shall  
2-49 consult with the department.

2-50 SECTION 8. Subsections (d), (e), (f), and (g), Section  
2-51 661.003, Transportation Code, are repealed.

2-52 SECTION 9. The change in law made by this Act to Chapters  
2-53 521 and 522, Transportation Code, apply only in connection with an  
2-54 application for a driver's license, personal identification  
2-55 certificate, commercial driver's license, or commercial driver  
2-56 learner's permit filed on or after the effective date of this Act.  
2-57 An application for a driver's license, personal identification  
2-58 certificate, commercial driver's license, or commercial driver  
2-59 learner's permit filed before the effective date of this Act is  
2-60 covered by the law in effect when the application was filed, and the  
2-61 former law is continued in effect for that purpose.

2-62 SECTION 10. This Act takes effect September 1, 2009.

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