

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 27, 2009**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB1967** by Carona (Relating to the safe operation of motorcycles and other vehicles in this state; providing penalties.), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1967, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Revenue (Loss) from <i>Motorcycle Education Acct</i> 501</b>
2010	(\$25,219)
2011	(\$25,219)
2012	(\$25,219)
2013	(\$25,219)
2014	(\$25,219)

**Fiscal Analysis**

The bill would amend the Transportation Code to require that the Texas Department of Transportation (TxDOT) conduct a continuing public awareness campaign to promote motorcyclist safety and the concept of sharing the road with motorcyclists. Additionally, the bill would require that applicants for an original class M license or class A, B, or C driver's license (including commercial driver licenses and permits), with authorization to operate a motorcycle, provide evidence of completion of an approved motorcycle operator training course. Upon conferring the license, the Department of Public Safety (DPS) would be required to provide the licensee with written information about the Glenda Dawson Donate Life-Texas Registry program.

The bill would increase penalties for failure to yield to right-of-way if there is an accident that results in injury to a person other than the operator. The bill would require that proof of health insurance

indicate if there is coverage for injuries sustained while riding a motorcycle. The bill would require that motorcycle awareness, dangers of failing to yield right-of-way, and the need to share the road with motorcycles must be included in driver education and driver safety courses.

The bill would also repeal Sections 661.003(e), (f), and (g), Transportation Code.

The bill would amend the Transportation Code to include a three-wheeled, enclosed, passenger vehicle in the definition of a motorcycle and amend the testing requirements and preferential lane rules accordingly. There would be no significant fiscal impact to the state to implement these provisions of the bill.

The bill would take effect on September 1, 2009.

### **Methodology**

DPS indicates that programming changes would be needed to modify the driver license system in order to include a field for the indication of completion of a motorcycle operator training course. This analysis assumes that the costs associated with implementing the provisions of the bill could be reasonably absorbed within current resources. The Texas Education Agency indicates that the agency's current driver training staff functions include reviewing revisions to driver education and driving safety courses, and therefore no significant fiscal impact would be anticipated as a result of including the information required by the bill. The Department of Insurance indicates that developing a rule to prescribe a standard proof of health insurance for plans meeting the requirements of the bill would not pose a significant fiscal impact to the department. TxDOT also assumes no significant fiscal impact to their agency.

The bill would repeal Section 661.003(d), Transportation Code, which eliminates the exemption sticker for motorcycle protective headgear and the \$5 fee associated with the sticker. The exemption sticker generated an average of \$25,219 per year, from fiscal year 2004 through fiscal year 2008. Based on this figure, the Motorcycle Safety Bureau anticipates a revenue loss of \$126,095 over the next five (5) years.

### **Local Government Impact**

School districts could experience some administrative costs to update course materials; however, those costs are not anticipated to be significant.

**Source Agencies:** 304 Comptroller of Public Accounts, 405 Department of Public Safety

**LBB Staff:** JOB, SD, KJG, GG, MWU