

1-1 By: Krause (Senate Sponsor - Watson) H.B. No. 3171
 1-2 (In the Senate - Received from the House April 24, 2019;
 1-3 April 25, 2019, read first time and referred to Committee on
 1-4 Transportation; May 9, 2019, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 May 9, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3171 By: Perry

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the classification and operation of mopeds and certain
 1-22 motorcycles.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 ARTICLE 1. MOPEL OPERATION

1-25 SECTION 1.01. Section 521.084, Transportation Code, is
 1-26 amended to read as follows:

1-27 Sec. 521.084. CLASS M LICENSE. A Class M driver's license
 1-28 authorizes the holder of the license to operate a motorcycle [~~or~~
 1-29 ~~moped~~] as defined by Section 541.201.

1-30 SECTION 1.02. Section 521.085(a), Transportation Code, is
 1-31 amended to read as follows:

1-32 (a) Unless prohibited by Chapter 522, and except as provided
 1-33 by Subsection (b), the license holder may operate any vehicle of the
 1-34 type for which that class of license is issued and any lesser type
 1-35 of vehicle other than a motorcycle [~~or moped~~].

1-36 SECTION 1.03. Section 521.122(b), Transportation Code, is
 1-37 amended to read as follows:

1-38 (b) The department may include on the driver's license an
 1-39 authorization to operate a motorcycle [~~or moped~~] if the license
 1-40 holder has met all requirements for a Class M license.

1-41 SECTION 1.04. Section 521.421(f), Transportation Code, as
 1-42 added by Chapter 1372 (H.B. 1200), Acts of the 75th Legislature,
 1-43 Regular Session, 1997, is redesignated as Section 521.421(g),
 1-44 Transportation Code, and amended to read as follows:

1-45 (g) [~~(f)~~] If a Class A, B, or C driver's license includes an
 1-46 authorization to operate a motorcycle [~~or moped~~], the fee for the
 1-47 driver's license is increased by \$8.

1-48 SECTION 1.05. Section 522.029(f), Transportation Code, is
 1-49 amended to read as follows:

1-50 (f) If a commercial driver's license includes an
 1-51 authorization to operate a motorcycle [~~or moped~~], the fee for the
 1-52 driver's license is increased by \$8.

1-53 SECTION 1.06. Section 522.041(e), Transportation Code, is
 1-54 amended to read as follows:

1-55 (e) The holder of a commercial driver's license or
 1-56 commercial learner's permit may drive any vehicle in the class for
 1-57 which the license or permit is issued and lesser classes of vehicles
 1-58 except a motorcycle [~~or moped~~]. The holder may drive a motorcycle
 1-59 only if authorization to drive a motorcycle is shown on the
 1-60 commercial driver's license and the requirements for issuance of a
 1-61 motorcycle license have been met.

1-62 SECTION 1.07. Sections 541.201(8) and (9), Transportation

2-1 Code, are amended to read as follows:

2-2 (8) "Moped" means a motor vehicle that is equipped
 2-3 with a rider's saddle and designed to have when propelled not more
 2-4 than three wheels on the ground, [~~motor-driven cycle~~] that cannot
 2-5 attain a speed in one mile of more than 30 miles per hour, and the
 2-6 engine of which:

2-7 (A) cannot produce more than five-brake
 2-8 [~~two-brake~~] horsepower; and

2-9 (B) if an internal combustion engine, has a
 2-10 piston displacement of 50 cubic centimeters or less and connects to
 2-11 a power drive system that does not require the operator to shift
 2-12 gears.

2-13 (9) "Motorcycle" means a motor vehicle, other than a
 2-14 tractor or moped, that is equipped with a rider's saddle and
 2-15 designed to have when propelled not more than three wheels on the
 2-16 ground.

2-17 ARTICLE 2. CONFORMING AMENDMENTS

2-18 SECTION 2.01. Section 345.251(a), Finance Code, is amended
 2-19 to read as follows:

2-20 (a) A retail seller may charge a documentary fee for
 2-21 services rendered to, for, or on behalf of a retail buyer in
 2-22 handling and processing documents relating to the sale of a
 2-23 motorcycle, [~~motor-driven cycle~~], moped, all-terrain vehicle,
 2-24 boat, boat motor, boat trailer, or towable recreational vehicle.

2-25 SECTION 2.02. Section 501.002(17), Transportation Code, is
 2-26 amended to read as follows:

2-27 (17) "Motor vehicle" means:

2-28 (A) any motor driven or propelled vehicle
 2-29 required to be registered under the laws of this state;

2-30 (B) a trailer or semitrailer, other than
 2-31 manufactured housing, that has a gross vehicle weight that exceeds
 2-32 4,000 pounds;

2-33 (C) a travel trailer;

2-34 (D) an all-terrain vehicle or a recreational
 2-35 off-highway vehicle, as those terms are defined by Section 502.001,
 2-36 designed by the manufacturer for off-highway use that is not
 2-37 required to be registered under the laws of this state; or

2-38 (E) a motorcycle [~~, motor-driven cycle~~] or moped
 2-39 that is not required to be registered under the laws of this state.

2-40 SECTION 2.03. Section 502.001(7), Transportation Code, is
 2-41 amended to read as follows:

2-42 (7) "Commercial motor vehicle" means a motor vehicle,
 2-43 other than a motorcycle or moped, designed or used primarily to
 2-44 transport property. The term includes a passenger car
 2-45 reconstructed and used primarily for delivery purposes. The term
 2-46 does not include a passenger car used to deliver the United States
 2-47 mail.

2-48 SECTION 2.04. Section 544.0075(b), Transportation Code, is
 2-49 amended to read as follows:

2-50 (b) In addition to any other type of vehicle the presence of
 2-51 which the detector for the traffic-actuated electric
 2-52 traffic-control signal may register, the detector for a
 2-53 traffic-actuated electric traffic-control device to which this
 2-54 section applies must be capable of registering the presence of a
 2-55 motorcycle or moped.

2-56 SECTION 2.05. Sections 545.065(a) and (c), Transportation
 2-57 Code, are amended to read as follows:

2-58 (a) The Texas Transportation Commission by resolution or
 2-59 order recorded in its minutes may prohibit the use of a
 2-60 limited-access or controlled-access highway under the jurisdiction
 2-61 of the commission by a parade, funeral procession, pedestrian,
 2-62 bicycle, electric bicycle, motorcycle equipped with a motor that
 2-63 has an engine piston displacement of 250 cubic centimeters or less
 2-64 [~~motor-driven cycle~~], or nonmotorized traffic.

2-65 (c) A local authority by ordinance may prohibit the use of a
 2-66 limited-access or controlled-access roadway under the jurisdiction
 2-67 of the authority by a parade, funeral procession, pedestrian,
 2-68 bicycle, electric bicycle, motorcycle equipped with a motor that
 2-69 has an engine piston displacement of 250 cubic centimeters or less
 2-70 [~~motor-driven cycle~~], or nonmotorized traffic.

3-1 SECTION 2.06. Section 545.361(a), Transportation Code, is
3-2 amended to read as follows:

3-3 (a) An operator of a moped or a motorcycle equipped with a
3-4 motor that has an engine piston displacement of 250 cubic
3-5 centimeters or less [~~motor-driven cycle~~] may not drive at a speed of
3-6 more than 35 miles per hour during the time specified by Section
3-7 547.302(a) unless the motorcycle or moped [~~cycle~~] is equipped with
3-8 a headlamp or lamps that reveal a person or vehicle 300 feet ahead.

3-9 SECTION 2.07. Section 545.416, Transportation Code, is
3-10 amended to read as follows:

3-11 Sec. 545.416. RIDING ON MOTORCYCLE OR MOPED. (a) An
3-12 operator of a motorcycle or moped shall ride on the permanent and
3-13 regular seat attached to the motorcycle or moped.

3-14 (b) An operator may not carry another person on the
3-15 motorcycle or moped, and a person who is not operating the
3-16 motorcycle or moped may not ride on the motorcycle or moped, unless
3-17 the motorcycle or moped is:

- 3-18 (1) designed to carry more than one person; and
- 3-19 (2) equipped with footrests and handholds for use by
3-20 the passenger.

3-21 (c) If the motorcycle or moped is designed to carry more
3-22 than one person, a passenger may ride only on the permanent and
3-23 regular seat, if designed for two persons, or on another seat firmly
3-24 attached to the motorcycle or moped behind or to the side of the
3-25 operator.

3-26 (d) Except as provided by Subsection (e), an operator may
3-27 not carry another person on a motorcycle or moped unless the other
3-28 person is at least five years of age. An offense under this
3-29 subsection is a misdemeanor punishable by a fine of not less than
3-30 \$100 or more than \$200. It is a defense to prosecution under this
3-31 subsection that the operator was operating the motorcycle or moped
3-32 in an emergency or for a law enforcement purpose.

3-33 (e) Subsection (d) does not prohibit an operator from
3-34 carrying on a motorcycle or moped a person younger than five years
3-35 of age who is seated in a sidecar attached to the motorcycle or
3-36 moped.

3-37 (f) For purposes of Subsections (c) and (d), an autocytle as
3-38 defined by Section 501.008 is considered to be a motorcycle.

3-39 SECTION 2.08. Section 545.424, Transportation Code, is
3-40 amended by adding Subsection (a-2) and amending Subsections (b) and
3-41 (b-1) to read as follows:

3-42 (a-2) Notwithstanding Subsection (a-1), a person under 18
3-43 years of age may operate a moped after midnight and before 5 a.m. if
3-44 the person is in sight of the person's parent or guardian.

3-45 (b) A person under 17 years of age who holds a restricted
3-46 motorcycle license [~~or moped license~~] may not operate a motorcycle
3-47 [~~or moped~~] while using a wireless communication device, except in
3-48 case of emergency. This subsection does not apply to a person
3-49 licensed by the Federal Communications Commission while operating a
3-50 radio frequency device other than a wireless communication device.

3-51 (b-1) A person under 17 years of age who holds a restricted
3-52 motorcycle license [~~or moped license~~], during the 12-month period
3-53 following the issuance of an original motorcycle license [~~or moped~~
3-54 ~~license~~] to the person, may not operate a motorcycle [~~or moped~~]
3-55 after midnight and before 5 a.m. unless:

- 3-56 (1) the person is in sight of the person's parent or
3-57 guardian; or
- 3-58 (2) the operation of the vehicle is necessary for the
3-59 operator to attend or participate in employment or a school-related
3-60 activity or because of a medical emergency.

3-61 SECTION 2.09. Section 547.306, Transportation Code, is
3-62 amended to read as follows:

3-63 Sec. 547.306. LED GROUND EFFECT LIGHTING EQUIPMENT ON
3-64 MOTORCYCLE OR MOPED. (a) In this section, "LED ground effect
3-65 lighting equipment" means light emitting diode (LED) technology
3-66 that is attached to the underbody of a motorcycle or moped for the
3-67 purpose of illuminating:

- 3-68 (1) the body of the motorcycle or moped; or
 - 3-69 (2) the ground below the motorcycle or moped.
- 3-70 (b) A person may operate a motorcycle or moped equipped with

4-1 LED ground effect lighting that emits a non-flashing amber or white
4-2 light.

4-3 SECTION 2.10. Sections 547.333(a) and (d), Transportation
4-4 Code, are amended to read as follows:

4-5 (a) Unless provided otherwise, a headlamp, auxiliary
4-6 driving lamp, auxiliary passing lamp, or combination of those lamps
4-7 mounted on a motor vehicle, other than a motorcycle or moped
4-8 [~~motor-driven cycle~~]:

4-9 (1) shall be arranged so that the operator can select
4-10 at will between distributions of light projected at different
4-11 elevations; and

4-12 (2) may be arranged so that the operator can select the
4-13 distribution automatically.

4-14 (d) A motor vehicle of a model year of 1948 or later, other
4-15 than a motorcycle or moped [~~motor-driven cycle~~], that has
4-16 multiple-beam lighting equipment shall be equipped with a beam
4-17 indicator that is:

4-18 (1) designed and located so that the lighted indicator
4-19 is visible without glare to the vehicle operator; and

4-20 (2) lighted only when the uppermost distribution of
4-21 light is in use.

4-22 SECTION 2.11. Sections 547.383(a) and (b), Transportation
4-23 Code, are amended to read as follows:

4-24 (a) A vehicle, other than a moped or a motorcycle equipped
4-25 with a motor that has an engine piston displacement of 250 cubic
4-26 centimeters or less [~~motor-driven cycle~~], shall be equipped with at
4-27 least one lamp, or a combination of lamps, that:

4-28 (1) emits a white or amber light visible at a distance
4-29 of 1,000 feet from the front and a red light visible at a distance of
4-30 1,000 feet from the rear; and

4-31 (2) is mounted so that at least one lamp is installed
4-32 as near as practicable to the side of the vehicle that is closest to
4-33 passing traffic.

4-34 (b) A vehicle, other than a moped or a motorcycle equipped
4-35 with a motor that has an engine piston displacement of 250 cubic
4-36 centimeters or less [~~motor-driven cycle~~], that is parked or stopped
4-37 on a roadway or shoulder at a time specified in Section 547.302(a)
4-38 shall display a lamp that complies with Subsection (a).

4-39 SECTION 2.12. Section 547.404(a), Transportation Code, is
4-40 amended to read as follows:

4-41 (a) A vehicle required to have brakes by this subchapter,
4-42 other than a motorcycle or moped [~~motor-driven cycle~~], shall be
4-43 equipped with parking brakes adequate to hold the vehicle:

4-44 (1) on any grade on which the vehicle is operated;

4-45 (2) under all loading conditions; and

4-46 (3) on a surface free from snow, ice, or loose
4-47 material.

4-48 SECTION 2.13. Section 547.408(a), Transportation Code, is
4-49 amended to read as follows:

4-50 (a) A motor vehicle or combination of vehicles shall be
4-51 equipped with service brakes capable of:

4-52 (1) developing a braking force that is not less than:

4-53 (A) 52.8 percent of the gross weight of the
4-54 vehicle for a passenger vehicle; or

4-55 (B) 43.5 percent of the gross weight of the
4-56 vehicle for a vehicle other than a passenger vehicle;

4-57 (2) decelerating to a stop from 20 miles per hour or
4-58 less at not less than:

4-59 (A) 17 feet per second per second for a passenger
4-60 vehicle; or

4-61 (B) 14 feet per second per second for other
4-62 vehicles; and

4-63 (3) stopping from a speed of 20 miles per hour in a
4-64 distance, measured from the location where the service brake pedal
4-65 or control is activated, of not more than:

4-66 (A) 25 feet for a passenger vehicle;

4-67 (B) 30 feet for a motorcycle, moped [~~motor-driven~~
4-68 ~~cycle~~], or single unit vehicle with a manufacturer's gross vehicle

4-69 weight rating of 10,000 pounds or less;

4-70 (C) 40 feet for:

- 5-1 (i) a single unit vehicle with a
- 5-2 manufacturer's gross weight rating of more than 10,000 pounds;
- 5-3 (ii) a two-axle towing vehicle and trailer
- 5-4 combination with a weight of 3,000 pounds or less;
- 5-5 (iii) a bus that does not have a
- 5-6 manufacturer's gross weight rating; and
- 5-7 (iv) the combination of vehicles in an
- 5-8 operation exempted by Section 547.407(b); and
- 5-9 (D) 50 feet for other vehicles.

5-10 SECTION 2.14. Section 547.617, Transportation Code, is

5-11 amended to read as follows:

5-12 Sec. 547.617. MOTORCYCLE AND MOPED FOOTRESTS AND HANDHOLDS

5-13 REQUIRED. (a) A motorcycle or moped that is designed to carry more

5-14 than one person must be equipped with footrests and handholds for

5-15 use by the passenger.

5-16 (b) This section does not apply to an autocycle as defined

5-17 by Section 501.008 or a motorcycle as defined by Section

5-18 521.001(a)(6-a).

5-19 SECTION 2.15. The heading to Subchapter M, Chapter 547,

5-20 Transportation Code, is amended to read as follows:

5-21 SUBCHAPTER M. ADDITIONAL OR ALTERNATIVE EQUIPMENT REQUIREMENTS FOR

5-22 MOTORCYCLES AND MOPEDS [~~MOTOR-DRIVEN CYCLES~~]

5-23 SECTION 2.16. Sections 547.801(a), (b), and (c),

5-24 Transportation Code, are amended to read as follows:

5-25 (a) A motorcycle or a moped [~~, including a motor-driven~~

5-26 ~~cycle,~~] shall be equipped with:

5-27 (1) not more than two headlamps mounted at a height

5-28 from 24 to 54 inches;

5-29 (2) at least one taillamp mounted at a height from 20

5-30 to 72 inches;

5-31 (3) a taillamp or separate lamp to illuminate the rear

5-32 license plate that complies with the requirements of Sections

5-33 547.322(f) and (g);

5-34 (4) at least one stoplamp that complies with the

5-35 requirements of Section 547.323(d); and

5-36 (5) at least one rear red reflector that complies with

5-37 the requirements of Section 547.325(b) and may be included as a part

5-38 of the taillamp.

5-39 (b) A motorcycle, other than a motorcycle equipped with a

5-40 motor that has an engine piston displacement of 250 cubic

5-41 centimeters or less [~~motor-driven cycle~~], shall be equipped with

5-42 multiple-beam lighting equipment that produces:

5-43 (1) an uppermost distribution of light that reveals a

5-44 person or vehicle at a distance of at least 300 feet ahead; and

5-45 (2) a lowermost distribution of light that:

5-46 (A) reveals a person or vehicle at a distance of

5-47 at least 150 feet ahead; and

5-48 (B) is aimed so that no part of the

5-49 high-intensity portion of the beam on the motorcycle that is on a

5-50 straight and level road under any condition of loading projects

5-51 into the eyes of an approaching vehicle operator.

5-52 (c) A moped or a motorcycle equipped with a motor that has an

5-53 engine piston displacement of 250 cubic centimeters or less

5-54 [~~motor-driven cycle~~] shall be equipped with:

5-55 (1) multiple-beam lighting equipment that complies

5-56 with the requirements of Subsection (b); or

5-57 (2) single-beam lighting equipment that:

5-58 (A) emits light sufficient to reveal a person or

5-59 vehicle:

5-60 (i) at a distance of at least 100 feet when

5-61 the moped or motorcycle [~~cycle~~] is operated at a speed less than 25

5-62 miles per hour;

5-63 (ii) at a distance of at least 200 feet when

5-64 the moped or motorcycle [~~cycle~~] is operated at a speed of 25 miles

5-65 per hour or more; and

5-66 (iii) at a distance of at least 300 feet

5-67 when the moped or motorcycle [~~cycle~~] is operated at a speed of 35

5-68 miles per hour or more; and

5-69 (B) is aimed so that no part of the

5-70 high-intensity portion of the beam from the lamp on a loaded moped

6-1 or motorcycle [~~cycle~~] projects a beam higher than the level center
6-2 of the lamp for a distance of 25 feet ahead.

6-3 SECTION 2.17. Section 547.802, Transportation Code, is
6-4 amended to read as follows:

6-5 Sec. 547.802. BRAKE EQUIPMENT. (a) If a motorcycle or a
6-6 moped [~~, including a motor-driven cycle,~~] complies with the
6-7 performance requirements of Section 547.408, brakes are not
6-8 required on the wheel of a sidecar attached to the motorcycle or
6-9 moped [~~cycle~~].

6-10 (b) If a moped or a motorcycle equipped with a motor that has
6-11 an engine piston displacement of 250 cubic centimeters or less
6-12 [~~motor-driven cycle~~] complies with the performance standards of
6-13 Section 547.408, brakes are not required on the front wheel of the
6-14 moped or motorcycle [~~cycle~~].

6-15 (c) The director may require an inspection of the [~~a~~
6-16 ~~motor-driven cycle~~] braking system of a moped or a motorcycle
6-17 equipped with a motor that has an engine piston displacement of 250
6-18 cubic centimeters or less and may disapprove a system that:

6-19 (1) does not comply with the brake performance
6-20 requirements in Section 547.408; or

6-21 (2) is not designed or constructed to ensure
6-22 reasonable and reliable performance during actual use.

6-23 SECTION 2.18. Section 551.351(2), Transportation Code, is
6-24 amended to read as follows:

6-25 (2) "Pocket bike or minimotorbike" means a
6-26 self-propelled vehicle that is equipped with an electric motor or
6-27 internal combustion engine having a piston displacement of less
6-28 than 50 cubic centimeters, is designed to propel itself with not
6-29 more than two wheels in contact with the ground, has a seat or
6-30 saddle for the use of the operator, is not designed for use on a
6-31 highway, and is ineligible for a certificate of title under Chapter
6-32 501. The term does not include:

6-33 (A) a moped or motorcycle;

6-34 (B) an electric bicycle [~~or motor-driven cycle,~~
6-35 ~~as defined by Section 541.201~~];

6-36 (C) a motorized mobility device, as defined by
6-37 Section 542.009;

6-38 (D) an electric personal assistive mobility
6-39 device, as defined by Section 551.201; or

6-40 (E) a neighborhood electric vehicle, as defined
6-41 by Section 551.301.

6-42 SECTION 2.19. Section 662.011(a), Transportation Code, is
6-43 amended to read as follows:

6-44 (a) Of each fee collected under Sections 521.421(b) and (g)
6-45 [~~(f)~~] and Sections 522.029(f) and (g), the Department of Public
6-46 Safety shall send \$5 to the comptroller for deposit to the credit of
6-47 the motorcycle education fund account.

6-48 ARTICLE 3. REPEALER

6-49 SECTION 3.01. The following provisions of the
6-50 Transportation Code are repealed:

6-51 (1) Section 521.224(a);

6-52 (2) Section 521.225; and

6-53 (3) Section 541.201(10).

6-54 ARTICLE 4. TEXAS MOBILITY FUND

6-55 SECTION 4.01. As soon as practicable after the effective
6-56 date of this Act, the comptroller of public accounts shall:

6-57 (1) determine whether any transfer of money for
6-58 deposit to the Texas mobility fund is necessary to comply with
6-59 Section 49-k, Article III, Texas Constitution; and

6-60 (2) transfer any amount determined to be necessary
6-61 under Subdivision (1) to the Texas mobility fund from the general
6-62 revenue fund.

6-63 ARTICLE 5. EFFECTIVE DATE

6-64 SECTION 5.01. This Act takes effect September 1, 2019.

6-65 * * * * *