Chapter 1391

S.B. No. 1967

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

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

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

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

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

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

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

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

(b) Subsection (a) does not prohibit a license holder from operating a lesser type of vehicle that is a motorcycle described by Section 521.001(a)(6-a).
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SECTION 4. Subchapter G, Chapter 521, Transportation Code, is amended by adding Section 521.148 to read as follows:

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

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

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

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

Sec. 522.034. APPLICATION FOR AUTHORIZATION TO OPERATE MOTORCYCLE. (a) An applicant for an original commercial driver's license or commercial driver learner's permit that includes an authorization to operate a motorcycle must furnish to the department evidence satisfactory to the department that the applicant has successfully completed a basic motorcycle operator training course approved by the department under Chapter 662.
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(b) The department may not issue an original commercial
driver's license or commercial driver learner's permit that
includes an authorization to operate a motorcycle to an applicant
who fails to comply with Subsection (a).

(c) When the department issues a license or permit to which
this section applies, the department shall provide the person to
whom the license is issued with written information about the
Glenda Dawson Donate Life-Texas Registry program established under

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

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

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

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

SECTION 7. Subdivision (1), Section 661.001,
Transportation Code, is amended to read as follows:
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(1) "Motorcycle" means a motor vehicle designed to propel itself with not more than three wheels in contact with the ground, and having a saddle for the use of the rider. The term does not include a tractor or a three-wheeled vehicle equipped with a cab or occupant compartment, seat, and seat belt and designed to contain the operator in the cab or occupant compartment.

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

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

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

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

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

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

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

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

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

Sec. 1001.1025. MOTORCYCLE AWARENESS INFORMATION.

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

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

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

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

SECTION 14. This Act takes effect September 1, 2009.
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David Dewhurst  
President of the Senate

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.

Speaker of the House

Patrae Brand
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.

Robert Haney
Chief Clerk of the House

Approved:

19 Jun 09

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE
JUN 18 2009

Colby Shirey