

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3838
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Transportation
5/17/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Motorcycles have become an increasingly popular mode of transportation for Texans, but the inherent risks associated with riding on a motorcycle have prompted observers to note the importance of properly equipping motorcycles to support passengers and properly educating motorcycle operators on how to safely carry passengers. C.S.H.B. 3838 establishes Malorie's Law, in remembrance of Malorie Bullock, to increase motorcycle safety for passengers. This bill says that a sport bike, if designed for more than one person, shall be equipped with foot pegs and handholds for the passenger. It also states that a motorcycle training course shall contain material regarding operating a bike while carrying a passenger.

C.S.H.B. 3838 amends current law relating to motorcycle equipment and training and the license requirements for a three-wheeled motorcycle, and creates an offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Requires that this Act be known as Malorie's Law.

SECTION 2. Amends Section 521.148(a), Transportation Code, as follows:

(a) Requires 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 to furnish to the Department of Public Safety of the State of Texas (DPS) evidence satisfactory to DPS that the applicant has successfully completed a motorcycle operator training course, rather than a basic motorcycle operator training course, approved by DPS under Chapter 662 (Motorcycle Operator Training and Safety). Requires DPS to issue a Class M license that is restricted to the operation of a three-wheeled motorcycle if the motorcycle operator training course completed by the applicant is specific to the operation of a three-wheeled motorcycle.

SECTION 3. Amends Section 545.416(b), Transportation Code, as follows:

(b) Prohibits an operator from carrying another person on a motorcycle, and a person who is not operating the motorcycle from riding on the motorcycle, unless the motorcycle is designed to carry more than one person, and equipped with footrests and handholds for use by the passenger. Makes nonsubstantive changes.

SECTION 4. Amends, effective January 1, 2015, Subchapter K, Chapter 547, Transportation Code, by adding Section 547.617, as follows:

Sec. 547.617. MOTORCYCLE FOOTRESTS AND HANDHOLDS REQUIRED. Requires that a motorcycle that is designed to carry more than one person be equipped with footrests and handholds for use by the passenger.

SECTION 5. Amends Section 662.002(b), Transportation Code, as follows:

(b) Provides that the motorcycle operator training and safety program:

- (1) is required to contain information regarding operating a motorcycle while carrying a passenger; and
- (2) is authorized, rather than required, to include curricula developed by the Motorcycle Safety Foundation.

SECTION 6. Amends Section 662.006, Transportation Code, as follows:

Sec. 662.006. UNAUTHORIZED TRAINING PROHIBITED. (a) Creates this subsection from existing text. Prohibits a person from offering or conducting a training in motorcycle operation for consideration unless the person is licensed by or contracts with the designated state agency. Makes a nonsubstantive change.

(b) Provides that a person who violates Subsection (a) commits an offense. Provides that an offense under this subsection is a Class B misdemeanor, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section.

SECTION 7. Amends Section 662.008(b), Transportation Code, as follows:

(b) Requires that notice and opportunity for a hearing be given as provided by Chapter 2001 (Administrative Procedure), Government Code, and Chapter 53 (Consequences of Criminal Conviction), Occupations Code, following denial, suspension, or cancellation of the approval of a program sponsor or an instructor, rather than before the designated state agency is authorized to deny, suspend, or cancel the approval of a program sponsor or an instructor.

SECTION 8. Provides that the change in law made by this Act applies only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that for the purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 9. Effective date, except as otherwise provided by this Act: September 1, 2013.