

By: Watson

S.B. No. 1942

A BILL TO BE ENTITLED

AN ACT

relating to the classification and operation of mopeds and certain motorcycles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. MOPED OPERATION

SECTION 1.01. Section 521.084, Transportation Code, is amended to read as follows:

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

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

(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~~].

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

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

SECTION 1.04. Section 521.421(f), Transportation Code, as added by Chapter 1372 (H.B. 1200), Acts of the 75th Legislature, Regular Session, 1997, is redesignated as Section 521.421(g),

1 Transportation Code, and amended to read as follows:

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

5       SECTION 1.05. Section 522.029(f), Transportation Code, is  
6 amended to read as follows:

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

10       SECTION 1.06. Section 522.041(e), Transportation Code, is  
11 amended to read as follows:

12       (e) The holder of a commercial driver's license or  
13 commercial learner's permit may drive any vehicle in the class for  
14 which the license or permit is issued and lesser classes of vehicles  
15 except a motorcycle [~~or moped~~]. The holder may drive a motorcycle  
16 only if authorization to drive a motorcycle is shown on the  
17 commercial driver's license and the requirements for issuance of a  
18 motorcycle license have been met.

19       SECTION 1.07. Sections 541.201(8) and (9), Transportation  
20 Code, are amended to read as follows:

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

26               (A) cannot produce more than five-brake  
27 [~~two-brake~~] horsepower; and

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

5 (9) "Motorcycle" means a motor vehicle, other than a  
6 tractor or moped, that is equipped with a rider's saddle and  
7 designed to have when propelled not more than three wheels on the  
8 ground.

9 ARTICLE 2. CONFORMING AMENDMENTS

10 SECTION 2.01. Section 345.251(a), Finance Code, is amended  
11 to read as follows:

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

17 SECTION 2.02. Section 501.002(17), Transportation Code, is  
18 amended to read as follows:

19 (17) "Motor vehicle" means:

20 (A) any motor driven or propelled vehicle  
21 required to be registered under the laws of this state;

22 (B) a trailer or semitrailer, other than  
23 manufactured housing, that has a gross vehicle weight that exceeds  
24 4,000 pounds;

25 (C) a travel trailer;

26 (D) an all-terrain vehicle or a recreational  
27 off-highway vehicle, as those terms are defined by Section 502.001,

1 designed by the manufacturer for off-highway use that is not  
2 required to be registered under the laws of this state; or

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

5 SECTION 2.03. Section 502.001(7), Transportation Code, is  
6 amended to read as follows:

7 (7) "Commercial motor vehicle" means a motor vehicle,  
8 other than a motorcycle or moped, designed or used primarily to  
9 transport property. The term includes a passenger car  
10 reconstructed and used primarily for delivery purposes. The term  
11 does not include a passenger car used to deliver the United States  
12 mail.

13 SECTION 2.04. Section 544.0075(b), Transportation Code, is  
14 amended to read as follows:

15 (b) In addition to any other type of vehicle the presence of  
16 which the detector for the traffic-actuated electric  
17 traffic-control signal may register, the detector for a  
18 traffic-actuated electric traffic-control device to which this  
19 section applies must be capable of registering the presence of a  
20 motorcycle or moped.

21 SECTION 2.05. Sections 545.065(a) and (c), Transportation  
22 Code, are amended to read as follows:

23 (a) The Texas Transportation Commission by resolution or  
24 order recorded in its minutes may prohibit the use of a  
25 limited-access or controlled-access highway under the jurisdiction  
26 of the commission by a parade, funeral procession, pedestrian,  
27 bicycle, electric bicycle, motorcycle equipped with a motor that

1 has an engine piston displacement of 250 cubic centimeters or less  
2 ~~[motor-driven cycle]~~, or nonmotorized traffic.

3 (c) A local authority by ordinance may prohibit the use of a  
4 limited-access or controlled-access roadway under the jurisdiction  
5 of the authority by a parade, funeral procession, pedestrian,  
6 bicycle, electric bicycle, motorcycle equipped with a motor that  
7 has an engine piston displacement of 250 cubic centimeters or less  
8 ~~[motor-driven cycle]~~, or nonmotorized traffic.

9 SECTION 2.06. Section 545.361(a), Transportation Code, is  
10 amended to read as follows:

11 (a) An operator of a moped or a motorcycle equipped with a  
12 motor that has an engine piston displacement of 250 cubic  
13 centimeters or less ~~[motor-driven cycle]~~ may not drive at a speed of  
14 more than 35 miles per hour during the time specified by Section  
15 547.302(a) unless the motorcycle or moped ~~[cycle]~~ is equipped with  
16 a headlamp or lamps that reveal a person or vehicle 300 feet ahead.

17 SECTION 2.07. Section 545.416, Transportation Code, is  
18 amended to read as follows:

19 Sec. 545.416. RIDING ON MOTORCYCLE OR MOPED. (a) An  
20 operator of a motorcycle or moped shall ride on the permanent and  
21 regular seat attached to the motorcycle.

22 (b) An operator may not carry another person on the  
23 motorcycle or moped, and a person who is not operating the  
24 motorcycle or moped may not ride on the motorcycle or moped, unless  
25 the motorcycle or moped is:

- 26 (1) designed to carry more than one person; and  
27 (2) equipped with footrests and handholds for use by

1 the passenger.

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

7 (d) Except as provided by Subsection (e), an operator may  
8 not carry another person on a motorcycle or moped unless the other  
9 person is at least five years of age. An offense under this  
10 subsection is a misdemeanor punishable by a fine of not less than  
11 \$100 or more than \$200. It is a defense to prosecution under this  
12 subsection that the operator was operating the motorcycle or moped  
13 in an emergency or for a law enforcement purpose.

14 (e) Subsection (d) does not prohibit an operator from  
15 carrying on a motorcycle or moped a person younger than five years  
16 of age who is seated in a sidecar attached to the motorcycle or  
17 moped.

18 (f) For purposes of Subsections (c) and (d), an autocyple as  
19 defined by Section 501.008 is considered to be a motorcycle.

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

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

26 (b) A person under 17 years of age who holds a restricted  
27 motorcycle license [~~or moped license~~] may not operate a motorcycle

1 ~~[or moped]~~ while using a wireless communication device, except in  
2 case of emergency. This subsection does not apply to a person  
3 licensed by the Federal Communications Commission while operating a  
4 radio frequency device other than a wireless communication device.

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

10 (1) the person is in sight of the person's parent or  
11 guardian; or

12 (2) the operation of the vehicle is necessary for the  
13 operator to attend or participate in employment or a school-related  
14 activity or because of a medical emergency.

15 SECTION 2.09. Section 547.306, Transportation Code, is  
16 amended to read as follows:

17 Sec. 547.306. LED GROUND EFFECT LIGHTING EQUIPMENT ON  
18 MOTORCYCLE OR MOPED. (a) In this section, "LED ground effect  
19 lighting equipment" means light emitting diode (LED) technology  
20 that is attached to the underbody of a motorcycle or moped for the  
21 purpose of illuminating:

22 (1) the body of the motorcycle or moped; or

23 (2) the ground below the motorcycle or moped.

24 (b) A person may operate a motorcycle or moped equipped with  
25 LED ground effect lighting that emits a non-flashing amber or white  
26 light.

27 SECTION 2.10. Sections 547.333(a) and (d), Transportation

1 Code, are amended to read as follows:

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

6 (1) shall be arranged so that the operator can select  
7 at will between distributions of light projected at different  
8 elevations; and

9 (2) may be arranged so that the operator can select the  
10 distribution automatically.

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

15 (1) designed and located so that the lighted indicator  
16 is visible without glare to the vehicle operator; and

17 (2) lighted only when the uppermost distribution of  
18 light is in use.

19 SECTION 2.11. Sections [547.383](#)(a) and (b), Transportation  
20 Code, are amended to read as follows:

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

25 (1) emits a white or amber light visible at a distance  
26 of 1,000 feet from the front and a red light visible at a distance of  
27 1,000 feet from the rear; and

1           (2) is mounted so that at least one lamp is installed  
2 as near as practicable to the side of the vehicle that is closest to  
3 passing traffic.

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

9           SECTION 2.12. Section 547.404(a), Transportation Code, is  
10 amended to read as follows:

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

- 14                   (1) on any grade on which the vehicle is operated;  
15                   (2) under all loading conditions; and  
16                   (3) on a surface free from snow, ice, or loose  
17 material.

18           SECTION 2.13. Section 547.408(a), Transportation Code, is  
19 amended to read as follows:

20           (a) A motor vehicle or combination of vehicles shall be  
21 equipped with service brakes capable of:

- 22                   (1) developing a braking force that is not less than:  
23                           (A) 52.8 percent of the gross weight of the  
24 vehicle for a passenger vehicle; or  
25                           (B) 43.5 percent of the gross weight of the  
26 vehicle for a vehicle other than a passenger vehicle;

27                   (2) decelerating to a stop from 20 miles per hour or

1 less at not less than:

2 (A) 17 feet per second per second for a passenger  
3 vehicle; or

4 (B) 14 feet per second per second for other  
5 vehicles; and

6 (3) stopping from a speed of 20 miles per hour in a  
7 distance, measured from the location where the service brake pedal  
8 or control is activated, of not more than:

9 (A) 25 feet for a passenger vehicle;

10 (B) 30 feet for a motorcycle, moped [~~motor-driven~~  
11 ~~cycle~~], or single unit vehicle with a manufacturer's gross vehicle  
12 weight rating of 10,000 pounds or less;

13 (C) 40 feet for:

14 (i) a single unit vehicle with a  
15 manufacturer's gross weight rating of more than 10,000 pounds;

16 (ii) a two-axle towing vehicle and trailer  
17 combination with a weight of 3,000 pounds or less;

18 (iii) a bus that does not have a  
19 manufacturer's gross weight rating; and

20 (iv) the combination of vehicles in an  
21 operation exempted by Section [547.407](#)(b); and

22 (D) 50 feet for other vehicles.

23 SECTION 2.14. Section [547.617](#), Transportation Code, is  
24 amended to read as follows:

25 Sec. 547.617. MOTORCYCLE AND MOPED FOOTRESTS AND HANDHOLDS  
26 REQUIRED. (a) A motorcycle or moped that is designed to carry more  
27 than one person must be equipped with footrests and handholds for

1 use by the passenger.

2 (b) This section does not apply to an autocycle as defined  
3 by Section 501.008 or a motorcycle as defined by Section  
4 521.001(a)(6-a).

5 SECTION 2.15. The heading to Subchapter M, Chapter 547,  
6 Transportation Code, is amended to read as follows:

7 SUBCHAPTER M. ADDITIONAL OR ALTERNATIVE EQUIPMENT REQUIREMENTS FOR  
8 MOTORCYCLES AND MOPEDS [~~MOTOR-DRIVEN CYCLES~~]

9 SECTION 2.16. Sections 547.801(a), (b), and (c),  
10 Transportation Code, are amended to read as follows:

11 (a) A motorcycle or a moped [~~, including a motor-driven~~  
12 ~~cycle,~~] shall be equipped with:

13 (1) not more than two headlamps mounted at a height  
14 from 24 to 54 inches;

15 (2) at least one taillamp mounted at a height from 20  
16 to 72 inches;

17 (3) a taillamp or separate lamp to illuminate the rear  
18 license plate that complies with the requirements of Sections  
19 547.322(f) and (g);

20 (4) at least one stoplamp that complies with the  
21 requirements of Section 547.323(d); and

22 (5) at least one rear red reflector that complies with  
23 the requirements of Section 547.325(b) and may be included as a part  
24 of the taillamp.

25 (b) A motorcycle, other than a motorcycle equipped with a  
26 motor that has an engine piston displacement of 250 cubic  
27 centimeters or less [~~motor-driven cycle~~], shall be equipped with

1 multiple-beam lighting equipment that produces:

2 (1) an uppermost distribution of light that reveals a  
3 person or vehicle at a distance of at least 300 feet ahead; and

4 (2) a lowermost distribution of light that:

5 (A) reveals a person or vehicle at a distance of  
6 at least 150 feet ahead; and

7 (B) is aimed so that no part of the  
8 high-intensity portion of the beam on the motorcycle that is on a  
9 straight and level road under any condition of loading projects  
10 into the eyes of an approaching vehicle operator.

11 (c) A moped or a motorcycle equipped with a motor that has an  
12 engine piston displacement of 250 cubic centimeters or less  
13 ~~[motor-driven cycle]~~ shall be equipped with:

14 (1) multiple-beam lighting equipment that complies  
15 with the requirements of Subsection (b); or

16 (2) single-beam lighting equipment that:

17 (A) emits light sufficient to reveal a person or  
18 vehicle:

19 (i) at a distance of at least 100 feet when  
20 the cycle is operated at a speed less than 25 miles per hour;

21 (ii) at a distance of at least 200 feet when  
22 the cycle is operated at a speed of 25 miles per hour or more; and

23 (iii) at a distance of at least 300 feet  
24 when the cycle is operated at a speed of 35 miles per hour or more;  
25 and

26 (B) is aimed so that no part of the  
27 high-intensity portion of the beam from the lamp on a loaded cycle

1 projects a beam higher than the level center of the lamp for a  
2 distance of 25 feet ahead.

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

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

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

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

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

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

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

25 (2) "Pocket bike or minimotorbike" means a  
26 self-propelled vehicle that is equipped with an electric motor or  
27 internal combustion engine having a piston displacement of less

1 than 50 cubic centimeters, is designed to propel itself with not  
2 more than two wheels in contact with the ground, has a seat or  
3 saddle for the use of the operator, is not designed for use on a  
4 highway, and is ineligible for a certificate of title under Chapter  
5 501. The term does not include:

6 (A) a moped or motorcycle;

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

9 (C) a motorized mobility device, as defined by  
10 Section 542.009;

11 (D) an electric personal assistive mobility  
12 device, as defined by Section 551.201; or

13 (E) a neighborhood electric vehicle, as defined  
14 by Section 551.301.

15 SECTION 2.19. Section 662.011(a), Transportation Code, is  
16 amended to read as follows:

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

21 ARTICLE 3. REPEALER

22 SECTION 3.01. The following provisions of the  
23 Transportation Code are repealed:

24 (1) Section 521.224(a);

25 (2) Section 521.225; and

26 (3) Section 541.201(10).

27 ARTICLE 4. TEXAS MOBILITY FUND

1           SECTION 4.01. As soon as practicable after the effective  
2 date of this Act, the comptroller of public accounts shall:

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

6                   (2) transfer any amount determined to be necessary  
7 under Subdivision (1) to the Texas mobility fund from the general  
8 revenue fund.

9                                   ARTICLE 5. EFFECTIVE DATE

10           SECTION 5.01. This Act takes effect September 1, 2019.