

BILL ANALYSIS

Senate Research Center
79R10450 MTB-D

H.B. 1596
By: Paxton (Nelson)
Transportation & Homeland Security
5/10/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 2971 and HB. 3588 of the 78th Legislative, Regular Session, 2003, granted power to counties or municipalities to regulate the use of "neighborhood electric vehicles" or motor scooters on streets or highways. The definition of these vehicles, found in the Federal Motor Vehicle Safety Standard No. 500 (49 C.F.R. Section 571.500) includes vehicles that can travel up to 25 mph. The legislation from the 78th session did not specifically address the operation of these vehicles on sidewalks, which has led to confusion about whether such operations are legal. Some municipalities believe that on certain sidewalks a vehicle traveling up to 25 mph poses a hazard to public safety. H.B. 1596 allows counties or municipalities the authority to regulate these motor scooters on sidewalks in the interest of public safety in addition to their authority to regulate them on streets and highways.

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. Amends the heading to Subchapter D, Chapter 551, Transportation Code, to read as follows:

SUBCHAPTER D. NEIGHBORHOOD ELECTRIC VEHICLES

SECTION 2. Amends Section 551.301, Transportation Code, as follows:

Sec. 551.301. New heading: DEFINITION. Deletes existing definition of "motor assisted scooter." Makes a nonsubstantive change.

SECTION 3. Amends Chapter 551, Transportation Code, by adding Subchapter E, as follows:

SUBCHAPTER E. MOTOR-ASSISTED SCOOTERS

Sec. 551.351. DEFINITION. Defines "motor-assisted scooter."

Sec. 551.352. OPERATION ON ROADWAYS OR SIDEWALKS. (a) Authorizes a motor-assisted scooter to be operated only on a street or highway for which the posted speed limit is 35 miles per hour or less. Authorizes the motor-assisted scooter to cross a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b) Authorizes a county or municipality to prohibit the operation of a motor-assisted scooter on a street, highway, or sidewalk if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(c) Authorizes the Texas Department of Transportation prohibit the operation of a motor-assisted scooter on a highway if it determines that the prohibition is necessary in the interest of safety.

(d) Authorizes a person to operate a motor-assisted scooter on a path set aside for the exclusive operation of bicycles or on a sidewalk. Provides that a provision of this title applicable to the operation of a bicycle applies to the operation of a motor-assisted scooter.

(e) Provides that a provision of this title applicable to a motor vehicle does not apply to a motor-assisted scooter.

SECTION 4. Repealer: Section 551.302 (Registration), Transportation Code, as added by Chapter 1325, Acts of the 78th Legislature, Regular Session, 2003.

SECTION 5. Effective date: upon passage or September 1, 2005.