

BILL ANALYSIS

C.S.H.B. 1596
By: Paxton
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

HB 2971 and HB 3588 of the 78th Legislative session 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. Legislation from the 78th session did not specifically address the operation of these vehicles on sidewalks, which has led to confusion about whether or not such operations are legal. Some municipalities believe that on certain sidewalks a vehicle traveling up to 25 mph poses a hazard to public safety. This bill would allow 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.

This bill also corrects a contradiction in the statute which arose through the passage of HB 2971 (78R) and HB 3588 (78R). Virtually identical sections were added as Transportation Codes 551.302 and 551.303. Additionally, authority to regulate these vehicles on highways was granted to the Department of Transportation in one bill and to Department of Public Safety in the other. This bill resolves these contradictions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends the heading to Subchapter D, Chapter 551, Transportation Code to reflect the removal of Motor Assisted Scooters from the subchapter.

SECTION 2. Amends 551.301. by deleting the definition of motor assisted scooter from the Subchapter.

SECTION 3. Amends Chapter 551, Transportation Code by adding a new Subchapter E titled “Motor-Assisted Scooters.

Sec. 551.351 moves the definition of motor-assisted scooters from the old Subchapter D.

Sec. 551.352 (a) gives scooters permission to operate on streets or highways where the speed limit is 35 miles per hour or less.

Sec. 551.352 (b) grants municipalities the authority to regulate scooters on streets, highways, or sidewalks under their jurisdiction in the interest of safety.

551.352 (c) grants authority to the Department of Public Safety to regulate motor assisted scooters on highways in the interest of safety.

551.352 (d) gives scooters permission to operate on sidewalks and paths set aside for the exclusive use of bicycles and applies all provisions of this title applicable to the operation of a bicycle to the operation of motor-assisted scooters.

551.352 (e) affirms that provisions applicable to motor vehicles do not apply to scooters.

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SECTION 4. Deletes Section 551.302, Transportation Code.

SECTION 5. Allows the Act to take effect immediately if it receives two-thirds vote.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original added the ability to regulate Motor Assisted Scooters on sidewalks to the Existing Subchapter D. The Committee Substitute removed the scooters completely from Subchapter D and instead creates a New Subchapter E dedicated only to Scooters. It repeats the same level of regulation in the original bill in a new Subchapter clarifying that the ability to regulate vehicles on sidewalks applies only to the scooters.