

By: Vo

H.B. No. 995

A BILL TO BE ENTITLED

AN ACT

relating to the operation of pocket bikes and minimotorbikes;
providing penalties.

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

SECTION 1. Section 502.001, Transportation Code, is amended
by adding Subdivision (25) to read as follows:

(25) "Pocket bike or minimotorbike" means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter 501. The term does not include:

(A) a golf cart, moped, motorcycle, or tractor;

(B) an electric bicycle or motor-driven cycle, as defined by Section 541.201;

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

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

(E) a neighborhood electric vehicle or a motor assisted scooter, as defined by Section 551.301.

SECTION 2. Subchapter A, Chapter 502, Transportation Code,

1 is amended by adding Section 502.0065 to read as follows:

2 Sec. 502.0065. POCKET BIKES AND MINIMOTORBIKES. A person
3 may not register a pocket bike or minimotorbike for operation on a
4 public highway.

5 SECTION 3. Subchapter H, Chapter 502, Transportation Code,
6 is amended by adding Section 502.413 to read as follows:

7 Sec. 502.413. OPERATION OF POCKET BIKE OR MINIMOTORBIKE ON
8 PUBLIC HIGHWAY. (a) A person commits an offense if the person
9 operates, or as the parent or ward of a child younger than 18 years
10 of age permits the child to operate, a pocket bike or minimotorbike
11 on a public highway.

12 (b) An offense under this section is a misdemeanor
13 punishable by a fine of \$750.

14 (c) In lieu of imposing a fine on the defendant under
15 Subsection (b), the judge or justice may order that the pocket bike
16 or minimotorbike be forfeited to and destroyed by the law
17 enforcement agency that employs the peace officer who cited the
18 defendant or took the defendant into custody for the offense.

19 SECTION 4. Section 521.458, Transportation Code, is amended
20 by adding Subsections (c) and (d) to read as follows:

21 (c) If the motor vehicle involved in an offense under this
22 section is a pocket bike or minimotorbike, as defined by Section
23 502.001, an offense under this section is a misdemeanor punishable
24 by a fine of \$750.

25 (d) In lieu of imposing a fine on the defendant under
26 Subsection (c), the judge or justice may order that the pocket bike
27 or minimotorbike be forfeited to and destroyed by the law

1 enforcement agency that employs the peace officer who cited the
2 defendant or took the defendant into custody for the offense.

3 SECTION 5. Section 541.201, Transportation Code, is amended
4 by adding Subdivision (25) to read as follows:

5 (25) "Pocket bike or minimotorbike" has the meaning
6 assigned by Section 502.001.

7 SECTION 6. Subchapter C, Chapter 542, Transportation Code,
8 is amended by adding Section 542.304 to read as follows:

9 Sec. 542.304. OFFENSE INVOLVING OPERATION OF POCKET BIKE OR
10 MINIMOTORBIKE BY MINOR. (a) A parent or ward of a child younger
11 than 18 years of age who permits the child to operate a pocket bike
12 or minimotorbike in violation of this subtitle commits an offense.

13 (b) An offense under this section is a misdemeanor
14 punishable by a fine of \$750.

15 (c) In lieu of imposing a fine on the defendant under
16 Subsection (b), the judge or justice may order that the pocket bike
17 or minimotorbike be forfeited to and destroyed by the law
18 enforcement agency that employs the peace officer who cited the
19 defendant or took the defendant into custody for the offense.

20 SECTION 7. Section 542.401, Transportation Code, is amended
21 to read as follows:

22 Sec. 542.401. GENERAL PENALTY. (a) Except as provided by
23 Subsection (b), a [A] person convicted of an offense that is a
24 misdemeanor under this subtitle for which another penalty is not
25 provided shall be punished by a fine of not less than \$1 or more than
26 \$200.

27 (b) An offense under this subtitle involving the operation

1 of a pocket bike or minimotorbike is a misdemeanor punishable by a
2 fine of \$750. In lieu of imposing a fine on a defendant under this
3 subsection, the judge or justice may order that the pocket bike or
4 minimotorbike be forfeited to and destroyed by the law enforcement
5 agency that employs the peace officer who cited the defendant or
6 took the defendant into custody for the offense.

7 SECTION 8. Section 661.001(1), Transportation Code, is
8 amended to read as follows:

9 (1) "Motorcycle" means a motor vehicle designed to
10 propel itself with not more than two wheels in contact with the
11 ground, and having a saddle for the use of the rider. For the
12 purposes of this chapter only, the term includes a pocket bike or
13 minimotorbike, as defined by Section 502.001. The term does not
14 include a tractor or a three-wheeled vehicle equipped with a cab,
15 seat, and seat belt and designed to contain the operator in the cab.

16 SECTION 9. Section 661.003, Transportation Code, is amended
17 by amending Subsection (h) and adding Subsections (h-1)-(h-3) to
18 read as follows:

19 (h) Except as provided by Subsections (h-1) and (h-2), an
20 [An] offense under this section is a misdemeanor punishable by a
21 fine of not less than \$10 or more than \$50.

22 (h-1) An offense under this section committed by the
23 operator of or a passenger on a pocket bike or minimotorbike is a
24 misdemeanor punishable by a fine of \$750.

25 (h-2) A parent or ward of a child younger than 18 years of
26 age who permits the child to operate or ride on a pocket bike or
27 minimotorbike in violation of this section commits an offense. An

1 offense under this subsection is a misdemeanor punishable by a fine
2 of \$750.

3 (h-3) In lieu of imposing a fine on the defendant under
4 Subsection (h-1) or (h-2), the judge or justice may order that the
5 pocket bike or minimotorbike be forfeited to and destroyed by the
6 law enforcement agency that employs the peace officer who cited the
7 defendant or took the defendant into custody for the offense.

8 SECTION 10. Section 729.001(a), Transportation Code, is
9 amended to read as follows:

10 (a) A person who is younger than 17 years of age commits an
11 offense if the person operates a motor vehicle on a public road or
12 highway, a street or alley in a municipality, or a public beach in
13 violation of any traffic law of this state, including:

14 (1) Chapter 502, other than Section 502.282, ~~[or]~~
15 502.412, or 502.413;

16 (2) Chapter 521, other than an offense under Section
17 521.457;

18 (3) Subtitle C, other than an offense punishable under
19 Section 542.401(b) or by imprisonment or by confinement in jail
20 under Section 550.021, 550.022, 550.024, or 550.025;

21 (4) Chapter 601;

22 (5) Chapter 621;

23 (6) Chapter 661, other than an offense committed by
24 the operator of or passenger on a pocket bike or minimotorbike; and

25 (7) Chapter 681.

26 SECTION 11. Section 51.02(16), Family Code, is amended to
27 read as follows:

1 (16) "Traffic offense" means:

2 (A) a violation of a penal statute cognizable
3 under Chapter 729, Transportation Code, except for:

4 (i) conduct constituting an offense under
5 Section 502.413, 521.457, 521.458(c), or 661.003(h-1),
6 Transportation Code;

7 (ii) conduct constituting an offense under
8 Section 550.021, Transportation Code;

9 (iii) conduct constituting an offense
10 punishable as a Class B misdemeanor under Section 550.022,
11 Transportation Code;

12 (iv) conduct constituting an offense
13 punishable as a Class B misdemeanor under Section 550.024,
14 Transportation Code; or

15 (v) conduct constituting an offense
16 punishable as a Class B misdemeanor under Section 550.025,
17 Transportation Code; or

18 (B) a violation of a motor vehicle traffic
19 ordinance of an incorporated city or town in this state.

20 SECTION 12. (a) The changes in law made by this Act apply
21 only to an offense committed on or after the effective date of this
22 Act.

23 (b) An offense committed before the effective date of this
24 Act is covered by the law in effect when the offense was committed,
25 and the former law is continued in effect for that purpose. For
26 purposes of this section, an offense was committed before the
27 effective date of this Act if any element of the offense was

1 committed before that date.

2 SECTION 13. This Act takes effect immediately if it
3 receives a vote of two-thirds of all the members elected to each
4 house, as provided by Section 39, Article III, Texas Constitution.
5 If this Act does not receive the vote necessary for immediate
6 effect, this Act takes effect September 1, 2005.