

BILL ANALYSIS

C.S.H.B. 3599
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A new breed of hybrid vehicles are emerging in the United States due to consumer interest in fuel efficient and clean-fuel vehicles, and some of these vehicles fall under the definition of a motorcycle rather than an automobile because they have three wheels instead of four. However, these roadworthy vehicles are more similar to automobiles than motorcycles in regard to safety features, such as enclosed cabs, steering wheels, seat belts, and windshields. Regardless of these safety features and because these vehicles are officially classified as motorcycles, their drivers are currently required to obtain a Class M motorcycle driver's license, which entails learning to drive a 2-wheeled motorcycle and taking a driver's test on a motorcycle. While these vehicles share some similarities to a motorcycle, the three wheels give the driver more stability than a motorcycle, and the cab is fully enclosed, like most automobiles.

C.S.H.B 3599 provides a definition for a motorcycle that is an enclosed three-wheeled passenger vehicle and incorporates Federal Motor Vehicle Safety Standards into that definition to ensure adequate safety features. The bill allows drivers of these vehicles to operate them with a Class C driver's license, clarifies current law that drivers and riders of these vehicles are not required to wear helmets, and ensures that enclosed three-wheeled vehicles as described in the bill join traditional motorcycles in having the use of preferential lanes.

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

C.S.H.B. 3599 amends the Transportation Code to include under the definition of the term "motorcycle" an enclosed three-wheeled passenger vehicle that is designed to operate with three wheels in contact with the ground; has a minimum unladen weight of 900 pounds; has a single, completely enclosed occupant compartment; at a minimum, is equipped with seats certified as meeting federal safety standards by the manufacturer, a steering wheel used to maneuver the vehicle, a propulsion unit located in front of or behind the enclosed occupant compartment, a seat belt certified by the manufacturer as meeting federal safety standards for each occupant, a windshield and one or more windshield wipers certified as meeting federal safety standards, and vehicle structure certified as meeting federal safety standards; and is produced by its manufacturer in a minimum number of 300 in any calendar year. The bill establishes that a provision restricting the holder of a Class A, Class B, or Class C driver's license from operating a motorcycle does not prohibit a license holder from operating such a three-wheeled vehicle.

C.S.H.B. 3599 specifies that the term "motorcycle" for the purposes of provisions relating to protective headgear for motorcycle operators and passengers does not include a tractor or three-wheeled vehicle equipped with an occupant compartment, seat, and seat belt and designed to contain the operator in the occupant compartment. The bill authorizes such a three-wheeled vehicle to operate in a preferential lane that is not closed to all vehicular traffic.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3599, in provisions describing a three-wheeled vehicle included in the definition of "motorcycle," requires the seats, seat belts, windshield and windshield wiper, and vehicle structure to be certified by the manufacturer as meeting the requirements of applicable federal safety standards, whereas the original does not require certification for such elements of the vehicle and does not include any provisions relating to a vehicle structure. The substitute differs from the original by requiring such a vehicle to have a single, completely enclosed, occupant compartment, whereas the original requires a single cab with an enclosed passenger seating area and seats similar to those of a passenger vehicle. The substitute differs from the original by requiring such a vehicle to have a propulsion unit, rather than a motor unit or power train as in the original, that is located in front of or behind the enclosed compartment, rather than in front of or behind the operator as in the original. The substitute removes provisions requiring such a vehicle to include an automotive steering system and a roll bar. The substitute requires such a vehicle, to be included as a motorcycle, to be produced by its manufacturer in a minimum number of 300 in any calendar year, rather than 100 a calendar year as in the original.

C.S.H.B. 3599 removes a provision in the original exempting an applicant for license from providing a passenger vehicle and a licensed driver to convey the license examiner during the road test if the applicant's motorcycle is equipped with a seat and safety belt for both the applicant and the examiner. The substitute adds provisions not in the original to allow a holder of a driver's license to operate such a three-wheeled vehicle and to specify that the term "motorcycle" for the purposes of provisions relating to protective headgear for motorcycle operators and passengers does not include a tractor or three-wheeled vehicle equipped with an occupant compartment, seat, and seat belt and designed to contain the operator in the occupant compartment