

## **BILL ANALYSIS**

C.S.S.B. 129  
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Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, drivers of neighborhood electric vehicles (NEVs) are allowed to drive at a maximum speed of 25 miles per hour on roads with a posted speed limit of 35 miles per hour. NEVs have up to a 245 mile range on the electrical equivalent of a single gallon of gas, at an average cost of one to two cents per mile. Such fuel efficient vehicles travel 30 to 50 miles on a single electric charge even while using optional air conditioning. As they produce no emissions, widespread usage of NEVs could potentially reduce auto emissions in urban and suburban areas. Presently, the following eight states allow NEVs to operate at speeds up to 35 miles per hour: Georgia, Kansas, Kentucky, Maine, Montana, Oklahoma, Tennessee, and Washington.

Additionally, a new type of hybrid vehicle is 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, with respect to safety features, such vehicles are more similar to automobiles than motorcycles, featuring enclosed cabs, steering wheels, seat belts, and windshields. Regardless of such safety features and because such 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 such 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.S.B. 129 authorizes NEVs to be operated on roads with a posted speed limit of 45 miles per hour or less. The bill provides a definition for a motorcycle that includes an enclosed three-wheeled passenger vehicle and incorporates Federal Motor Vehicle Safety Standards into that definition to ensure adequate safety features. The bill authorizes driver's license holders to operate such vehicles, clarifies that drivers and passengers in such vehicles are not required to wear helmets, and specifies that enclosed three-wheeled vehicles as described in the bill are authorized to operate in 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.S.B. 129 reenacts and amends Subdivision (1), Section 551.301, Transportation Code, as amended by Chapters 281 (H.B. 2702) and 1242 (H.B. 1596), Acts of the 79th Legislature, Regular Session, 2005 to define "neighborhood electric vehicle" as a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 regarding low-speed vehicles, rather than as a vehicle subject to that standard.

C.S.S.B. 129 amends the Transportation Code to increase from 35 to 45 miles per hour the posted speed limit that is the maximum speed limit for a street or highway on which a neighborhood electric vehicle may be operated, and that is the minimum speed limit for a road or street such a vehicle may cross at an intersection. The bill prohibits the vehicle from being operated on a street or highway at a speed that exceeds the lesser of the posted speed limit or 35 miles per hour.

C.S.S.B. 129 defines "motorcycle," in provisions relating to driver's licenses, to include 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 lbs., has a single, completely enclosed, occupant compartment, is equipped at a minimum with certain specified equipment, and is produced by its manufacturer in a minimum quantity of 300 in any calendar year. The bill specifies that provisions authorizing a license holder to operate a vehicle of the class for which the license is issued and any vehicle of lesser type other than a motorcycle or moped do not prohibit a license holder from operating a lesser type of vehicle that is a motorcycle as defined above. The bill clarifies that the definition of "motorcycle," in provisions relating to protective headgear for motorcycle operators and passengers, does not include a three-wheeled vehicle equipped with an occupant compartment, seat, and seat belt and designed to contain the operator in the occupant compartment. The bill specifies that a motorcycle as defined above is included in provisions authorizing a motorcycle to be operated in a preferential lane that is not closed to all vehicular traffic.

#### **EFFECTIVE DATE**

September 1, 2009.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.S.B. 129 adds provisions not included in the original to include an enclosed three-wheel passenger vehicle meeting certain specifications in the definition of "motorcycle," specify that certain license provisions do not prohibit a license holder from operating such a three-wheel passenger vehicle, and specify that the authorization to operate a motorcycle in a preferential lane includes such a three-wheel passenger vehicle. The substitute adds a provision not included in the original to establish that the definition of "motorcycle" in provisions relating to protective headgear for motorcycle operators and passengers does not include a three-wheeled vehicle equipped with an occupant compartment, seat, and seat belt. The substitute differs from the original by changing the effective date.