By: Carona  S.B. No. 1967

A BILL TO BE ENTITLED

AN ACT

relating to the safe operation of motorcycles and other vehicles in this state; providing penalties.

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

SECTION 1. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.621 to read as follows:

Sec. 201.621. MOTORCYCLIST SAFETY AND SHARE THE ROAD CAMPAIGN. From funds appropriated for that purpose, the department shall conduct a continuing public awareness campaign to promote motorcyclist safety and the concept of sharing the road with motorcyclists.

SECTION 2. Subchapter G, Chapter 521, Transportation Code, is amended by adding Section 521.148 to read as follows:

Sec. 521.148. APPLICATION FOR CLASS M LICENSE OR AUTHORIZATION TO OPERATE MOTORCYCLE. (a) An applicant for an original Class M license or Class A, B, or C driver's license that includes an authorization to operate a motorcycle must furnish to the department evidence satisfactory to the department that the applicant has successfully completed a basic motorcycle operator training course approved by the department under Chapter 662.

(b) The department may not issue an original Class M license or Class A, B, or C driver's license that includes an authorization to operate a motorcycle to an applicant who fails to comply with Subsection (a).
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(c) When the department issues a license to which this section applies, the department shall provide the person to whom the license is issued with written information about the Glenda Dawson Donate Life-Texas Registry program established under Chapter 49, Health and Safety Code.

SECTION 3. Subchapter C, Chapter 522, Transportation Code, is amended by adding Section 522.034 to read as follows:

Sec. 522.034. APPLICATION FOR AUTHORIZATION TO OPERATE MOTORCYCLE. (a) An applicant for an original commercial driver’s license or commercial driver learner’s permit that includes an authorization to operate a motorcycle must furnish to the department evidence satisfactory to the department that the applicant has successfully completed a basic motorcycle operator training course approved by the department under Chapter 662.

(b) The department may not issue an original commercial driver’s license or commercial driver learner’s permit that includes an authorization to operate a motorcycle to an applicant who fails to comply with Subsection (a).

(c) When the department issues a license or permit to which this section applies, the department shall provide the person to whom the license is issued with written information about the Glenda Dawson Donate Life-Texas Registry program established under Chapter 49, Health and Safety Code.

SECTION 4. Subchapter D, Chapter 542, Transportation Code, is amended by adding Section 542.4045 to read as follows:

Sec. 542.4045. PENALTIES FOR FAILURE TO YIELD RIGHT-OF-WAY OFFENSE RESULTING IN ACCIDENT. If it is shown on the trial of an
offense under this subtitle in which an element is the failure by
the operator of a vehicle to yield the right-of-way to another
vehicle that an accident resulted from the operator's failure to
yield the right-of-way:

(1) the offense is a Class B misdemeanor with a minimum
fine of $500, if a person other than the operator of the vehicle
suffered bodily injury in the accident; and

(2) the offense is a Class A misdemeanor with a minimum
fine of $1,000, if a person other than the operator of the vehicle
suffered serious bodily injury in the accident.

SECTION 5. Section 661.003, Transportation Code, is amended
by amending Subsection (c) and adding Subsections (c-1) and (c-2)
to read as follows:

(c) It is an exception to the application of Subsection (a)
or (b) that at the time the offense was committed, the person
required to wear protective headgear was at least 21 years old and
had successfully completed a motorcycle operator training and
safety course under Chapter 662 or was covered by a health insurance
plan providing the person with [at least $10,000 in]
medical
benefits for injuries incurred as a result of an accident while
operating or riding on a motorcycle. A peace officer may not arrest
a person or issue a citation to a person for a violation of
Subsection (a) or (b) if the person required to wear protective
headgear is at least 21 years of age and presents evidence
sufficient to show that the person required to wear protective
headgear has successfully completed a motorcycle operator training
and safety course or is covered by a health insurance plan as
described by this subsection.

(c-1) A peace officer may not stop or detain a person who is
the operator of or a passenger on a motorcycle for the sole purpose
of determining whether the person has successfully completed the
motorcycle operator training and safety course or is covered by a
health insurance plan.

(c-2) The Texas Department of Insurance shall prescribe a
standard proof of health insurance for issuance to persons who are
at least 21 years of age and covered by a health insurance plan
described by Subsection (c).

SECTION 6. Subsection (a), Section 662.011, Transportation
Code, is amended to read as follows:

(a) Of each fee collected under Sections 521.421(b) and (f)
and[,] Sections 522.029(f) and (g), [and Section 661.003(d)], the
Department of Public Safety shall send $5 to the comptroller for
deposit to the credit of the motorcycle education fund account.

SECTION 7. Subchapter C, Chapter 1001, Education Code, is
amended by adding Section 1001.1025 to read as follows:

Sec. 1001.1025. MOTORCYCLE AWARENESS INFORMATION.

(a) The agency by rule shall require that information relating to
motorcycle awareness, the dangers of failing to yield the
right-of-way to a motorcyclist, and the need to share the road with
motorcyclists be included in the curriculum of any driver education
course or driving safety course.

(b) In developing rules under this section, the agency shall
consult with the department.

SECTION 8. Subsections (d), (e), (f), and (g), Section
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1 661.003, Transportation Code, are repealed.
2   SECTION 9. The change in law made by this Act to Chapters
3 521 and 522, Transportation Code, apply only in connection with an
4 application for a driver's license, personal identification
5 certificate, commercial driver's license, or commercial driver
6 learner's permit filed on or after the effective date of this Act.
7 An application for a driver's license, personal identification
8 certificate, commercial driver's license, or commercial driver
9 learner's permit filed before the effective date of this Act is
10 covered by the law in effect when the application was filed, and the
11 former law is continued in effect for that purpose.
12   SECTION 10. This Act takes effect September 1, 2009.