

BILL ANALYSIS

C.S.H.B. 3838
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Motorcycles have become an increasingly popular mode of transportation for Texans, but the inherent risks associated with riding on a motorcycle have prompted observers to note the importance of properly equipping motorcycles to support passengers and properly educating motorcycle operators on how to safely carry passengers. C.S.H.B. 3838 establishes Malorie's Law, in remembrance of Malorie Bullock, to increase motorcycle safety for passengers.

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. 3838 amends the Transportation Code to require the motorcycle operator training and safety program to contain information regarding operating a motorcycle while carrying a passenger and to authorize, rather than require, the program to include curricula developed by the Motorcycle Safety Foundation.

Effective January 1, 2015, C.S.H.B. 3838 requires a motorcycle that is designed to carry more than one person to be equipped with footrests and handholds for use by the passenger.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3838 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. This Act shall be known as Malorie's Law.	SECTION 1. Same as introduced version.
SECTION 2. Sec. 662.002, Transportation Code, is amended.	SECTION 4. Substantially same as introduced version.
SECTION 3. Section 545.416,	SECTION 2. Section 545.416(b),

Transportation Code, is amended to read as follows:

Sec. 545.416. RIDING ON MOTORCYCLE. (a) An operator of a motorcycle shall ride on the permanent and regular seat attached to the motorcycle.

(b) An operator may not carry another person on the motorcycle, and a person who is not operating the motorcycle may not ride on the motorcycle, unless the motorcycle is designed to carry more than one person.

(c) If the motorcycle is designed to carry more than one person, a passenger may ride only on the permanent and regular seat, if designed for two persons, or on another seat firmly attached to the motorcycle behind or to the side of the operator.

(d) If a motorcycle is designed to carry more than one person, the motorcycle must be equipped with foot rests and handholds for use by a passenger on the motorcycle.

~~(d)~~ (e) Except as provided by Subsection (f), an operator may not carry another person on a motorcycle unless the other person is at least five years of age. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$100 or more than \$200. It is a defense to prosecution under this subsection that the operator was operating the motorcycle in an emergency or for a law enforcement purpose.

[(e)] (f) Subsection ~~(d)~~(e) does not prohibit an operator from carrying on a motorcycle a person younger than five years of age who is seated in a sidecar attached to the motorcycle.

(See Subdivision (d) above.)

Transportation Code, is amended to read as follows:

(b) An operator may not carry another person on the motorcycle, and a person who is not operating the motorcycle may not ride on the motorcycle, unless the motorcycle is:
(1) designed to carry more than one person;
and
(2) equipped with footrests and handholds for use by the passenger.

(See SECTION 3 below.)

SECTION 3. Effective January 1, 2015, Subchapter K, Chapter 547, Transportation Code, is amended by adding Section 547.617 to read as follows:

Sec. 547.617. MOTORCYCLE FOOTRESTS AND HANDHOLDS REQUIRED. A motorcycle that is designed to carry more than one person must be equipped with footrests and handholds for

use by the passenger.

SECTION 4. This Act takes effect on September 1, 2013.

SECTION 5. ~~Except as otherwise provided by this Act,~~ this Act takes effect September 1, 2013.