

## **BILL ANALYSIS**

C.S.S.B. 763  
By: Watson  
Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Motorcycle training and safety programs are crucial to making Texas roadways safer for both motorcyclists and other drivers. The operation of three-wheeled motorcycles, which is significantly different from the operation of a typical motorcycle, has recently increased. Interested parties note that, although there are some training courses for the operation of three-wheeled motorcycles that are distinct from the available training courses for the operation of the more common two-wheeled motorcycles, these three-wheeled motorcycle training courses are more costly and less readily available than comparable courses for two-wheeled motorcycles and that, consequently, there is a growing need for alternative state-approved training courses and licensing requirements specific to these three-wheeled motorcycles. C.S.S.B. 763 seeks to address this concern and further enhance motorcycle operator training by requiring the Department of Public Safety to issue a restricted license for eligible applicants who have completed a training course that is specific to a three-wheeled motorcycle and by creating an offense regarding unauthorized motorcycle operation training.

### **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. 763 amends the Transportation Code to require the Department of Public Safety (DPS) to issue a Class M license that is restricted to the operation of a three-wheeled motorcycle if the motorcycle operator training course completed by the applicant is specific to the operation of a three-wheeled motorcycle. The bill requires the motorcycle operator training and safety program to include curricula approved by the state agency administering the program, rather than curricula developed by the Motorcycle Safety Foundation and clarifies that the prohibition against a person offering training in motorcycle operation unless the person is licensed by or contracts with the designated state agency applies also with respect to conducting such training. The bill makes a violation of the prohibition against unauthorized training a Class B misdemeanor offense and enhances the penalty for a subsequent conviction of such offense to a Class A misdemeanor. The bill requires notice and opportunity for a hearing on the denial, suspension, or cancellation of approval for a program sponsor to conduct or for an instructor to teach a program course to be given following denial, suspension, or cancellation of the approval, rather than before such denial, suspension, or cancellation.

C.S.S.B. 763 repeals a provision authorizing any peace officer to stop and detain a motorcycle, motor driven cycle, or moped to determine whether the vehicle is of a model and make certified by DPS.

C.S.S.B. 763 repeals Section 521.227, Transportation Code.

**EFFECTIVE DATE**

September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.S.B. 763 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

**SENATE ENGROSSED**

**HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Subsection (a), Section 521.148, Transportation Code, is amended.

SECTION 1. Same as engrossed version except for recitation.

SECTION 2. Subsection (b), Section 662.002, Transportation Code, is amended to read as follows:

(b) The program may [shall] include curricula developed by the Motorcycle Safety Foundation.

SECTION 2. Section 662.002(b), Transportation Code, is amended to read as follows:

(b) The program shall include curricula approved by the state agency administering the program [developed by the Motorcycle Safety Foundation].

SECTION 3. Section 662.006, Transportation Code, is amended.

SECTION 3. Same as engrossed version.

SECTION 4. Subsection (b), Section 662.008, Transportation Code, is amended to read as follows:

(b) Following denial, suspension, or cancellation of ~~[Before the designated state agency may deny, suspend, or cancel]~~ the approval of a program sponsor or an instructor, notice and opportunity for a hearing must be given as provided by:

- (1) Chapter 2001, Government Code; and
- (2) Chapter 53, Occupations Code.

SECTION 4. Same as engrossed version except for recitation.

No equivalent provision.

SECTION 5. Section 521.227, Transportation Code, is repealed.

SECTION 5. This Act takes effect September 1, 2013.

SECTION 6. Same as engrossed version.