

1-1 By: Phillips (Senate Sponsor - Hancock) H.B. No. 3838  
 1-2 (In the Senate - Received from the House May 9, 2013;  
 1-3 May 10, 2013, read first time and referred to Committee on  
 1-4 Transportation; May 20, 2013, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
 1-6 May 20, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3838 By: Campbell

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to motorcycle equipment and training and the license  
 1-22 requirements for a three-wheeled motorcycle; creating an offense.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. This Act shall be known as Malorie's Law.

1-25 SECTION 2. Section 521.148(a), Transportation Code, is  
 1-26 amended to read as follows:

1-27 (a) An applicant for an original Class M license or Class A,  
 1-28 B, or C driver's license that includes an authorization to operate a  
 1-29 motorcycle must furnish to the department evidence satisfactory to  
 1-30 the department that the applicant has successfully completed a  
 1-31 ~~[basic]~~ motorcycle operator training course approved by the  
 1-32 department under Chapter 662. The department shall issue a Class M  
 1-33 license that is restricted to the operation of a three-wheeled  
 1-34 motorcycle if the motorcycle operator training course completed by  
 1-35 the applicant is specific to the operation of a three-wheeled  
 1-36 motorcycle.

1-37 SECTION 3. Section 545.416(b), Transportation Code, is  
 1-38 amended to read as follows:

1-39 (b) An operator may not carry another person on the  
 1-40 motorcycle, and a person who is not operating the motorcycle may not  
 1-41 ride on the motorcycle, unless the motorcycle is:

- 1-42 (1) designed to carry more than one person; and
- 1-43 (2) equipped with footrests and handholds for use by  
 1-44 the passenger.

1-45 SECTION 4. Effective January 1, 2015, Subchapter K, Chapter  
 1-46 547, Transportation Code, is amended by adding Section 547.617 to  
 1-47 read as follows:

1-48 Sec. 547.617. MOTORCYCLE FOOTRESTS AND HANDHOLDS REQUIRED.  
 1-49 A motorcycle that is designed to carry more than one person must be  
 1-50 equipped with footrests and handholds for use by the passenger.

1-51 SECTION 5. Section 662.002(b), Transportation Code, is  
 1-52 amended to read as follows:

- 1-53 (b) The program:
- 1-54 (1) shall contain information regarding operating a  
 1-55 motorcycle while carrying a passenger; and
- 1-56 (2) may ~~[shall]~~ include curricula developed by the  
 1-57 Motorcycle Safety Foundation.

1-58 SECTION 6. Section 662.006, Transportation Code, is amended  
 1-59 to read as follows:

1-60 Sec. 662.006. UNAUTHORIZED TRAINING PROHIBITED. (a) A

2-1 person may not offer or conduct training in motorcycle operation  
2-2 for [a] consideration unless the person is licensed by or contracts  
2-3 with the designated state agency.

2-4 (b) A person who violates Subsection (a) commits an offense.  
2-5 An offense under this subsection is a Class B misdemeanor, except  
2-6 that the offense is a Class A misdemeanor if it is shown on the trial  
2-7 of the offense that the defendant has been previously convicted of  
2-8 an offense under this section.

2-9 SECTION 7. Section 662.008(b), Transportation Code, is  
2-10 amended to read as follows:

2-11 (b) Following denial, suspension, or cancellation of  
2-12 [Before the designated state agency may deny, suspend, or cancel]  
2-13 the approval of a program sponsor or an instructor, notice and  
2-14 opportunity for a hearing must be given as provided by:

- 2-15 (1) Chapter 2001, Government Code; and
- 2-16 (2) Chapter 53, Occupations Code.

2-17 SECTION 8. The change in law made by this Act applies only  
2-18 to an offense committed on or after the effective date of this Act.  
2-19 An offense committed before the effective date of this Act is  
2-20 governed by the law in effect on the date the offense was committed,  
2-21 and the former law is continued in effect for that purpose. For  
2-22 purposes of this section, an offense was committed before the  
2-23 effective date of this Act if any element of the offense occurred  
2-24 before that date.

2-25 SECTION 9. Except as otherwise provided by this Act, this  
2-26 Act takes effect September 1, 2013.

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