

House Bill 3838
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

No equivalent provision.

SECTION 2. Section 545.416(b), 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.

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

SENATE VERSION (CS)

SECTION 1. Same as House version.

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

(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. The department shall 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.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

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

(b) The program:

(1) shall contain information regarding operating a motorcycle while carrying a passenger; and

(2) may [shall] include curricula developed by the Motorcycle Safety Foundation.

No equivalent provision.

No equivalent provision.

SENATE VERSION (CS)

SECTION 5. Same as House version.

SECTION 6. Section 662.006, Transportation Code, is amended to read as follows:

Sec. 662.006. **UNAUTHORIZED TRAINING PROHIBITED.** (a) A person may not offer or conduct training in motorcycle operation for [a] consideration unless the person is licensed by or contracts with the designated state agency.

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

SECTION 7. Section 662.008(b), 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

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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.

No equivalent provision.

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

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

SECTION 9. Same as House version.