

By: Gonzales

H.B. No. 439

Substitute the following for H.B. No. 439:

By: Pickett

C.S.H.B. No. 439

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the titling, registration, and operation of an  
3 autocycle; clarifying the vehicles that may be operated under  
4 certain licenses; amending provisions subject to a criminal  
5 penalty.

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

7 SECTION 1. Subchapter A, Chapter 501, Transportation Code,  
8 is amended by adding Section 501.008 to read as follows:

9 Sec. 501.008. TITLE FOR AUTOCYCLE. (a) In this section,  
10 "autocycle" means a motor vehicle, other than a tractor, that is:

11 (1) designed to have when propelled not more than  
12 three wheels on the ground;

13 (2) equipped with a steering wheel;

14 (3) equipped with seating that does not require the  
15 operator to straddle or sit astride the seat; and

16 (4) manufactured and certified to comply with federal  
17 safety requirements for a motorcycle.

18 (b) For purposes of issuing a title under this chapter, an  
19 autocycle is considered to be a motorcycle.

20 SECTION 2. Subchapter A, Chapter 502, Transportation Code,  
21 is amended by adding Section 502.004 to read as follows:

22 Sec. 502.004. REGISTRATION OF AUTOCYCLE. (a) In this  
23 section, "autocycle" means a motor vehicle, other than a tractor,  
24 that is:

1           (1) designed to have when propelled not more than  
2 three wheels on the ground;

3           (2) equipped with a steering wheel;

4           (3) equipped with seating that does not require the  
5 operator to straddle or sit astride the seat; and

6           (4) manufactured and certified to comply with federal  
7 safety requirements for a motorcycle.

8           (b) For purposes of registering a vehicle under this  
9 chapter, an autocycle is considered to be a motorcycle.

10           SECTION 3. Section 521.084, Transportation Code, is amended  
11 to read as follows:

12           Sec. 521.084. CLASS M LICENSE. A Class M driver's license  
13 authorizes the holder of the license to operate a motorcycle or  
14 moped as defined by Section 541.201.

15           SECTION 4. Section 521.085(b), Transportation Code, is  
16 amended to read as follows:

17           (b) Subsection (a) does not prohibit a license holder from  
18 operating a lesser type of vehicle that is a motorcycle described by  
19 Section 521.001(a)(6-a) or an autocycle as defined by Section  
20 501.008.

21           SECTION 5. Section 545.416, Transportation Code, is amended  
22 by adding Subsection (f) to read as follows:

23           (f) For purposes of Subsections (c) and (d), an autocycle as  
24 defined by Section 501.008 is considered to be a motorcycle.

25           SECTION 6. Section 547.617, Transportation Code, is amended  
26 to read as follows:

27           Sec. 547.617. MOTORCYCLE FOOTRESTS AND HANDHOLDS REQUIRED.

1 (a) A motorcycle that is designed to carry more than one person  
2 must be equipped with footrests and handholds for use by the  
3 passenger.

4 (b) This section does not apply to an autocycle as defined  
5 by Section 501.008 or a motorcycle as defined by Section  
6 521.001(a)(6-a).

7 SECTION 7. Chapter 661, Transportation Code, is amended by  
8 adding Section 661.0015 to read as follows:

9 Sec. 661.0015. PROTECTIVE HEADGEAR FOR AUTOCYCLE. (a) In  
10 this section, "autocycle" means a motor vehicle, other than a  
11 tractor, that is:

12 (1) designed to have when propelled not more than  
13 three wheels on the ground;

14 (2) equipped with a steering wheel;

15 (3) equipped with seating that does not require the  
16 operator to straddle or sit astride the seat; and

17 (4) manufactured and certified to comply with federal  
18 safety requirements for a motorcycle.

19 (b) For purposes of this chapter, an autocycle is considered  
20 to be a motorcycle.

21 SECTION 8. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2015.