By:  Krause (Senate Sponsor - Watson) H.B. No. 3171

(In the Senate - Received from the House April 24, 2019; April 25, 2019, read first time and referred to Committee on Transportation; May 9, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 8, Nays 0; May 9, 2019, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Nichols           X

Hancock           X

Alvarado          X

Hinojosa          X

Kolkhorst         X

Perry             X

Rodríguez         X

Schwertner                  X

West              X

COMMITTEE SUBSTITUTE FOR H.B. No. 3171 By:  Perry

A BILL TO BE ENTITLED

AN ACT

relating to the classification and operation of mopeds and certain motorcycles.

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

ARTICLE 1. MOPED OPERATION

SECTION 1.01.  Section 521.084, Transportation Code, is amended to read as follows:

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

SECTION 1.02.  Section 521.085(a), Transportation Code, is amended to read as follows:

(a)  Unless prohibited by Chapter 522, and except as provided by Subsection (b), the license holder may operate any vehicle of the type for which that class of license is issued and any lesser type of vehicle other than a motorcycle [~~or moped~~].

SECTION 1.03.  Section 521.122(b), Transportation Code, is amended to read as follows:

(b)  The department may include on the driver's license an authorization to operate a motorcycle [~~or moped~~] if the license holder has met all requirements for a Class M license.

SECTION 1.04.  Section 521.421(f), Transportation Code, as added by Chapter 1372 (H.B. 1200), Acts of the 75th Legislature, Regular Session, 1997, is redesignated as Section 521.421(g), Transportation Code, and amended to read as follows:

(g) [~~(f)~~]  If a Class A, B, or C driver's license includes an authorization to operate a motorcycle [~~or moped~~], the fee for the driver's license is increased by $8.

SECTION 1.05.  Section 522.029(f), Transportation Code, is amended to read as follows:

(f)  If a commercial driver's license includes an authorization to operate a motorcycle [~~or moped~~], the fee for the driver's license is increased by $8.

SECTION 1.06.  Section 522.041(e), Transportation Code, is amended to read as follows:

(e)  The holder of a commercial driver's license or commercial learner's permit may drive any vehicle in the class for which the license or permit is issued and lesser classes of vehicles except a motorcycle [~~or moped~~].  The holder may drive a motorcycle only if authorization to drive a motorcycle is shown on the commercial driver's license and the requirements for issuance of a motorcycle license have been met.

SECTION 1.07.  Sections 541.201(8) and (9), Transportation Code, are amended to read as follows:

(8)  "Moped" means a motor vehicle that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground, [~~motor-driven cycle~~] that cannot attain a speed in one mile of more than 30 miles per hour, and the engine of which:

(A)  cannot produce more than five-brake [~~two-brake~~] horsepower; and

(B)  if an internal combustion engine, has a piston displacement of 50 cubic centimeters or less and connects to a power drive system that does not require the operator to shift gears.

(9)  "Motorcycle" means a motor vehicle, other than a tractor or moped, that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground.

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01.  Section 345.251(a), Finance Code, is amended to read as follows:

(a)  A retail seller may charge a documentary fee for services rendered to, for, or on behalf of a retail buyer in handling and processing documents relating to the sale of a motorcycle, [~~motor-driven cycle,~~] moped, all-terrain vehicle, boat, boat motor, boat trailer, or towable recreational vehicle.

SECTION 2.02.  Section 501.002(17), Transportation Code, is amended to read as follows:

(17)  "Motor vehicle" means:

(A)  any motor driven or propelled vehicle required to be registered under the laws of this state;

(B)  a trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds 4,000 pounds;

(C)  a travel trailer;

(D)  an all-terrain vehicle or a recreational off-highway vehicle, as those terms are defined by Section 502.001, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state; or

(E)  a motorcycle [~~, motor-driven cycle,~~] or moped that is not required to be registered under the laws of this state.

SECTION 2.03.  Section 502.001(7), Transportation Code, is amended to read as follows:

(7)  "Commercial motor vehicle" means a motor vehicle, other than a motorcycle or moped, designed or used primarily to transport property. The term includes a passenger car reconstructed and used primarily for delivery purposes. The term does not include a passenger car used to deliver the United States mail.

SECTION 2.04.  Section 544.0075(b), Transportation Code, is amended to read as follows:

(b)  In addition to any other type of vehicle the presence of which the detector for the traffic-actuated electric traffic-control signal may register, the detector for a traffic-actuated electric traffic-control device to which this section applies must be capable of registering the presence of a motorcycle or moped.

SECTION 2.05.  Sections 545.065(a) and (c), Transportation Code, are amended to read as follows:

(a)  The Texas Transportation Commission by resolution or order recorded in its minutes may prohibit the use of a limited-access or controlled-access highway under the jurisdiction of the commission by a parade, funeral procession, pedestrian, bicycle, electric bicycle, motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less [~~motor-driven cycle~~], or nonmotorized traffic.

(c)  A local authority by ordinance may prohibit the use of a limited-access or controlled-access roadway under the jurisdiction of the authority by a parade, funeral procession, pedestrian, bicycle, electric bicycle, motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less [~~motor-driven cycle~~], or nonmotorized traffic.

SECTION 2.06.  Section 545.361(a), Transportation Code, is amended to read as follows:

(a)  An operator of a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less [~~motor-driven cycle~~] may not drive at a speed of more than 35 miles per hour during the time specified by Section 547.302(a) unless the motorcycle or moped [~~cycle~~] is equipped with a headlamp or lamps that reveal a person or vehicle 300 feet ahead.

SECTION 2.07.  Section 545.416, Transportation Code, is amended to read as follows:

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

(b)  An operator may not carry another person on the motorcycle or moped, and a person who is not operating the motorcycle or moped may not ride on the motorcycle or moped, unless the motorcycle or moped is:

(1)  designed to carry more than one person; and

(2)  equipped with footrests and handholds for use by the passenger.

(c)  If the motorcycle or moped 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 or moped behind or to the side of the operator.

(d)  Except as provided by Subsection (e), an operator may not carry another person on a motorcycle or moped 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 or moped in an emergency or for a law enforcement purpose.

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

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

SECTION 2.08.  Section 545.424, Transportation Code, is amended by adding Subsection (a-2) and amending Subsections (b) and (b-1) to read as follows:

(a-2)  Notwithstanding Subsection (a-1), a person under 18 years of age may operate a moped after midnight and before 5 a.m. if the person is in sight of the person's parent or guardian.

(b)  A person under 17 years of age who holds a restricted motorcycle license [~~or moped license~~] may not operate a motorcycle [~~or moped~~] while using a wireless communication device, except in case of emergency. This subsection does not apply to a person licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.

(b-1)  A person under 17 years of age who holds a restricted motorcycle license [~~or moped license~~], during the 12-month period following the issuance of an original motorcycle license [~~or moped license~~] to the person, may not operate a motorcycle [~~or moped~~] after midnight and before 5 a.m. unless:

(1)  the person is in sight of the person's parent or guardian; or

(2)  the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency.

SECTION 2.09.  Section 547.306, Transportation Code, is amended to read as follows:

Sec. 547.306.  LED GROUND EFFECT LIGHTING EQUIPMENT ON MOTORCYCLE OR MOPED. (a)  In this section, "LED ground effect lighting equipment" means light emitting diode (LED) technology that is attached to the underbody of a motorcycle or moped for the purpose of illuminating:

(1)  the body of the motorcycle or moped; or

(2)  the ground below the motorcycle or moped.

(b)  A person may operate a motorcycle or moped equipped with LED ground effect lighting that emits a non-flashing amber or white light.

SECTION 2.10.  Sections 547.333(a) and (d), Transportation Code, are amended to read as follows:

(a)  Unless provided otherwise, a headlamp, auxiliary driving lamp, auxiliary passing lamp, or combination of those lamps mounted on a motor vehicle, other than a motorcycle or moped [~~motor-driven cycle~~]:

(1)  shall be arranged so that the operator can select at will between distributions of light projected at different elevations; and

(2)  may be arranged so that the operator can select the distribution automatically.

(d)  A motor vehicle of a model year of 1948 or later, other than a motorcycle or moped [~~motor-driven cycle~~], that has multiple-beam lighting equipment shall be equipped with a beam indicator that is:

(1)  designed and located so that the lighted indicator is visible without glare to the vehicle operator; and

(2)  lighted only when the uppermost distribution of light is in use.

SECTION 2.11.  Sections 547.383(a) and (b), Transportation Code, are amended to read as follows:

(a)  A vehicle, other than a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less [~~motor-driven cycle~~], shall be equipped with at least one lamp, or a combination of lamps, that:

(1)  emits a white or amber light visible at a distance of 1,000 feet from the front and a red light visible at a distance of 1,000 feet from the rear; and

(2)  is mounted so that at least one lamp is installed as near as practicable to the side of the vehicle that is closest to passing traffic.

(b)  A vehicle, other than a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less [~~motor-driven cycle~~], that is parked or stopped on a roadway or shoulder at a time specified in Section 547.302(a) shall display a lamp that complies with Subsection (a).

SECTION 2.12.  Section 547.404(a), Transportation Code, is amended to read as follows:

(a)  A vehicle required to have brakes by this subchapter, other than a motorcycle or moped [~~motor-driven cycle~~], shall be equipped with parking brakes adequate to hold the vehicle:

(1)  on any grade on which the vehicle is operated;

(2)  under all loading conditions; and

(3)  on a surface free from snow, ice, or loose material.

SECTION 2.13.  Section 547.408(a), Transportation Code, is amended to read as follows:

(a)  A motor vehicle or combination of vehicles shall be equipped with service brakes capable of:

(1)  developing a braking force that is not less than:

(A)  52.8 percent of the gross weight of the vehicle for a passenger vehicle; or

(B)  43.5 percent of the gross weight of the vehicle for a vehicle other than a passenger vehicle;

(2)  decelerating to a stop from 20 miles per hour or less at not less than:

(A)  17 feet per second per second for a passenger vehicle; or

(B)  14 feet per second per second for other vehicles; and

(3)  stopping from a speed of 20 miles per hour in a distance, measured from the location where the service brake pedal or control is activated, of not more than:

(A)  25 feet for a passenger vehicle;

(B)  30 feet for a motorcycle, moped [~~motor-driven cycle~~], or single unit vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or less;

(C)  40 feet for:

(i)  a single unit vehicle with a manufacturer's gross weight rating of more than 10,000 pounds;

(ii)  a two-axle towing vehicle and trailer combination with a weight of 3,000 pounds or less;

(iii)  a bus that does not have a manufacturer's gross weight rating; and

(iv)  the combination of vehicles in an operation exempted by Section 547.407(b); and

(D)  50 feet for other vehicles.

SECTION 2.14.  Section 547.617, Transportation Code, is amended to read as follows:

Sec. 547.617.  MOTORCYCLE AND MOPED FOOTRESTS AND HANDHOLDS REQUIRED. (a) A motorcycle or moped that is designed to carry more than one person must be equipped with footrests and handholds for use by the passenger.

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

SECTION 2.15.  The heading to Subchapter M, Chapter 547, Transportation Code, is amended to read as follows:

SUBCHAPTER M. ADDITIONAL OR ALTERNATIVE EQUIPMENT REQUIREMENTS FOR MOTORCYCLES AND MOPEDS [~~MOTOR-DRIVEN CYCLES~~]

SECTION 2.16.  Sections 547.801(a), (b), and (c), Transportation Code, are amended to read as follows:

(a)  A motorcycle or a moped [~~, including a motor-driven cycle,~~] shall be equipped with:

(1)  not more than two headlamps mounted at a height from 24 to 54 inches;

(2)  at least one taillamp mounted at a height from 20 to 72 inches;

(3)  a taillamp or separate lamp to illuminate the rear license plate that complies with the requirements of Sections 547.322(f) and (g);

(4)  at least one stoplamp that complies with the requirements of Section 547.323(d); and

(5)  at least one rear red reflector that complies with the requirements of Section 547.325(b) and may be included as a part of the taillamp.

(b)  A motorcycle, other than a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less [~~motor-driven cycle~~], shall be equipped with multiple-beam lighting equipment that produces:

(1)  an uppermost distribution of light that reveals a person or vehicle at a distance of at least 300 feet ahead; and

(2)  a lowermost distribution of light that:

(A)  reveals a person or vehicle at a distance of at least 150 feet ahead; and

(B)  is aimed so that no part of the high-intensity portion of the beam on the motorcycle that is on a straight and level road under any condition of loading projects into the eyes of an approaching vehicle operator.

(c)  A moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less [~~motor-driven cycle~~] shall be equipped with:

(1)  multiple-beam lighting equipment that complies with the requirements of Subsection (b); or

(2)  single-beam lighting equipment that:

(A)  emits light sufficient to reveal a person or vehicle:

(i)  at a distance of at least 100 feet when the moped or motorcycle [~~cycle~~] is operated at a speed less than 25 miles per hour;

(ii)  at a distance of at least 200 feet when the moped or motorcycle [~~cycle~~] is operated at a speed of 25 miles per hour or more; and

(iii)  at a distance of at least 300 feet when the moped or motorcycle [~~cycle~~] is operated at a speed of 35 miles per hour or more; and

(B)  is aimed so that no part of the high-intensity portion of the beam from the lamp on a loaded moped or motorcycle [~~cycle~~] projects a beam higher than the level center of the lamp for a distance of 25 feet ahead.

SECTION 2.17.  Section 547.802, Transportation Code, is amended to read as follows:

Sec. 547.802.  BRAKE EQUIPMENT. (a) If a motorcycle or a moped[~~, including a motor-driven cycle,~~] complies with the performance requirements of Section 547.408, brakes are not required on the wheel of a sidecar attached to the motorcycle or moped [~~cycle~~].

(b)  If a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less [~~motor-driven cycle~~] complies with the performance standards of Section 547.408, brakes are not required on the front wheel of the moped or motorcycle [~~cycle~~].

(c)  The director may require an inspection of the [~~a motor-driven cycle~~] braking system of a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less and may disapprove a system that:

(1)  does not comply with the brake performance requirements in Section 547.408; or

(2)  is not designed or constructed to ensure reasonable and reliable performance during actual use.

SECTION 2.18.  Section 551.351(2), Transportation Code, is amended to read as follows:

(2)  "Pocket bike or minimotorbike" means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter 501. The term does not include:

(A)  a moped or motorcycle;

(B)  an electric bicycle [~~or motor-driven cycle, as defined by Section 541.201~~];

(C)  a motorized mobility device, as defined by Section 542.009;

(D)  an electric personal assistive mobility device, as defined by Section 551.201; or

(E)  a neighborhood electric vehicle, as defined by Section 551.301.

SECTION 2.19.  Section 662.011(a), Transportation Code, is amended to read as follows:

(a)  Of each fee collected under Sections 521.421(b) and (g) [~~(f)~~] and Sections 522.029(f) and (g), the Department of Public Safety shall send $5 to the comptroller for deposit to the credit of the motorcycle education fund account.

ARTICLE 3. REPEALER

SECTION 3.01.  The following provisions of the Transportation Code are repealed:

(1)  Section 521.224(a);

(2)  Section 521.225; and

(3)  Section 541.201(10).

ARTICLE 4. TEXAS MOBILITY FUND

SECTION 4.01.  As soon as practicable after the effective date of this Act, the comptroller of public accounts shall:

(1)  determine whether any transfer of money for deposit to the Texas mobility fund is necessary to comply with Section 49-k, Article III, Texas Constitution; and

(2)  transfer any amount determined to be necessary under Subdivision (1) to the Texas mobility fund from the general revenue fund.

ARTICLE 5. EFFECTIVE DATE

SECTION 5.01.  This Act takes effect September 1, 2019.

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