

BILL ANALYSIS

C.S.H.B. 439
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the current definition of motorcycle in state law is too narrow, which could prevent the private sector from innovating. C.S.H.B. 439 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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.H.B. 439 amends the Transportation Code to establish that an autocycle is considered to be a motorcycle for the purposes of issuing a title to a vehicle and registering a vehicle. The bill defines "autocycle" as a motor vehicle, other than a tractor, that is designed to have when propelled not more than three wheels on the ground, equipped with a steering wheel, equipped with seating that does not require the operator to straddle or sit astride the seat, and manufactured and certified to comply with federal safety requirements for a motorcycle.

C.S.H.B. 439 clarifies the definitions of motorcycle and moped that apply to the authorization of the holder of a Class M driver's license to operate those vehicles. The bill specifies that the authorization of a driver's license holder to 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 does not prohibit the license holder from operating an autocycle. The bill establishes that an autocycle is considered a motorcycle for purposes of statutory provisions relating to the seat on which a motorcycle passenger may ride and the minimum age of a motorcycle passenger.

C.S.H.B. 439 exempts an autocycle and certain enclosed three-wheeled passenger vehicles from the requirement that a motorcycle designed to carry more than one person be equipped with footrests and handholds for use by the passenger. The bill establishes that an autocycle is considered a motorcycle for purposes of statutory provisions relating to protective headgear for motorcycle operators and passengers.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 439 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 541.201(9), Transportation Code, is amended to read as follows:

(9) "Motorcycle" means a motor vehicle, other than a tractor, that is:

(A) equipped with a rider's saddle or a seat for the use of:

(i) a rider; and

(ii) a passenger, if the motor vehicle is designed or used primarily to transport a passenger; and

(B) designed to have when propelled not more than three wheels on the ground.

No equivalent provision.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

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

Sec. 501.008. TITLE FOR AUTOCYCLE.

(a) In this section, "autocycle" means a motor vehicle, other than a tractor, that is:

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

(2) equipped with a steering wheel;

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

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

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

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

Sec. 502.004. REGISTRATION OF AUTOCYCLE.

(a) In this section, "autocycle" means a motor vehicle, other than a tractor, that is:

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

(2) equipped with a steering wheel;

(3) equipped with seating that does not require the operator to straddle or sit astride

the seat; and
(4) manufactured and certified to comply with federal safety requirements for a motorcycle.

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

No equivalent provision.

SECTION 3. 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.

No equivalent provision.

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

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

No equivalent provision.

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

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

No equivalent provision.

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

Sec. 547.617. MOTORCYCLE FOOTRESTS AND HANDHOLDS REQUIRED. (a) A motorcycle 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).

No equivalent provision.

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

Sec. 661.0015. PROTECTIVE HEADGEAR

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

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

(2) equipped with a steering wheel;

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

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

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

SECTION 2. This Act takes effect September 1, 2015.

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