

SUBJECT: Changing classification of mopeds, removing certain license requirements

COMMITTEE: Transportation — favorable, without amendment

VOTE: 10 ayes — Canales, Landgraf, Bernal, Y. Davis, Hefner, Krause, Leman, Martinez, Ortega, E. Thompson

0 nays

3 absent — Goldman, Raney, Thierry

WITNESSES: For — Frank Reig, Revel Transit Inc.; (*Registered, but did not testify*: Jay Propes, Harley Davidson Motor Company)

Against — (*Registered, but did not testify*: Ken Olson)

On — (*Registered, but did not testify*: Jeremiah Kuntz, Texas Department of Motor Vehicles)

BACKGROUND: Transportation Code sec. 521.225 prohibits an individual from operating a moped without a driver's license. An applicant for a moped license must be at least 15 years old and take a written examination relating to traffic laws applicable to the operation of mopeds.

Sec. 521.224 allows the issuance of a special restricted Class M license authorizing certain individuals to operate a motorcycle that has no more than a 250 cubic centimeter piston displacement.

Sec. 521.084 allows an individual with a Class M driver's license to operate a motorcycle or moped. Under secs. 521.421 and 522.029, a Class A, B, or C driver's license or commercial driver's license or permit also could include an authorization to operate a moped for an additional fee of \$8.

Sec. 541.201 defines "moped" as a motor-driven cycle that cannot attain a speed of more than 30 miles per hour in one mile, with an engine that

cannot produce more than two-brake horsepower and a piston displacement of 50 cubic centimeters or less, connected to a power drive system that does not require the operator to shift gears.

"Motor-driven cycle" means a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less. The term does not include an electric bicycle.

Some suggest that current law should be updated to clarify the classification of mopeds and to allow more individuals to operate a moped without certain license requirements.

**DIGEST:**

HB 3171 would repeal the moped license and amend the Class M license so that it no longer authorized the license holder to operate a moped. The bill also would remove the additional fee to operate a moped under a Class A, B, or C license or commercial license or permit.

The bill would amend the statutory definition of "moped" to mean a motor vehicle equipped with a rider's saddle and no more than three wheels that could not attain a speed of more than 30 miles per hour in one mile, with an engine that could not produce more than five-brake horsepower and a piston displacement of 50 cubic centimeters or less that connected to a power drive system that did not require the operator to shift gears.

HB 3171 would remove the statutory definition of a "motor-driven cycle" and specify that the definition of a "motorcycle" did not include a moped. The bill would make conforming changes related to the classification of a motorcycle or moped as applicable in law.

As soon as practicable after the effective date of the bill, the comptroller would have to determine whether any transfer of money for deposit to the Texas Mobility Fund was necessary to comply with the Texas Constitution and transfer any amount necessary from the general revenue fund.

The bill would take effect September 1, 2019.

NOTES: According to the Legislative Budget Board, the bill would have a negative impact of about \$42,000 to general revenue related funds in fiscal 2020-21.