

BILL ANALYSIS

Senate Research Center
83R8589 JRR-F

S.B. 763
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Transportation
3/19/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current Texas law requires a motorcyclist to complete a motorcycle training course to obtain a Class M "motorcycle" license. There are currently separate two-wheeled motorcycle and three-wheeled motorcycle training courses offered. Current statute mandates that motorcycle training curricula include Motorcycle Safety Foundation curricula, limiting the flexibility of the Department of Public Safety of the State of Texas (DPS) in approving otherwise appropriate curricula.

The Motorcycle Safety Foundation curricula requirements for three-wheeled motorcycle courses make those courses very costly for course operators. As a result, three-wheeled motorcycle training courses are not widely available. This is limiting for motorcyclists who do not wish to or cannot drive a two-wheeled motorcycle (perhaps due to a physical disability) but want to drive a three-wheeled cycle.

S.B. 763 changes from mandatory to optional whether curricula includes the curricula developed by a particular foundation, giving DPS the flexibility to authorize other curricula that meet the statutory and regulatory requirements of Texas.

The bill also adds a three-wheeled restriction to the Class M license of those Texans who take only a three-wheeled training course. Currently, a motorcyclist who has only taken a three-wheeled training course can obtain a Class M license which permits them to legally operate a two-wheeled motorcycle. However, two-wheeled motorcycles are inherently more dangerous and require special skills and training to operate.

Finally, S.B. 763 allows DPS to deny, suspend, or cancel approval of a training program sponsor or instructor immediately, providing the opportunity for a hearing and appeal at that point rather than allowing the person or entity to continue operating during an appeal. It would eliminate continuing to operate a training program while waiting for an administrative hearing, which can take several months.

As proposed, S.B. 763 amends current law relating to motorcycle training and the license requirements for a three-wheeled motorcycle, and creates an offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.148(a), Transportation Code, as follows:

- (a) Requires 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 to furnish to the Department of Public Safety of the State of Texas (DPS) evidence satisfactory to DPS that the applicant has successfully completed a motorcycle operator training course, rather than a basic motorcycle operator training course, approved by DPS under Chapter 662. Requires DPS to 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 2. Amends Section 662.002(b), Transportation Code, to authorize, rather than require, the program to include curricula developed by the Motorcycle Safety Foundation.

SECTION 3. Amends Section 662.006, Transportation Code, as follows:

Sec. 662.006. UNAUTHORIZED TRAINING PROHIBITED. (a) Creates this subsection from existing text. Prohibits a person from offering or conducting training in motorcycle operation for consideration unless the person is licensed by or contracts with the designated state agency.

(b) Provides that a person who violates Subsection (a) commits an offense. Provides that 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 4. Amends Section 662.008(b), Transportation Code, to require that, following denial, suspension, or cancellation of, rather than before the designated state agency is authorized to deny, suspend, or cancel, the approval of a program sponsor or an instructor, notice and opportunity for hearing be given as provided by Chapter 2001 (Administrative Procedure), Government Code, and Chapter 53 (Consequences of Criminal Conviction), Occupations Code.

SECTION 5. Effective date: September 1, 2013.