

## **BILL ANALYSIS**

Senate Research Center

H.B. 3171  
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Transportation  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Zero-emission battery-powered mopeds are becoming more available and more common on Texas roads. Like internal combustion engine-powered mopeds, these electric mopeds cannot attain a speed of more than 30 miles per hour within one mile. However, these electric mopeds weigh more and thus require up to five-brake horsepower to achieve the same speed. Therefore, under current law, low-speed, electric mopeds are considered motorcycles requiring a full, Class M motorcycle driver's license to operate.

To be licensed to operate a low-speed moped in Texas legally, drivers must complete the motorcycle safety course, even though mopeds are defined separately in statute. To operate a low-speed electric moped, drivers must also complete a motorcycle driving course on a motorcycle.

Texas is one of only four remaining states that require a special license beyond a standard driver's license to operate a low-speed moped. Eliminating this requirement will make the state's administration of its motor vehicle safety programs and motor vehicle licensure programs more efficient.

H.B. 3171 amends current law to include both electric and internal combustion engine powered mopeds in the statutory definition of the term moped and ensure neither are considered motorcycles. Therefore, persons wishing to apply for a license to operate such mopeds would only be required to obtain a standard Class C driver's license rather than obtaining any sort of specialized Class M motorcycle license.

H.B. 3171 amends current law relating to the classification and operation of mopeds and certain motorcycles.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Department of Public Safety of the State of Texas is rescinded in SECTION 3.01 (Section 521.225, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

#### ARTICLE 1. MOPED OPERATION

SECTION 1.01. Amends Section 521.084, Transportation Code, as follows:

Sec. 521.084. CLASS M LICENSE. Provides that a Class M driver's license authorizes the holder of the license to operate a motorcycle, rather than a motorcycle or moped, as defined by Section 541.201 (Vehicles).

SECTION 1.02. Amends Section 521.085(a), Transportation Code, as follows:

(a) Authorizes certain license holders, unless prohibited by Chapter 522 (Commercial Driver's Licenses), and except as provided by Subsection (b) (relating to providing that Subsection (a) does not prohibit a license holder from operating certain types of lesser vehicles), 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, rather than other than a motorcycle or moped.

SECTION 1.03. Amends Section 521.122(b), Transportation Code, to authorize the Department of Public Safety of the State of Texas (DPS) to include on a driver's license an authorization to operate a motorcycle, rather than a motorcycle or moped, if the license holder has met all requirements for a Class M license.

SECTION 1.04. Redesignates Section 521.421(f), Transportation Code, as added by Chapter 1372 (H.B. 1200), Acts of the 75th Legislature, Regular Session, 1997, as Section 521.421(g), Transportation Code, and amends it to provide that if a Class A, B, or C driver's license includes an authorization to operate a motorcycle, rather than a motorcycle or moped, the fee for the driver's license is increased by eight dollars.

SECTION 1.05. Amends Section 522.029(f), Transportation Code, to provide that if a commercial driver's license includes an authorization to operate a motorcycle, rather than a motorcycle or moped, the fee for the driver's license is increased by eight dollars.

SECTION 1.06. Amends Section 522.041(e), Transportation Code, to authorize the holder of a commercial driver's license or commercial learner's permit to drive any vehicle in the class for which the license or permit is issued and lesser classes of vehicles except a motorcycle, rather than a motorcycle or moped.

SECTION 1.07. Amends Sections 541.201(8) and (9), Transportation Code, as follows:

(8) Makes a nonsubstantive change and defines "moped" as 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, rather than a 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 horsepower, rather than two-brake, horsepower; and

(B) makes no changes to this paragraph.

(9) Defines "motorcycle" as a motor vehicle, other than a tractor or moped, rather than other than a tractor, 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. Amends Section 345.251(a), Finance Code, to delete motor-driven cycle from among the vehicles for which a retail seller is authorized to charge a documentary fee for services rendered to, for, or on behalf of a retail buyer.

SECTION 2.02. Amends Section 501.002(17), Transportation Code, to delete a motor-driven cycle that is not required to be registered under the laws of this state from among certain vehicles in the definition of "motor vehicle."

SECTION 2.03. Amends Section 502.001(7), Transportation Code, to redefine "commercial motor vehicle" as a motor vehicle other than a motorcycle or moped, rather than other than a motorcycle, designed or used primarily to transport property.

SECTION 2.04. Amends Section 544.0075(b), Transportation Code, to include a moped among certain vehicles the presence of which the detector for a traffic-actuated electric traffic-control device to which this section (Certain Traffic-Actuated Electric Traffic-Control Signals) applies is required to be capable of registering.

SECTION 2.05. Amends Sections 545.065(a) and (c), Transportation Code, as follows:

(a) Authorizes the Texas Transportation Commission (TTC) by resolution or order recorded in its minutes to prohibit use of a limited-access or controlled-access highway under the jurisdiction of TTC by certain users and vehicles, including a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less, rather than a motor-driven cycle.

(c) Makes a conforming change to this subsection.

SECTION 2.06. Amends Section 545.361(a), Transportation Code, as follows:

(a) Prohibits an operator of a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less, rather than an operator of a motor-driven cycle, from driving at a speed of more than 35 miles per hour during the time specified by Section 547.302(a) (relating to requiring a vehicle to display each lighted lamp and illuminating device required by this chapter (Vehicle Equipment) to be on the vehicle at certain times) unless the motorcycle or moped, rather than the cycle, is equipped with a headlamp or lamps that reveal a person or vehicle 300 feet ahead.

SECTION 2.07 Amends Section 545.424, Transportation Code, by adding Subsection (a-2) and amending Subsections (b) and (b-1), as follows:

(a-2) Authorizes a person under 18 years of age, notwithstanding Subsection (a-1) (relating to prohibiting a person under 18 years of age from operating a motor vehicle under certain conditions), to operate a moped after midnight and before 5 a.m. if the person is in sight of the person's parent or guardian.

(b) Prohibits a person under 17 years of age who holds a restricted motorcycle license, rather than motorcycle license or moped license, from operating a motorcycle, rather than a motorcycle or moped, while using a wireless communication device, except in case of emergency.

(b-1) Makes conforming changes to this subsection.

SECTION 2.08. Amends Section 547.306, Transportation Code, as follows:

Sec. 547.306. New heading: LED GROUND EFFECT LIGHTING EQUIPMENT ON MOTORCYCLE OR MOPED. (a) Defines "LED ground effect lighting equipment."

(b) Authorizes a person to operate a motorcycle or moped, rather than a motorcycle, equipped with LED ground effect lighting that emits a non-flashing amber or white light.

SECTION 2.09. Amends Sections 547.333(a) and (d), Transportation Code, as follows:

(a) Provides that, 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, rather than other than a motorcycle or motor-driven cycle, has certain requirements and authorizations.

(d) Requires a motor vehicle of a model year of 1948 or later, other than a motorcycle or moped, rather than other than a motorcycle or motor-driven cycle, that has multiple-beam lighting equipment to be equipped with a beam indicator that has certain attributes.

SECTION 2.10. Amends Sections 547.383(a) and (b), Transportation Code, as follows:

(a) Requires 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, rather than other than a motor-driven cycle, to be equipped with at least one lamp, or a combination of lamps that have certain attributes.

(b) Requires 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, rather than other than a motor-driven cycle, that is parked or stopped on a roadway or shoulder at a time specified in Section 547.302(a) to display a lamp that complies with Subsection (a).

SECTION 2.11. Amends Section 547.404(a), Transportation Code, as follows:

(a) Requires a vehicle required to have brakes by this subchapter (Provisions Relating to Brake Requirements on Vehicles), other than a motorcycle or moped, rather than other than a motorcycle or motor-driven cycle, to be equipped with parking brakes adequate to hold the vehicle on certain surfaces.

SECTION 2.12. Amends Section 547.408(a), Transportation Code, as follows:

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

(1) and (2) makes no changes to these subdivisions; 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) makes no changes to this paragraph;

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

(C) and (D) makes no changes to these paragraphs.

SECTION 2.13. Amends Section 547.617, Transportation Code, as follows:

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

(b) Makes no changes to this subsection.

SECTION 2.14. Amends the heading to Subchapter M, Chapter 547, Transportation Code, to read as follows:

**SUBCHAPTER M. ADDITIONAL OR ALTERNATIVE EQUIPMENT  
REQUIREMENTS FOR MOTORCYCLES AND MOPEDS**

SECTION 2.15. Amends Sections 547.801(a), (b), and (c), Transportation Code, as follows:

(a) Requires a motorcycle or a moped, rather than a motorcycle, including a motor-driven cycle, to be equipped with certain equipment.

(b) Requires a motorcycle, other than a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less, rather than other than a motor-driven cycle, to be equipped with certain multi-beam lighting equipment.

(c) Requires a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less, rather than a motor-driven cycle, to be equipped with certain equipment.

SECTION 2.16. Amends Section 547.802, Transportation Code, as follows:

Sec. 547.802. BRAKE EQUIPMENT. (a) Provides that if a motorcycle or a moped complies with the performance requirements of Section 547.408 (Performance Requirements For Brakes), brakes are not required on the wheel of a sidecar attached to the motorcycle or moped, rather than providing that if a motorcycle, 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 cycle.

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

(c) Authorizes the public safety director of DPS (director) to require an inspection of the braking system of a moped or a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less, rather than requiring an inspection of a motor-driven cycle breaking system, and authorizes the director to disapprove a system that does not meet certain specifications.

SECTION 2.17. Amends Section 551.351(2), Transportation Code, as follows:

(2) Provides that the term "pocket bike or minimotorbike" does not include:

(A) makes no changes to this paragraph;

(B) an electric bicycle, rather than an electric bicycle or motor-driven cycle, as defined by Section 541.201 (Vehicles); or

(C)-(E) makes no changes to these paragraphs.

SECTION 2.18. Amends Section 662.011(a), Transportation Code, as follows:

(a) Requires DPS, of each fee collected under Sections 521.421(b) (relating to the fee for renewal of a Class M license) and (g) and Sections 522.029(f) (relating to the fee for a commercial driver's license that includes an authorization to operate a motorcycle or moped) and (g) (relating to the fee for an examination for additional authorization to operate a motorcycle), rather than each fee collected under Sections 521.421(b) and (f) and Sections 522.029(f) and (g), to send five dollars to the comptroller of public accounts of the State of Texas (comptroller) for deposit to the credit of the motorcycle education fund account.

### ARTICLE 3. REPEALER

SECTION 3.01. Repealer: Section 521.224(a) (defining "motorcycle"), Transportation Code.

Repealer: Section 541.225 (Moped License), Transportation Code.

Repealer: Section 521.201(10) (defining "motor-driven cycle"), Transportation Code.

### ARTICLE 4. TEXAS MOBILITY FUND

SECTION 4.01. Requires the comptroller, as soon as practicable after the effective date of this Act, to:

(1) determine whether any transfer of money for deposit to the Texas mobility fund is necessary to comply with Section 49-k (Texas Mobility Fund), 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. Effective date: September 1, 2019.