

New Motorcycle Laws

Effective September 1, 2009

By: DDie of the Texas Motorcycle Safety Coalition & Shelly Horan

Motorcyclists are celebrating a "win" in this year's Texas Legislative Session – Texas Senate Bill 1967 (SB1967), authored by Senator John Carona (R-Dallas) and sponsored by Representative Norma Chavez (D-El Paso). Governor Rick Perry signed the bill into law on June 19, 2009, with an effective date September 1, 2009. This new law introduces many motorcycle-related changes in the Lone Star State that affect all riders:

- Funding by the Texas Department of Transportation (TXDOT) for a public awareness campaign to promote motorcyclist safety and the concept of sharing the road with motorcyclists (an extension of the [Look, Learn, Live](#) campaign introduced in 2008);
- Changes to the definition of a motorcycle to include certain enclosed three-wheeled passenger vehicles;
- Changes to the licensing requirements for enclosed three-wheeled passenger vehicles;
- A requirement for all applicants for a motorcycle license, or endorsement on a regular or commercial driver's license, to provide proof of successful completion of an approved basic motorcycle operator training course, such as that offered by the Motorcycle Safety Foundation (MSF);
- Penalties for failure to yield the right-of-way violations resulting in bodily injury range from \$500 to \$2,000, while those resulting in serious bodily injury range from \$1,000 to \$4,000;
- A prohibition against law enforcement stopping or detaining a motorcycle operator, or passenger, solely to determine whether the person has successfully completed a motorcycle operator training and safety course or is covered by a health insurance plan;
- A requirement for the Department of Transportation to develop a standard of proof of health insurance coverage for adult motorcycle operators and passengers; and
- A requirement that all driver education courses or driving safety courses include information on motorcycle awareness, dangers of failure to yield the right-of-way to motorcyclists, and the need to share the road with motorcyclists.

What does this mean to riders in Texas?

- There has long been the requirement of having the motorcycle endorsement/license to legally operate a motorcycle in the state of Texas. Right now, you may have the option of taking a basic riders

course to replace the riding portion of the test. Effective September 1, an approved basic rider course will now be required in order to apply and test for the motorcycle endorsement.

- Many ride without a motorcycle license/endorsement. This new requirement will increase those numbers. In response to this probability, if caught driving a motorcycle after September 1 without the motorcycle endorsement, law enforcement officials may confiscate your bike until proof of attendance in Motorcycle Riding Course.

EDITOR'S NOTE: Currently scheduled classes are filling up fast, additional class dates will be slow to come online, and prices will most likely increase. So, if you're riding without your motorcycle endorsement, make arrangements and get it now. More on this coming in our August issue from David Y of Awesome Cycles in Houston, an MSF course provider.

- For those "old salts" who have been riding for years, The Texas Department of Public Safety (DPS) is testing a pilot Advanced Basic Riding Course. This will be a shorter course than the two-day basic for beginners. At this time, it is unknown when this will be available.
- **FINALLY**, increases in failure to yield right-of-way! Hopefully, stiffer penalties will help, even if indirectly, with motorcycle awareness in general.
- The Texas Education Agency (TEA) had already started providing materials about motorcycle awareness to drivers' education classes. With the new funding, new materials can be developed and distributed.
- You will see more motorcycle awareness promotions coming from TXDOT, the Texas Transportation Institute, and the Texas Motorcycle Safety Council.
- For riders who have fought for the right to ride without a helmet – **SUCCESS!** The round sticker on the license plate for not wearing a helmet goes away... and having to show the dollar value of insurance on insurance card goes away. Insurance is still required, but a specific dollar amount is not longer stated.
- Law enforcement cannot just pull us over because we are not wearing helmets. However, keep in mind, they can still pull you over for other perceived violations and then check for proper licensing and insurance, just as they will with cage drivers.
- The money collected from the motorcycle endorsement had been earmarked for



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campaigns. Over the last few years, the government has been "borrowing" from this account, which left funding for these programs short. This law puts the funds back.

There may be some back lash from law enforcement or, some officers on the street may not get the news quickly (taking up to three years in some cases when traffic laws change). Sputnik advises all riders to print out a copy of this bill and keep it on their motorcycles; it may save you some hassle. Visit [ThunderRoadsTexas.com](#) to download a PDF file of the bill text and/or the Committee Report.

[Texas ABATE](#) and the [Texas Motorcycle Rights Association](#) (TMRA) continue to fight for the rights of motorcyclists around the state. They have a lot of work to do before the next Texas Legislative Session in 2011 (held every two years). They will be working closely with TXDOT, TTI, DPS along with various motorcycle awareness groups throughout the state to help implement the training and awareness campaigns for which this particular law provides. If you have any awareness campaign ideas or want to see what's up, visit [TexasABATE.org](#) or [TMRA2.org](#).

A special thanks to DDie, who has too many titles and associations to list here, for an update on this information for our readers. If you want to ask him questions or provide some ideas for motorcycle awareness campaigns, feel free to contact him directly at Gump69@gt.rr.com.

