

Applicable Motorcycle Laws in a Nutshell

A. What is a Motorcycle?

It is a motor vehicle – **Texas Transportation Code 502.001(12)** "Motorcycle" means a motor vehicle designed to propel itself with not more than three wheels in contact with the ground. The term does not include a tractor.

Moped – Treat as a Motorcycle

Defined in **Texas Transportation Code §541.201(8)** as a “motor-driven cycle that cannot attain a speed in one mile of more than 30 miles per hour and the engine is not more than 2 brake horsepower and is 50 cc’s or less and has an automatic transmission.”

Registration is required

Texas Transportation Code §502.007

Sec.502.007 MOPEDES.

(a)For the registration purposes of this chapter, a moped is treated as if it were a motorcycle.

(b)A license plate issued for a moped must have a distinctive lettering designation and include the word "moped."

Motor-driven Cycle

Defined in **Texas Transportation Code §541.201(10)** as 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.”

Registration is required.

Texas Transportation Code §502.007 and §502.405.

Motorcycle

Defined in **Texas Transportation Code §502.001(12)** as a “motor vehicle designed to propel itself with not more than three wheels in contact with the ground. The term does not include a tractor.

Defined in **Texas Transportation Code §541.201(9)** as a motor vehicle, 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.

Registration is required.

Texas Transportation Code §502.007 and §502.405.

B. Motorcycle License

A person, other than a person expressly exempted under this chapter, may not operate a motor vehicle on a highway in this state unless the person holds a driver’s license issued under this chapter. **Texas Transportation Code §521.021**

You must complete a motorcycle safety class before you can get a motorcycle license (endorsement). **Texas Transportation Code §521.148**

A Class M driver's license authorizes the holder of the license to operate a motorcycle or moped. **Texas Transportation Code §521.084**

A Motorcycle license authorizes the driving of a motorcycle, motor-driven cycle or moped on the public roadways. **Texas Administrative Code – 37 TAC 15.6**

Unless prohibited by Chapter 522, the license holder may 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. **Texas Transportation Code §521.085**

Type of Vehicle required to be indicated on License.

- (a) The department shall show on each driver's license the general type of vehicle that the license holder is authorized to operate.
- (b) The department may include on the driver's license an authorization to operate a motorcycle or moped if the license holder has met all requirements for a Class M license. **Texas Transportation Code §521.122**

Motorcycle Road Test Requirements

- (a) An applicant required to submit to a motorcycle road test must provide a passenger vehicle and a licensed driver to convey the license examiner during the road test.
- (b) The department may refuse to administer any part of the road test to an applicant who fails to comply with subsection (a). **Texas Transportation Code §521.166**

Imposition of Special Restrictions and Endorsements (for any type of license), see Texas Transportation Code §521.221

Restricted Class M License

The restricted Class M provisions are found at **Texas Transportation Code §521.224**

Class M with restriction code I – allows operation of any motorcycle or moped 250cc or less. **Texas Transportation Code §521.224**

Class M with restriction code K – allows operation of an approved moped. **Texas Transportation Code §521.225.**

Class M with restriction code J – allows operation of a motorcycle with licensed motorcycle operator over 21 within sight.

C. Helmets

Helmet required by Texas Transportation Code Chapter 661:

- (a) A person commits an offense if the person
 - (1) operates or rides as a passenger on a motorcycle on a public street or highway; and
 - (2) is not wearing protective headgear that meets safety standards adopted by the department.

- (b) A person commits an offense if the person carries on a motorcycle on a public street or highway a passenger who is not wearing protective headgear that meets safety standards adopted by the department. (Trans. Code §661.002)

- (c) It is an exception to the application of Subsection (a) or (b) that at the time the offense was committed, the person required to wear protective headgear was at least 21 years old and had successfully completed a motorcycle operator training and safety course under Chapter 662 or was covered by a health insurance plan providing the person with at least \$10,000 in medical benefits for injuries incurred as a result of an accident while operating or riding on a motorcycle. A peace officer may not arrest a person or issue a citation to a person for a violation of Subsection (a) or (b) if the person required to wear protective headgear is at least 21 years of age and presents evidence sufficient to show that the person required to wear protective headgear has successfully completed a motorcycle operator training and safety course or is covered by a health insurance plan as described by this subsection.

- (d) The department shall issue a sticker to a person who:
 - (1) is at least 21 years old;
 - (2) applies to the department on a form provided by the department;
 - (3) provides the department with evidence satisfactory to the department showing that the person:
 - (A) is the owner of a motorcycle that is currently registered in this state; and
 - (B) has successfully completed the training and safety course described by Subsection (c) or has the insurance coverage described by that subsection; and
 - (4) pays a fee of \$5 for the sticker.

- (e) A person may apply to the department for a sticker for each motorcycle owned by the applicant.

- (f) A sticker issued by the department under Subsection (d) expires on the third anniversary of the date of issuance.

- (g) A person operating or riding as a passenger on a motorcycle that displays on the license plate of the motorcycle or the license plate mounting bracket a sticker issued by the department under Subsection (d) is presumed to have successfully completed the training and safety course described by Subsection (c) or to have the insurance coverage described by that subsection.
- (h) An offense under this section is a misdemeanor punishable by a fine of not less than \$10 or more than \$50.
- (i) In this section, "health insurance plan" means an individual, group, blanket, or franchise insurance policy, insurance agreement, evidence of coverage, group hospital services contract, health maintenance organization membership, or employee benefit plan that provides benefits for health care services or for medical or surgical expenses incurred as a result of an accident.

A Peace Officer has the right to inspect protective headgear – Texas Transportation Code §661.004. Any peace officer may stop and detain a person who is a motorcycle operator or passenger to inspect the person's protective headgear for compliance with the safety standards prescribed by the department.

D. Laws Applicable to passengers

- 1. Helmets – **Texas Transportation Code Chapter 661** applies to passengers as it does to operators.
- 2. A passenger can't ride on a motorcycle unless it is designed (has seating) for two. **Texas Transportation Code §545.416 (b) & (c).**

E. Motorcycle Safety and Awareness Class

Requirements and Organization are found in Texas Transportation Code Chapter 662.

For use as a substitute for a Driving Safety Course – Code of Criminal Procedure Art. 45.0511 (specifically) -

(b) The judge shall require the defendant to successfully complete a driving safety course approved by the Texas Education Agency or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code, if:

- (1) the defendant elects driving safety course or motorcycle operator training course dismissal under this article;
- (2) the defendant:
 - (A) has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12 months preceding the date of the offense;

DSC substitute only when it involves applicable offense while operating a motorcycle.

Code of Criminal Procedure Art. 45.0511 (specifically) -

(p) The court shall advise a defendant charged with a misdemeanor under Section 472.022, Transportation Code, Subtitle C, Title 7, Transportation Code, or Section 729.001(a) (3), Transportation Code, committed while operating a motor vehicle of the defendant's right under this article to successfully complete a driving safety course or, *if the offense was committed while operating a motorcycle*, a motorcycle operator training course.

For use as an exemption to wearing protective headgear.

Texas Transportation Code §661.003 (c) - It is an exception to the application of Subsection (a) or (b) that at the time the offense was committed, *the person required to wear protective headgear was at least 21 years old and had successfully completed a motorcycle operator training and safety course under Chapter 662* or was covered by a health insurance plan providing the person with at least \$10,000 in medical benefits for injuries incurred as a result of an accident while operating or riding on a motorcycle. A peace officer may not arrest a person or issue a citation to a person for a violation of Subsection (a) or (b) if the person required to wear protective headgear is at least 21 years of age and presents evidence sufficient to show that the person required to wear protective headgear has successfully completed a motorcycle operator training and safety course or is covered by a health insurance plan as described by this subsection.

F. Inspection and Financial Responsibility.

Inspection required – Transportation Code Chapter 548.051

Emission system test not required – Texas Admin. Code, Title 37, Rule §23.93(b)(9)(C)

Inspection sticker must be attached to the rear of the motorcycle near the license plate. **Transportation Code Chapter 548.255(b)(1).**

Financial Responsibility- the same as any other motor vehicle. **Texas Transportation Code Chapter 601.**

G. Equipment

Lighting and other equipment – Mostly the same as vehicles – **Texas Transportation Code Chapter 547.**

Motorcycles don't have to have **parking brakes** – **Texas Transportation Code §547.404 (a).**

Motorcycle specific lighting – **Texas Transportation Code §547.801**

Motorcycle specific braking - **Texas Transportation Code §547.802**

H. When it's not a motorcycle?

- All-Terrain Vehicles – **Texas Transportation Code §502.006(a)**
- Electric Bicycles - **Texas Transportation Code §502.0075**
- Golf Carts - **Texas Transportation Code §502.0071**
- Motorized Mobility Device - **Texas Transportation Code §502.0074**
- Neighborhood Electric Vehicle - **Texas Transportation Code §551.302**
- Electric Personal Assistive Mobility Device - **Texas Admin. Code 17.22(g)**
- Pocket Bike or Minimotor Bike – There are no provisions for registration under Texas Law.

Registration laws don't apply because they are not "motor vehicles".

Except for ATVs. **Texas Transportation Code §(See Sections above).**

Financial Responsibility laws do not apply because they are not "motor vehicles" – **Texas Transportation Code §601.051**

What laws are violated if these are driven on the street – local ordinances or maybe none?