

TRANSPORTATION CODE

CHAPTER 662. MOTORCYCLE OPERATOR TRAINING AND SAFETY

Sec. 662.001. DESIGNATED STATE AGENCY. The governor shall designate a state agency to establish and administer a motorcycle operator training and safety program.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 662.002. PURPOSE OF PROGRAM; CURRICULUM. (a) The purpose of the motorcycle operator training and safety program is:

(1) to make available to motorcycle operators:
(A) information relating to the operation of motorcycles; and

(B) courses in knowledge, skills, and safety relating to the operation of motorcycles; and

(2) to provide information to the public on sharing roadways with motorcycles.

(b) The program shall include curricula developed by the Motorcycle Safety Foundation.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 662.003. PROGRAM DIRECTOR. The designated state agency shall employ as program director a person who is certified as a chief instructor by the Motorcycle Safety Foundation.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 662.004. MOTORCYCLE SAFETY COORDINATOR. (a) The designated state agency shall employ a motorcycle safety coordinator.

(b) The coordinator shall supervise the motorcycle operator training and safety program and shall determine:

(1) locations at which courses will be provided;

(2) fees for the courses;

(3) qualifications for instructors;

(4) instructor certification requirements; and

(5) eligibility requirements for program sponsors.

(c) The program must include instructor certification requirements developed by the Motorcycle Safety Foundation.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 662.005. CONTRACTS. The designated state agency may license or contract with qualified persons to administer or operate the motorcycle operator training and safety program.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 662.006. UNAUTHORIZED TRAINING PROHIBITED. A person may not offer training in motorcycle operation for a consideration unless the person is licensed by or contracts with the designated state agency.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 662.007. FEE FOR COURSE. A person may charge, for a course under the motorcycle operator training and safety program, a fee that is reasonably related to the costs of administering the course.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 662.008. DENIAL, SUSPENSION, OR CANCELLATION OF APPROVAL. (a) The designated state agency may deny, suspend, or cancel its approval for a program sponsor to conduct or for an instructor to teach a course offered under this chapter if the applicant, instructor, or sponsor:

(1) does not satisfy the requirements established under this chapter to receive or retain approval;

(2) permits fraud or engages in a fraudulent practice with reference to an application to the agency;

(3) induces or countenances fraud or a fraudulent practice by a person applying for a driver's license or permit;

(4) permits fraud or engages in a fraudulent practice in an action between the applicant or license holder and the public; or

(5) fails to comply with rules of the state agency.

(b) Before the designated state agency may deny, suspend, or cancel the approval of a program sponsor or an instructor, notice and opportunity for a hearing must be given as provided by:

(1) Chapter 2001, Government Code; and

(2) Chapter 53, Occupations Code

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.838, eff. Sept. 1, 2001.

Sec. 662.009. RULES. The designated state agency may adopt rules to administer this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 662.010. NONAPPLICABILITY OF CERTAIN OTHER

LAW. Chapter 332, Acts of the 60th Legislature, Regular Session, 1967 (Article 4413(29c), Vernon's Texas Civil Statutes), does not apply to training offered under this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 662.011. MOTORCYCLE EDUCATION FUND ACCOUNT. (a) Of each fee collected under Sections 521.421(b) and (f), Sections 522.029(f) and (g), and Section 661.003(d), the Department of Public Safety shall send \$5 to the comptroller for deposit to the credit of the motorcycle education fund account.

(b) Money deposited to the credit of the motorcycle education fund account may be used only to defray the cost of administering the motorcycle operator training and safety program.

(c) The comptroller shall report to the governor and legislature not later than the first Monday in November of each even-numbered year on the condition of the account. The report must contain:

(1) a statement of the amount of money deposited to the credit of the account for the year;

(2) a statement of the amount of money disbursed by the comptroller from the account for the year;

(3) a statement of the balance of money in the account;

(4) a list of persons and entities that have received money from the account, including information for each person or entity that shows the amount of money received; and

(5) a statement of any significant problems encountered in administering the account, with recommendations for their solution.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.155, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1156, Sec. 4, eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 657, Sec. 2, eff. Sept. 1, 2001.

Sec. 662.012. REPORTS. (a) The designated state agency shall require each provider of a motorcycle operator training and safety program to compile and forward to the agency each month a report on the provider's programs. The report must include:

(1) the number and types of courses provided in the reporting period;

(2) the number of persons who took each course in the reporting period;

(3) the number of instructors available to provide training under the provider's program in the reporting period;

(4) information collected by surveying persons taking each course as to the length of any waiting period the person experienced before being able to enroll in the course;

(5) the number of persons on a waiting list for a course at the end of the reporting period; and

(6) any other information the agency reasonably requires.

(b) The designated state agency shall maintain a compilation of the reports submitted under Subsection (a) on a by-site basis. The agency shall update the compilation as soon as practicable after the beginning of each month.

(c) The designated state agency shall provide without charge a copy of the most recent compilation under Subsection (b) to any member of the legislature on request.

Added by Acts 2001, 77th Leg., ch. 657, Sec. 3, eff. Sept. 1, 2001.