

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE G. MOTORCYCLES AND ELECTRIC BICYCLES

CHAPTER 662. MOTORCYCLE OPERATOR TRAINING AND SAFETY

Sec. 662.0005. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(4) "Instructor" means an individual who holds a license issued under this chapter that entitles the individual to provide instruction on motorcycle operation and safety as an employee of or under contract with a motorcycle school.

(4-a) "Instructor training course" means a course offered by an instructor training provider to prepare an individual for licensure as an instructor.

(4-b) "Instructor training provider" means an individual who holds a license issued under this chapter that entitles the individual to offer and conduct instructor training courses for consideration.

(5) "Motorcycle school" means a person who holds a license issued under this chapter that entitles the person to offer and conduct courses on motorcycle operation and safety for consideration.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.001, eff. September 1, 2020.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 270 (S.B. 478), Sec. 4, eff. January 1, 2024.

Sec. 662.001. ADMINISTRATION OF PROGRAM. The department shall administer a motorcycle operator training and safety program and enforce the laws governing the program.

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

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.002, eff. September 1, 2020.

Sec. 662.002. PURPOSE OF PROGRAM. (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(b) Repealed by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.025, eff. September 1, 2020.

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

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.003, eff. September 1, 2020.

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.025, eff. September 1, 2020.

Sec. 662.0033. MINIMUM CURRICULUM STANDARDS. (a) The commission by rule shall establish minimum curriculum standards for courses provided under the motorcycle operator training and safety program.

(b) The department shall approve all courses that meet the curriculum standards established under Subsection (a).

(c) In establishing the minimum curriculum standards for entry-level courses, the commission shall consider the standards for motorcycle operator training and safety courses adopted by the National Highway Traffic Safety Administration.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.004, eff. September 1, 2020.

Sec. 662.0035. FEES. The commission may set fees in amounts reasonable and necessary to cover the costs of

administering this chapter, including fees for:

- (1) the issuance and renewal of:
 - (A) motorcycle school licenses;
 - (B) instructor licenses; and
 - (C) instructor training provider licenses; and
- (2) the approval of:
 - (A) motorcycle operation and safety courses; and
 - (B) instructor training courses.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. [616](#)), Sec. 8.004, eff. September 1, 2020.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 270 (S.B. [478](#)), Sec. 5, eff. January 1, 2024.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [2075](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 662.0037. MOTORCYCLE SAFETY ADVISORY BOARD. (a) The commission shall establish an advisory board to advise the department on matters related to the motorcycle operator training and safety program established under this chapter.

(b) The advisory board must consist of nine members appointed by the presiding officer of the commission, on approval of the commission, as follows:

- (1) three members:
 - (A) each of whom must be an instructor or represent a motorcycle school; and
 - (B) who must collectively represent the diversity in size and type of the motorcycle schools licensed under this chapter;
- (2) one member who represents the motorcycle dealer retail industry;
- (3) one representative of a law enforcement agency;
- (4) one representative of the Texas A&M Transportation Institute;
- (5) one member who is an instructor training provider;

and

(6) two public members who hold a valid Class M driver's license issued under Chapter [521](#).

(c) The advisory board members serve staggered six-year terms. The terms of three members expire September 1 of each odd-numbered year.

(d) If a vacancy occurs on the advisory board, the presiding officer of the commission, on approval of the commission, shall appoint a replacement who meets the qualifications for the vacant position to serve for the remainder of the term.

(e) The presiding officer of the commission, on approval of the commission, shall designate a member of the advisory board to serve as the presiding officer of the advisory board for a one-year term. The presiding officer of the advisory board may vote on any matter before the advisory board.

(f) The advisory board shall meet at the call of the executive director or the presiding officer of the commission.

(g) An advisory board member may not receive compensation for service on the advisory board but is entitled to reimbursement for actual and necessary expenses incurred in performing the functions as a member of the advisory board, subject to the General Appropriations Act.

(h) Chapter [2110](#), Government Code, does not apply to the advisory board.

(i) The department may call a joint meeting of the advisory board and the advisory committee established under Section [1001.058](#), Education Code, for the committees to collaborate on matters determined by the department.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. [616](#)), Sec. 8.004, eff. September 1, 2020.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 270 (S.B. [478](#)), Sec. 6, eff. January 1, 2024.

Sec. 662.005. CONTRACTS.

(a) The department may contract with qualified persons, including institutions of higher education, as necessary to achieve

the purposes of this chapter.

(b) The department shall consult with the motorcycle safety advisory board regarding any proposal to contract under this section.

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

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.005, eff. September 1, 2020.

Acts 2023, 88th Leg., R.S., Ch. 270 (S.B. 478), Sec. 7, eff. January 1, 2024.

Sec. 662.006. UNAUTHORIZED TRAINING PROHIBITED. (a) A person may not offer or conduct training in motorcycle operation for consideration unless the person:

(1) is licensed as a motorcycle school under this chapter;

(2) offers and conducts training in accordance with a motorcycle operator training curriculum approved by the department; and

(3) employs or contracts with an instructor licensed under this chapter to conduct the training.

(b) A person who violates Subsection (a) commits an offense. 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.

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

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1111 (H.B. 3838), Sec. 6, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1336 (S.B. 763), Sec. 3, eff. September 1, 2013.

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.006, eff. September 1, 2020.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 1620, 89th

Legislature, Regular Session, for amendments affecting the following section.

Sec. 662.0062. ELIGIBILITY; APPLICATION.

(a) To be eligible for an instructor license, an applicant must:

(1) have completed a department-approved instructor training course; and

(2) have held for the two years preceding the date of submitting the application a valid driver's license that entitles the applicant to operate a motorcycle on a public road.

(a-1) The department may not issue an instructor license or instructor training provider license to an individual who has been convicted of:

(1) during the preceding three years:

(A) three or more moving violations described by Section 542.304 or a comparable offense committed in another state, including violations that resulted in an accident; or

(B) two or more moving violations described by Section 542.304 or a comparable offense committed in another state that resulted in an accident; or

(2) during the preceding seven years, an offense under Chapter 49, Penal Code, other than an offense under Section 49.02, Penal Code, or Section 49.031, Penal Code, or a comparable offense committed in another state.

(b) The commission by rule may adopt additional requirements for issuance or renewal of an instructor license.

(b-1) To be eligible for the issuance or renewal of an instructor training provider license, an applicant must:

(1) have held for the two years preceding the date of submitting the application a valid driver's license that entitles the applicant to operate a motorcycle on a public road; and

(2) meet any additional requirement adopted by rule by the commission, including a requirement to hold a license or certification or pass an examination.

(c) To be eligible for a motorcycle school license, an applicant must meet the minimum standards established by commission rule for:

- (1) health and safety;
- (2) the school's facility; and
- (3) consumer protection.

(d) The department shall issue a license to an applicant who meets the eligibility requirements established under this chapter and department rule and who pays the required fee.

(e) The department may prescribe an application form for applicants to submit when applying for a license under this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. [616](#)), Sec. 8.007, eff. September 1, 2020.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 270 (S.B. [478](#)), Sec. 8, eff. January 1, 2024.

Sec. 662.0063. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE ISSUANCE. (a) The department shall require that an applicant for an instructor license or instructor training provider license submit a complete and legible set of fingerprints, on a form prescribed by the executive director, to the department or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The department may not issue an instructor license or instructor training provider license to a person who does not comply with the requirement of Subsection (a).

(c) The department shall conduct a criminal history record information check of each applicant for an instructor license or instructor training provider license using information:

- (1) provided by the individual under this section; and
- (2) made available to the department by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter [411](#), Government Code.

(d) The department may:

- (1) enter into an agreement with the Department of Public Safety to administer a criminal history record information

check required under this section; and

(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history record information check.

Added by Acts 2023, 88th Leg., R.S., Ch. 270 (S.B. 478), Sec. 9, eff. January 1, 2024.

Sec. 662.0064. INSTRUCTOR TRAINING COURSES. (a) An individual may not offer or conduct an instructor training course unless the individual holds an instructor training provider license issued by the department.

(b) An instructor training course must be:

(1) approved by the department;

(2) offered and conducted in accordance with commission rules; and

(3) conducted at a motorcycle school.

(c) The commission by rule shall establish minimum curriculum standards for instructor training courses to be offered to meet the requirement of Section 662.0062(a)(1).

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.007, eff. September 1, 2020.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 270 (S.B. 478), Sec. 10, eff. January 1, 2024.

Sec. 662.0068. PROGRAM CERTIFICATES. The department shall issue a certificate of completion to a person who completes a department-approved motorcycle operator training and safety course conducted by a motorcycle school on receipt of notice from the motorcycle school that conducted the course. The department may develop a process that allows a motorcycle school to issue a certificate of completion to the person.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.007, eff. September 1, 2020.

Sec. 662.008. GROUNDS FOR DISCIPLINARY ACTION. (a) The

executive director or commission may deny an application for or for the renewal of, suspend, or revoke a license issued under this chapter if the applicant, instructor, instructor training provider, or motorcycle school:

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

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

(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 this chapter or rules adopted under this chapter.

(b) A proceeding under this section is a contested case under Chapter 2001, Government 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.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1111 (H.B. 3838), Sec. 7, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1336 (S.B. 763), Sec. 4, eff. September 1, 2013.

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.008, eff. September 1, 2020.

Acts 2023, 88th Leg., R.S., Ch. 270 (S.B. 478), Sec. 11, eff. January 1, 2024.

Sec. 662.009. RULES. The commission may adopt rules to administer this chapter.

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

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.009, eff. September 1, 2020.

Sec. 662.010. NONAPPLICABILITY OF CERTAIN OTHER

LAW. Chapter 1001, Education Code, does not apply to training offered or conducted under this chapter.

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

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.010, eff. September 1, 2020.

Sec. 662.011. MOTORCYCLE EDUCATION FUND ACCOUNT. (a) Of each fee collected under Sections 521.421(b) and (g) and Sections 522.029(f) and (g), 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:

(1) administering the motorcycle operator training and safety program; and

(2) conducting the motorcyclist safety and share the road campaign described by Section 201.621.

(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.

(d) The department may apply for and accept gifts, grants, and donations from any organization to be deposited in the motorcycle education fund account for the purpose of improving motorcycle safety in this state.

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.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1391 (S.B. 1967), Sec. 9, eff. September 1, 2009.

Acts 2015, 84th Leg., R.S., Ch. 610 (S.B. 754), Sec. 1, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.011, eff. September 1, 2020.

Acts 2019, 86th Leg., R.S., Ch. 882 (H.B. 3171), Sec. 2.19, eff. September 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 270 (S.B. 478), Sec. 12, eff. January 1, 2024.

Sec. 662.012. REPORTS. (a) The department may require each motorcycle school to report on the school's program in the form and manner prescribed by the department.

(a-1) The department may require each instructor training provider to report on instructor training courses offered by the provider in the form and manner prescribed by the department.

(b) If the department requires a motorcycle school or instructor training provider to submit a report under this section, the department shall specify the information that must be included in the report.

(c) The department shall provide without charge a copy of the most recent reports submitted under this section to any member of the legislature on request.

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

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.013, eff. September 1, 2020.

Acts 2023, 88th Leg., R.S., Ch. 270 (S.B. 478), Sec. 13, eff. January 1, 2024.

Sec. 662.013. RESEARCH, ADVOCACY, AND EDUCATION. The Texas

A&M Transportation Institute, in consultation with the department, shall:

- (1) research motorcycle safety in this state;
- (2) provide advocacy on motorcycle safety issues in this state; and
- (3) provide education to the public on motorcycle safety issues in this state.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. [616](#)), Sec. 8.014, eff. September 1, 2020.