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## Current Motorcycle Laws in Texas

Here is a summary of Texas motorcycle laws, with penalties, statutes, and case-law references for each item, and who enforces the laws:

### 1. License Requirements:

To operate a motorcycle in Texas, a person must have a Class M license. To obtain a Class M license, an individual must be at least 16 years old and: (a) complete a motorcycle safety course approved by the Texas Department of Public Safety (DPS) or (b) pass a motorcycle knowledge and skills test administered by the DPS (Texas Transportation Code § 521.081).

### 2. Helmet Law:

Texas requires all motorcycle operators and passengers to wear a helmet. In Texas, the law requires all motorcycle riders and passengers to wear a helmet that meets the safety standards set by the Texas Department of Transportation (TxDOT). According to TxDOT, a legal helmet must have:

- A hard exterior shell made of materials such as fiberglass, polycarbonate, or carbon fiber;
- A thick, impact-absorbing liner made of materials such as expanded polystyrene foam;
- A chin strap that secures the helmet to the head; and
- Certification by the U.S. Department of Transportation (DOT) or the Snell Memorial Foundation, which tests helmets for safety.

Failure to wear a helmet can result in a fine of up to \$250 (Transportation Code § 661.003) and also can be used as evidence of negligence in a personal injury case (Case-law reference: *Nelson v. Becton*, 784 S.W.2d 671 (Tex. App. 1990)). The Texas Supreme Court upheld the constitutionality of the helmet law in the case of *Thompson v. Oklahoma*, 108 S.W.3d 11 (Tex. 2003).

Those 21 years old or older are **exempt** from wearing a motorcycle helmet if they:

- Have successfully completed a motorcycle operator training/safety course as approved under Texas Transportation Code, § 662; or
- Are covered by a health insurance plan providing the person with medical benefits for injuries incurred as a result of an accident while operating or riding upon a motorcycle.

A motorcycle operator training/safety course is any course approved by Texas Department of Licensing and Regulation (TDLR). Proof of successful completion of a TDLR approved motorcycle operator training/safety course is a motorcycle operator training course completion card (37 Texas Administrative Code §21.6).

### 3. **Eye Protection:**

Texas requires all motorcycle operators and passengers to wear eye protection, unless the motorcycle is equipped with a windshield. Failure to comply can result in a fine of up to \$250 (Transportation Code § 661.003). Texas DPS provides additional guidance on what qualifies as acceptable eye protection. According to their Motorcycle Operator's Manual, acceptable eye protection includes:

- Goggles with shatter-resistant lenses;
- Glasses with shatter-resistant lenses; and
- Face shields attached to helmets that meet the safety standards set by TxDOT.

It's important to note that sunglasses alone do not meet the legal requirements for motorcycle eye protection in Texas! The eye protection **must** be specifically designed for motorcycle use, and meet the safety standards set by TxDOT.

### 4. **Handlebar Height:**

Texas law limits the height of handlebars to no higher than the rider's shoulder height when seated on the motorcycle. Violating this law can result in a fine of up to \$250 (Transportation Code § 547.604).

### 5. **Passenger Footrests:**

Texas requires motorcycles to have passenger footrests if carrying a passenger. Failure to comply can result in a fine of up to \$250 (Transportation Code § 547.609).

### 6. **Lane Splitting:**

Texas does not allow motorcycles to ride between lanes of traffic or between a traffic lane and a curb or other object. Violating this law can result in a fine of up to \$250 (Transportation Code § 545.060).

7. **Headlight Usage:**

Texas requires motorcycles to use headlights at all times. Failure to comply can result in a fine of up to \$250 (Transportation Code § 547.303) See *Garcia v. State*, 385 S.W.3d 148 (Tex. App. 2012).

8. **Insurance Requirements:**

Texas law requires all motor vehicles, including motorcycles, to carry liability insurance. The minimum coverage amounts required are \$30,000 for bodily injury to one person, \$60,000 for bodily injury to two or more people, and \$25,000 for property damage. Failure to comply can result in fines, license suspension, and impoundment of the motorcycle (Transportation Code §§ 601.051, 601.052, and 601.053).

9. **Operating a Motorcycle While Intoxicated:**

Texas prohibits operating a motorcycle while under the influence of drugs or alcohol. The legal limit for blood alcohol content (BAC) while operating a motorcycle is 0.08%. Violating this law can result in fines, license suspension, and even jail time. (Transportation Code §§ 724.012 and 724.035). See *Villarreal v. State*, 475 S.W.3d 784 (Tex. App. 2015) regarding penalties.

10. **Reckless Driving:**

Reckless driving on a motorcycle in Texas can result in fines and other penalties, including license suspension, revocation, and imprisonment. (Transportation Code, § 545.401) See *Ex parte Thompson*, 204 S.W.3d 228 (Tex. App. 2006) for more about elements of reckless driving.

11. **Noise Restrictions:**

Texas law prohibits motorcycles from emitting excessive noise levels. The maximum sound level for a motorcycle is 84 decibels when measured from a distance of 50 feet or more. Violating this law can result in a fine of up to \$250 (Transportation Code § 547.604).

12. **Registration and Inspection:**

Texas law requires motorcycles to be registered and inspected annually. You must pass a Texas motorcycle inspection **before** you can register a motorcycle or renew your registration. Vehicles are no longer required to have an inspection sticker on the vehicle's windshield. The inspection sticker has been replaced by the Vehicle Inspection Report (VIR). Keep the VIR handy as it may need to be shown at the time of registration.

Emissions testing is required in order to register gas-powered vehicles that are 2 to 24 model years old in counties in the Dallas-Fort Worth, El Paso, Houston-Galveston, and Austin metro areas. (Transportation Code §§ 502.001, 548.101, 548.501, and 548.602).

13. **Motorcycle Operator Training/Safety Course:**

To obtain a Class M driver license, individuals must take an approved [Motorcycle Safety Course](#) through the Texas DPS or the Motorcycle Safety Foundation (MSF). This Motorcycle Safety Course is designed help riders of all skill levels improve their skills and knowledge of safe motorcycle operation. The course is typically divided into classroom instruction and hands-on riding practice, emphasizing skills and topics such as:

- Essential motorcycle controls and operation, including the throttle, brakes, clutch, and gear shift;
- Maintaining balance and stability on the motorcycle at low speeds, and during maneuvers such as turns, lane changes, and emergency stops;
- Traffic awareness and hazard avoidance, such as how to scan the road ahead for potential hazards and avoid them with proper lane positioning, speed adjustment, and braking techniques;
- Riding in different conditions, such as on wet and slippery roads, with high winds, and in low light conditions; and
- Overview of Texas traffic laws and regulations that apply specifically to motorcycle riders, including helmet laws, lane splitting, and passing rules.

Completion of the course may also result in insurance discounts (Transportation Code § 662.003; see also Texas Department of Public Safety Motorcycle Operator's Manual).

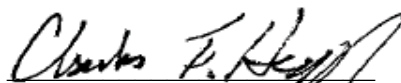
Overall in Texas, local law enforcement is responsible for enforcing Texas motorcycle laws. However, the Texas Department of Public Safety also may become involved in enforcing certain laws, such as insurance requirements and operating a motorcycle while intoxicated.

Note: the above is not an exhaustive list of all motorcycle laws in Texas, and there may be additional laws and regulations that apply to motorcycle riders in specific circumstances. We recommend you consult with the Texas Department of Public Safety for more information on motorcycle laws in Texas.

We at the HERD LAW FIRM, PLLC value our relationship with you and our other friends, and we are pleased to split fees as co-counsel on all such cases referred to us.

Please do not hesitate to contact us to discuss such cases and/or for additional information.

Sincerely yours,  
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