



Tracy O. King
State Representative

3/16/20

The Honorable Ken Paxton
Texas Attorney General
Office of the Attorney General
Attention: Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548

RQ-0337-KP
FILE# ML-48731-20
I.D.# 48731

RE: The registration of three-wheeled, low speed, electric vehicles by the State of Texas, Texas Department of Motor Vehicles.

General Paxton and the Opinion Committee:

Business, consumer and tourism interests inform me that the State of Texas, specifically the Department of Motor Vehicles (DMV), claims it has no statutory authority to title and register three-wheeled, electric, low speed vehicles commonly seen legally operating in other states and Europe. The DMV policy has prohibited the sale and operation of these popular vehicles in Texas. Currently, 37 states license and title three wheeled, electric vehicles.

During the 86th Texas Legislature, State Representative Diego Bernal filed HB 2163 and State Senator Jose Menendez filed companion SB 1863 in an effort to correct any ambiguity that may exist in current statutes. Those bills did not pass but it has come to my attention the State may have authority under existing federal and state statutes.

Other states have used federal authority to title and register three-wheel, low speed vehicles by titling and registering these vehicles as motorcycles.

The federal government defines motorcycles as follows:

49 Code of Federal Regulations 571 - Federal Motor Vehicle Safety Standards

Subpart A - General:

§ 571.3 Definitions.

(a) Statutory definitions. All terms defined in section 102 of the Act are used in their statutory meaning.

(b) Other definitions. As used in this chapter...

- Motorcycle means a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.



Tracy O. King
State Representative

Upon review, the Department of Motor Vehicles determined the vehicles did not meet the definition of a motorcycle under Title 7, Subtitle C, Chapter 541, Subchapter C, Transportation Code:

Sec. 541.201 (9) "Motorcycle" means a motor vehicle, other than a tractor or moped, that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground.

The statutes also detail the operation of a motorcycle in the State of Texas. Title 7, Subtitle C, Chapter 545, Subchapter I, Transportation Code detailed below uses the term "seat" instead of "saddle" to describe motorcycle operation in Texas

Sec. 545.416. RIDING ON MOTORCYCLE. (a) An operator of a motorcycle shall ride on the permanent and regular seat attached to the motorcycle.

The DMV concluded that the three-wheeled vehicles in question did not meet the statute because they were not equipped with a "saddle" per the definition. The DMV agreed that the term "saddle" is not defined anywhere in the Texas Statutes.

I respectfully ask for clarification on the definition of the fixture on which a rider sits while operating or riding as a passenger on a motorcycle in the State of Texas. The terms "saddle" and "seat" appear to be synonymous in the current statutes but are used to prevent the registration and titling of three-wheeled electric, low powered vehicles in Texas.

Lastly, should you agree that the argument for not registering these vehicles based on a motorcycle seat interpretation by the DMV is incorrect, would you then agree that three-wheeled, low speed, electric vehicles are eligible for registration and titling by DMV, so that businesses, consumers and tourism interests may utilize these vehicles?

Thank you for your attention to this matter.

Best Regards,

A handwritten signature in black ink, appearing to read "Tracy O. King".

Tracy O. King
Chairman
House Committee on Licensing and Administrative Procedures