CHAPTER 1109

H.B. No. 3805

AN ACT
relating to the discharge of an officer or employee of the Department of Public Safety of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 411.007, Government Code, is amended by amending Subsections (e) and (f) and adding Subsections (e-1), (e-2), and (g) to read as follows:

(e) An officer or employee of the department may not be discharged without just cause. The director shall determine whether an officer or employee is to be discharged. A commissioned officer ordered discharged may appeal to the commission, and during the appeal the officer shall be suspended without pay.

(e-1) Except as provided by Subsection (g), the department may not discharge, suspend, or demote a commissioned officer except for the violation of a specific commission rule. If the department discharges, suspends, or demotes an officer, the department shall deliver to the officer a written statement giving the reasons for the action taken. The written statement must point out each commission rule alleged to have been violated by the officer and must describe the alleged acts of the officer that the department contends are in violation of the commission rules.

(e-2) The commission shall establish necessary policies and procedures for the appointment, promotion, reduction, suspension, and discharge of all employees.

(g) A discharged commissioned officer is entitled, on application to the commission, to a public hearing before the commission, who shall affirm or set aside the discharge. The commission shall affirm or set aside a discharge on the basis of the evidence presented. If the commission affirms the discharge, the discharged officer may seek judicial review, not later than the 90th day after the date the commission affirms the discharge, in a district court under the substantial evidence standard of review, and the officer remains suspended without pay while the case is under judicial review.

SECTION 2. Section 411.007, Government Code, as amended by this Act, applies only to an officer or employee of the Department of Public Safety of the State of Texas who is discharged on or after the effective date of this Act. An officer or employee discharged before that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

Passed by the House on May 7, 2013: Yeas 139, Nays 0, 2 present, not voting; passed by the Senate on May 21, 2013: Yeas 22, Nays 9.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1110

H.B. No. 3831

AN ACT
relating to the designation of a portion of State Highway 358 as the Peace Officers Memorial Highway.

2016
Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.092 to read as follows:

Sec. 225.092. PEACE OFFICERS MEMORIAL HIGHWAY. (a) The portion of State Highway 358 from Interstate Highway 37 to State Highway 286 in Nueces County is designated as the Peace Officers Memorial Highway. The designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Peace Officers Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

SECTION 2. This Act takes effect September 1, 2013.

Passed by the House on May 2, 2013: Yeas 148, Nays 0, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1111

H.B. No. 3838

AN ACT

relating to motorcycle equipment and training and the license requirements for a three-wheeled motorcycle; creating an offense.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. This Act shall be known as Malorie's Law.

SECTION 2. Section 521.148(a), Transportation Code, is amended to read as follows:

(a) An applicant for an original Class M license or Class A, B, or C driver's license that includes an authorization to operate a motorcycle must furnish to the department evidence satisfactory to the department that the applicant has successfully completed a [basic] motorcycle operator training course approved by the department under Chapter 662. The department shall issue a Class M license that is restricted to the operation of a three-wheeled motorcycle if the motorcycle operator training course completed by the applicant is specific to the operation of a three-wheeled motorcycle.

SECTION 3. Section 545.416(b), Transportation Code, is amended to read as follows:

(b) An operator may not carry another person on the motorcycle, and a person who is not operating the motorcycle may not ride on the motorcycle, unless the motorcycle is:

(1) designed to carry more than one person; and

(2) equipped with footrests and handholds for use by the passenger.

SECTION 4. Effective January 1, 2015, Subchapter K, Chapter 547, Transportation Code, is amended by adding Section 547.617 to read as follows:

Sec. 547.617. MOTORCYCLE FOOTRESTS AND HANDHOLDS REQUIRED. A motorcycle that is designed to carry more than one person must be equipped with footrests and handholds for use by the passenger.

SECTION 5. Section 662.002(b), Transportation Code, is amended to read as follows:

(b) The program:

(1) shall contain information regarding operating a motorcycle while carrying a passenger; and

(2) may [shall] include curricula developed by the Motorcycle Safety Foundation.