

## HB 3838 – “Malorie’s Law”

The final implementation of HB 3838, known as Malorie’s Law, took effect on January 1, 2015--and changes the Texas Transportation Code. Specifically, this law will require motorcycles that are designed to carry more than one person to have foot pegs and handholds for the passenger’s use. This house bill sailed through the Transportation Committee by a unanimous vote—with the expectation to make it safer for motorcycle riders and passengers.

Much of this law was already in effect--such as prohibiting carrying a passenger unless the motorcycle is designed to carry one, provisions for license requirements for three-wheeled motorcycles, and specific education for riding with a passenger. Malorie’s Law, which was passed during the Texas 2013 legislative session, was named after 19-year old Malorie Bullock, who lost her life in a tragic 2010 motorcycle accident when she, as a passenger, was thrown off the motorcycle as it swerved off the road to avoid hitting a truck that pulled in front of it. Both riders were wearing a helmet at the time.

Texas is a popular motorcycle destination, and motorcycle laws in Texas are designed to protect riders and passengers as they travel throughout the state. It is hard to imagine, that before Malorie’s Law, Texas was only 1 of 3 states that did not require any foot pegs for the passenger (AMA; Missouri and Mississippi being the other two). "Both the operator and the rider have a shared responsibility reading the law" said Greg Arceneaux, manager of Harley Davidson of Waco. He said “most passenger bikes made in the past 20 years will already be equipped with a handhold strap and foot rests when it comes from the factory”. Handholds can also give some passengers a place to hold on to if the operator takes off aggressively. However, what constitutes a handhold can become confusing. A leather strap (as many bikes are equipped with) counts as a handhold, as well as the bottom of a “sissy-bar” or luggage rack—if it’s permanently affixed and your passenger can hold on to it. Not every passenger will want to hold on to the driver’s waist, but as most motorcycle rider training courses will teach you--that is still the best way to operate the motorcycle safely. The new law does require foot pegs and handholds, but it does not require the passenger to use them.

Time will tell whether or not Malorie’s Law will get amended, and how--but for now it is the law; Not following Malorie’s Law (footpegs & handholds) is considered a Class-C misdemeanor, and is punishable by a fine up to \$500.

The bill text can be found here:

<http://www.legis.state.tx.us/tlodocs/83R/billtext/html/HB03838F.htm>

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