

BILL ANALYSIS

C.S.H.B. 264
By: Chavez
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law provides that all motorcyclists are required to wear protective headgear, but an exception to this law applies to motorcyclists over the age of 21 who either have completed an approved driver safety course or carry at least \$10,000 in insurance covering motorcycle injuries. However, motorcyclists who fall within the exception are frequently cited by local and county peace officers unfamiliar with the law. As a result, these motorcyclists often bring citations to court in order to have them dismissed, creating a backlog of meritless charges in the courts.

C.S.H.B. 264 simplifies the law by requiring only motorcyclists under 21 years of age to wear protective headgear.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 264 amends §661.003 of the Transportation Code, by adding language to subsections 661.003(a) and (b) to require that motorcycle operators and passengers who are under 21 to wear protective headgear.

The bill deletes §661.003(c), which provides an exception to the requirements of the section for motorcyclists who are 21 years of age or older and either carry a certain amount of insurance or have taken an approved driver safety course.

The bill also strikes §661.003(d)-(g), which make provisions for the issuance of license-tag stickers upon application by motorcyclists meeting the requirements of the exception provided by subsection (c), and makes conforming changes.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original House Bill 264 had an effective date upon passage, or, if the Act did not receive the necessary vote, the Act would take effect September 1, 2005; whereas C.S.H.B. 264 simply makes the effective date September 1, 2005.

The substitute also adds language not found in the original bill providing that the Act applies to offenses committed on or after September 1, 2005, and an offense was committed before this effective date if any element of the offense occurs before this date. For offenses committed before this date, the former law is in effect.