

By: Chavez, Keel, Hupp, et al.

H.B. No. 264

Substitute the following for H.B. No. 264:

By: Jackson

C.S.H.B. No. 264

A BILL TO BE ENTITLED

AN ACT

relating to the wearing of protective headgear by certain motorcycle operators and passengers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 661.003, Transportation Code, is amended to read as follows:

Sec. 661.003. OFFENSES RELATING TO NOT WEARING PROTECTIVE HEADGEAR. (a) A person commits an offense if the person:

(1) is younger than 21 years of age;

(2) operates or rides as a passenger on a motorcycle on a public street or highway; and

(3) ~~[(2)]~~ is not wearing protective headgear that meets safety standards adopted by the department.

(b) A person commits an offense if the person carries on a motorcycle on a public street or highway a passenger younger than 21 years of age who is not wearing protective headgear that meets safety standards adopted by the department.

~~(c) [It is an exception to the application of Subsection (a) or (b) that at the time the offense was committed, the person required to wear protective headgear was at least 21 years old and had successfully completed a motorcycle operator training and safety course under Chapter 662 or was covered by a health insurance plan providing the person with at least \$10,000 in medical benefits for injuries incurred as a result of an accident while operating or~~

1 ~~riding on a motorcycle. A peace officer may not arrest a person or~~  
2 ~~issue a citation to a person for a violation of Subsection (a) or~~  
3 ~~(b) if the person required to wear protective headgear is at least~~  
4 ~~21 years of age and presents evidence sufficient to show that the~~  
5 ~~person required to wear protective headgear has successfully~~  
6 ~~completed a motorcycle operator training and safety course or is~~  
7 ~~covered by a health insurance plan as described by this subsection.~~

8 ~~[(d) The department shall issue a sticker to a person who:~~

9 ~~[(1) is at least 21 years old;~~

10 ~~[(2) applies to the department on a form provided by~~  
11 ~~the department;~~

12 ~~[(3) provides the department with evidence~~  
13 ~~satisfactory to the department showing that the person:~~

14 ~~[(A) is the owner of a motorcycle that is~~  
15 ~~currently registered in this state; and~~

16 ~~[(B) has successfully completed the training and~~  
17 ~~safety course described by Subsection (c) or has the insurance~~  
18 ~~coverage described by that subsection; and~~

19 ~~[(4) pays a fee of \$5 for the sticker.~~

20 ~~[(e) A person may apply to the department for a sticker for~~  
21 ~~each motorcycle owned by the applicant.~~

22 ~~[(f) A sticker issued by the department under Subsection (d)~~  
23 ~~expires on the third anniversary of the date of issuance.~~

24 ~~[(g) A person operating or riding as a passenger on a~~  
25 ~~motorcycle that displays on the license plate of the motorcycle or~~  
26 ~~the license plate mounting bracket a sticker issued by the~~  
27 ~~department under Subsection (d) is presumed to have successfully~~

1 ~~completed the training and safety course described by Subsection~~  
2 ~~(c) or to have the insurance coverage described by that~~  
3 ~~subsection.~~

4       ~~[(h)]~~ An offense under this section is a misdemeanor  
5 punishable by a fine of not less than \$10 or more than \$50.

6       ~~[(i) In this section, "health insurance plan" means an~~  
7 ~~individual, group, blanket, or franchise insurance policy,~~  
8 ~~insurance agreement, evidence of coverage, group hospital services~~  
9 ~~contract, health maintenance organization membership, or employee~~  
10 ~~benefit plan that provides benefits for health care services or for~~  
11 ~~medical or surgical expenses incurred as a result of an accident.]~~

12       SECTION 2. (a) The change in law made by this Act applies  
13 only to an offense committed on or after September 1, 2005.

14       (b) An offense committed before September 1, 2005, is  
15 covered by the law in effect when the offense was committed, and the  
16 former law is continued in effect for that purpose. For purposes of  
17 this section, an offense was committed before September 1, 2005, if  
18 any element of the offense was committed before that date.

19       SECTION 3. This Act takes effect September 1, 2005.