

BILL ANALYSIS

C.S.H.B. 727
By: Hopson
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

HB 473 was passed by the House in 1997 to give those riders 21 years of age and older the right to choose whether to wear a helmet when riding. The Senate passed SB 99 but with amendments put on by Senator Wentworth requiring that you have \$10,000 in medical insurance or has taken the rider training course. HB 2585 was introduced to correct this problem and once again the senate changed the Bill so it did not rectify the enforcement problem. We accepted the Amended Bill as it still said that if you show proof of compliance with the law, an officer cannot write a ticket. It also says that officers must take sensitivity training to eliminate profiling riders for traffic stops. Enforcement of the current law is still a nightmare for riders. It is now being used as a tool for harassment.

C.S.H.B. 727 removes any exceptions to the Transportation code regarding protective headgear making safety standard headgear a requirement for all persons younger than 21 years of age, drivers and passengers included.

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. 727 amends the Transportation Code by amending that all drivers and/or passengers under the age of 21 must wear safety standard headgear. The bill further amends the Transportation Code by removing the previous exception where if a driver was at least 21 years old and successfully completed a motorcycle training course or was covered by a health insurance plan, that person would be not be committing the offense. The state will not longer issue stickers for those persons who have completed the requirements previously stated in the Transportation Code.

Furthermore, the bill amends that a peace officer can no longer arrest a person or issue a citation to a person for a violation of the previous requirements.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Committee Substitute adds subsection (c) to Section. 661.003. relating to not wearing protective headgear which would state that peace officers may not stop or detain a person operating or riding a motorcycle in order to determine compliance with Section 661.003. This is so that the law can no longer be used as a tool for harassment.

The Committee Substitute also changes the minimum age requirement to 21 years rather than 18 years.