

By: Carona

S.B. No. 1368

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the protective headgear requirements for motorcycle
3 operators and passengers.

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

5 SECTION 1. Sections 661.003(c) and (h), Transportation
6 Code, are amended to read as follows:

7 (c) It is an exception to the application of Subsection (a)
8 or (b) that at the time the offense was committed, the person
9 required to wear protective headgear was at least 21 years old,
10 ~~and~~ had successfully completed a motorcycle operator training and
11 safety course under Chapter 662, and ~~or~~ was covered by a health
12 insurance plan providing the person with at least \$150,000
13 ~~[\$10,000]~~ in medical benefits for injuries incurred as a result of
14 an accident while operating or riding on a motorcycle. A peace
15 officer may not arrest a person or issue a citation to a person for a
16 violation of Subsection (a) or (b) if the person required to wear
17 protective headgear is at least 21 years of age, and ~~and~~ presents
18 evidence sufficient to show that the person required to wear
19 protective headgear has successfully completed a motorcycle
20 operator training and safety course, and ~~or~~ is covered by a health
21 insurance plan as described by this subsection.

22 (h) An offense under this section is a misdemeanor
23 punishable by a fine of not less than \$500 ~~[\$10]~~ or more than \$1,500
24 ~~[\$50]~~.

1 SECTION 2. Section 661.004, Transportation Code, is amended
2 to read as follows:

3 Sec. 661.004. AUTHORITY OF PEACE OFFICER TO INSPECT
4 PROTECTIVE HEADGEAR. Any peace officer may stop and detain:

5 (1) a person who is a motorcycle operator or passenger
6 to inspect the person's protective headgear for compliance with the
7 safety standards prescribed by the department; or

8 (2) a person who is a motorcycle operator or passenger
9 who is not wearing protective headgear to inspect for sufficient
10 evidence of compliance with Section 661.003(c).

11 SECTION 3. (a) The change in law made by this Act applies
12 only to an offense committed on or after the effective date of this
13 Act. For purposes of this section, an offense is committed before
14 the effective date of this Act if any element of the offense occurs
15 before this date.

16 (b) An offense committed before the effective date of this
17 Act is covered by the law in effect when the offense was committed,
18 and the former law is continued in effect for that purpose.

19 SECTION 4. This Act takes effect June 1, 2008.