

By: Castro

H.B. No. 1723

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a requirement that higher education students wear
3 reflective clothing or gear while participating in nighttime
4 athletic events or activities; providing a penalty.

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

6 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
7 amended by adding Section 51.9505 to read as follows:

8 Sec. 51.9505. REFLECTIVE CLOTHING REQUIRED FOR NIGHTTIME
9 ATHLETIC EVENTS OR ACTIVITIES. (a) In this section, "institution
10 of higher education" and "private or independent institution of
11 higher education" have the meanings assigned by Section 61.003.

12 (b) Each institution of higher education and each private or
13 independent institution of higher education shall require students
14 to wear reflective clothing or gear that meets or exceeds the
15 minimum standards prescribed under Subsection (g) while the
16 students are participating in a nighttime athletic event or
17 activity, including a training or practice activity, that is
18 sponsored or organized by an institution of higher education or
19 private or independent institution of higher education or by an
20 intercollegiate organization or association in this state or
21 another state.

22 (c) The requirement of Subsection (b) does not apply to any
23 nighttime athletic event or activity that occurs indoors or within
24 a lighted athletic facility.

1 (d) An institution that knowingly violates this section is
2 subject to a civil penalty in an amount not to exceed the greater
3 of:

4 (1) \$1,000 for each violation; or

5 (2) \$10,000.

6 (e) Each day that a violation continues or occurs is a
7 separate violation for purposes of imposing a penalty under this
8 section.

9 (f) The attorney general may sue to collect a civil penalty
10 under this section. In the suit the attorney general may recover,
11 on behalf of the state, the reasonable expenses incurred in
12 obtaining the penalty, including investigation and court costs,
13 reasonable attorney's fees, witness fees, and other expenses.

14 (g) The Texas Higher Education Coordinating Board shall
15 adopt under this section rules prescribing minimum standards for
16 the types of reflective clothing or gear to be worn by students and
17 for the types of nighttime athletic events or activities during
18 which reflective clothing or gear must be worn.

19 SECTION 2. (a) Section 51.9505, Education Code, as added by
20 this Act, applies to participation in nighttime athletic events or
21 activities by students enrolled at public institutions of higher
22 education or private or independent institutions of higher
23 education during a semester or summer session that begins on or
24 after August 1, 2010.

25 (b) Not later than June 1, 2010, the Texas Higher Education
26 Coordinating Board shall adopt rules in accordance with Section
27 51.9505, Education Code, as added by this Act, prescribing minimum

1 standards for the types of reflective clothing or gear to be worn
2 during nighttime athletic events or activities.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2009.