

By: Castro

H.B. No. 2535

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a requirement that middle, junior high, and high school
3 and higher education students wear reflective clothing or gear
4 while participating in nighttime athletic events or activities;
5 providing penalties.

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

7 SECTION 1. Subchapter D, Chapter 33, Education Code, is
8 amended by adding Section 33.090 to read as follows:

9 Sec. 33.090. REFLECTIVE CLOTHING REQUIRED FOR NIGHTTIME
10 ATHLETIC EVENTS OR ACTIVITIES. (a) In this section, "private
11 school" does not include a home school.

12 (b) Each school district, open-enrollment charter school,
13 and private school that provides instruction to students at the
14 secondary level shall require middle, junior high, or high school
15 students, as applicable, to wear reflective clothing or gear that
16 meets or exceeds the minimum standards prescribed under Subsection
17 (g) while the students are participating in a nighttime athletic
18 event or activity, including a training or practice activity, that
19 is sponsored or sanctioned by a district, charter school, or
20 private school, by the University Interscholastic League, or by the
21 Texas Association of Private and Parochial Schools or a successor
22 organization to that association.

23 (c) The requirement under Subsection (b) does not apply to
24 any nighttime athletic event or activity that occurs indoors or

1 within a lighted athletic facility.

2 (d) A school district, open-enrollment charter school,
3 private school, or interscholastic organization that knowingly
4 violates this section is subject to a civil penalty in an amount not
5 to exceed the greater of:

6 (1) \$1,000 for each violation; or

7 (2) \$10,000.

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

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

16 (g) The commissioner shall adopt under this section rules
17 prescribing minimum standards for the types of reflective clothing
18 or gear to be worn by students and for the types of nighttime
19 athletic events or activities during which reflective clothing or
20 gear must be worn.

21 SECTION 2. Subchapter Z, Chapter 51, Education Code, is
22 amended by adding Section 51.9505 to read as follows:

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

27 (b) Each institution of higher education and each private or

1 independent institution of higher education shall require students
2 to wear reflective clothing or gear that meets or exceeds the
3 minimum standards prescribed under Subsection (g) while the
4 students are participating in a nighttime athletic event or
5 activity, including a training or practice activity, that is
6 sponsored or organized by an institution of higher education or
7 private or independent institution of higher education or by an
8 intercollegiate organization or association in this state or
9 another state.

10 (c) The requirement under Subsection (b) does not apply to
11 any nighttime athletic event or activity that occurs indoors or
12 within a lighted athletic facility.

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

16 (1) \$1,000 for each violation; or

17 (2) \$10,000.

18 (e) Each day that a violation continues or occurs is a
19 separate violation for purposes of imposing a penalty under this
20 section.

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

26 (g) The Texas Higher Education Coordinating Board shall
27 adopt under this section rules prescribing minimum standards for

1 the types of reflective clothing or gear to be worn by students and
2 for the types of nighttime athletic events or activities during
3 which reflective clothing or gear must be worn.

4 SECTION 3. (a) Section 33.090, Education Code, as added by
5 this Act, applies beginning with the 2012-2013 school year.

6 (b) Not later than June 1, 2012, the commissioner of
7 education shall adopt rules in accordance with Section 33.090,
8 Education Code, as added by this Act, prescribing minimum standards
9 for the types of reflective clothing or gear to be worn by students
10 during nighttime athletic events or activities.

11 SECTION 4. (a) Section 51.9505, Education Code, as added by
12 this Act, applies to participation in nighttime athletic events or
13 activities by students enrolled at public institutions of higher
14 education or private or independent institutions of higher
15 education during a semester or summer session that begins on or
16 after August 1, 2012.

17 (b) Not later than June 1, 2012, the Texas Higher Education
18 Coordinating Board shall adopt rules in accordance with Section
19 51.9505, Education Code, as added by this Act, prescribing minimum
20 standards for the types of reflective clothing or gear to be worn by
21 students during nighttime athletic events or activities.

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2011.