

BILL ANALYSIS

Senate Research Center

S.B. 99
By: Patterson
State Affairs
1-16-97
As Filed

DIGEST

Currently, the law requires everyone to wear protective headgear while operating or riding on a motorcycle. Recent studies have shown motorcycle fatality rates to be unaffected by this legislation. This bill will rescind the helmet law for adults while providing that a minor commits a misdemeanor by operating or riding a motorcycle without protective headgear.

PURPOSE

As proposed, S.B. 99 provides that a minor commits a misdemeanor by operating or riding a motorcycle without protective headgear.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 661.003, Transportation Code, as follows:

Sec. 661.003. New heading: OFFENSES RELATING TO NOT WEARING PROTECTIVE HEADGEAR BY MINOR. Provides that a person commits a misdemeanor offense punishable by a fine of not less than \$10 and not more than \$50 under this section if the person is younger than 18 years of age or operates or rides as a passenger on a motorcycle and is not wearing protective headgear. Makes conforming and nonsubstantive changes.

SECTION 2. (a) Effective date: September 1, 1997.

(b) Makes application of this Act prospective.

(c) Provides that this Act in conflict prevails over another Act of the 75th Legislature, Regular Session, 1997.

SECTION 3. Repealer: Section 1, Chapter 539, Acts of the 74th Legislature, Regular Session, 1995 (Protective Headgear for Motorcycle Operators and Passengers).

SECTION 4. Emergency clause.