

**SUBJECT:** Bicyclist traffic violations, fee for special funds

**COMMITTEE:** State Recreational Resources — committee substitute recommended

**VOTE:** 6 ayes — Kuempel, Siebert, Black, Rabuck, B. Turner, Woolley  
0 nays  
3 absent — Hightower, Horn, Oakley

**WITNESSES:** For — Glenn Gadbois and Doug Black, Texas Bicycle Coalition; Charles Grandy, Texas Bicycle Coalition Education Fund  
Against — None  
On — Clifton Burdette and Lester Mills, Texas Department of Public Safety

**DIGEST:** CSHB 2929 would make it a Class C misdemeanor (maximum fine of \$500) for a bicyclist to knowingly ride in a group of five or more bicyclists that intentionally impedes the normal and reasonable flow of other traffic on the roadway. An exception would be made for an event for which permission was granted to use the roadway.  
CSHB 2929 would require court clerks to keep records of all bicycle traffic-violation charges and convictions and forward conviction data to the Department of Public Safety. A person would be considered convicted under CSHB 2929 if a sentence had been imposed, the defendant received probation or deferred adjudication or the court deferred final disposition of the case.  
In addition to other court costs assessed against a person convicted of a bicycle traffic offense, a \$10 fee would be assessed. A court officer collecting other costs would be required to collect these additional costs in the same manner and to keep separate records of the additional \$10.

The fees collected would have to be deposited and reported as for other costs. A municipal or county treasurer could retain 10 percent of the \$10 costs collected for administrative costs and could also retain all interest accrued. Of each dollar sent to the comptroller, 50 cents would be deposited to the credit of the existing bicycle safety fund and the remaining 50 cents would be deposited to credit a death benefits fund for deceased peace officers that would be established in the State Treasury.

CSHB 2929 would eliminate the \$15 maximum on fees charged for bicycle safety courses, strike the definition of tricycle in current law, and specify that Government Code provisions governing consolidation of funds, abolishment of dedicated funds by the state comptroller and use of dedicated revenues would not apply to the funds referred to in the bill. The bill would take effect immediately if approved by two-thirds of the membership of each house.

**SUPPORTERS  
SAY:**

CSHB 2929 would help make the roadways safer for all bicyclists, motorists and pedestrians. Bicyclists should not be exempted from safety considerations on the road, for their own sake as well as the safety of others on the roadways. CSHB 2929 would treat bicyclists the same as motorists when they violate traffic laws, through the reporting of traffic convictions to the state, and assure that bicyclists obey rules of safety and courtesy on the road.

Often bicyclists do not have adequate safety training. CSHB 2929 would allow the imposition of fees that could be deposited into the bicycle safety program and also would help fund a program for helping families of deceased peace officers.

There is no basis for fears that law enforcement officials would use the prohibition against groups of five or more bicyclists blocking the roadway to harass bicyclists. Law enforcement officers would merely cite those bicyclists who fail to obey the rules of the road.

**OPPONENTS  
SAY:**

While CSHB 2929 is well-intended, it could penalize many riders for the faults of a few. Current law already requires that cyclists ride no more than two abreast. Better enforcement of that provision would make more sense than passing an ambiguous prohibition on "knowingly" riding in a

group of five or more bicyclists and intentionally impeding the normal and reasonable flow of other traffic on the roadway. The phrases "knowingly rides" and "intentionally impedes" are ambiguous and could allow law enforcement officials to intimidate and harass bicyclists.

**NOTES:**

The committee substitute changed the original versions's penalty for violations from a Class A misdemeanor to a Class C misdemeanor. The original bill called for a \$2 assessment of court costs and would have prohibited operating a bicycle on a state highway without a shoulder. The committee substitute expanded provisions for collection of court costs and established a death benefits fund for deceased peace officers.