

## **BILL ANALYSIS**

Senate Research Center

H.B. 673  
By: Carter (Lindsay)  
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Engrossed

### **DIGEST**

Currently, state law does not require a bicycle rider to wear protective helmets, which can be effective in preventing head injuries in bicycle accidents. H.B. 673 requires the use of protective helmets for bicycle safety.

### **PURPOSE**

As proposed, H.B. 673 requires the use of protective helmets for bicycle safety.

### **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 758.001, Health and Safety Code, to define “protective bicycle helmet.” Deletes the definition of “tricycle.”

SECTION 2. Amends Section 758.002, Health and Safety Code, by amending Subsection (a) and adding Subsection (h), to authorize the Department of Public Safety (department) to encourage communications media to run, print, or otherwise disseminate public service announcements regarding the names and addresses of hospitals and other entities that have volunteered to provide fee protective bicycle helmet to children or other members of the public.

SECTION 3. Amends Chapter 758, Health and Safety Code, by adding Sections 758.004, 758.005, and 758.006, as follows:

Sec. 758.004. REQUIREMENTS FOR PROTECTIVE BICYCLE HELMET USE. Sets forth requirements for protective bicycle helmet use.

Sec. 758.005. SALE OR RENTAL OF BICYCLES. Requires a person regularly engaged the business of selling bicycles to provide to each purchaser a written explanation of the requirements under Section 758.004 that a person wear a protective bicycle helmet. Prohibits a person from renting a bicycle to another person unless certain actions are taken. Provides that a person who sells bicycles is not liable in civil damages for certain actions. Provides that a person who rents bicycles to another and has fully complied with Section (b) is not liable in civil damages for a bicycle operator’s or passenger’s failure to wear a protective helmet. Provides that the immunity from civil liability provided in Subsection (c) does not apply to a seller who provides information regarding the requirements under Section 758.004, and such information is false with respect to certain provisions. Provides that this section applies only to a person in the business of selling bicycles in a municipality with a population of 250,000 or more.

Sec. 758.006. LOCAL REGULATION. Provides that this chapter does not preempt a local regulation of the use of bicycle helmets or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the use of bicycle helmets if the regulation, ordinance, or requirement is compatible with and equal to or more stringent than this chapter.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.