

BILL ANALYSIS

Senate Research Center
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S.B. 1240
By: Moncrief
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DIGEST AND PURPOSE

Currently, there is some concern regarding the safety of persons operating bicycles. As proposed, S.B. 1240 amends and adds provisions to Texas statutes regarding bicycle helmets, trail facilities, electric bicycles, bicycle safety equipment, and other issues.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Public Safety in SECTION 2 (Section 370.004, Local Government Code) and to the Texas Department of Transportation in SECTIONS 6 and 14 (Sections 201.614 and 551.106, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Provides that this Act may be called the Matthew Brown Act.

SECTION 2. Amends Chapter 370, Local Government Code, by adding Section 370.004, as follows:

Sec. 370.004. REQUIRED WEARING OF BICYCLE HELMETS. (a) Authorizes the governing body of a municipality by ordinance to require a child younger than 16 years of age to wear a bicycle helmet while operating a bicycle in the municipality. Authorizes the commissioners court of a county by order to require a child younger than 16 years of age to wear a bicycle helmet while operating a bicycle in the unincorporated area of the county.

(b) Authorizes the governing body of a municipality or the commissioners court of a county to adopt an ordinance or order under Subsection (a) only if the Texas Department of Public Safety (DPS) determines that certain conditions exist.

(c) Sets forth criteria for an ordinance or order adopted under Subsection (a).

(d) Requires DPS to adopt rules to implement this section.

SECTION 3. Amends Chapter 11C, Parks and Wildlife Code, by adding Section 11.046, as follows:

Sec. 11.046. TEXAS PARKS AND WILDLIFE TRAILS ACCOUNT. Provides that the Texas parks and wildlife trails account is an account in the general revenue fund. Provides that the account consists of money credited to the account under Section 151.801 (Disposition of Proceeds), Tax Code. Authorizes money in the account to be appropriated only for projects approved by the commission to construct multiuse trails and bicycle facilities in accordance with Section 13.023.

SECTION 4. Amends Chapter 13A, Parks and Wildlife Code, by adding Section 13.023, as follows:

Sec. 13.023. CONSTRUCTION OF BICYCLE AND PEDESTRIAN FACILITIES.

Requires the Texas Parks and Wildlife Department to construct multiuse trails and bicycle facilities for public use using money from the parks and wildlife trails account under Section 11.046. Authorizes the Texas Parks and Wildlife Department to contract with governmental agencies or with private individuals, agencies, or organizations to construct trails under this section.

SECTION 5. Amends Section 151.801, Tax Code, by amending Subsections (a), (d), and (e) and adding Subsection (f), to require all proceeds from the collection of the taxes imposed by this chapter, except for the amounts allocated under Subsections (b), (c), and (d), to be deposited to the credit of the general revenue fund. Requires the proceeds from the collection of the taxes imposed by this chapter on the sale of bicycles and nonmotorized modes of transportation to be deposited in a certain manner. Requires the comptroller to determine the amounts to be deposited to the accounts according to available statistical data indicating the estimated or actual total receipts in this state from taxable sales and uses of bicycles and nonmotorized modes of transportation. Authorizes the comptroller, if satisfactory data are not available, to require taxpayers who make taxable sales or uses of those lubricants, sporting goods, or bicycles and nonmotorized modes of transportation to report to the comptroller as necessary to make the required allocation. Redefines “motor vehicle” and “sporting goods.” Defines “bicycles and nonmotorized modes of transportation” and “electric bicycle.”

SECTION 6. Amends Chapter 201H, Transportation Code, by adding Sections 201.614 and 201.615, as follows:

Sec. 201.614. **SAFE ROUTES TO SCHOOL PROGRAM.** Requires the Texas Department of Transportation (department) to establish and administer a Safe Routes to School Program to distribute federal grants under the Hazard Elimination Program (23 U.S.C. Section 152), as amended, to political subdivisions for projects to improve safety in and around school areas. Sets forth projects eligible to receive grants under this program. Sets forth factors the department is required to consider in the consideration of grant proposals under this section. Requires the department to give priority in allocating 10 percent of all money received by the department from the federal government under the Hazard Elimination Program (23 U.S.C. Section 152), as amended, to grants under this section. Requires the department to adopt rules to implement this section.

Sec. 201.615. **BICYCLE AND PEDESTRIAN FACILITIES ACCOUNT.** Provides that the bicycle and pedestrian facilities account is an account in the general revenue fund. Authorizes the account to be appropriated only for the construction of bicycle and pedestrian facilities. Provides that the account consists of money credited to the account under Section 151.801, Tax Code.

SECTION 7. Amends Chapter 502A, Transportation Code, by adding Section 502.0075, as follows:

Sec. 502.0075. **ELECTRIC BICYCLES.** Defines “electric bicycle.” Provides that this chapter does not require the owner of an electric bicycle to register the electric bicycle.

SECTION 8. Amends Section 541.201, Transportation Code, by amending Subdivisions (10) and (11) and adding Subdivision (24), to redefine “motor-driven cycle” and “motor vehicle.” Defines “electric bicycle.”

SECTION 9. Amends Section 542.202(a), Transportation Code, to provide that this subtitle does not prevent a local authority, with respect to a highway under its jurisdiction and in the reasonable exercise of the police power, from performing certain regulatory duties, including regulating the operation and requiring registration and licensing of a bicycle or electric bicycle, including payment of a registration fee, except as provided by Section 551.106.

SECTION 10. Amends Sections 545.065(a) and (c), Transportation Code, to make conforming

changes.

SECTION 11. Amends Section 547.002, Transportation Code, to provide that unless a provision is specifically made applicable, this chapter and the rules of the department adopted under this chapter do not apply to certain items, including an electric bicycle, an electric bicyclist, or electric bicycle equipment.

SECTION 12. Amends Section 551.002, Transportation Code, as follows:

Sec. 551.002. New heading: **MOPED AND ELECTRIC BICYCLE INCLUDED.** Provides that a provision of this subtitle applicable to a bicycle also applies to a moped, other than a provision that by its nature cannot apply to a moped, and an electric bicycle, other than a provision that by its nature cannot apply to an electric bicycle.

SECTION 13. Amends Section 551.104, Transportation Code, to prohibit a person from operating a bicycle at nighttime unless the bicycle is equipped with certain equipment, including on the rear of the bicycle a red reflector that is of a type approved by the department, and visible when directly in front of lawful upper beams of motor vehicle headlamps from all distances from 50 to 300 feet to the rear of the bicycle, or a lamp that emits a red light visible from a distance of 500 feet to the rear of the bicycle. Deletes existing text pertaining to the operation of a bicycle at nighttime.

SECTION 14. Amends Chapter 551B, Transportation Code, by adding Section 551.106, as follows:

Sec. 551.106. **REGULATION OF ELECTRIC BICYCLES.** Prohibits the department or a local authority from prohibiting the use of an electric bicycle on a highway that is used primarily by motor vehicles. Authorizes the department or a local authority to prohibit the use of an electric bicycle on a highway used primarily by pedestrians. Requires the department to establish rules for the administration of this section.

SECTION 15. Effective date: September 1, 2001.