

## **BILL ANALYSIS**

Senate Research Center  
80R9676 JLL-D

S.B. 1368  
By: Carona  
Transportation & Homeland Security  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Since 1997, motorcyclists over the age of 21 have had two exemptions to the requirement of wearing a helmet. They could take either a motorcycle safety course or acquire a medical insurance policy worth at least \$10,000 specifically for motorcycle-related accidents. Studies have shown that the medical costs to the state stemming from injuries to non-helmeted riders are much greater than those stemming from injuries to helmeted riders.

As proposed, S.B. 1368 requires a motorcyclist over the age of 21 to obtain \$150,000 of insurance and take a motorcycle safety course in order to be exempted from the requirement to wear a helmet while operating a motorcycle. The bill also raises the monetary penalties for violations of mandatory helmet laws and authorizes peace officers to stop a motorcyclist who is not wearing a helmet or carrying a passenger who is not wearing a helmet to check for compliance with the law.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 661.003(c) and (h), Transportation Code, as follows:

(c) Provides an exception to the application of Subsections (a) and (b) (regarding the offenses of operating a motorcycle on a public roadway without protective headgear or carrying a passenger without protective headgear), if, at the time of the offense, the person required to wear protective headgear was at least 21 years old, had successfully completed a motorcycle training and safety course under Chapter 662 (Motorcycle Operator Training and Safety), and was covered by a health insurance plan providing at least \$150,000, rather than \$10,000, in medical benefits for injuries resulting from a motorcycle accident. Makes conforming changes.

(h) Provides that an offense under this section is a misdemeanor punishable by a fine of not less than \$500 or more than \$1,500, rather than not less than \$10 or more than \$50.

SECTION 2. Amends Section 661.004, Transportation Code, to authorize a peace officer to stop and detain a motorcycle operator or passenger not wearing protective headgear in order to inspect for sufficient evidence of compliance with Section 661.003(c). Makes conforming changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: June 1, 2008.