

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE G. MOTORCYCLES AND OFF-HIGHWAY VEHICLES

CHAPTER 661. PROTECTIVE HEADGEAR FOR MOTORCYCLE OPERATORS AND
PASSENGERS

Sec. 661.001. DEFINITIONS. In this chapter:

(1) "Motorcycle" means a motor vehicle designed to propel itself with not more than three wheels in contact with the ground, and having a saddle for the use of the rider. The term does not include a tractor or a three-wheeled vehicle equipped with a cab or occupant compartment, seat, and seat belt and designed to contain the operator in the cab or occupant compartment.

(2) "Department" means the Department of Public Safety.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 722 (S.B. 129), Sec. 5, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 967 (H.B. 3599), Sec. 3, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1391 (S.B. 1967), Sec. 7, eff. September 1, 2009.

Sec. 661.0015. PROTECTIVE HEADGEAR FOR AUTOCYCLE. (a) In this section, "autocycle" means a motor vehicle, other than a tractor, that is:

(1) designed to have when propelled not more than three wheels on the ground;

(2) equipped with a steering wheel;

(3) equipped with seating that does not require the operator to straddle or sit astride the seat; and

(4) manufactured and certified to comply with federal safety requirements for a motorcycle.

(b) For purposes of this chapter, an autocycle is considered to be a motorcycle.

Added by Acts 2015, 84th Leg., R.S., Ch. 67 (S.B. 449), Sec. 7, eff.

May 22, 2015.

Sec. 661.002. DEPARTMENT TO PRESCRIBE MINIMUM SAFETY STANDARDS FOR PROTECTIVE HEADGEAR. (a) To provide for the safety and welfare of motorcycle operators and passengers, the department shall prescribe minimum safety standards for protective headgear used by motorcyclists in this state.

(b) The department may adopt any part or all of the American National Standards Institute's standards for protective headgear for vehicular users.

(c) On request of a manufacturer of protective headgear, the department shall make the safety standards prescribed by the department available to the manufacturer.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 661.003. OFFENSES RELATING TO NOT WEARING PROTECTIVE HEADGEAR. (a) A person commits an offense if the person:

(1) operates or rides as a passenger on a motorcycle on a public street or highway; and

(2) is not wearing protective headgear that meets safety standards adopted by the department.

(b) A person commits an offense if the person carries on a motorcycle on a public street or highway a passenger who is not wearing protective headgear that meets safety standards adopted by the department.

(c) It is an exception to the application of Subsection (a) or (b) that at the time the offense was committed, the person required to wear protective headgear was at least 21 years old and had successfully completed a motorcycle operator training and safety course under Chapter 662 or was covered by a health insurance plan providing the person with medical benefits for injuries incurred as a result of an accident while operating or riding on a motorcycle. A peace officer may not arrest a person or issue a citation to a person for a violation of Subsection (a) or (b) if the person required to wear protective headgear is at least 21 years of age and presents evidence sufficient to show that the person required to wear protective headgear has successfully completed a

motorcycle operator training and safety course or is covered by a health insurance plan as described by this subsection.

(c-1) A peace officer may not stop or detain a person who is the operator of or a passenger on a motorcycle for the sole purpose of determining whether the person has successfully completed the motorcycle operator training and safety course or is covered by a health insurance plan.

(c-2) The Texas Department of Insurance shall prescribe a standard proof of health insurance for issuance to persons who are at least 21 years of age and covered by a health insurance plan described by Subsection (c).

(d) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1391, Sec. 12, eff. September 1, 2009.

(e) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1391, Sec. 12, eff. September 1, 2009.

(f) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1391, Sec. 12, eff. September 1, 2009.

(g) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1391, Sec. 12, eff. September 1, 2009.

(h) An offense under this section is a misdemeanor punishable by a fine of not less than \$10 or more than \$50.

(i) In this section, "health insurance plan" means an individual, group, blanket, or franchise insurance policy, insurance agreement, evidence of coverage, group hospital services contract, health maintenance organization membership, or employee benefit plan that provides benefits for health care services or for medical or surgical expenses incurred as a result of an accident.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.154(a), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1156, Sec. 3, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 17.36, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 657, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1391 (S.B. [1967](#)), Sec. 8, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1391 (S.B. [1967](#)), Sec. 12, eff. September 1, 2009.

Sec. 661.004. AUTHORITY OF PEACE OFFICER TO INSPECT PROTECTIVE HEADGEAR. Any peace officer may stop and detain a person who is a motorcycle operator or passenger to inspect the person's protective headgear for compliance with the safety standards prescribed by the department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.