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CLYDE ALEXANDER

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JAN 23 1998

January 20, 1998

GOVERNMENTAL INQUIRY
UNIT

RQ-1076

The Honorable Dan Morales
Texas Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

FILE # ML-40044-98
I.D. # 40044

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JAN 26 1998

Opinion Committee

Dear General Morales: *Dan,*

I would like to request an Attorney General's opinion on Senate Bill 99, which passed during the 75th Session of the Legislature.

It is my understanding Texas Department of Public Safety officers have been ordered by Major Sherman to stop any motorcyclist seen on the highway without a helmet. The purpose of the detainment is to check the permit of the cyclist to ascertain they have indeed met the requirements of Senate Bill 99. However, the legislative intent of having a sticker placed, either on the license plate or the plate mounting bracket, on the motorcycle was to prevent these unwarranted stops.

Is the DPS within the law to stop motorcyclists for no reason other than riding without a helmet when they have the required sticker plainly in view?

If you have any questions regarding this request, please call me. I look forward to hearing from you.

Sincerely,

Clyde Alexander
Chairman
House Committee on Transportation

CA/cj

cc Representative Jim Pitts
Bill Strain
Layton Black