

**SENATOR FLORENCE SHAPIRO  
DISTRICT 8**

COMMITTEES:  
State Affairs, *Chair*  
Criminal Justice  
Administration



**The Senate of  
The State of Texas**

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May 5, 2000

Ms. Elizabeth Robinson, Chair  
Opinion Committee  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

RE: Request No. 0216-JC

FILE # RQ-0216-JC  
I.D. # 41411

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OPINION COMMITTEE

Dear Ms. Robinson,

It has come to my attention that the question, as posed in my initial request for an opinion, may not fully express the issues that I would like resolved in this matter. Therefore, I would like to ask that the question be modified as follows:

Does a peace officer have the authority to stop a motor cycle driver who is obviously over 21 years of age, not wearing a helmet, and not displaying a sticker as required by §661.063 (d) of the Transportation Code, for the sole purpose of determining whether they are in compliance with the law concerning carrying liability insurance?

I hope that this will clarify the issue and assist your office in correctly researching the request. Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Florence".

Florence Shapiro

FS/ses

cc: Sputnik



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APR - 6 2000

April 5, 2000

OPINION COMMITTEE

FILE # ML-41360-00

I.D. # 41360

Ms. Elizabeth Robinson, Chair  
Opinion Committee  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

RQ-0216-JC

Dear Ms. Robinson,

Pursuant to the authority provided in §402.042 of the Government Code, I request that your office issue an opinion on the following question:

Under Texas law, do DPS officers have the authority to stop a motorcycle driver for the sole purpose of checking for liability insurance?

This questions arises in the context of §521.421 of the Transportation Code. The applicable provisions of that section state that a helmet must be worn except if the driver is at least 21 years old, and has either completed a safety training course or is covered by \$10,000 insurance. I would like clarification as to the effect that this section of the Transportation Code may have when applied to motorcycle drivers being stopped for the sole purpose of checking for insurance. It is my understanding that DPS officers are not authorized to stop a motor vehicle for such a purpose, and it is my assumption that motorcycle drivers must be treated in the same manner as motor vehicle drivers.

For your review, I have attached a copy of the letter sent to my office by Sputnik, as well as a response from a previous request by your office. I appreciate your consideration of this request.

Very truly yours,

*Florence Shapiro*

Florence Shapiro

FS/ses

enclosures

cc: Sputnik

