

SENATOR FLORENCE SHAPIRO
DISTRICT 8

COMMITTEES:
State Affairs, Chair
Criminal Justice
Administration



**The Senate of
The State of Texas**

DISTRICT OFFICES:
Parkway Centre I
2901 Dallas Parkway, Suite 330
Plano, Texas 75093
(972) 378-3229

8117 Preston Road, Suite 687
Dallas, Texas 75225
(214) 363-5031

AUSTIN OFFICE:
P.O. Box 12068
Austin, Texas 78711
(512) 463-0108
TDD 1-800-735-2989

May 5, 2000

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MAY 08 2000

OPINION COMMITTEE

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

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 black ink, appearing to read "Florence".

Florence Shapiro

FS/ses

cc: Sputnik



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April 5, 2000

OPINION COMMITTEE

Ms. Elizabeth Robinson, Chair
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Office of the Attorney General
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Austin, Texas 78711-2548

FILE # ML-41360-00
I.D. # 41360

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 question 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

FSses

enclosures

... Sputnik

