

BILL ANALYSIS

C.S.H.B. 1898
By: Brown, Fred
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The purpose of CSHB 1898 is to make the failure to secure a child passenger in a safety seat a moving violation. Currently, Section 545.412, Transportation Code, provides that a person commits an offense if the person operates a passenger car or light truck and transports a child who is younger than five years of age and less than 36 inches without properly securing them in a child passenger safety seat system, but it is not moving violation.

Because the violation of Section 545.412 is not a moving violation, a person who receives a citation typically just pays the fine, but does nothing to change their behavior by obtaining a safety seat for their child and learning how to use it. Previously, the Texas Legislature passed a bill authorizing the Texas Education Agency to approve a specialized course in seat belt safety. The course is required to have at least four hours of instruction that encourages the use of child passenger safety seat systems and instructs a student on how to properly use a child passenger safety seat and the dangerous consequences of failing to properly secure a child.

The course will often include demonstration on how to properly use a child safety seat and make safety seats available to individuals free of charge if they cannot afford one. Since the introduction of the course, few individuals have availed themselves of the benefits.

CSHB 1898, by making the offense a moving violation, will encourage more drivers to take the course in order to keep the moving violation off their driving records and reduce points under the new point system. These individuals will receive specialized instruction on seat belt safety, will be shown how to properly secure their child in a safety seat, and may have the opportunity to obtain a free safety seat – all with the goal of helping to reduce unnecessary injuries and death to this young, vulnerable age group of children younger than five years.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Section 1. Adds Subsection (u) to Section 45.0511 to the Code of Criminal Procedure to provide a judge the option to dismiss the offense under Section 545.412 of the Transportation Code if the defendant provides proof that they have successfully completed a driving safety course that includes four hours of child passenger safety seat systems instructions and has not taken a driving course that include this training within 12 months of the offense.

Section 2. Amends Section 708.052, Transportation Code, to add a new subsection (f) to make offenses under 545.412 (requiring the use of child safety seats and seatbelts) moving violations.

Section 3. Provides that the change in law applies only to offenses after the effective date.

Section 4. Effective date: September 1, 2005

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB. 1898 modifies the original bill by adding Subsection (u) which allows for a judge to dismiss an offense under Section 545.412 of the Transportation Code if the defendant successfully completes a driving safety course that includes four hours of child passenger safety seat systems instructions and has not taken a driving course that include this training within 12 months of the offense. Subsection (u) is added in Section 1 and the following Sections are moved down.

CSHB 1898 modifies Section 1 of the original bill by taking out Section 545.413 which relates to adults and safety restraints. This section becomes Section 2 in CSHB 1898.