

By: Brown of Brazos, Anchia, Callegari,  
McClendon, Gonzalez Toureilles

H.B. No. 183

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of offenses involving the use of safety belts and child passenger safety seat systems.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.412(a), Transportation Code, as amended by Chapters 618 and 910, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

(a) A person commits an offense if the person operates a passenger vehicle, transports a child who is six years of age or younger [~~than four years of age~~] or who is less than 51 [~~36~~] inches in height and less than 80 pounds, and does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system.

SECTION 2. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4121 to read as follows:

Sec. 545.4121. DEFENSE; POSSESSION OF CHILD PASSENGER SAFETY SEAT SYSTEM. (a) This section applies to an offense committed under Section 545.412 before September 1, 2006, that would not have been an offense under that section as the section existed immediately before September 1, 2005.

(b) It is a defense to prosecution of an offense to which this section applies that the defendant provides to the court evidence satisfactory to the court that the defendant possesses an

1 appropriate child passenger safety seat system for each child:

2 (1) who is regularly transported by the defendant in a  
3 passenger vehicle; and

4 (2) who is six years of age or younger or who is less  
5 than 51 inches in height and less than 80 pounds.

6 (c) This section expires September 1, 2007.

7 SECTION 3. Section 545.413(b), Transportation Code, is  
8 amended to read as follows:

9 (b) A person commits an offense if the person:

10 (1) operates a passenger vehicle that is equipped with  
11 safety belts; and

12 (2) allows a child who is older than six [~~at least~~  
13 ~~five~~] years of age but younger than 17 years of age [~~or who is~~  
14 ~~younger than five years of age~~] and who is at least 51 [~~36~~] inches in  
15 height or 80 pounds or more to ride in the vehicle without requiring  
16 the child to be secured by a safety belt, provided the child is  
17 occupying a seat that is equipped with a safety belt.

18 SECTION 4. (a) The change in law made by this Act applies  
19 only to an offense committed on or after the effective date of this  
20 Act. For the purposes of this section, an offense is committed  
21 before the effective date of this Act if any element of the offense  
22 occurs before that date.

23 (b) An offense committed before the effective date of this  
24 Act is governed by the law in effect when the offense was committed,  
25 and the former law is continued in effect for that purpose.

26 SECTION 5. This Act takes effect September 1, 2005.