

1-1 By: Brown of Brazos, et al. (Senate Sponsor-Zaffirini) H.B. No. 183
1-2 (In the Senate - Received from the House April 26, 2005;
1-3 April 27, 2005, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 23, 2005, reported
1-5 favorably by the following vote: Yeas 5, Nays 0; May 23, 2005, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the prosecution of offenses involving the use of safety
1-10 belts and child passenger safety seat systems.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 545.412(a), Transportation Code, as
1-13 amended by Chapters 618 and 910, Acts of the 77th Legislature,
1-14 Regular Session, 2001, is reenacted and amended to read as follows:

1-15 (a) A person commits an offense if the person operates a
1-16 passenger vehicle, transports a child who is six years of age or
1-17 younger [~~than four years of age~~] or who is less than 51 [~~36~~] inches
1-18 in height and less than 80 pounds, and does not keep the child
1-19 secured during the operation of the vehicle in a child passenger
1-20 safety seat system according to the instructions of the
1-21 manufacturer of the safety seat system.

1-22 SECTION 2. Subchapter I, Chapter 545, Transportation Code,
1-23 is amended by adding Section 545.4121 to read as follows:

1-24 Sec. 545.4121. DEFENSE; POSSESSION OF CHILD PASSENGER
1-25 SAFETY SEAT SYSTEM. (a) This section applies to an offense
1-26 committed under Section 545.412 before September 1, 2006, that
1-27 would not have been an offense under that section as the section
1-28 existed immediately before September 1, 2005.

1-29 (b) It is a defense to prosecution of an offense to which
1-30 this section applies that the defendant provides to the court
1-31 evidence satisfactory to the court that the defendant possesses an
1-32 appropriate child passenger safety seat system for each child:

1-33 (1) who is regularly transported by the defendant in a
1-34 passenger vehicle; and

1-35 (2) who is six years of age or younger or who is less
1-36 than 51 inches in height and less than 80 pounds.

1-37 (c) This section expires September 1, 2007.

1-38 SECTION 3. Section 545.413(b), Transportation Code, is
1-39 amended to read as follows:

1-40 (b) A person commits an offense if the person:

1-41 (1) operates a passenger vehicle that is equipped with
1-42 safety belts; and

1-43 (2) allows a child who is older than six [~~at least~~
1-44 five] years of age but younger than 17 years of age [~~or who is~~
1-45 younger than five years of age] and who is at least 51 [~~36~~] inches in
1-46 height or 80 pounds or more to ride in the vehicle without requiring
1-47 the child to be secured by a safety belt, provided the child is
1-48 occupying a seat that is equipped with a safety belt.

1-49 SECTION 4. (a) The change in law made by this Act applies
1-50 only to an offense committed on or after the effective date of this
1-51 Act. For the purposes of this section, an offense is committed
1-52 before the effective date of this Act if any element of the offense
1-53 occurs before that date.

1-54 (b) An offense committed before the effective date of this
1-55 Act is governed by the law in effect when the offense was committed,
1-56 and the former law is continued in effect for that purpose.

1-57 SECTION 5. This Act takes effect September 1, 2005.

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