

By: Hegar, Branch, Merritt

H.B. No. 366

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to use of safety belts and child passenger safety seat  
3 systems.

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

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

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

14 SECTION 2. Section 545.412(e), Transportation Code, is  
15 amended to read as follows:

16 (e) This section does not apply to [~~a person~~]:

17 (1) a person, including a third-party transport  
18 service provider, operating a vehicle transporting passengers for  
19 hire; or

20 (2) a person transporting a child in a vehicle in which  
21 all seating positions equipped with child passenger safety seat  
22 systems or safety belts are occupied.

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

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

2 (1) operates a passenger vehicle that is equipped with  
3 safety belts; and

4 (2) allows a child who is [~~at least five years of age~~  
5 ~~but~~] younger than 17 years of age [~~or who is younger than five years~~  
6 ~~of age~~] and who is not required to be secured in a child passenger  
7 safety seat system under Section 545.412(a) [~~at least 36 inches in~~  
8 ~~height~~] to ride in the vehicle without requiring the child to be  
9 secured by a safety belt, provided the child is occupying a seat  
10 that is equipped with a safety belt.

11 SECTION 4. (a) The change in law made by this Act applies  
12 only to an offense committed on or after the effective date of this  
13 Act. For the purposes of this section, an offense is committed  
14 before the effective date of this Act if any element of the offense  
15 occurs before that date.

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

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