

By: Hegar

H.B. No. 366

A BILL TO BE ENTITLED

AN ACT

relating to 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 younger than five [~~four~~] years of age and [~~or~~] less than 36 inches in height, 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. Section 545.413(b), Transportation Code, is amended to read as follows:

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

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

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

1 that is equipped with a safety belt.

2 SECTION 3. (a) The change in law made by this Act applies  
3 only to an offense committed on or after the effective date of this  
4 Act. For the purposes of this section, an offense is committed  
5 before the effective date of this Act if any element of the offense  
6 occurs before that date.

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

10 SECTION 4. This Act takes effect September 1, 2005.