

BILL ANALYSIS

H.B. 118
By: Brown, Fred
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current Texas law requires a child who is younger than five years of age and less than 36 inches in height to ride in a child passenger safety seat system. Unfortunately, children between the ages of 4 and 8 years of age (often referred to as the "forgotten child") are at high risk of injury or death in car accidents because they are either too large for a child passenger safety seat or too short for an adult safety belt. According to the National Highway Traffic Safety Administration (NHTSA), a child must be at least 4 feet 9 inches in height to be properly secured in an adult safety belt. A child typically reaches this height at the age of 8. The NHTSA recommends that all children under the age of 8 and that have not reached the height of 4 feet 9 inches be properly restrained in booster seats. If placed in adult safety belts prematurely, children can suffer serious internal injuries, slip out of the safety belt, or be ejected from the vehicle during a crash.

In 2005, the state legislature directed the Department of Public Safety Committee on Child Passenger Safety to examine the need for a booster seat law in Texas. The committee advised Texas adopt national recommendations and pass a law requiring booster seats for children up to eight years old unless they are 4 feet 9 inches tall. The committee also found that a booster seat law could reduce health care expenditures by more than \$17 million.

H.B. 118 provides that a person commits an offense if the person operates a passenger vehicle and transports a child who is younger than eight years of age, unless the child is taller than four feet, nine inches, and does not keep the child secured during the operation of the vehicle in a child passenger safety seat system.

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. Amends Section 545.412(a), Transportation Code as follows:

- (a) Provides that a person commits an offense if the person operates a passenger vehicle, transports a child who is younger than eight years of age, rather than younger than five years of age, and less than 57, rather 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.

SECTION 2. Amends Subchapter I, Chapter 545, Transportation Code, by providing that this Act applies only to an offense committed on or after the effected date of this Act.

SECTION 3. In order to provide ample time for public education on this matter, the offense may be prosecuted only if the offense occurs on or after January 1, 2008.

EFFECTIVE DATE

September 1, 2007.