

BILL ANALYSIS

H.B. 2146
By: Bohac
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current Texas law provides that a person commits an offense if the person operates a passenger vehicle and allows a child who is younger than 17 years of age to ride in the vehicle without requiring the child to be secured by a safety belt (Transportation Code, 545.413(b)).

In 2005, the Texas Legislature provided that if the child was under 5 years old, then the offense was considered a moving violation, thereby elevating the impact of the offense by placing it on one's driving record. Under current law, although it is an offense to transport a child between the ages of 5 and 16 without a safety belt, it is not classified as a moving violation.

The Texas Education Agency has approved a specialized course covering safety issues relating to child restraint devices and safety belts. Persons receiving a child seat violation are provided an option to attend this specialized driving safety course. If they successfully complete the course, the offense does not go on their driving record. This encourages individuals to attend these programs where they receive information and training that helps prevent these violations in the future.

The purpose of HB 2146 is to make an offense under 545.413 of the Transportation Code (failing to properly restrain a child passenger aged 5-16 years) a moving violation that will be recorded on one's driving record unless they successfully complete a TEA approved specialized seat belt safety course.

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 708.052 (f), Transportation Code, to make an offense under Section 545.413(b), Transportation Code a moving violation. Section 545.413 (b) provides that a person commits an offense if the person operates a passenger vehicle and allows a child who is younger than 17 years of age to ride in the vehicle without requiring the child to be secured by a safety belt.

Section 2. Provides that change in law applies only to an offense committed on or after the effective date of this Act.

Section 3. Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007.