

1-1 By: Zaffirini S.B. No. 60
1-2 (In the Senate - Filed November 13, 2006; January 23, 2007,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; February 13, 2007, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; February 13, 2007, sent to
1-6 printer.)

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

1-9 relating to the securing of a child passenger in a motor vehicle.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 545.412, Transportation
1-12 Code, is amended to read as follows:

1-13 (a) A person commits an offense if the person operates a
1-14 passenger vehicle, transports a child who is younger than eight
1-15 [~~five~~] years of age, unless the child is taller than four feet, nine
1-16 inches [and less than 36 inches in height], and does not keep the
1-17 child secured during the operation of the vehicle in a child
1-18 passenger safety seat system according to the instructions of the
1-19 manufacturer of the safety seat system.

1-20 SECTION 2. (a) Subject to Subsection (c) of this section,
1-21 the change in law made by this Act applies only to an offense
1-22 committed on or after the effective date of this Act. For the
1-23 purposes of this section, an offense is committed before the
1-24 effective date of this Act if any element of the offense occurs
1-25 before that date.

1-26 (b) An offense committed before the effective date of this
1-27 Act is governed by the law in effect when the offense was committed,
1-28 and the former law is continued in effect for that purpose.

1-29 (c) For an offense under Section 545.412, Transportation
1-30 Code, as amended by this Act, that would not have been an offense
1-31 under that section before this Act took effect, if the child who is
1-32 the subject of the offense is secured by a safety belt:

1-33 (1) the offense may be prosecuted only if the offense
1-34 occurs on or after January 1, 2008; and

1-35 (2) before January 1, 2008, a law enforcement officer
1-36 may not arrest or issue a notice to appear to a person committing
1-37 the offense, but may issue to the person a warning to comply with
1-38 Section 545.412, Transportation Code, as amended by this Act.

1-39 SECTION 3. This Act takes effect September 1, 2007.

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