

BILL ANALYSIS

H.B. 528
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Safety experts, including the Texas Department of Public Safety and the National Highway Traffic Safety Administration, recommend children use booster seats until they can fit safely into an adult seat belt. Booster seats are used for children who have outgrown their “car seats” but are too small for adult seat belts. The booster seat adds artificial height to the child so the seat belt rests on the strongest part of the child’s body. Car crashes are the leading cause of injury and death to children. In car crashes, children ages four to eight years restrained by an adult seat belt are likely to suffer severe head, spinal cord, and internal organ injuries. Booster seats reduce the risk of these injuries by 59 percent. Texas has one of the weakest booster seat laws in the country, requiring only children under five years of age and less than 36 inches tall to use a child safety seat. An average three-year old will outgrow the current law before the child’s 4th birthday. Studies show that one booster seat saves \$494 in personal injury costs, \$245 in public medical spending, and \$433 in work losses. Parents can purchase booster seats at major retailers for between \$15 and \$40, and assistance programs exist for families who can’t afford this expense. Booster seat laws have been shown to raise booster seat use by 40 percent.

H.B. 528 increases the current safety seat system requirements for certain children. The bill provides that a violation occurs when an individual transports a child between the ages of four years and eight years, unless the child is four feet, nine inches, and fails to keep the child secured in a child safety seat system. The bill makes the fine for violations \$25, focusing on educating families, not punishing them. The bill directs funds collected from citations to the Texas Department of Transportation for a child safety seat program focused on education and providing seats to low income families. The bill provides a phase-in period for the offense described in the bill to allow time to educate Texans. The bill provides that enforcement of the offense described in the bill take effect in June, 2010.

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

H.B. 528 amends Transportation Code provisions relating to the offense of operating a passenger vehicle, transporting a child passenger, and failing to 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. The bill specifies that the offense occurs if the child is younger than eight, rather than five, years of age, unless the child is taller than four feet, nine inches, rather than less than 36 inches in height. The bill makes the offense a misdemeanor punishable by a fine of not more than \$25 rather than not less than \$100 or more than \$200. The bill requires a municipality or county to remit each fine collected to the comptroller of public accounts for deposit in a separate account in the general revenue fund that may be appropriated only to the Texas Department of Transportation and used to purchase child passenger safety seat systems for distribution to low-income families. The bill makes its provisions applicable to the

law governing criminal and civil fees payable to the comptroller, and it amends the Local Government Code to add the fines imposed under the bill to the criminal fees to which that law applies.

H.B. 528 specifies that if an offense described by the bill occurs before the bill takes effect and the child who is the subject of the offense is secured by a safety belt, the offense may be prosecuted only if the offense occurs on or after June 1, 2010, and that before the date, a law enforcement officer may not arrest or issue a notice to appear to a person committing the offense, but may issue a warning to the person.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.