

## **BILL ANALYSIS**

Senate Research Center  
81R13385 JD-D

H.B. 3638  
By: Hughes (Davis)  
Transportation & Homeland Security  
5/21/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, a person whose official job duties require frequent entry and exit from a vehicle is exempted from having to wear a seatbelt while performing his job. These jobs include United States Postal Service employees, utility company employees (meter reading), and newspaper delivery personnel.

Recently, a solid waste company employee was ticketed for failing to fasten his seatbelt while driving a solid waste truck through a neighborhood picking up trash at the curb. After further investigation, it was found that this has happened on several occasions. The job duties of solid waste pickup employees require frequent stops and repeated entry and exit from the vehicle, in many cases much more than those jobs currently exempt under the law.

H.B. 3638 amends current law relating to the use of safety belts by the operator of or a passenger in a motor vehicle used exclusively to transport solid waste.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 545.413(e), Transportation Code, to provide that it is a defense to prosecution under this section, under certain situations, including that the person is the operator of or a passenger in a vehicle used exclusively to transport solid waste and performing duties that require frequent entry into and exit from the vehicle. Makes nonsubstantive changes.

SECTION 2. Provides that the change in law made by this Act to Section 545.413(e), Transportation Code, as amended by this Act, applies only to an offense under Section 545.413(a) (relating to providing that a person commits a certain offense if it is a defense to prosecution found under this section) of that code, regardless of whether the offense was committed before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2009.