

## **BILL ANALYSIS**

H.B. 3638  
By: Hughes  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under Section 545.413(e), Transportation Code, a person whose official job duties require frequent entry and exit from a vehicle, such as a United States Postal Service employee, utility company employee, and newspaper delivery personnel, is exempted from having to wear a seat belt while working.

H.B. 3638 creates a defense to prosecution for the offense of not being secured by a safety belt if the person is the operator of or passenger in a vehicle used exclusively to transport solid waste and performing duties that require frequent entry into and exit from the vehicle.

### **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. 3638 amends the Transportation Code to add a defense to prosecution for the offense of not being secured by a safety belt if the person is the operator of or passenger in a vehicle used exclusively to transport solid waste and performing duties that require frequent entry into and exit from the vehicle. The bill specifies that its provisions apply only to the following: the person is at least 15 years of age, is riding in the front seat of a passenger vehicle while the vehicle is being operated, is occupying a seat that is equipped with a safety belt, and is not secured by a safety belt. The bill provides that its provisions are applicable to that offense regardless of whether the offense was committed before, on, or after the effective date.

### **EFFECTIVE DATE**

September 1, 2009.