

## **BILL ANALYSIS**

C.S.H.B. 4449  
By: Bolton  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, vehicle safety requirements are stringent for children riding as passengers in cars. Child safety seats are required from birth until the child reaches the age of five and a height of 36 inches. No such requirements are in place to protect children who are passengers on a motorcycle.

C.S.H.B. 4449 prohibits a motorcycle operator from carrying a person under the age of five on a motorcycle unless an emergency or law enforcement purpose exists or the child is seated in a sidecar, in an effort to provide motorcycle safety for children.

### **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**

C.S.H.B. 4449 amends the Transportation Code to prohibit a motorcycle operator from carrying another person on a motorcycle unless the person is at least five years old and to make a violation of the prohibition a misdemeanor punishable by a fine of not less than \$100 or more than \$200. The bill provides that it is a defense to prosecution if the operator was operating the motorcycle in an emergency or for a law enforcement purpose. The bill exempts from the prohibition an operator carrying on a motorcycle a person younger than five years of age who is seated in a sidecar attached to the motorcycle.

### **EFFECTIVE DATE**

September 1, 2009.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 4449 adds a provision not in the original to exempt from the prohibition against an operator carrying a child younger than five years of age on a motorcycle an operator carrying on a motorcycle a person younger than five years of age who is seated in a sidecar attached to the motorcycle.