

By: Vaught, Pierson, Parker, Anchia, Gattis,  
et al.

H.B. No. 528

A BILL TO BE ENTITLED

AN ACT

relating to the offense of failing to secure a child passenger in a motor vehicle and to fines for the offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 545.412(a) and (b), Transportation Code, are amended to read as follows:

(a) A person commits an offense if the person operates a passenger vehicle, transports a child who is younger than eight [~~five~~] years of age, unless the child is taller than four feet, nine inches [and less than 36 inches in height], and does not 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.

(b) An offense under this section is a misdemeanor punishable by a fine of not [~~less than \$100 or~~] more than \$25 [~~\$200~~]. Notwithstanding any other law, a municipality or county shall remit each fine collected under this section to the comptroller 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 and distribute them to low-income families. Chapter 133, Local Government Code, applies to a fine collected under this section.

SECTION 2. Section 133.003, Local Government Code, is

1 amended to read as follows:

2           Sec. 133.003. CRIMINAL FEES. This chapter applies to the  
3 following criminal fees:

4           (1) the consolidated fee imposed under Section  
5 133.102;

6           (2) the time payment fee imposed under Section  
7 133.103;

8           (3) fees for services of peace officers employed by  
9 the state imposed under Article 102.011, Code of Criminal  
10 Procedure, and forwarded to the comptroller as provided by Section  
11 133.104;

12           (4) costs on conviction imposed in certain statutory  
13 county courts under Section 51.702, Government Code, and deposited  
14 in the judicial fund;

15           (5) costs on conviction imposed in certain county  
16 courts under Section 51.703, Government Code, and deposited in the  
17 judicial fund;

18           (6) the administrative fee for failure to appear or  
19 failure to pay or satisfy a judgment imposed under Section 706.006,  
20 Transportation Code;

21           (7) fines on conviction imposed under Section 545.412  
22 or 621.506(g), Transportation Code;

23           (8) the fee imposed under Article 102.0045, Code of  
24 Criminal Procedure;

25           (9) the cost on conviction imposed under Section  
26 133.105 and deposited in the judicial fund; and

27           (10) the cost on conviction imposed under Section

1 133.107.

2 SECTION 3. (a) Subject to Subsection (c) of this section,  
3 the change in law made by this Act applies only to an offense  
4 committed on or after the effective date of this Act. For the  
5 purposes of this section, an offense is committed before the  
6 effective date of this Act if any element of the offense occurs  
7 before that date.

8 (b) An offense committed before the effective date of this  
9 Act is governed by the law in effect when the offense was committed,  
10 and the former law is continued in effect for that purpose.

11 (c) For an offense under Section 545.412, Transportation  
12 Code, as amended by this Act, that would not have been an offense  
13 under that section before this Act took effect, if the child who is  
14 the subject of the offense is secured by a safety belt:

15 (1) the offense may be prosecuted only if the offense  
16 occurs on or after June 1, 2010; and

17 (2) before June 1, 2010, a law enforcement officer may  
18 not arrest or issue a notice to appear to a person committing the  
19 offense, but may issue to the person a warning to comply with  
20 Section 545.412, Transportation Code, as amended by this Act.

21 SECTION 4. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2009.