

AN ACT

relating to the transportation of children in motor vehicles;
creating an offense.

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

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

(e) This section does not apply to a person:

(1) operating a vehicle transporting passengers for hire, excluding [~~including~~] third-party transport service providers when transporting clients pursuant to a contract to provide nonemergency Medicaid transportation; or

(2) transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.

(f) In this section:

(1) "Child passenger safety seat system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.

(2) "Passenger vehicle" means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor.

(3) "Safety belt" means a lap belt and any shoulder

1 straps included as original equipment on or added to a vehicle.

2 (4) "Secured," in connection with use of a safety
3 belt, means using the lap belt and any shoulder straps according to
4 the instructions of:

5 (A) the manufacturer of the vehicle, if the
6 safety belt is original equipment; or

7 (B) the manufacturer of the safety belt, if the
8 safety belt has been added to the vehicle.

9 SECTION 2. Section 545.413, Transportation Code, is amended
10 by amending Subsection (a) and adding Subsection (b-1) to read as
11 follows:

12 (a) A person commits an offense if:

13 (1) the person:

14 (A) is at least 15 years of age;

15 (B) is riding in [~~the front seat of~~] a passenger
16 vehicle while the vehicle is being operated;

17 (C) is occupying a seat that is equipped with a
18 safety belt; and

19 (D) is not secured by a safety belt; or

20 (2) as the operator of a school bus equipped with a
21 safety belt for the operator's seat, the person is not secured by
22 the safety belt.

23 (b-1) A person commits an offense if the person allows a
24 child who is younger than 17 years of age and who is not required to
25 be secured in a child passenger safety seat system under Section
26 545.412(a) to ride in a passenger van designed to transport 15 or
27 fewer passengers, including the driver, without securing the child

1 individually by a safety belt, if the child is occupying a seat that
2 is equipped with a safety belt.

3 SECTION 3. Section 545.416, Transportation Code, is amended
4 by adding Subsections (d) and (e) to read as follows:

5 (d) Except as provided by Subsection (e), an operator may
6 not carry another person on a motorcycle unless the other person is
7 at least five years of age. An offense under this subsection is a
8 misdemeanor punishable by a fine of not less than \$100 or more than
9 \$200. It is a defense to prosecution under this subsection that the
10 operator was operating the motorcycle in an emergency or for a law
11 enforcement purpose.

12 (e) Subsection (d) does not prohibit an operator from
13 carrying on a motorcycle a person younger than five years of age who
14 is seated in a sidecar attached to the motorcycle.

15 SECTION 4. The change in law made by this Act applies only
16 to an offense committed on or after the effective date of this Act.
17 An offense committed before the effective date of this Act is
18 covered by the law in effect immediately before the effective date
19 of this Act, and the former law is continued in effect for that
20 purpose. For purposes of this section, an offense was committed
21 before the effective date of this Act if any element of the offense
22 was committed before that date.

23 SECTION 5. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 537 was passed by the House on May 11, 2009, by the following vote: Yeas 141, Nays 1, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 537 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 537 on May 31, 2009, by the following vote: Yeas 105, Nays 34, 1 present, not voting.

Chief Clerk of the House

H.B. No. 537

I certify that H.B. No. 537 was passed by the Senate, with amendments, on May 23, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 537 on May 31, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor