

By: Hughes

H.B. No. 3638

A BILL TO BE ENTITLED

AN ACT

relating to the use of safety belts by the operator of or a passenger in a motor vehicle used exclusively to transport solid waste.

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

SECTION 1. Section 545.413(e), Transportation Code, is amended to read as follows:

(e) It is a defense to prosecution under this section that:

(1) the person possesses a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;

(2) the person presents to the court, not later than the 10th day after the date of the offense, a statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;

(3) the person is employed by the United States Postal Service and performing a duty for that agency that requires the operator to service postal boxes from a vehicle or that requires frequent entry into and exit from a vehicle;

(4) the person is engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle;

(5) the person is employed by a public or private utility company and is engaged in the reading of meters or

1 performing a similar duty for that company requiring the operator  
2 to frequently enter into and exit from a vehicle; ~~[or]~~

3 (6) the ~~[The]~~ person is operating a commercial vehicle  
4 registered as a farm vehicle under the provisions of Section  
5 502.163 that does not have a gross weight, registered weight, or  
6 gross weight rating of 48,000 pounds or more; or

7 (7) the person is the operator of or a passenger in a  
8 vehicle used exclusively to transport solid waste and performing  
9 duties that require frequent entry into and exit from the vehicle.

10 SECTION 2. The change in law made by this Act to Section  
11 545.413(e), Transportation Code, as amended by this Act, applies  
12 only to an offense under Section 545.413(a) of that code,  
13 regardless of whether the offense was committed before, on, or  
14 after the effective date of this Act.

15 SECTION 3. This Act takes effect September 1, 2009.