

1-1 By: Hughes (Senate Sponsor - Davis) H.B. No. 3638
1-2 (In the Senate - Received from the House April 23, 2009;
1-3 May 1, 2009, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 23, 2009, reported
1-5 favorably by the following vote: Yeas 7, Nays 0; May 23, 2009, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the use of safety belts by the operator of or a
1-10 passenger in a motor vehicle used exclusively to transport solid
1-11 waste.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 545.413(e), Transportation Code, is
1-14 amended to read as follows:

1-15 (e) It is a defense to prosecution under this section that:

1-16 (1) the person possesses a written statement from a
1-17 licensed physician stating that for a medical reason the person
1-18 should not wear a safety belt;

1-19 (2) the person presents to the court, not later than
1-20 the 10th day after the date of the offense, a statement from a
1-21 licensed physician stating that for a medical reason the person
1-22 should not wear a safety belt;

1-23 (3) the person is employed by the United States Postal
1-24 Service and performing a duty for that agency that requires the
1-25 operator to service postal boxes from a vehicle or that requires
1-26 frequent entry into and exit from a vehicle;

1-27 (4) the person is engaged in the actual delivery of
1-28 newspapers from a vehicle or is performing newspaper delivery
1-29 duties that require frequent entry into and exit from a vehicle;

1-30 (5) the person is employed by a public or private
1-31 utility company and is engaged in the reading of meters or
1-32 performing a similar duty for that company requiring the operator
1-33 to frequently enter into and exit from a vehicle; ~~[or]~~

1-34 (6) the ~~[The]~~ person is operating a commercial vehicle
1-35 registered as a farm vehicle under the provisions of Section
1-36 502.163 that does not have a gross weight, registered weight, or
1-37 gross weight rating of 48,000 pounds or more; or

1-38 (7) the person is the operator of or a passenger in a
1-39 vehicle used exclusively to transport solid waste and performing
1-40 duties that require frequent entry into and exit from the vehicle.

1-41 SECTION 2. The change in law made by this Act to Section
1-42 545.413(e), Transportation Code, as amended by this Act, applies
1-43 only to an offense under Section 545.413(a) of that code,
1-44 regardless of whether the offense was committed before, on, or
1-45 after the effective date of this Act.

1-46 SECTION 3. This Act takes effect September 1, 2009.

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