

By: Morrison

H.B. No. 3794

A BILL TO BE ENTITLED

AN ACT

relating to the securing of a child passenger in a motor vehicle.

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

SECTION 1. Section 545.412(a), Transportation Code, is 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.

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

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

(c) For an offense under Section 545.412, Transportation Code, as amended by this Act, that would not have been an offense under that section before this Act took effect, if the child who is

1 the subject of the offense is secured by a safety belt:

2 (1) the offense may be prosecuted only if the offense
3 occurs on or after January 1, 2010; and

4 (2) before January 1, 2010, a law enforcement officer
5 may not arrest or issue a notice to appear to a person committing
6 the offense, but may issue to the person a warning to comply with
7 Section 545.412, Transportation Code, as amended by this Act.

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