

By: Bolton

H.B. No. 4449

Substitute the following for H.B. No. 4449:

By: Pickett

C.S.H.B. No. 4449

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the criminal consequences of operating a motorcycle on
3 which a person younger than five is a passenger.

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

5 SECTION 1. Section 545.416, Transportation Code, is amended
6 by adding Subsections (d) and (e) to read as follows:

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

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

17 SECTION 2. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 governed by the law in effect when the offense was committed, and
21 the former law is continued in effect for that purpose. For
22 purposes of this section, an offense was committed before the
23 effective date of this Act if any element of the offense was
24 committed before that date.

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