

By: Naishtat

H.B. No. 4551

A BILL TO BE ENTITLED

AN ACT

relating to requiring child passenger safety seat systems for children receiving medical assistance.

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

SECTION 1. Section 545.412, Transportation Code, is amended to read as follows:

Sec. 545.412. CHILD PASSENGER SAFETY SEAT SYSTEMS; OFFENSE. (a) A person commits an offense if the person operates a passenger vehicle, transports a child who is younger than five years of age 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.

(b) An offense under this section is a misdemeanor punishable by a fine of not less than \$100 or more than \$200.

(c) It is a defense to prosecution under this section that the person was operating the vehicle in an emergency or for a law enforcement purpose.

(d) Repealed by Acts 2003, 78th Leg., ch. 204, Sec. 8.01.

(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

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

4           (f) In this section:

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

9           (2) "Passenger vehicle" means a passenger car, light  
10 truck, sport utility vehicle, truck, or truck tractor.

11           (3) "Safety belt" means a lap belt and any shoulder  
12 straps included as original equipment on or added to a vehicle.

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

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

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

20           (g) A judge, acting under Article 45.0511, Code of Criminal  
21 Procedure, who elects to defer further proceedings and to place a  
22 defendant accused of a violation of this section on probation under  
23 that article, in lieu of requiring the defendant to complete a  
24 driving safety course approved by the Texas Education Agency, shall  
25 require the defendant to attend and present proof that the  
26 defendant has successfully completed a specialized driving safety  
27 course approved by the Texas Education Agency under the Texas

1 Driver and Traffic Safety Education Act (Article 4413(29c),  
2 Vernon's Texas Civil Statutes) that includes four hours of  
3 instruction that encourages the use of child passenger safety seat  
4 systems and the wearing of seat belts and emphasizes:

5 (1) the effectiveness of child passenger safety seat  
6 systems and seat belts in reducing the harm to children being  
7 transported in motor vehicles; and

8 (2) the requirements of this section and the penalty  
9 for noncompliance.

10 (h) Notwithstanding Section 542.402(a), a municipality or  
11 county, at the end of the municipality's or county's fiscal year,  
12 shall send to the comptroller an amount equal to 50 percent of the  
13 fines collected by the municipality or the county for violations of  
14 this section. The comptroller shall deposit the amount received to  
15 the credit of the tertiary care fund for use by trauma centers.

16 SECTION 2. This Act takes effect September 1, 2009.