

AN ACT

relating to the offense of failing to secure a child passenger in a motor vehicle and to fines for the offense.

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

SECTION 1. Section 545.412, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) 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.

(b) An offense under this section is a misdemeanor punishable by a fine of not ~~[less than \$100 or]~~ more than \$25 for the first offense and not more than \$250 for a second or subsequent offense ~~[\$200]~~.

(b-1) In addition to all other fees and court costs, a person shall pay 15 cents as a court cost on conviction of an offense under this section. Court costs due under this section shall be collected in the same manner as other fees, fines, or costs are collected in the case. The clerk at least monthly shall send the court costs collected under this section to the comptroller for

1 deposit in a separate account in the general revenue fund that may
2 be appropriated only to the Texas Department of Transportation and
3 used to purchase child passenger safety seat systems and distribute
4 them to low-income families.

5 SECTION 2. Subchapter F, Chapter 102, Government Code, is
6 amended by adding Section 102.104 to read as follows:

7 Sec. 102.104. ADDITIONAL COURT COSTS ON CONVICTION IN
8 JUSTICE COURTS: TRANSPORTATION CODE. The clerk of a justice court
9 shall collect 15 cents as a court cost under Section 545.412,
10 Transportation Code, on conviction of an offense under that
11 section.

12 SECTION 3. Subchapter G, Chapter 102, Government Code, is
13 amended by adding Section 102.122 to read as follows:

14 Sec. 102.122. ADDITIONAL COURT COSTS ON CONVICTION IN
15 MUNICIPAL COURT: TRANSPORTATION CODE. The clerk of a municipal
16 court shall collect 15 cents as a court cost under Section 545.412,
17 Transportation Code, on conviction of an offense under that
18 section.

19 SECTION 4. (a) Subject to Subsection (c) of this section,
20 the change in law made by this Act applies only to an offense
21 committed on or after the effective date of this Act. For the
22 purposes of this section, an offense is committed before the
23 effective date of this Act if any element of the offense occurs
24 before that date.

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

1 (c) For an offense under Section 545.412, Transportation
2 Code, as amended by this Act, that would not have been an offense
3 under that section before this Act took effect, if the child who is
4 the subject of the offense is secured by a safety belt:

5 (1) the offense may be prosecuted only if the offense
6 occurs on or after June 1, 2010; and

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

11 SECTION 5. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 61 passed the Senate on April 30, 2009, by the following vote: Yeas 23, Nays 8; and that the Senate concurred in House amendment on May 15, 2009, by the following vote: Yeas 19, Nays 9.

Secretary of the Senate

I hereby certify that S.B. No. 61 passed the House, with amendment, on May 11, 2009, by the following vote: Yeas 99, Nays 44, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor