

1-1 By: Zaffirini, et al. S.B. No. 61  
1-2 (In the Senate - Filed November 10, 2008; February 10, 2009,  
1-3 read first time and referred to Committee on Transportation and  
1-4 Homeland Security; April 16, 2009, reported favorably by the  
1-5 following vote: Yeas 8, Nays 0; April 16, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the offense of failing to secure a child passenger in a  
1-9 motor vehicle and to fines for the offense.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsections (a) and (b), Section 545.412,  
1-12 Transportation Code, are amended to read as follows:

1-13 (a) A person commits an offense if the person operates a  
1-14 passenger vehicle, transports a child who is younger than eight  
1-15 [five] years of age, unless the child is taller than four feet, nine  
1-16 inches [and less than 36 inches in height], and does not keep the  
1-17 child secured during the operation of the vehicle in a child  
1-18 passenger safety seat system according to the instructions of the  
1-19 manufacturer of the safety seat system.

1-20 (b) An offense under this section is a misdemeanor  
1-21 punishable by a fine of not [less than \$100 or] more than \$25  
1-22 [\$200]. Notwithstanding any other law, a municipality or county  
1-23 shall remit each fine collected under this section to the  
1-24 comptroller for deposit in a separate account in the general  
1-25 revenue fund that may be appropriated only to the Texas Department  
1-26 of Transportation and used to purchase child passenger safety seat  
1-27 systems and distribute them to low-income families. Chapter 133,  
1-28 Local Government Code, applies to a fine collected under this  
1-29 section.

1-30 SECTION 2. Section 133.003, Local Government Code, is  
1-31 amended to read as follows:

1-32 Sec. 133.003. CRIMINAL FEES. This chapter applies to the  
1-33 following criminal fees:

1-34 (1) the consolidated fee imposed under Section  
1-35 133.102;

1-36 (2) the time payment fee imposed under Section  
1-37 133.103;

1-38 (3) fees for services of peace officers employed by  
1-39 the state imposed under Article 102.011, Code of Criminal  
1-40 Procedure, and forwarded to the comptroller as provided by Section  
1-41 133.104;

1-42 (4) costs on conviction imposed in certain statutory  
1-43 county courts under Section 51.702, Government Code, and deposited  
1-44 in the judicial fund;

1-45 (5) costs on conviction imposed in certain county  
1-46 courts under Section 51.703, Government Code, and deposited in the  
1-47 judicial fund;

1-48 (6) the administrative fee for failure to appear or  
1-49 failure to pay or satisfy a judgment imposed under Section 706.006,  
1-50 Transportation Code;

1-51 (7) fines on conviction imposed under Section 545.412  
1-52 or 621.506(g), Transportation Code;

1-53 (8) the fee imposed under Article 102.0045, Code of  
1-54 Criminal Procedure;

1-55 (9) the cost on conviction imposed under Section  
1-56 133.105 and deposited in the judicial fund; and

1-57 (10) the cost on conviction imposed under Section  
1-58 133.107.

1-59 SECTION 3. (a) Subject to Subsection (c) of this section,  
1-60 the change in law made by this Act applies only to an offense  
1-61 committed on or after the effective date of this Act. For the  
1-62 purposes of this section, an offense is committed before the  
1-63 effective date of this Act if any element of the offense occurs  
1-64 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 the subject of the offense is secured by a safety belt:

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

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

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

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