

House Bill 537
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Sections 545.412(e) and (f), Transportation Code, are amended to read as follows:

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

(f) In this section:

- (1) "Child passenger safety seat system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.
- (2) "Passenger vehicle" means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor.
- (3) "Safety belt" means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.
- (4) "Secured," in connection with use of a safety belt, means using the lap belt and any shoulder straps according to the instructions of:
 - (A) the manufacturer of the vehicle, if the safety belt is original equipment; or
 - (B) the manufacturer of the safety belt, if the safety belt has been added to the vehicle.

SENATE VERSION

SECTION 1. Sections 545.412 (f), Transportation Code, is amended to read as follows:

(f) In this section:

- (1) "Child passenger safety seat system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.
- (2) "Passenger vehicle" means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor.
- (3) "Safety belt" means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.
- (4) "Secured," in connection with use of a safety belt, means using the lap belt and any shoulder straps according to the instructions of:
 - (A) the manufacturer of the vehicle, if the safety belt is original equipment; or
 - (B) the manufacturer of the safety belt, if the safety belt has been added to the vehicle.

CONFERENCE

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SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION __. Section 545.413(a), Transportation Code, is amended to read as follows:

- (a) A person commits an offense if:
 - (1) the person:
 - (A) is at least 15 years of age;
 - (B) is riding in [~~the front seat of~~] a passenger vehicle while the vehicle is being operated;
 - (C) is occupying a seat that is equipped with a safety belt; and
 - (D) is not secured by a safety belt; or
 - (2) as the operator of a school bus equipped with a safety belt for the operator's seat, the person is not secured by the safety belt.

SECTION 2. Section 545.413, Transportation Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A person commits an offense if the person allows a child who is younger than 17 years of age and who is not required to be secured in a child passenger safety seat system under Section 545.412(a) to ride in a passenger van designed to transport 15 or fewer passengers, including the driver, without securing the child individually by a safety belt, if the child is occupying a seat that is equipped with a safety belt.

Same as House version.

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SECTION 3. Section 545.416, Transportation Code, is amended by adding Subsections (d) and (e) to read as follows:

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

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

SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SENATE VERSION

Same as House version.

Same as House version.

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SECTION 5. This Act takes effect September 1, 2009.

SENATE VERSION

Same as House version.

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