

## **BILL ANALYSIS**

H.B. 1294  
By: Price  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law makes it an offense to operate a passenger vehicle and transport a child younger than eight years of age and under a certain height while not keeping the child secured in a child passenger safety seat system during the operation of the vehicle. However, a person may assert a defense to prosecution for this offense if the person provides to the court satisfactory evidence that the person possesses a child passenger safety seat system. As a consequence, a person may not always be held accountable for failing to secure a child in the child safety seat. Furthermore, if a person commits more than one offense while transporting a child not secured in a child safety seat, the person may still seek dismissal of a citation for the offense of failing to properly secure the child by way of raising the defense. H.B. 1294 seeks to close this loophole by establishing a defense to prosecution for the offense relating to operating a passenger vehicle and failing to properly secure a child passenger in a child safety seat system if the defendant meets additional criteria.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1294 amends the Transportation Code to remove as a defense to the prosecution for the offense relating to failing to secure a child being transported in a passenger vehicle in a child passenger safety seat system that the defendant provides satisfactory evidence to the court that the defendant possesses an appropriate child passenger safety seat system for each child required to be secured in such a system. The bill instead establishes as a defense to the prosecution for such an offense that the defendant provides satisfactory evidence to the court that the defendant, at the time of the offense, was not arrested or issued a citation for violation of any other offense and did not possess a child passenger safety seat system in the vehicle and that the defendant, subsequent to the time of the offense, obtained an appropriate child passenger safety seat system for each child required to be secured in such a system.

### **EFFECTIVE DATE**

September 1, 2013.