

## **BILL ANALYSIS**

H.B. 1741  
By: Naishtat  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Reports indicate that in the last fifteen years more than 500 children have died in the United States from hyperthermia, or heat stroke, after being left unattended in vehicles and that Texas has had the highest number of such deaths during this time period. Interested parties contend that licensed day-care centers have had higher rates of child deaths from vehicular heat stroke than have other types of child care facilities in Texas. H.B. 1741 seeks to prevent such deaths from occurring by requiring the use of electronic child safety alarms in certain vehicles used to transport children in the care of a licensed day-care center.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

### **ANALYSIS**

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

H.B. 1741 amends the Human Resources Code to require a licensed day-care center to equip each vehicle owned or leased by the facility that is designed to seat six or more persons and used to transport children under the care of the facility with an electronic child safety alarm, defined in the bill as an alarm system that prompts the driver of a vehicle to inspect the vehicle to determine whether children are in the vehicle before the driver exits the vehicle. The bill requires a licensed day-care center to ensure that the electronic child safety alarm is properly maintained and used when transporting children and requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement the bill's provisions. The bill requires a vehicle purchased or leased before the bill's effective date to comply with the bill's requirements not later than December 31, 2014.

H.B. 1741 adds a temporary provision, set to expire December 31, 2014, making the bill's provisions applicable only to a vehicle purchased or leased on or after December 31, 2013.

### **EFFECTIVE DATE**

December 31, 2013.