

By: Price

H.B. No. 1294

A BILL TO BE ENTITLED

AN ACT

relating to the punishment of the offense of failing to secure a child in a child passenger safety seat system and to procedures for dismissal of charges for that offense.

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

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

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

SECTION 2. The heading to Section 545.4121, Transportation Code, is amended to read as follows:

Sec. 545.4121. DISMISSAL ~~[DEFENSE]~~; OBTAINING ~~[POSSESSION OF]~~ CHILD PASSENGER SAFETY SEAT SYSTEM.

SECTION 3. Section 545.4121(b), Transportation Code, is amended to read as follows:

(b) It is a defense to prosecution of an offense to which this section applies that the defendant provides to the court evidence satisfactory to the court that:

(1) at the time of the offense:

(A) the defendant was not arrested or issued a citation for violation of any other offense;

(B) the defendant did not possess a child passenger safety seat system in the vehicle; and

1 (C) the vehicle the defendant was operating was
2 not involved in an accident; and

3 (2) subsequent to the time of the offense, the
4 defendant obtained [~~the defendant possesses~~] an appropriate child
5 passenger safety seat system for each child required to be secured
6 in a child passenger safety seat system under Section 545.412(a).

7 SECTION 4. The change in law made by this Act applies only
8 to an offense committed on or after the effective date of this Act.
9 An offense committed before the effective date of this Act is
10 governed by the law in effect on the date the offense was committed,
11 and the former law is continued in effect for that purpose. For
12 purposes of this section, an offense was committed before the
13 effective date of this Act if any element of the offense occurred
14 before that date.

15 SECTION 5. This Act takes effect September 1, 2013.