

By: Price

H.B. No. 1294

A BILL TO BE ENTITLED

AN ACT

relating to the dismissal of a charge for the offense of failing to secure a child in a child passenger safety seat system.

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

SECTION 1. 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 2. 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 the defendant:

(1) at the time of the offense:

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

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

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

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is  
2 governed by the law in effect on the date the offense was committed,  
3 and the former law is continued in effect for that purpose. For  
4 purposes of this section, an offense was committed before the  
5 effective date of this Act if any element of the offense occurred  
6 before that date.

7 SECTION 4. This Act takes effect September 1, 2013.