

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 17 2013

Letoy Sew
Secretary of the Senate

By: *Seliger*

H.B. No. 1294

Substitute the following for H.B. No. 1294:

By: *C. Ahms*

C.S. 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:

(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

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

(2) subsequent to the time of the offense, the defendant obtained [~~the defendant 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).

1 SECTION 3. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 governed by the law in effect on the date the offense was committed,
5 and the former law is continued in effect for that purpose. For
6 purposes of this section, an offense was committed before the
7 effective date of this Act if any element of the offense occurred
8 before that date.

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

on 3rd
ADOPTED

FLOOR AMENDMENT NO. 1

MAY 17 2013

BY:

Schiger

Larry Spaw
Secretary of the Senate

1 Amend H.B. No. 1294 (senate committee printing) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 20, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1294 by Price (Relating to the dismissal of a charge for the offense of failing to secure a child in a child passenger safety seat system.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to establish certain exceptions to an offense by a person who failed to secure a child in a child passenger safety seat system.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, ESi, AG, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 8, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1294 by Price (Relating to the dismissal of a charge for the offense of failing to secure a child in a child passenger safety seat system.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to establish certain exceptions to an offense by a person who failed to secure a child in a child passenger safety seat system.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, ESi, AG, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 6, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1294 by Price (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.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to establish certain exceptions to an offense by a person who failed to secure a child in a child passenger safety seat system.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, ESi, AG, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 25, 2013

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1294 by Price (Relating to the dismissal of a charge for the offense of failing to secure a child in a child passenger safety seat system.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to establish certain exceptions to an offense by a person who failed to secure a child in a child passenger safety seat system.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, AG, TP