

By: Zaffirini

S.B. No. 278

A BILL TO BE ENTITLED

AN ACT

relating to the creation of an offense for failing to secure certain children in a rear-facing child passenger safety seat system.

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

SECTION 1. Section 545.412, Transportation Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A person commits an offense if the person operates a passenger vehicle, transports a child who is younger than two years of age, and does not keep the child secured during the operation of the vehicle in a rear-facing child passenger safety seat system unless the child:

(1) is taller than three feet, four inches; or

(2) weighs more than 40 pounds.

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

1 not involved in an accident; and

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

6 SECTION 3. Sections 545.413(b) and (b-1), Transportation  
7 Code, are amended to read as follows:

8 (b) A person commits an offense if the person:

9 (1) operates a passenger vehicle that is equipped with  
10 safety belts; and

11 (2) allows a child who is younger than 17 years of age  
12 and who is not required to be secured in a child passenger safety  
13 seat system under Section 545.412 [~~545.412(a)~~] to ride in the  
14 vehicle without requiring the child to be secured by a safety belt,  
15 provided the child is occupying a seat that is equipped with a  
16 safety belt.

17 (b-1) A person commits an offense if the person allows a  
18 child who is younger than 17 years of age and who is not required to  
19 be secured in a child passenger safety seat system under Section  
20 545.412 [~~545.412(a)~~] to ride in a passenger van designed to  
21 transport 15 or fewer passengers, including the driver, without  
22 securing the child individually by a safety belt, if the child is  
23 occupying a seat that is equipped with a safety belt.

24 SECTION 4. This Act takes effect September 1, 2017.