

By: Turner of Tarrant, Thierry, Zerwas,
Bernal, Sheffield, et al.

H.B. No. 448

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 Subsections (a-1) and (d) 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.

(d) It is a defense to prosecution under Subsection (a-1)
that the child has a medical condition, as evidenced by a written
statement from a licensed physician, that prevents the child from
being secured in a rear-facing 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

1 citation for violation of any other offense;

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

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

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

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

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

13 (1) operates a passenger vehicle that is equipped with
14 safety belts; and

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

21 (b-1) A person commits an offense if the person allows a
22 child who is younger than 17 years of age and who is not required to
23 be secured in a child passenger safety seat system under Section
24 545.412 [~~545.412(a)~~] to ride in a passenger van designed to
25 transport 15 or fewer passengers, including the driver, without
26 securing the child individually by a safety belt, if the child is
27 occupying a seat that is equipped with a safety belt.

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1 SECTION 4. This Act takes effect September 1, 2019.