

1-1 By: Turner of Tarrant, et al. H.B. No. 448  
 1-2 (Senate Sponsor - Zaffirini)  
 1-3 (In the Senate - Received from the House April 16, 2019;  
 1-4 April 17, 2019, read first time and referred to Committee on  
 1-5 Transportation; May 19, 2019, reported adversely, with favorable  
 1-6 Committee Substitute by the following vote: Yeas 8, Nays 0;  
 1-7 May 19, 2019, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17			X	
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 448 By: West

1-20 A BILL TO BE ENTITLED  
 1-21 AN ACT

1-22 relating to the creation of an offense for failing to secure certain  
 1-23 children in a rear-facing child passenger safety seat system.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 545.412, Transportation Code, is amended  
 1-26 by adding Subsections (a-1), (a-2), and (d) to read as follows:

1-27 (a-1) A person commits an offense if the person operates a  
 1-28 passenger vehicle, transports a child who is younger than two years  
 1-29 of age, and does not keep the child secured during the operation of  
 1-30 the vehicle in a rear-facing child passenger safety seat system  
 1-31 unless the child:

1-32 (1) is taller than three feet, four inches; or

1-33 (2) weighs more than 40 pounds.

1-34 (a-2) A peace officer may not:

1-35 (1) stop a motor vehicle or detain the operator of a  
 1-36 motor vehicle solely to enforce Subsection (a-1); or

1-37 (2) issue a citation for an offense under Subsection  
 1-38 (a-1) unless the officer determines that the person has previously  
 1-39 been issued a warning or citation for or convicted of that offense.

1-40 (d) It is a defense to prosecution under Subsection (a-1)  
 1-41 that the child has a medical condition, as evidenced by a written  
 1-42 statement from a licensed physician, that prevents the child from  
 1-43 being secured in a rear-facing child passenger safety seat system.

1-44 SECTION 2. Section 545.4121(b), Transportation Code, is  
 1-45 amended to read as follows:

1-46 (b) It is a defense to prosecution of an offense to which  
 1-47 this section applies that the defendant provides to the court  
 1-48 evidence satisfactory to the court that:

1-49 (1) at the time of the offense:

1-50 (A) the defendant was not arrested or issued a  
 1-51 citation for violation of any other offense;

1-52 (B) the defendant did not possess a child  
 1-53 passenger safety seat system in the vehicle; and

1-54 (C) the vehicle the defendant was operating was  
 1-55 not involved in an accident; and

1-56 (2) subsequent to the time of the offense,  
 1-57 the defendant obtained an appropriate child passenger safety seat  
 1-58 system for each child required to be secured in a child passenger  
 1-59 safety seat system under Section 545.412 [545.412(a)].

1-60 SECTION 3. Sections 545.413(b) and (b-1), Transportation

2-1 Code, are amended to read as follows:

2-2 (b) A person commits an offense if the person:

2-3 (1) operates a passenger vehicle that is equipped with  
2-4 safety belts; and

2-5 (2) allows a child who is younger than 17 years of age  
2-6 and who is not required to be secured in a child passenger safety  
2-7 seat system under Section 545.412 [~~545.412(a)~~] to ride in the  
2-8 vehicle without requiring the child to be secured by a safety belt,  
2-9 provided the child is occupying a seat that is equipped with a  
2-10 safety belt.

2-11 (b-1) A person commits an offense if the person allows a  
2-12 child who is younger than 17 years of age and who is not required to  
2-13 be secured in a child passenger safety seat system under Section  
2-14 545.412 [~~545.412(a)~~] to ride in a passenger van designed to  
2-15 transport 15 or fewer passengers, including the driver, without  
2-16 securing the child individually by a safety belt, if the child is  
2-17 occupying a seat that is equipped with a safety belt.

2-18 SECTION 4. This Act takes effect September 1, 2019.

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