

SENATE AMENDMENTS

2nd Printing

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.

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

ADOPTED

MAY 20 2019

Letty Saw
Secretary of the Senate

By: Zaffirini

H.B. No. 448

Substitute the following for ____B. No. ____:

By: W/V

C.S. ____B. No. ____

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), (a-2), 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.

(a-2) A peace officer may not:

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

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

(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

1 amended to read as follows:

2 (b) It is a defense to prosecution of an offense to which
3 this section applies that the defendant provides to the court
4 evidence satisfactory to the court that:

5 (1) at the time of the offense:

6 (A) the defendant was not arrested or issued a
7 citation for violation of any other offense;

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

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

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

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

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

19 (1) operates a passenger vehicle that is equipped with
20 safety belts; and

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

27 (b-1) A person commits an offense if the person allows a

1 child who is younger than 17 years of age and who is not required to
2 be secured in a child passenger safety seat system under Section
3 545.412 [~~545.412(a)~~] to ride in a passenger van designed to
4 transport 15 or fewer passengers, including the driver, without
5 securing the child individually by a safety belt, if the child is
6 occupying a seat that is equipped with a safety belt.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 21, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB448 by Turner, Chris (Relating to the creation of an offense for failing to secure certain children in a rear-facing 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 create an offense for a person failing to secure certain children in a rear-facing child passenger seat and provides certain defenses to prosecution.

The offense would be punishable by a fine of not less than \$25 and not more than \$250.

Local Government Impact

Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies:

LBB Staff: WP, JGAn, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 17, 2019

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB448 by Turner, Chris (relating to the creation of an offense for failing to secure certain children in a rear-facing 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 create an offense for a person failing to secure certain children in a rear-facing child passenger seat and provides certain defenses to prosecution.

The offense would be punishable by a fine of not less than \$25 and not more than \$250.

Local Government Impact

Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies:

LBB Staff: WP, JGAⁿ, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 25, 2019

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB448 by Turner, Chris (Relating to the creation of an offense for failing to secure certain children in a rear-facing child passenger safety seat system.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to create an offense for a person failing to secure certain children in a rear-facing child passenger seat and provides certain defenses to prosecution.

The offense would be punishable by a fine of not less than \$25 and not more than \$250.

Local Government Impact

Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies:

LBB Staff: WP, JGAn, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION
Revision 1

February 26, 2019

TO: Honorable Terry Canales, Chair, House Committee on Transportation

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB448 by Turner, Chris (Relating to the creation of an offense for failing to secure certain children in a rear-facing child passenger safety seat system.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to create an offense for a person failing to secure certain children in a rear-facing child passenger seat.

The offense would be punishable by a fine of not less than \$25 and not more than \$250.

Local Government Impact

Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies:

LBB Staff: WP, JGAn, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

February 25, 2019

TO: Honorable Terry Canales, Chair, House Committee on Transportation

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB448 by Turner, Chris (Relating to the creation of an offense for failing to secure certain children in a rear-facing child passenger safety seat system.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to create an offense for a person failing to secure certain children in a rear-facing child passenger seat.

The offense would be punishable by a fine of not less than \$25 and not more than \$250.

Local Government Impact

Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies: 503 Texas Medical Board, 529 Health and Human Services Commission,
537 State Health Services, Department of

LBB Staff: WP, JGAn, SD, GP, LR, TBo, JGa