

**House Bill 448**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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 citation for violation of any other offense;

SENATE VERSION (CS)

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. Same as House version.

CONFERENCE

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<p>(B) the defendant did not possess a child passenger safety seat system in the vehicle; and</p> <p>(C) the vehicle the defendant was operating was not involved in an accident; and</p> <p>(2) subsequent to the time of the offense, the defendant obtained an appropriate child passenger safety seat system for each child required to be secured in a child passenger safety seat system under Section <u>545.412</u> [<del>545.412(a)</del>].</p> <p>SECTION 3. Sections 545.413(b) and (b-1), Transportation Code, are amended to read as follows:</p> <p>(b) A person commits an offense if the person:</p> <p>(1) operates a passenger vehicle that is equipped with safety belts; and</p> <p>(2) allows a child who is younger than 17 years of age and who is not required to be secured in a child passenger safety seat system under Section <u>545.412</u> [<del>545.412(a)</del>] to ride in the vehicle without requiring the child to be secured by a safety belt, provided the child is occupying a seat that is equipped with a safety belt.</p> <p>(b-1) A person commits an offense if the person allows a child who is younger than 17 years of age and who is not required to be secured in a child passenger safety seat system under Section <u>545.412</u> [<del>545.412(a)</del>] to ride in a passenger van designed to transport 15 or fewer passengers, including the driver, without securing the child individually by a safety belt, if the child is occupying a seat that is equipped with a safety belt.</p> <p>SECTION 4. This Act takes effect September 1, 2019.</p>	<p>SECTION 3. Same as House version.</p> <p>SECTION 4. Same as House version.</p>	

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