

By: Turner of Tarrant

H.B. No. 1918

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of a criminal offense for failing to secure
3 certain children in a rear-facing child passenger safety seat
4 system.

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

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

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

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

14 (2) weighs more than 40 pounds.

15 (a-2) A peace officer may not:

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

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

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

1 SECTION 2. Section [545.4121\(b\)](#), Transportation Code, is
2 amended to read as follows:

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

6 (1) at the time of the offense:

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

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

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

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

17 SECTION 3. Sections [545.413\(b\)](#) and (b-1), Transportation
18 Code, are amended to read as follows:

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

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

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

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

8 SECTION 4. This Act takes effect September 1, 2021.