

AN ACT

relating to the use of safety belts and child passenger safety seat systems.

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

SECTION 1. Section 545.412(a), Transportation Code, as amended by Chapters 618 and 910, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

(a) A person commits an offense if the person operates a passenger vehicle, transports a child who is younger than five [~~four~~] years of age and [~~or~~] less than 36 inches in height, and does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system.

SECTION 2. Section 545.412(e), Transportation Code, is amended to read as follows:

(e) This section does not apply to a person:

(1) operating a vehicle transporting passengers for hire, including third-party transport service providers when transporting clients pursuant to a contract to provide nonemergency Medicaid transportation; or

(2) transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.

SECTION 3. Subchapter I, Chapter 545, Transportation Code,

1 is amended by adding Section 545.4121 to read as follows:

2 Sec. 545.4121. DEFENSE; POSSESSION OF CHILD PASSENGER
3 SAFETY SEAT SYSTEM. (a) This section applies to an offense
4 committed under Section 545.412.

5 (b) It is a defense to prosecution of an offense to which
6 this section applies that the defendant provides to the court
7 evidence satisfactory to the court that the defendant possesses an
8 appropriate child passenger safety seat system for each child
9 required to be secured in a child passenger safety seat system under
10 Section 545.412(a).

11 SECTION 4. Section 545.413(b), Transportation Code, is
12 amended to read as follows:

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

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

16 (2) allows a child who is [~~at least five years of age~~
17 ~~but~~] younger than 17 years of age [~~or who is younger than five years~~
18 ~~of age~~] and who is not required to be secured in a child passenger
19 safety seat system under Section 545.412(a) [at least 36 inches in
20 height] to ride in the vehicle without requiring the child to be
21 secured by a safety belt, provided the child is occupying a seat
22 that is equipped with a safety belt.

23 SECTION 5. Section 708.052, Transportation Code, is amended
24 by adding Subsection (f) to read as follows:

25 (f) For the purposes of this section, an offense under
26 Section 545.412 is a moving violation of a traffic law.

27 SECTION 6. Article 45.0511, Code of Criminal Procedure, is

1 amended by adding Subsection (u) to read as follows:

2 (u) The requirement of Subsection (b)(2) does not apply to a
3 defendant charged with an offense under Section 545.412,
4 Transportation Code, if the judge requires the defendant to attend
5 and present proof that the defendant has successfully completed a
6 specialized driving safety course that includes four hours of
7 instruction that encourages the use of child passenger safety seat
8 systems, and any driving safety course taken by the defendant under
9 this section within the 12 months preceding the date of the offense
10 did not include that training. The person's driving record under
11 Subsection (c)(2) and the affidavit of the defendant under
12 Subsection (c)(3) is required to include only previous or
13 concurrent courses that included that training.

14 SECTION 7. (a) The Department of Public Safety of the State
15 of Texas shall conduct a study regarding legislative options to
16 improve child passenger safety laws.

17 (b) In completing the study, the Department of Public Safety
18 of the State of Texas shall seek input from:

19 (1) state agencies charged with developing child
20 passenger laws;

21 (2) advocates for child safety;

22 (3) volunteer organizations providing child safety
23 services to children;

24 (4) parents;

25 (5) automobile manufacturers and child passenger
26 safety seat manufacturers; and

27 (6) other appropriate persons as determined by the

1 department.

2 (c) The study must include:

3 (1) whether there are public safety benefits to
4 increasing the age, height, or weight requirements for children to
5 ride in a vehicle properly secured in a safety seat;

6 (2) the need for a grace period for drivers to learn of
7 a potential change in child passenger safety seat laws;

8 (3) potential reduction of health care costs to treat
9 seatbelt and other related injuries to children if child passenger
10 safety laws are changed;

11 (4) options to educate parents and educators about the
12 importance of child passenger safety laws; and

13 (5) other states' child safety laws.

14 (d) The Department of Public Safety of the State of Texas
15 shall complete the study and report to the legislature on or before
16 September 1, 2006.

17 (e) This section expires September 1, 2007.

18 SECTION 8. (a) The change in law made by this Act applies
19 only to an offense committed on or after the effective date of this
20 Act. For the purposes of this section, an offense is committed
21 before the effective date of this Act if any element of the offense
22 occurs before that date.

23 (b) An offense committed before the effective date of this
24 Act is governed by the law in effect when the offense was committed,
25 and the former law is continued in effect for that purpose.

26 SECTION 9. This Act takes effect September 1, 2005.

David Newkirk

President of the Senate

Jim Cradick

Speaker of the House

I certify that H.B. No. 183 was passed by the House on April 25, 2005, by the following vote: Yeas 92, Nays 46, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 183 on May 29, 2005, by the following vote: Yeas 134, Nays 8, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 183 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Lacey Spaw

Secretary of the Senate

APPROVED: 18 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:15 AM. 01CLOCK

Roger Williams

Secretary of State