

SUBJECT: Raising child age-limit requirements for wearing safety seats and seat belts

COMMITTEE: Transportation — favorable, with amendment

VOTE: 7 ayes — Alexander, Hawley, Y. Davis, Edwards, Hamric, Hill, Noriega
1 nay — Swinford
1 absent — Pickett

SENATE VOTE: On final passage, March 6 — voice vote (Staples recorded nay)

WITNESSES: For — Eric N. Levy, Texas Pediatric Society/Texas Medical Association; John E. Merrifield; *Registered but did not testify*: Greg Herzog, Texas Academy of Family Physicians; Kris Kiser, Alliance of Automobile Manufacturers; Skylar Merrifield; Vicki Perkins, CHRISTUS Santa Rosa Children's Hospital; Candie Phipps, Texas Pediatric Society; Jenny Young, Texas Medical Association

Against — *Registered but did not testify*: Gary Joiner, Texas Farm Bureau

BACKGROUND: Transportation Code, sec. 545.412 currently requires infants up to the age of two riding in passenger cars or light trucks to sit in child passenger safety seats. Children ages two or three either must sit in safety seats or wear seat belts. Drivers who fail to have children do so are guilty of a misdemeanor punishable by a fine of \$25 to \$50, unless all seats are occupied or an emergency exists. Taxis are exempt.

In 1999, the 76th Legislature enacted SB 60 by Moncrief, which amended sec. 545.413 to require front-seat passengers ages 15 and older to wear seat belts. Drivers who allow children ages 4 through 14 to ride in any seat in the vehicle without wearing seat belts commit a misdemeanor offense punishable by a fine of \$25 to \$50. Mail carriers, newspaper deliverers, utility workers and persons with verifiable medical conditions have defenses to prosecution. Trucks with cargo capacities exceeding three-quarters of a ton are exempt.

DIGEST: SB 113, as amended, would require two- and three-year-olds and children weighing less than 40 pounds to ride in child safety seats in passenger vehicles. The bill would repeal the provision in sec. 545.412 allowing two- and three-year-olds to wear seat belts. A driver would commit an offense by allowing a child younger than 17 to ride in any seat in a passenger vehicle without a seat belt.

Drivers of registered farm vehicles weighing less than 48,000 pounds would have a defense to prosecution. The exemption for trucks whose cargo capacities exceeded three-quarters of a ton would be repealed. "Passenger vehicle" would be defined as "passenger car," "sport utility vehicle," "light truck," "truck," or "truck tractor." "Safety belt" and "secured" also would be defined.

The bill would take effect September 1, 2001. It would apply only to offenses committed on or after that date.

SUPPORTERS SAY: SB 113 would expand protections for children who ride in cars and ensure that adults were held responsible for buckling up their kids. Despite the enactment of SB 60 in 1999, the law's inadvertent loopholes and drivers' ongoing habits continue to make Texas a dangerous place for kids in cars.

A study released in February by the National Safe Kids Campaign gave Texas and 23 other states failing grades for their weak child-occupant protection laws. The study faulted Texas for not requiring safety seats for children older than two and for not requiring children older than 15 to wear seat belts when riding in back seats. More than 50 percent of children killed in car wrecks either are unrestrained or improperly restrained. According to the Department of Public Safety (DPS), 73 percent of persons killed recently while riding in back seats were unrestrained.

Current criteria for requiring parents or drivers to put young children in safety seats are too lax. Two- and three-year-olds and small children who weigh less than 40 pounds also need this protection. Allowing two- and three-year-olds to wear seat belts not designed for small children is inappropriate and dangerous. Seat replacement costs, perhaps a burden to some, are far outweighed by the potential costs of treating injuries. And certainly no cost is too high to prevent a child's death. The Texas

Department of Transportation makes thousands of safety seats available to needy families each year.

SB 113 would not change the front-seat requirement but would close the back-seat loophole by raising the minimum age to 17 for riding unrestrained in back seats. Under current state law, children may ride unrestrained in the back seats of vehicles when they reach 15 years of age. It also would replace the exemption for heavy-duty pickup trucks with a defense to prosecution for registered farm vehicles weighing less than the statutory commercial maximum of 48,000 pounds.

The bill would not affect laws, city ordinances, or county orders regulating traffic on public beaches. Transportation Code, sec. 729.001 does make certain traffic laws applicable to children ages 16 and younger operating motor vehicles on public beaches.

OPPONENTS
SAY:

SB 113 is premature because SB 60 has been in effect less than two years. That is not enough time to determine how well it is working. Statistics do not yet show that child passenger auto fatalities are increasing.

Raising the age limit for children required to ride in safety seats would burden low-income families disproportionately. More should be done to make safety seats available to the poor. The bill does not address that issue.

Wearing a seat belt is a personal decision. It should be left up to parents and adults. Government should not punish citizens for exercising their individual liberties if they do not infringe on the rights of others.

OTHER
OPPONENTS
SAY:

Allowing children to ride unrestrained merely because all other seats are occupied is unconscionable and should be repealed. It sends the wrong message to parents and drivers that child safety is not top priority. The four-year and 40-pound age and weight limits are too low; eight-years-old and 80 pounds would save more kids' lives.

The DPS statistics on unrestrained back-seat fatalities point up the arbitrariness of distinguishing between front- and back-seat passengers. All occupants should be properly restrained at all times while riding in any type of motor vehicle on a public roadway.

NOTES: The committee amendment would raise the age limit for the child safety seat requirement and add the weight limit. The amendment would delete the provision in current law allowing two- and three-year-olds either to wear seat belts or ride in safety seats.