

**SUBJECT:** Age and height requirements for child passenger safety seats

**COMMITTEE:** Transportation — favorable, without amendment

**VOTE:** 7 ayes — Krusee, Phillips, Callegari, Casteel, Deshotel, Hill, West  
0 nays  
2 absent — Flores, Hamric

**WITNESSES:** For — Susan Douglass, University Health System and Safe Kids Coalition, San Antonio; Carmen Edwards; Tom Gaylor, Texas Municipal Police Association; Anne O'Ryan, AAA Texas; Karen Slay, Texas PTA; Gaylen Tips, Emergency Nurses Association and Brackenridge Hospital Trauma Services  
Against — None  
On — Todd Maxton, Texas Child Occupant Protection Safety Advocates

**BACKGROUND:** Transportation Code, sec.545.412(a), makes it a misdemeanor offense (a fine up to \$200) for a driver to transport a child younger than four years old or less than 36 inches tall who is not properly secured in a child safety seat. Sec. 545.413(b) creates a misdemeanor offense (a fine up to \$200) for transporting a child at least five years old but younger than 17 years old and at least 36 inches tall without requiring the child to wear a safety belt.

**DIGEST:** HB 183 would increase the age and height requirements for transporting a child in a passenger vehicle without properly securing the child. It would be an offense to transport a child eight years of age or younger or a child less than 57 inches tall without properly securing the child in a child safety seat system.  
  
The bill would apply to offenses on or after its September 1, 2005, effective date.

SUPPORTERS  
SAY:

HB 183 would help protect the lives of children in a transitional stage by requiring that all children eight years old and younger, or shorter than 57 inches, be properly restrained in car seats or booster seats.

Empirical data have shown that as few as 3 percent of children hospitalized as a result of vehicle collisions were properly restrained at the time of their accidents. Children between the ages of two and eight have a higher risk of sustaining injuries in collisions and are most likely to be restrained improperly because they may be too big to fit in a car seat and too small to be restrained properly by an adult seat belt. Children in this transitional stage between car seats and adult seat belts need to be secured in booster seats to ensure that they are fitted properly in a seat belt.

Adult seat belts are dangerous for children shorter than 57 inches. When a child is not yet 57 inches tall, the adult lap belt and shoulder strap cannot be fitted properly across the child unless the child has been properly placed in a booster seat or car seat. Adult seat belts have resulted in serious injuries in children under 57 inches, including severe damage to children's internal organs. Booster seats have proven effective in preventing injuries in children under 57 inches. HB 183 would protect the safety of children whose needs are neglected under current law.

Booster seat legislation is economically feasible for parents and financially beneficial for the state. Child safety seats and booster seats are inexpensive, even for low-income families. The cost of a car seat or booster seat for a child is minimal considering the potential costs of not properly securing the child. Texas spends \$2 million per year on child brain injuries alone. HB 183 would not impose a financial burden on families and would free up millions of dollars in state resources.

Many other states have more protective child safety seat laws that ensure that children too small for adult seatbelts are properly secured in vehicles. Twenty-eight states and the District of Columbia already have booster seat laws on the books to protect children who have outgrown car seats. California's booster seat law requires that a child under six years old or under 60 pounds be secured in an appropriate child passenger safety restraint. HB 183 would allow Texas to keep up with the rest of the nation in the arena of child safety.

OPPONENTS  
SAY:

HB 183 should more vigorously address the problem of child vehicle safety in Texas. HB 183 should contain a provision to close the loophole that allows children to be transported without being properly restrained in vehicles that are too small to accommodate the number of passengers riding in the vehicle. HB 183 also should impose a stronger penalty for violations of Texas' child passenger safety law. A fine of up to \$200 is not substantial enough to deter potential violators.

NOTES:

The companion bill, SB 153 by Zaffirini, is pending in the Senate Transportation and Homeland Security Committee.

A related bill, HB 366 by Hegar, which would require children younger than five years old and less than 36 inches tall to be secured by a child safety seat and children younger than 17 and not required to be in a child safety seat to be secured by a safety belt, passed the House on March 29 and has been referred to the Senate Transportation and Homeland Security Committee.