

SUBJECT: Raising age requirement for child safety seats to less than five years

COMMITTEE: Transportation — favorable, without amendment

VOTE: 6 ayes — Krusee, Phillips, Callegari, Casteel, Deshotel, Hill
0 nays
3 absent — Flores, Hamric, West

WITNESSES: None

BACKGROUND: Transportation Code, sec. 545.412(a) creates a misdemeanor offense 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 to transport 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 366 would amend sec. 545.412(a) to require a child younger than five years old and less than 36 inches tall to be secured in a child safety seat. It also would amend sec. 545.413(b) to require a child younger than 17 years old and not required to be secured in a child safety seat to be secured by a safety belt.

The bill would take effect on September 1, 2005, and apply to offenses on or after that date.

SUPPORTERS SAY: HB 366 would not significantly change existing law but merely would clean up an inconsistency in the statutes to reflect the original intent of the law. In the interest of child safety, it is better to choose caution and select the older age of five as the standard for child safety seats rather than the younger age of four. Requiring that children be at least five before transitioning from child safety seats and booster seats to regular use of safety belts would protect more children's lives.

OPPONENTS SAY: The standards of five years old or 36 inches in height are not adequate to ensure the safety of children in Texas. Other states have stricter guidelines. For example, California law requires that children be properly restrained

in child seats or booster seats until they are at least six years old or weigh at least 60 pounds.