

SUBJECT: Requiring car safety belt use for back-seat passengers

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Gallego, Hodge, Kent, Miklos, Moody, Pierson
3 nays — Christian, Fletcher, Riddle
2 absent — Vaught, Vo

SENATE VOTE: On final passage, (May 14) — 25-6 (Eltife, Fraser, Harris, Jackson, Patrick, Williams)

WITNESSES: No public hearing

BACKGROUND: Under Transportation Code, sec. 545.413 (a), it is an offense for persons at least 15 years old to ride in the front seat of a an operating passenger vehicle and not wear a seat belt. The offense is a misdemeanor punishable by a fine of \$25 to \$50.

DIGEST: SB 1028 would make it an offense for persons at least 15 years old to ride in any seat of a passenger vehicle while not wearing a seat belt. The offense would be a misdemeanor punishable by a fine of \$25 to \$50.

The bill would take effect September 1, 2009.

SUPPORTERS SAY: SB 1028 would help save lives and money in Texas. Hundreds of motorists are injured or killed each year because they failed to use available safety belts. Only 17 percent of crash victims wearing seat belts are hospitalized, compared with 32 percent of crash victims not wearing seat belts. Seventy-five percent of crash victims who are ejected from a car are injured fatally.

The state already has a mandatory seat belt law for persons in the front seat of a car, and there is no reason this law should not extend to persons in the back seat of a car. The state has determined that it has an interest in motorists wearing seat belts and that such laws do not violate personal liberty.

HB 1028 would help reduce the financial impact of costly auto crash injuries. Traffic accidents create a burden for the individuals involved, law enforcement officers who investigate accidents, and entities that pay for short-term or long-term healthcare for injured individuals. The severity of crash injuries also can affect auto insurance rates. Wearing a safety belt is not just a matter of personal responsibility. Safety belt use is important to traffic safety and should be regulated just as any other traffic law.

The best way to increase seat belt use is with seat belt laws. Rear seat belt use is higher in states that require it by law, with 88 percent usage, than in those that do not, with 69 percent usage. While educating about seat belt use is important, it is not enough.

With SB 1028, Texas would join the 35 other states that require the use of all available seat belts.

**OPPONENTS
SAY:**

Texas should not further intrude into the personal choices and liberties of Texans by mandating seat belt use in the back seat of vehicles. The existence of a law mandating front-seat safety belt use does not justify the expansion of the ill-advised law. Activities that do not harm or cause a loss to others should not be a crime.

Motorists already know that seat belts increase safety, and they should be free to decide whether to use one. It is not the government's job to protect Texans from every potentially bad choice, including the decision whether or not to wear a seat belt in the back seat of a car. Texans engage in many dangerous things from which the state does not protect them.

Increasing seat belt use is best done through education. A new law would not make those who do not want to use a safety belt use them.