

## **BILL ANALYSIS**

Senate Research Center

H.B. 183  
By: Brown, Fred et al. (Zaffirini)  
Transportation & Homeland Security  
5/16/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Current law requires a child who is younger than four years of age or less than 36 inches in height to ride in a child passenger safety seat system.

H.B. 183 provides that a person commits an offense if the person operates a passenger car or light truck and transports a child who is eight years of age or younger or is less than 51 inches in height, and less than 80 pounds 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. The bill also provides that a person commits an offense if the person allows a child who is older than eight years of age, but younger than 17 years of age, and is at least 57 inches in height to ride in the vehicle without requiring the child to be secured by a safety belt, provided the child is occupying a seat that is equipped with a safety belt.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

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

(a) Provides that a person commits an offense if the person operates a passenger vehicle, transports a child who is eight years of age or younger, rather than younger than four years of age, or less than 51, rather than 36, inches in height and less than 80 pounds, and does not keep the child secured during the operation of the vehicle in a child passenger safety seat system.

SECTION 2. Amends Subchapter I, Chapter 545, Transportation Code, by adding Section 545.4121, as follows:

Sec. 545.4121. DEFENSE; POSSESSION OF CHILD PASSENGER SAFETY SEAT SYSTEM. (a) Provides that this section applies to an offense committed under Section 545.412 before September 1, 2006, that would not have been an offense under that section as the section existed immediately before September 1, 2005.

(b) Provides that it is a defense to prosecution of an offense to which this section applies that the defendant provides to the court evidence satisfactory to the court that the defendant possesses an appropriate child passenger safety seat system for each child who is regularly transported by the defendant in a passenger vehicle and who is eight years of age or younger or who is less than 57 inches in height.

(c) Provides that this section expires September 1, 2007.

SECTION 3. Amends Section 545.413(b), Transportation Code, as follows:

(b) Provides that a person commits an offense if the person operates a passenger vehicle that is equipped with safety belts and allows a child who is older than eight years of age but younger than 17 years of age and who is at least 57 inches in height to ride in the

vehicle without requiring the child to be secured by a safety belt, provided the child is occupying a seat that is equipped with a safety belt. Deletes existing text prohibiting an operator of a passenger vehicle from allowing a child who is at least five years of age but younger than 17 years of age or who is younger than five years of age and at least 36 inches in height to ride in the vehicle without wearing a safety belt.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2005.