

BILL ANALYSIS

Senate Research Center

H.B. 366
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Transportation & Homeland Security
4/27/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 366 amends Sections 545.412(a) and 545.413(b), Transportation Code. These sections currently cite different conditions by which a person is considered to have committed an offense when that person is operating a passenger vehicle and is transporting a child. The age of the child and height requirement are different in each section, providing a situation where it is difficult to determine whether an offense has been committed.

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 operating a passenger vehicle, who transports a child who is younger than five years of age and less than 36 inches in height, rather than four years of age or less than 36 inches in height, and does not keep the child in a child passenger seat as specified, commits an offense.

SECTION 2. Amend Section 545.412(e), Transportation Code, to add a provision providing that this section does not apply to a third-party transport service provider, operating a vehicle transporting passengers for hire.

SECTION 3. Amends Section 545.413(b), Transportation Code, to provide that a person commits an offense if the person allows a child who is younger than 17 and who is not required to be secured in a child passenger safety seat system under Section 545.412(a) to ride in a 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 relating to a child who is at least five years of age or who is younger than five years of age and at least 36 inches in height.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2005.