

BILL ANALYSIS

Senate Research Center
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S.B. 61
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Each year nearly 1,600 children die in motor vehicle accidents. Motor vehicle accidents are the leading cause of unintentional injury-related death among children ages 14 and younger. Unrestrained children are more likely to be injured, to suffer more severe injuries, and to die in motor vehicle crashes than children who are restrained.

This legislation aims to strengthen current child passenger safety protections by providing that children younger than eight years old, unless they are four feet, nine inches in height, are to be properly secured while riding in an operating vehicle. It would also provide for a temporary grace period to inform Texas drivers about the new measure.

As proposed, S.B. 61 provides that the operator of a passenger vehicle transporting a child commits an offense if the child is eight years old or younger, unless he or she is taller than four feet, nine inches, and is not secured in a child passenger safety seat system in accordance with the instructions of the manufacturer of the safety seat system. This bill includes a warning period of one year, until June 1, 2010; shifts the focus from punishment to education, reducing the financial penalty from up to \$200 to \$25; and directs that the fines collected from this offense be used to buy booster seats for low-income children.

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. Amends Sections 545.412(a) and (b), Transportation Code, as follows:

(a) Provides that a person commits an offense if the person operates a passenger vehicle, transports a child who is younger than eight, rather than five, years of age, unless the child is taller than four feet, nine inches, rather than less than 36 inches in height, 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.

(b) Provides that an offense under this section is a misdemeanor punishable by a fine of not more than \$25, rather than not less than \$100 or more than \$200. Requires a municipality or county, notwithstanding any other law, to remit each fine collected under this section to the comptroller of public accounts for deposit in a separate account in the general revenue fund that is authorized to be appropriated only to the Texas Department of Transportation and used to purchase child passenger safety seat systems and distribute them to low-income families. Provides that Chapter 133 (Criminal and Civil Fees Payable to the Comptroller), Local Government Code, applies to a fine collected under this section.

SECTION 2. Amends Section 133.003, Local Government Code, to provide that this chapter applies to certain criminal fees, including fines on conviction imposed under Section 545.412 or 621.506(g) (relating to a fine collected under this section by a governmental entity for a certain offense), Transportation Code.

SECTION 3. (a) Makes application of this Act prospective, subject to Subsection (c) of this section.

(b) Makes application of this Act prospective.

(c) Provides that for an offense under Section 545.412, Transportation Code, as amended by this Act, that would not have been an offense under that section before this Act took effect, if the child who is the subject of the offense is secured by a safety belt, the offense may be prosecuted only if the offense occurs on or after June 1, 2010; and before June 1, 2010, a law enforcement officer is prohibited from arresting or issuing a notice to appear to a person committing the offense, but may issue to the person a warning to comply with Section 545.412, Transportation Code, as amended by this Act.

SECTION 4. Effective date: upon passage or September 1, 2009.