

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 448
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Transportation
5/17/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the 2015 Child Fatality Review by the Department of State Health Services, motor vehicle accidents are the leading cause of accidental death for children. What's more, the Texas Pediatric Society reports that motor vehicle accidents were the second leading cause of hospitalization among Texas children in 2013. The American Academy of Pediatrics (AAP) updated its policy statement in 2011 advising parents to keep children in their rear-facing car safety seat (CSS) until they are two years of age or until they reach the highest weight or height allowed by the manufacturer of their CSS. What's more, AAP reports that children under two years old in rear-facing seats are five times safer than those in front-facing seats.

Current law states that a child who is younger than eight years of age must remain in a car seat or booster seat system as instructed by the manufacturer guidelines of the product, unless the child is taller than four feet, nine inches. The law relies on manufacturer guidelines that are inconsistent throughout the industry, making it difficult for law enforcement officials to enforce. Except in the total absence of a car seat, an officer could not be reasonably expected to know the individual manufacturer's requirements.

H.B. 448 would require that a child under the age of two ride in a rear-facing car seat, unless the child is taller than 40 inches, weighs more than 40 pounds, or (added in amendment) has a documented medical condition that prevents the child from being secured in such a system. This would align Texas law with industry and scientific consensus and promote optimal child safety practices. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 448 amends current law relating to the creation of an offense for failing to secure certain children in a rear-facing child passenger safety seat system.

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 Section 545.412, Transportation Code, by adding Subsections (a-1), (a-2), and (d), as follows:

(a-1) Provides that a person commits an offense if the person operates a passenger vehicle, transports a child who is younger than two years of age, and does not keep the child secured during the operation of the vehicle in a rear-facing child passenger safety seat system unless the child:

- (1) is taller than three feet, four inches; or
- (2) weighs more than 40 pounds.

(a-2) Prohibits a peace officer from:

(1) stopping a motor vehicle or detaining the operator of a motor vehicle solely to enforce Subsection (a-1); or

(2) issuing a citation for an offense under Subsection (a-1) unless the officer determines that the person has previously been issued a warning or citation for or convicted of that offense.

(d) Provides that it is a defense to prosecution under Subsection (a-1) that the child has a medical condition, as evidenced by a written statement from a licensed physician, that prevents the child from being secured in a rear-facing child passenger safety seat system.

SECTION 2. Amends Section 545.4121(b), Transportation Code, as follows:

(b) Provides that it is a defense to prosecution of an offense to which this section (Dismissal; Obtaining Child Passenger Safety Seat System) applies that the defendant provides to the court evidence satisfactory to the court that:

(1) makes no changes to this subdivision; and

(2) subsequent to the time of the offense, the defendant obtained an appropriate child passenger safety seat system for each child required to be secured in a child passenger safety seat system under Section 545.412 (Child Passenger Safety Seat Systems; Offense), rather than Section 545.412(a) (relating to an offense of improper transport of a child younger than eight years of age).

SECTION 3. Amends Sections 545.413(b) and (b-1), Transportation Code, as follows:

(b) Provides that a person commits an offense if the person:

(1) makes no changes to this subdivision; and

(2) allows a child who is younger than 17 years of age and who is not required to be secured in a child passenger safety seat system under Section 545.412, rather than Section 545.412(a), 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.

(b-1) Provides that a person commits an offense if the person allows a child who is younger than 17 years of age and who is not required to be secured in a child passenger safety seat system under Section 545.412, rather than Section 545.412(a), to ride in a passenger van designed to transport 15 or fewer passengers, including the driver, without securing the child individually by a safety belt, if the child is occupying a seat that is equipped with a safety belt.

SECTION 4. Effective date: September 1, 2019.