

By: Berman, Naishtat, Bolton

H.B. No. 537

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the transportation of children in motor vehicles;
3 creating an offense.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 545.412(e) and (f), Transportation
6 Code, are amended to read as follows:

7 (e) This section does not apply to a person:

8 (1) operating a vehicle transporting passengers for
9 hire, excluding [~~including~~] third-party transport service
10 providers when transporting clients pursuant to a contract to
11 provide nonemergency Medicaid transportation; or

12 (2) transporting a child in a vehicle in which all
13 seating positions equipped with child passenger safety seat systems
14 or safety belts are occupied.

15 (f) In this section:

16 (1) "Child passenger safety seat system" means an
17 infant or child passenger restraint system that meets the federal
18 standards for crash-tested restraint systems as set by the National
19 Highway Traffic Safety Administration.

20 (2) "Passenger vehicle" means a passenger car, light
21 truck, sport utility vehicle, passenger van designed to transport
22 15 or fewer passengers, including the driver, truck, or truck
23 tractor.

24 (3) "Safety belt" means a lap belt and any shoulder

1 straps included as original equipment on or added to a vehicle.

2 (4) "Secured," in connection with use of a safety
3 belt, means using the lap belt and any shoulder straps according to
4 the instructions of:

5 (A) the manufacturer of the vehicle, if the
6 safety belt is original equipment; or

7 (B) the manufacturer of the safety belt, if the
8 safety belt has been added to the vehicle.

9 SECTION 2. Section 545.413, Transportation Code, is amended
10 by adding Subsection (b-1) to read as follows:

11 (b-1) A person commits an offense if the person allows a
12 child who is younger than 17 years of age and who is not required to
13 be secured in a child passenger safety seat system under Section
14 545.412(a) to ride in a passenger van designed to transport 15 or
15 fewer passengers, including the driver, without securing the child
16 individually by a safety belt, if the child is occupying a seat that
17 is equipped with a safety belt.

18 SECTION 3. Section 545.416, Transportation Code, is amended
19 by adding Subsections (d) and (e) to read as follows:

20 (d) Except as provided by Subsection (e), an operator may
21 not carry another person on a motorcycle unless the other person is
22 at least five years of age. An offense under this subsection is a
23 misdemeanor punishable by a fine of not less than \$100 or more than
24 \$200. It is a defense to prosecution under this subsection that the
25 operator was operating the motorcycle in an emergency or for a law
26 enforcement purpose.

27 (e) Subsection (d) does not prohibit an operator from

1 carrying on a motorcycle a person younger than five years of age who
2 is seated in a sidecar attached to the motorcycle.

3 SECTION 4. The change in law made by this Act applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 covered by the law in effect immediately before the effective date
7 of this Act, and the former law is continued in effect for that
8 purpose. For purposes of this section, an offense was committed
9 before the effective date of this Act if any element of the offense
10 was committed before that date.

11 SECTION 5. This Act takes effect September 1, 2009.