1-8   A BILL TO BE ENTITLED
1-9   AN ACT

1-10 relating to the transportation of children in motor vehicles;
1-11 creating an offense.
1-12   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-13   SECTION 1. Sections 545.412(e) and (f), Transportation
1-14 Code, are amended to read as follows:
1-15   (e) This section does not apply to a person:
1-16   (1) operating a vehicle transporting passengers for
1-17 hire, excluding [including] third-party transport service
1-18 providers when transporting clients pursuant to a contract to
1-19 provide nonemergency Medicaid transportation; or
1-20   (2) transporting a child in a vehicle in which all
1-21 seating positions equipped with child passenger safety seat systems
1-22 or safety belts are occupied.
1-23   (f) In this section:
1-24   (1) "Child passenger safety seat system" means an
1-25 infant or child passenger restraint system that meets the federal
1-26 standards for crash-tested restraint systems as set by the National
1-27 Highway Traffic Safety Administration.
1-28   (2) "Passenger vehicle" means a passenger car, light
1-29 truck, sport utility vehicle, passenger van designed to transport
1-30 15 or fewer passengers, including the driver, truck, or truck
1-31 tractor.
1-32   (3) "Safety belt" means a lap belt and any shoulder
1-33 straps included as original equipment on or added to a vehicle.
1-34   (4) "Secured," in connection with use of a safety
1-35 belt, means using the lap belt and any shoulder straps according to
1-36 the instructions of:
1-37   (A) the manufacturer of the vehicle, if the
1-38 safety belt is original equipment; or
1-39   (B) the manufacturer of the safety belt, if the
1-40 safety belt has been added to the vehicle.
1-41   SECTION 2. Section 545.413, Transportation Code, is amended
1-42 by adding Subsection (b-1) to read as follows:
1-43   (b-1) A person commits an offense if the person allows a
1-44 child who is younger than 17 years of age and who is not required to
1-45 be secured in a child passenger safety seat system under Section
1-46 545.412(a) to ride in a passenger van designed to transport 15 or
1-47 fewer passengers, including the driver, without securing the child
1-48 individually by a safety belt, if the child is occupying a seat that
1-49 is equipped with a safety belt.
1-50   SECTION 3. Section 545.416, Transportation Code, is amended
1-51 by adding Subsections (d) and (e) to read as follows:
1-52   (d) Except as provided by Subsection (e), an operator may
1-53 not carry another person on a motorcycle unless the other person is
1-54 at least five years of age. An offense under this subsection is a
1-55 misdemeanor punishable by a fine of not less than $100 or more than
1-56 $200. It is a defense to prosecution under this subsection that the
1-57 operator was operating the motorcycle in an emergency or for a law
1-58 enforcement purpose.
1-59   (e) Subsection (d) does not prohibit an operator from
1-60 carrying on a motorcycle a person younger than five years of age who
1-61 is seated in a sidecar attached to the motorcycle.
1-62   SECTION 4. The change in law made by this Act applies only
1-63 to an offense committed on or after the effective date of this Act.
1-64 An offense committed before the effective date of this Act is

2-1 covered by the law in effect immediately before the effective date
2-2 of this Act, and the former law is continued in effect for that
2-3 purpose. For purposes of this section, an offense was committed
2-4 before the effective date of this Act if any element of the offense
2-5 was committed before that date.
2-6   SECTION 5. This Act takes effect September 1, 2009.

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