

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Berman, Naishtat, Bolton

H.B. No. 537

A BILL TO BE ENTITLED

AN ACT

relating to the transportation of children in motor vehicles;  
creating an offense.

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

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

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

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

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

(f) In this section:

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

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

(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.

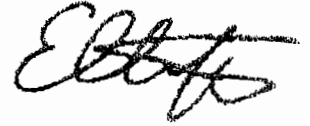
27 (e) Subsection (d) does not prohibit an operator from

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.

**ADOPTED**



FLOOR AMENDMENT NO. 1

MAY 23 2009 BY: \_\_\_\_\_

*Arlene Spaw*  
Secretary of the Senate

1 Amend H.B. No. 537 (Senate Committee Printing) as follows:

2 (1) Strike the recital to Section 1 of the bill and  
3 substitute the following:

4 SECTION 1. Section 545.412 (f), Transportation Code is  
5 amended to read as follows:

6 (2) Strike amended Section 545.412 (e), Page 1 lines 15-22.

# ADOPTED

FLOOR AMENDMENT NO. 2

MAY 23 2009

BY: Theresa Dutton

*Aditya Spaul*  
Secretary of the Senate

1 Amend H.B. 537 by adding an appropriately numbered SECTION  
2 to read as follows:

3 SECTION \_\_. Section 545.413(a), Transportation Code, is  
4 amended to read as follows:

5 (a) A person commits an offense if:

6 (1) the person:

7 (A) is at least 15 years of age;

8 (B) is riding in [~~the front seat of~~] a passenger  
9 vehicle while the vehicle is being operated;

10 (C) is occupying a seat that is equipped with a  
11 safety belt; and

12 (D) is not secured by a safety belt; or

13 (2) as the operator of a school bus equipped with a  
14 safety belt for the operator's seat, the person is not secured  
15 by the safety belt.

16

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB537** by Berman (Relating to the transportation of children in motor vehicles; creating an offense.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would create as an offense allowing certain aged children to ride in a certain vehicles without securing the child individually by a safety belt if the child is occupying a seat that is equipped with a safety belt.

The bill would amend the Transportation Code to prohibit a person from carrying another person on a motorcycle unless the passenger is at least five years of age. An exception would be made for passengers younger than five years of age riding in a sidecar attached to the motorcycle. A violation would be a misdemeanor punishable by a fine of not less than \$100 nor more than \$200.

Enforcement and fines collected from enforcement are not anticipated to have a significant fiscal impact to the state or units of local government.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, SD, KJG, DB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 14, 2009**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB537** by Berman (Relating to the transportation of children in motor vehicles; creating an offense.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would create as an offense allowing a child younger than 17 years of age 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. The provisions of the bill would apply to a third-party transport service providers when transporting clients pursuant to a contract to provide nonemergency Medicaid transportation; previously, these providers were exempt from the specific safety belt requirements.

The bill would amend the Transportation Code to prohibit a person from carrying another person on a motorcycle unless the passenger is at least five years of age. An exception would be made for passengers younger than five years of age riding in a sidecar attached to the motorcycle. A violation would be a misdemeanor punishable by a fine of not less than \$100 nor more than \$200.

Enforcement and fines collected from enforcement are not anticipated to have a significant fiscal impact to the state or units of local government.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, KJG, DB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 9, 2009**

**TO:** Honorable Joseph Pickett, Chair, House Committee on Transportation

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB537** by Berman (Relating to the transportation of children in passenger vans; creating an offense.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would create as an offense allowing a child younger than 17 years of age 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.

Enforcement and fines collected from enforcement are not anticipated to have a significant fiscal impact to the state or units of local government.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, KJG, DB