

1-1 By: Zaffirini S.B. No. 278
 1-2 (In the Senate - Filed December 8, 2016; January 30, 2017,
 1-3 read first time and referred to Committee on Transportation;
 1-4 March 15, 2017, reported favorably by the following vote: Yeas 6,
 1-5 Nays 2; March 15, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7	X			
1-8	Nichols			
1-9	Hall	X		
1-10	Creighton	X		
1-11	Garcia	X		
1-12	Hancock		X	
1-13	Hinojosa	X		
1-14	Kolkhorst		X	
1-15	Perry	X		
1-16	Rodríguez	X		

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of an offense for failing to secure certain
 1-20 children in a rear-facing child passenger safety seat system.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 545.412, Transportation Code, is amended
 1-23 by adding Subsection (a-1) to read as follows:

1-24 (a-1) A person commits an offense if the person operates a
 1-25 passenger vehicle, transports a child who is younger than two years
 1-26 of age, and does not keep the child secured during the operation of
 1-27 the vehicle in a rear-facing child passenger safety seat system
 1-28 unless the child:

- 1-29 (1) is taller than three feet, four inches; or
- 1-30 (2) weighs more than 40 pounds.

1-31 SECTION 2. Section 545.4121(b), Transportation Code, is
 1-32 amended to read as follows:

1-33 (b) It is a defense to prosecution of an offense to which
 1-34 this section applies that the defendant provides to the court
 1-35 evidence satisfactory to the court that:

- 1-36 (1) at the time of the offense:
 - 1-37 (A) the defendant was not arrested or issued a
 - 1-38 citation for violation of any other offense;
 - 1-39 (B) the defendant did not possess a child
 - 1-40 passenger safety seat system in the vehicle; and
 - 1-41 (C) the vehicle the defendant was operating was
 - 1-42 not involved in an accident; and

1-43 (2) subsequent to the time of the offense, the
 1-44 defendant obtained an appropriate child passenger safety seat
 1-45 system for each child required to be secured in a child passenger
 1-46 safety seat system under Section 545.412 [~~545.412(a)~~].

1-47 SECTION 3. Sections 545.413(b) and (b-1), Transportation
 1-48 Code, are amended to read as follows:

1-49 (b) A person commits an offense if the person:

- 1-50 (1) operates a passenger vehicle that is equipped with
- 1-51 safety belts; and
- 1-52 (2) allows a child who is younger than 17 years of age
- 1-53 and who is not required to be secured in a child passenger safety
- 1-54 seat system under Section 545.412 [~~545.412(a)~~] to ride in the
- 1-55 vehicle without requiring the child to be secured by a safety belt,
- 1-56 provided the child is occupying a seat that is equipped with a
- 1-57 safety belt.

1-58 (b-1) A person commits an offense if the person allows a
 1-59 child who is younger than 17 years of age and who is not required to
 1-60 be secured in a child passenger safety seat system under Section
 1-61 545.412 [~~545.412(a)~~] to ride in a passenger van designed to

2-1 transport 15 or fewer passengers, including the driver, without
2-2 securing the child individually by a safety belt, if the child is
2-3 occupying a seat that is equipped with a safety belt.
2-4 SECTION 4. This Act takes effect September 1, 2017.

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