AN ACT
relating to the creation of an offense for failing to secure certain
children in a rear-facing child passenger safety seat system.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 545.412, Transportation Code, is amended
by adding Subsections (a-1), (a-2), and (d) to read as follows:
(a-1) 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) A peace officer may not:
(1) stop a motor vehicle or detain the operator of a
motor vehicle solely to enforce Subsection (a-1); or
(2) issue 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) 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. Section 545.4121(b), Transportation Code, is
amended to read as follows:
(b) It is a defense to prosecution of an offense to which
this section applies that the defendant provides to the court
evidence satisfactory to the court that:
(1) at the time of the offense:
(A) the defendant was not arrested or issued a
citation for violation of any other offense;
(B) the defendant did not possess a child
passenger safety seat system in the vehicle; and
(C) the vehicle the defendant was operating was
not involved in an accident; 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 [545.412(a)].
SECTION 3. Sections 545.413(b) and (b-1), Transportation
Code, are amended to read as follows:
(b) A person commits an offense if the person:
(1) operates a passenger vehicle that is equipped with
safety belts; 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 [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) 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 [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. This Act takes effect September 1, 2019.
I certify that H.B. No. 448 was passed by the House on April 16, 2019, by the following vote: Yeas 98, Nays 47, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 448 on May 23, 2019, by the following vote: Yeas 100, Nays 38, 1 present, not voting.

I certify that H.B. No. 448 was passed by the Senate, with amendments, on May 20, 2019, by the following vote: Yeas 22, Nays 9.