

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.

President of the Senate

Speaker of the House

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.

Chief Clerk of the House

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.

Secretary of the Senate

APPROVED: _____
Date

Governor