

1 AN ACT

2 relating to the use of safety belts by the operator of or a
3 passenger in a motor vehicle used exclusively to transport solid
4 waste.

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

6 SECTION 1. Section 545.413(e), Transportation Code, is
7 amended to read as follows:

8 (e) It is a defense to prosecution under this section that:

9 (1) the person possesses a written statement from a
10 licensed physician stating that for a medical reason the person
11 should not wear a safety belt;

12 (2) the person presents to the court, not later than
13 the 10th day after the date of the offense, a statement from a
14 licensed physician stating that for a medical reason the person
15 should not wear a safety belt;

16 (3) the person is employed by the United States Postal
17 Service and performing a duty for that agency that requires the
18 operator to service postal boxes from a vehicle or that requires
19 frequent entry into and exit from a vehicle;

20 (4) the person is engaged in the actual delivery of
21 newspapers from a vehicle or is performing newspaper delivery
22 duties that require frequent entry into and exit from a vehicle;

23 (5) the person is employed by a public or private
24 utility company and is engaged in the reading of meters or

1 performing a similar duty for that company requiring the operator
2 to frequently enter into and exit from a vehicle; [~~or~~]

3 (6) the [~~The~~] person is operating a commercial vehicle
4 registered as a farm vehicle under the provisions of Section
5 502.163 that does not have a gross weight, registered weight, or
6 gross weight rating of 48,000 pounds or more; or

7 (7) the person is the operator of or a passenger in a
8 vehicle used exclusively to transport solid waste and performing
9 duties that require frequent entry into and exit from the vehicle.

10 SECTION 2. The change in law made by this Act to Section
11 545.413(e), Transportation Code, as amended by this Act, applies
12 only to an offense under Section 545.413(a) of that code,
13 regardless of whether the offense was committed before, on, or
14 after the effective date of this Act.

15 SECTION 3. This Act takes effect September 1, 2009.

David Newhurst

President of the Senate

Jon Strom

Speaker of the House

I certify that H.B. No. 3638 was passed by the House on April 22, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting.

Robert Nancy

Chief Clerk of the House

I certify that H.B. No. 3638 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Daisy Spaw

Secretary of the Senate

APPROVED: 19 JUN '09

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7 PM O'CLOCK

JUN 19 2009

Colby Hunter III