

1 AN ACT  
2 relating to the transportation of children in motor vehicles;  
3 creating an offense.

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

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

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

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

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

15 (f) In this section:

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

20 (2) "Passenger vehicle" means a passenger car, light  
21 truck, sport utility vehicle, passenger van designed to transport  
22 15 or fewer passengers, including the driver, truck, or truck  
23 tractor.

24 (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 amending Subsection (a) and adding Subsection (b-1) to read as  
11 follows:

12 (a) A person commits an offense if:

13 (1) the person:

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

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

17 (C) is occupying a seat that is equipped with a  
18 safety belt; and

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

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

23 (b-1) A person commits an offense if the person allows a  
24 child who is younger than 17 years of age and who is not required to  
25 be secured in a child passenger safety seat system under Section  
26 545.412(a) to ride in a passenger van designed to transport 15 or  
27 fewer passengers, including the driver, without securing the child

1 individually by a safety belt, if the child is occupying a seat that  
2 is equipped with a safety belt.

3 SECTION 3. Section 545.416, Transportation Code, is amended  
4 by adding Subsections (d) and (e) to read as follows:

5 (d) Except as provided by Subsection (e), an operator may  
6 not carry another person on a motorcycle unless the other person is  
7 at least five years of age. An offense under this subsection is a  
8 misdemeanor punishable by a fine of not less than \$100 or more than  
9 \$200. It is a defense to prosecution under this subsection that the  
10 operator was operating the motorcycle in an emergency or for a law  
11 enforcement purpose.

12 (e) Subsection (d) does not prohibit an operator from  
13 carrying on a motorcycle a person younger than five years of age who  
14 is seated in a sidecar attached to the motorcycle.

15 SECTION 4. The change in law made by this Act applies only  
16 to an offense committed on or after the effective date of this Act.  
17 An offense committed before the effective date of this Act is  
18 covered by the law in effect immediately before the effective date  
19 of this Act, and the former law is continued in effect for that  
20 purpose. For purposes of this section, an offense was committed  
21 before the effective date of this Act if any element of the offense  
22 was committed before that date.

23 SECTION 5. This Act takes effect September 1, 2009.

David Newkirk

President of the Senate

John Stroman

Speaker of the House

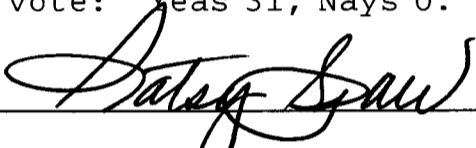
I certify that H.B. No. 537 was passed by the House on May 11, 2009, by the following vote: Yeas 141, Nays 1, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 537 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 537 on May 31, 2009, by the following vote: Yeas 105, Nays 34, 1 present, not voting.

Robert Haney

Chief Clerk of the House

H.B. No. 537

I certify that H.B. No. 537 was passed by the Senate, with amendments, on May 23, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 537 on May 31, 2009, by the following vote: Yeas 31, Nays 0.

  
Secretary of the Senate

APPROVED: 19 JUN 09

Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2PM O'CLOCK

JUN 19 2009

