

- SUBJECT:** Requiring safety belts for children under 17 in passenger vans
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 7 ayes — Pickett, Phillips, Callegari, Guillen, Harper-Brown, T. Smith, W. Smith
- 0 nays
- 4 absent — Y. Davis, Dunnam, McClendon, Merritt
- WITNESSES:** For — (*Registered, but did not testify:* Ed Berger, Seton Family of Hospitals; John Chancellor, Texas Police Chiefs Association; James Jones, Houston Police Department; Carrie Kroll, Texas Pediatric Society; Lisa Lewis-Nourzad)
- Against — None
- BACKGROUND:** Under Transportation Code, sec. 545.412, a person commits an offense if the person operates a passenger vehicle, transports a child under five years of age or 36 inches tall, and does not keep the child secured in a child safety seat during the vehicle’s operation.
- Under sec. 545.413, a person commits an offense if the person:
- is 15 year of age or older, rides in the front seat of a passenger vehicle equipped with a safety belt, and is not secured by the safety belt; or
 - operates a school bus without being secured by the operator’s seat safety belt, if the seat is so equipped; or
 - operates a passenger vehicle equipped with safety belts, and allows a child under 17 years of age, who is not required to ride in a child safety seat, to ride without being secured by a safety belt, if the child’s seat is equipped with a safety belt.
- “Passenger vehicle” is defined as a passenger car, light truck, sport utility vehicle, truck, or truck tractor.

Not securing oneself with a safety belt, as required by this section, is a misdemeanor punishable by a fine of at least \$25 and no more than \$50. Allowing a child under 17 years of age to ride without wearing a safety belt is a misdemeanor punishable by a fine of at least \$100 and not more than \$200.

DIGEST:

HB 537 would amend Transportation Code, sec. 545.413 to provide that a person would commit an offense if the person allowed a child under 17 years of age, who was not required to ride in a child safety seat, 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. An offense would be a misdemeanor punishable by a fine of at least \$100 and not more than \$200.

The bill also would amend the definition of “passenger vehicle” to include a passenger van designed to transport 15 or fewer passengers, including the driver.

The bill would take effect September 1, 2009, and would apply only to offenses committed on or after that date.

**SUPPORTERS
SAY:**

By requiring children under 17 to wear safety belts while riding in passenger vans, HB 537 would prevent children from suffering potentially devastating injuries in the event of an accident. From 2003 to 2007, 78 percent of passengers killed in 15-passenger vans were not wearing seat belts, and motor vehicle deaths are the leading cause of death for children ages 4 to 14. The risk of rollover in 15-passenger vans is similar to trucks and sports utility vehicles, but increases significantly when the van has 10 or more occupants. Wearing a safety belt dramatically reduces the risk of death or serious injury during a rollover crash.

Current law already requires children under 17 to wear safety belts in passenger vehicles, no matter where they are seated. By extending this requirement to passenger vans, HB 537 would encourage drivers to require that child passengers were secured by safety belts, which would save lives. Where children are involved, the state has a responsibility to do all it can to protect them.

HB 537 would minimize the financial impact of costly injuries. Traffic accidents impose a financial burden on the individuals involved and on the state, as the state’s law enforcement officers investigate accidents and state

dollars may be used to provide short-term or long-term healthcare for injured individuals. As a result, whether or not to wear a safety belt is not just a matter of personal responsibility. Safety belt use is important to traffic safety and should be regulated just as any other traffic law.

**OTHER
OPPONENTS
SAY:**

Although it is important for children to wear safety belts in passenger vans, HB 537 would penalize someone for allowing a child under 17 not to wear a safety belt in a passenger van, whether or not the van was actually equipped with safety belts. Current law requires drivers of passenger vehicles to ensure that children under 17 are buckled up, provided that the child occupies a seat equipped with a safety belt. HB 537 would make no such provision and would place people in the position of having to pay for upgrades to older vans that may not have come equipped with safety belts or face violating the law.