

## **BILL ANALYSIS**

Senate Research Center

S.B. 61  
By: Zaffirini et al.  
Transportation & Homeland Security  
9/25/2009  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Each year nearly 1,600 children die in motor vehicle accidents. Motor vehicle accidents are the leading cause of unintentional injury-related death among children ages 14 and younger. Unrestrained children are more likely to be injured, to suffer more severe injuries, and to die in motor vehicle crashes than children who are restrained.

This legislation aims to strengthen current child passenger safety protections by providing that children younger than eight years old, unless they are four feet, nine inches in height, are to be properly secured while riding in an operating vehicle. It would also provide for a temporary grace period to inform Texas drivers about the new measure.

S.B. 61 amends current law relating to the offense of failing to secure a child passenger in a motor vehicle and to fines for the offense.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 545.412, Transportation Code, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Provides that a person commits an offense if the person operates a passenger vehicle, transports a child who is younger than eight, rather than five, years of age, unless the child is taller than four feet, nine inches, rather than less than 36 inches in height, and does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system.

(b) Provides that an offense under this section is a misdemeanor punishable by a fine of not more than \$25 for the first offense and not more than \$250 for a second or subsequent offense, rather than not less than \$100 or more than \$200.

(b-1) Requires a person, in addition to all other fees and court costs, to pay 15 cents as a court cost on conviction of an offense under this section. Requires that court costs due under this section be collected in the same manner as other fees, fines, or costs are collected in the case. Requires the clerk at least monthly to send the court costs collected under this section to the comptroller of public accounts for deposit in a separate account in the general revenue fund that is authorized to be appropriated only to the Texas Department of Transportation and used to purchase child passenger safety seat systems and distribute them to low-income families.

SECTION 2. Amends Subchapter F, Chapter 102, Government Code, by adding Section 102.104, as follows:

Sec. 102.104. **ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURTS: TRANSPORTATION CODE.** Requires the clerk of a justice court to collect

15 cents as a court cost under Section 545.412, Transportation code, on conviction of an offense under that section.

SECTION 3. Amends Subchapter G, Chapter 102, Government Code, by adding Section 102.122, as follows:

Sec. 102.122. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: TRANSPORTATION CODE. Requires the clerk of a municipal court to collect 15 cents as a court cost under Section 545.412, Transportation Code, on conviction of an offense under that Section.

SECTION 4. (a) Makes application of this Act prospective, subject to Subsection (c) of this section.

(b) Makes application of this Act prospective.

(c) Provides that for an offense under Section 545.412, Transportation Code, as amended by this Act, that would not have been an offense under that section before this Act took effect, if the child who is the subject of the offense is secured by a safety belt, the offense may be prosecuted only if the offense occurs on or after June 1, 2010; and before June 1, 2010, a law enforcement officer is prohibited from arresting or issuing a notice to appear to a person committing the offense, but may issue to the person a warning to comply with Section 545.412, Transportation Code, as amended by this Act.

SECTION 5. Effective date: upon passage or September 1, 2009.