

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

1 amended to read as follows:

2 (b) It is a defense to prosecution of an offense to which  
3 this section applies that the defendant provides to the court  
4 evidence satisfactory to the court that:

5 (1) at the time of the offense:

6 (A) the defendant was not arrested or issued a  
7 citation for violation of any other offense;

8 (B) the defendant did not possess a child  
9 passenger safety seat system in the vehicle; and

10 (C) the vehicle the defendant was operating was  
11 not involved in an accident; and

12 (2) subsequent to the time of the offense,  
13 the defendant obtained an appropriate child passenger safety seat  
14 system for each child required to be secured in a child passenger  
15 safety seat system under Section 545.412 [~~545.412(a)~~].

16 SECTION 3. Sections 545.413(b) and (b-1), Transportation  
17 Code, are amended to read as follows:

18 (b) A person commits an offense if the person:

19 (1) operates a passenger vehicle that is equipped with  
20 safety belts; and

21 (2) allows a child who is younger than 17 years of age  
22 and who is not required to be secured in a child passenger safety  
23 seat system under Section 545.412 [~~545.412(a)~~] to ride in the  
24 vehicle without requiring the child to be secured by a safety belt,  
25 provided the child is occupying a seat that is equipped with a  
26 safety belt.

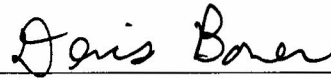
27 (b-1) A person commits an offense if the person allows a

1 child who is younger than 17 years of age and who is not required to  
2 be secured in a child passenger safety seat system under Section  
3 545.412 [~~545.412(a)~~] to ride in a passenger van designed to  
4 transport 15 or fewer passengers, including the driver, without  
5 securing the child individually by a safety belt, if the child is  
6 occupying a seat that is equipped with a safety belt.

7 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: \_\_\_\_\_

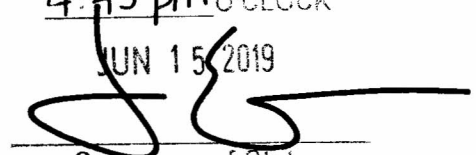
Date

\_\_\_\_\_

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:45 pm O'CLOCK

JUN 15 2019

  
Secretary of State

**PROCLAMATION**  
BY THE  
**Governor of the State of Texas**  
41-3636

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Greg Abbott, Governor of Texas, do hereby disapprove of and veto House Bill No. 448 as passed by the Eighty-Sixth Texas Legislature, Regular Session, because of the following objections:

House Bill 448 is an unnecessary invasion of parental rights and an unfortunate example of over-criminalization. Texas already compels drivers to use a car seat for a child under eight years of age. *See* TEX. TRANSP. CODE § 545.412. House Bill 448 would get even more prescriptive, dictating which way the car seat must be facing for a child under two years of age. It is not necessary to micromanage the parenting process to such a great extent, much less to criminalize different parenting decisions by Texans.

Since the Eighty-Sixth Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.



IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 15th day of June, 2019.

  
\_\_\_\_\_  
GREG ABBOTT  
Governor of Texas

ATTESTED BY:

  
\_\_\_\_\_  
JOE ESPARZA  
Deputy Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:45pm O'CLOCK

JUN 15 2019