

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-29-09

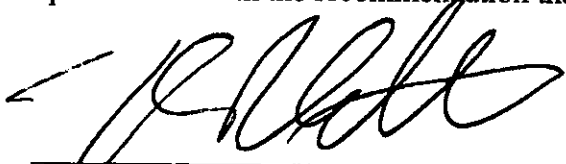
Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives


Sirs:

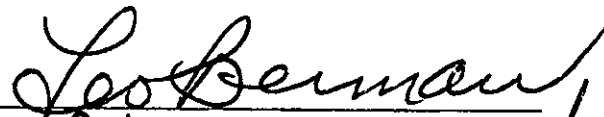
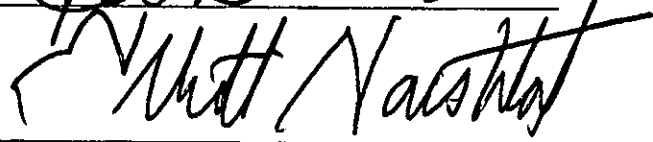
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 537 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.


~~WATS~~ Elife
Thru Nathan
Watson

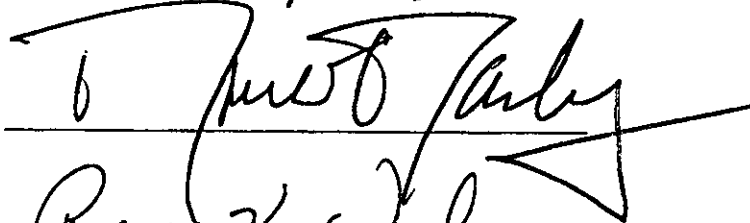
Huffman



Devell


On the part of the Senate
Shapleigh

Valinda Bolton




On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 537

A BILL TO BE ENTITLED

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.

House Bill 537
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

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

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

- (1) operating a vehicle transporting passengers for hire, ~~excluding~~ ~~[including]~~ third-party transport service providers when transporting clients pursuant to a contract to provide nonemergency Medicaid transportation; or
- (2) transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.

(f) In this section:

- (1) "Child passenger safety seat system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.
- (2) "Passenger vehicle" means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor.
- (3) "Safety belt" means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.
- (4) "Secured," in connection with use of a safety belt, means using the lap belt and any shoulder straps according to the instructions of:
 - (A) the manufacturer of the vehicle, if the safety belt is original equipment; or
 - (B) the manufacturer of the safety belt, if the safety belt has been added to the vehicle.

SENATE VERSION

SECTION 1. Sections 545.412 (f), Transportation Code, is amended to read as follows:

(f) In this section:

- (1) "Child passenger safety seat system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.
- (2) "Passenger vehicle" means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor.
- (3) "Safety belt" means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.
- (4) "Secured," in connection with use of a safety belt, means using the lap belt and any shoulder straps according to the instructions of:
 - (A) the manufacturer of the vehicle, if the safety belt is original equipment; or
 - (B) the manufacturer of the safety belt, if the safety belt has been added to the vehicle.

CONFERENCE

SECTION 1. Same as House version.

House Bill 537
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION __. Section 545.413(a), Transportation Code, is amended to read as follows:

- (a) A person commits an offense if:
 - (1) the person:
 - (A) is at least 15 years of age;
 - (B) is riding in [~~the front seat of~~] a passenger vehicle while the vehicle is being operated;
 - (C) is occupying a seat that is equipped with a safety belt; and
 - (D) is not secured by a safety belt; or
 - (2) as the operator of a school bus equipped with a safety belt for the operator's seat, the person is not secured by the safety belt.

SECTION 2 [part]. Same as Senate version.

SECTION 2. Section 545.413, Transportation Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A person commits an offense if the person allows a child who is younger than 17 years of age and who is not required to be secured in a child passenger safety seat system under Section 545.412(a) 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, if the child is occupying a seat that is equipped with a safety belt.

SECTION 2. Same as House version.

SECTION 2 [part]. Same as House version.

House Bill 537
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

SENATE VERSION

SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE

SECTION 3. Same as House version.

SECTION 4. Same as House version.

House Bill 537
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

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

SENATE VERSION

SECTION 5. Same as House version.

CONFERENCE

SECTION 5. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB537** by Berman (Relating to the transportation of children in motor vehicles; creating an offense.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would create as an offense allowing a person at least 15 years of age or older to ride in a passenger vehicle without securing the person individually by a safety belt if the person is occupying a seat that is equipped with a safety belt.

The bill would create as an offense allowing a child younger than 17 years of age 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 if the child is occupying a seat that is equipped with a safety belt. The provisions of the bill would apply to a third-party transport service providers when transporting clients pursuant to a contract to provide nonemergency Medicaid transportation; previously, these providers were exempt from the specific safety belt requirements.

The bill would amend the Transportation Code to prohibit a person from carrying another person on a motorcycle unless the passenger is at least five years of age. An exception would be made for passengers younger than five years of age riding in a sidecar attached to the motorcycle. A violation would be a misdemeanor punishable by a fine of not less than \$100 nor more than \$200.

Enforcement and fines collected from enforcement are not anticipated to have a significant fiscal impact to the state or units of local government.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

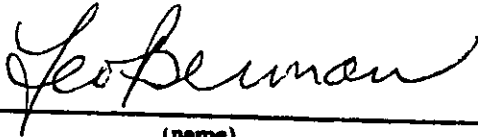
Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, DB

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 537 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.



(name)

(date)