

## CHAPTER 804

## S.B. No. 500

An Act relating to requiring safety belts on certain motor vehicles and to the regulation of their use; providing a penalty; amending the Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), by adding Section 107C and amending Section 139E; amending Subsection (b), Section 22, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes).

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1**, Article XIII, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Section 107C to read as follows:

*"Section 107C. WEARING SAFETY BELTS REQUIRED. (a) In this section, 'passenger car' includes a truck with a manufacturer's rated carrying capacity of not more than 1,500 pounds.*

*"(b) A person commits an offense if the person:*

*"(1) is at least 15 years old;*

“(2) is riding in the front seat of a passenger car while the car is being operated on a road, street, or highway of this state;

“(3) is occupying a seat that is equipped with a safety belt; and

“(4) is not secured by a safety belt.

“(c) A person commits an offense if the person:

“(1) operates on a road, street, or highway of this state a passenger car that is equipped with safety belts; and

“(2) allows a child who is at least four years old but less than 15 years old to ride in the front seat of the car without requiring the child to be secured by a safety belt.

“(d) A passenger car or a seat in a passenger car is deemed to be equipped with a safety belt if the passenger car is required under Section 139E of this Act to be equipped with safety belts.

“(e) An offense under this section is punishable by a fine of not less than \$25 nor more than \$50.

“(f) This section does not apply to a person who possesses a written statement from a licensed physician stating that for medical reasons the person is unable to wear a safety belt.

“(g) It is a defense to prosecution under this section that the person presents to the court, not later than the 10th day after the date of the offense, a statement from a licensed physician stating that for medical reasons the person is unable to wear a safety belt.

“(h) This section does not apply to persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles or which require frequent entry into and exit from their vehicles.

“(i) The department shall develop and implement an educational program to encourage the wearing of safety belts. The program shall emphasize:

“(1) the effectiveness of safety belts and other restraint devices in reducing the risk of harm to passengers in motor vehicles; and

“(2) the requirements of this section and the penalty for noncompliance.

“(j) Use or nonuse of a safety belt is not admissible evidence in a civil trial.”

**SECTION 2.** Section 139E, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 139E. **SAFETY [SEAT] BELTS.** Every motor vehicle required by Article XV of this [~~6701d, Uniform~~] Act [§] to be inspected shall be equipped with front safety [seat] belts where safety [seat] belt anchorages were part of the manufacturer's original equipment on the vehicle.”

**SECTION 3.** Subsection (b), Section 22, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

“(b) The authority to suspend the license of any driver as authorized in this Section is granted the Department upon determining after proper hearing as hereinbefore set out that the licensee:

“(1) has committed an offense for which automatic suspension of license is made upon conviction;

“(2) has been responsible as a driver for any accident resulting in death;

“(3) is an habitual reckless or negligent driver of a motor vehicle;

“(4) is an habitual violator of the traffic law.

“The term ‘habitual violator’ as used herein, shall mean any person with four (4) or more convictions arising out of different transactions in a consecutive period of twelve (12) months, or seven (7) or more convictions arising out of different transactions within a period of twenty-four (24) months, such convictions being for moving violations of the traffic laws of this state or its political subdivisions other than a violation of:

“(A) Section 3 or 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d-11, Vernon's Texas Civil Statutes);

“(B) Chapter 293, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 6701d-12, Vernon's Texas Civil Statutes);

“(C) Chapter 608, Acts of the 65th Legislature, Regular Session, 1977 (Article 6701d-12a, Vernon's Texas Civil Statutes);

“(D) Chapter 73, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 6701d-13, Vernon's Texas Civil Statutes);

“(E) Chapter 212, Acts of the 56th Legislature, Regular Session, 1959 (Article 6701d-14, Vernon's Texas Civil Statutes);

“(F) Chapter 93, Acts of the 58th Legislature, Regular Session, 1963 (Article 6701d-15, Vernon's Texas Civil Statutes); [or]

“(G) Chapter 8, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6701d-17, Vernon’s Texas Civil Statutes); or

“(H) Section 107C, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon’s Texas Civil Statutes); [-]

“(5) is incapable to drive a motor vehicle;

“(6) has permitted an unlawful or fraudulent use of such license;

“(7) has committed an offense in another state, which if committed in this State would be grounds for suspension or revocation;

“(8) has failed or refused to submit a report of any accident in which he was involved as provided in Article IV, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon’s Texas Civil Statutes);

“(9) has been responsible as a driver for any accident resulting in serious personal injury or serious property damage;

“(10) is the holder of a provisional license under Section 11A of this Act and has been convicted of two (2) or more moving violations committed within a period of twelve (12) months;

“(11) has not complied with the terms of a citation issued by a jurisdiction that is a member of the Nonresident Violator Compact of 1977 for a violation to which the compact applies.”

**SECTION 4.** (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 1985.

(b) An offense under Section 107C, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon’s Texas Civil Statutes), as added by this Act, is not punishable unless it is committed on or after December 1, 1985. For purposes of this subsection, an offense is committed before that date if any element of the offense occurs before that date.

**SECTION 5.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 25, 1985, by a viva-voce vote; passed the House on May 16, 1985, by the following vote: Yeas 79, Nays 62, four present not voting.

Approved: June 15, 1985

Effective: September 1, 1985, except as provided by Section 4 (b).