

# Fact or Fiction?

Testing your knowledge of Texas  
Passenger Restraint Laws

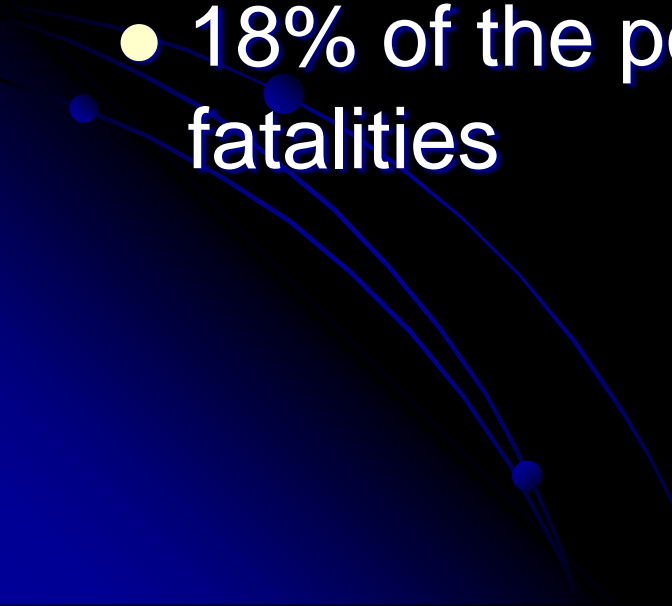
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TMCEC



# Safety Belt Statistics

- Safety belt use in 2007- 82%
  - Safety belt use in 2006- 81%
  - 63% of people killed in accidents are not wearing seat belts
  - 18% of the population makes up 63% of fatalities
- 

# Passenger Restraint Laws

- In “primary enforcement” states (like Texas), where motorists can be pulled over solely for not using seat belts, seat belt use stands at 87%
- 14 percentage point difference between primary and secondary states
- *Statistics from National Highway Traffic Safety Administration (NHTSA)*




# Question 1: The Shifty Toddler



- Let's read the Hypothetical and decide if it is...
- **FACT or FICTION!**

# Question 1: The Shifty Toddler

- Ryan's son Liam is 4 years old and 40 inches tall. While Ryan was loading the trunk, Liam climbed out of his child safety seat, decided to sit in the other backseat, and buckled himself in. Without noticing, Ryan leaves to take Liam to school.
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# Question 1, continued

- Ryan is pulled over for speeding, and the officer notices Liam sitting next to the empty child seat. Ryan has committed an offense by not keeping Liam in the child safety seat.

● **FACT or FICTION?**

# Question 1 Answer

- **FICTION!**

- Ryan has not committed an offense because Liam is exceptionally tall. If Liam were under 36 inches in height, he would have committed an offense. Likewise, if Liam were not wearing a safety belt, Ryan could have been cited for allowing Liam to ride unrestrained.



# Transportation Code § 545.412

- (a) A person commits an offense if the person operates a passenger vehicle, transports a child who is younger than five and less than 36 inches in height, and does not keep the child secured during operation in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system.

# Question 2: The Crammed Kid



- Let's read the hypothetical for Question 2 and decide if it is...

- **FACT or FICTION!**

# Question 2: The Crammed Kid

- Uncle Herman has generously offered to help out his sister while she is out of town by driving his four nephews (Hector, Howie, Harry, and Peanut) to and from school. Hector, Howie, and Harry are triplets all aged 4 and 33 inches tall. Peanut is 3 and is 29 inches tall. Uncle Herman's car has 3 passenger seats (besides his driver's seat), and all 3 seats are equipped with child safety seats.

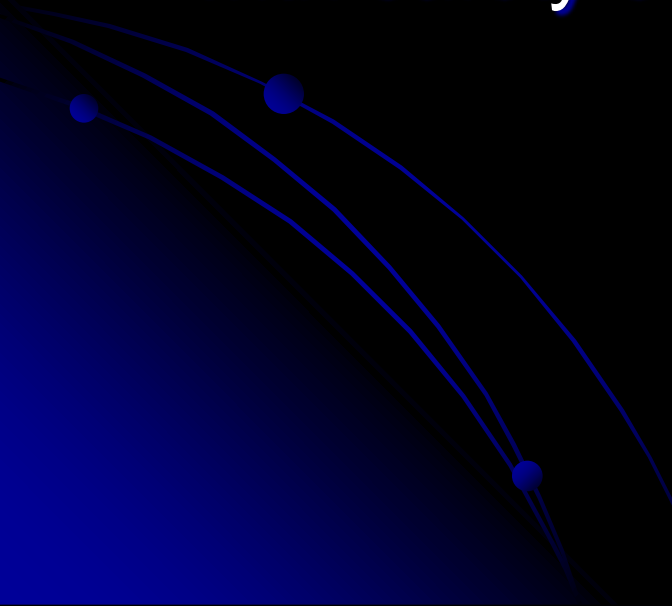
## Question 2 continued

- Peanut, Harry, and Hector have all been secured in the safety seats. While there is no other seat for Howie, Herman was able to wedge him in between two of the child seats in backseat. Herman has committed an offense by allowing Howie to ride in the car without being secured in a safety seat or safety belt.

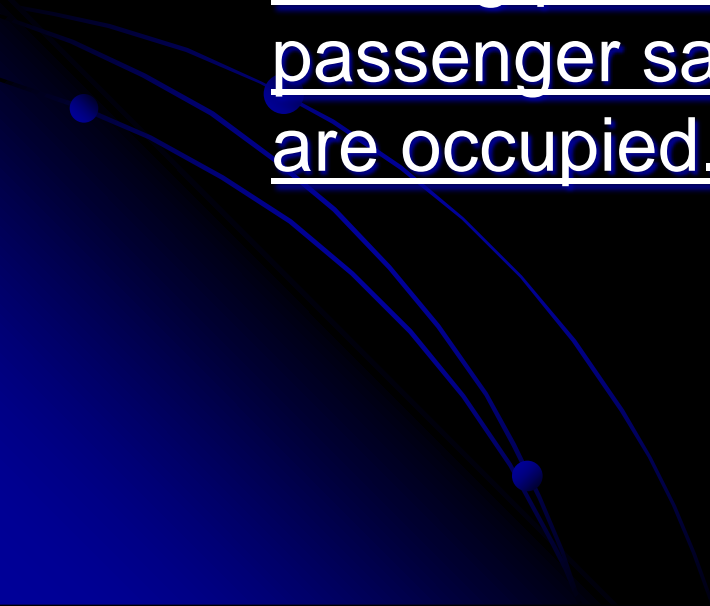
● **FACT or FICTION?**

# Question 2 Answer

- **FICTION!**

- Herman has not committed an offense because all seating positions equipped with safety seats or belts were occupied.
- 

# Transportation Code § 545.412

- (e) this section does not apply to a person:
    - Operating a vehicle transporting passengers for hire; or
    - Transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.
- 

# Question 3: The DSC Dilemma



- Let's read the hypothetical for Question 3 and decide if it is...

- **FACT or FICTION!**

# Question 3: The DSC Dilemma

- Timmy, 15, was ticketed as a passenger for not wearing his safety belt. Timmy requested deferred disposition or to take DSC. Judge Bubba refused deferred disposition and refused to let Timmy take the usual DSC.



## Question 3 Continued

- He required Timmy to take a specialized DSC that includes four hours of instruction encouraging child passenger safety seat systems and the wearing of safety belts. Judge Bubba proceeded properly under the law by not allowing a traditional DSC and requiring a specialized DSC.

● **FACT or FICTION?**

# Question 3 Answer

## ● FICTION!

- Judge Bubba did not properly follow the law. While specialized DSC is the only DSC allowable for drivers charged with a child not in a safety seat or safety belt. Passengers ticketed for not wearing a safety belt are not eligible for specialized DSC (and may not be eligible for a traditional DSC\*\*). Judge Bubba could have required either as a condition of deferred disposition.

# Specialized DSC

- Under §§ 545.412(g) & 545.413(i), judges shall, in lieu of traditional DSC, require a specialized DSC (only for drivers with kids unrestrained) that includes four hours encouraging safety seats and belts, and emphasizes:
  - Effectiveness of safety seats
  - The requirements of the law and penalties for noncompliance

# Question 4: Sally's Special Seatbelt

- Let's read the hypothetical in your notes for Question 4 and decide if it is...



- **FACT or FICTION!**

## Question 4: Sally's Special Seatbelt

- Sensitive Sally's skin is bothered by the shoulder strap of her safety belt. She decides on her own to wear her safety belt so that the lap portion is across her lap, but the shoulder part (which is designed to cross in front of her torso) is placed behind her torso against the seat.

## Question 4 continued

- Although Sally is using her safety belt across her lap, she has committed an offense by not wearing the shoulder strap properly.

● **FACT or FICTION?**

# Question 4 Answer

## ● FACT!

- According to §§ 545.412(e)(4) & 545.413(h) of the Transportation Code, “Secured” in connection with use of a safety belt means using the lap belt and any shoulder straps according to the instructions of the vehicle (if original equipment) or safety belt (if added to vehicle) manufacturer.

# Question 5: Doctor's Orders

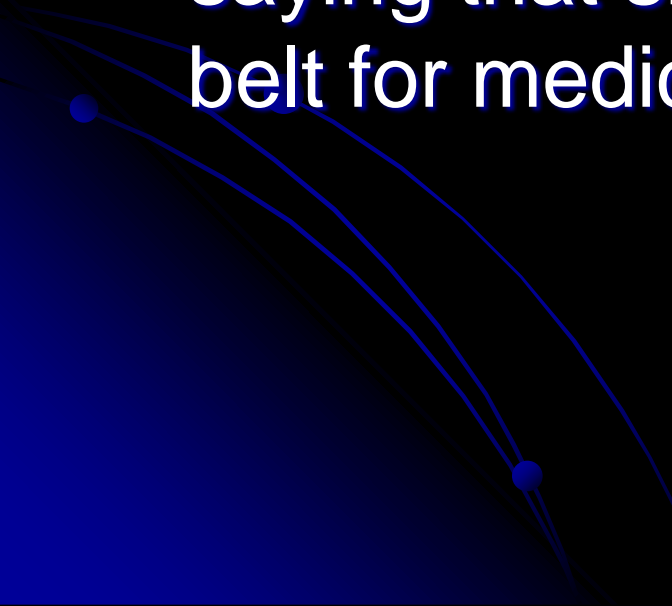


- Let's read the hypothetical for Question 5 and decide if it is...

- **FACT or FICTION!**



# Question 5: Doctor's Orders

- Sensitive Sally is cited for not being properly secured in her safety belt. After being ticketed, she visits her doctor and gets a written statement from the doctor saying that she should not wear a safety belt for medical reasons.
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## Question 5 continued

- She presents this letter to the court a week after being cited. Presenting the letter in this manner is a defense to prosecution for the safety belt offense.

● **FACT or FICTION?**

# Question 5 Answer

## ● FACT!

- Under § 545.413(e), it is a defense to prosecution if the person either (1) possesses or (2) presents not later than the 10<sup>th</sup> day after the offense a written statement from a licensed physician stating that the person should not wear a safety belt for a medical reason.

# Question 6: Rodney's Roadster



- Let's read the hypothetical for Question 6 and decide if it is...

- **FACT or FICTION!**

# Question 6: Rodney's Roadster

- Rodney enjoys classic cars. His 1959 convertible is his favorite car for driving through the country roads near his home. He bought the car 3 years ago, and spent much time and money restoring the car to its original glory. When he purchased the car, it was equipped with after-market safety belts.

## Question 6 continued

- Because the 1959 convertible was not originally equipped with safety belts or safety belt anchorages, Rodney removed the safety belts so that the car would be historically accurate. Rodney's vehicle is in violation of the law because it is no longer equipped with safety belts.

● **FACT or FICTION?**

# Question 6 Answer

- **FICTION!**

- Rodney's car is not required to have safety belts because safety belt anchorages were not a part of the manufacturer's original equipment on the vehicle. § 547.601 TC.

# Question 7: The Retro Ride

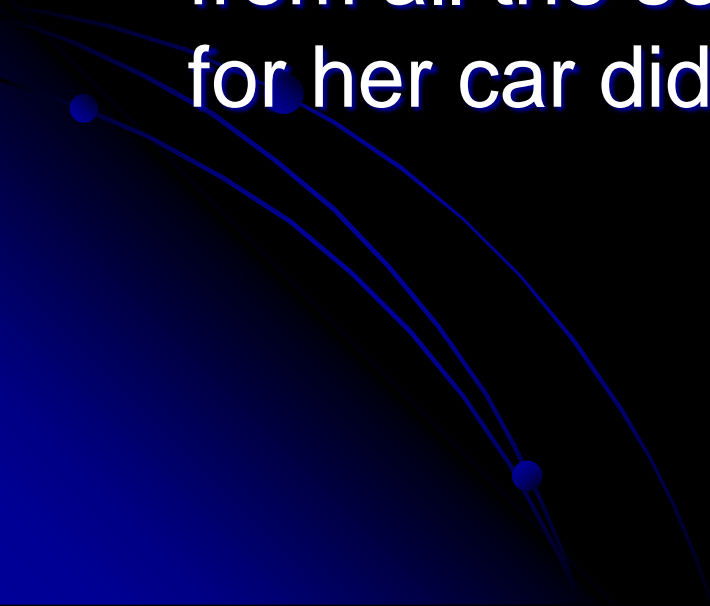


- Let's read the hypothetical for Question 7 and decide if it is...

- **FACT or FICTION!**



# Question 7: The Retro Ride

- Grace is 18 and she drives a 1998 sedan that has been modified to look like a sedan from the 1950's. To make the look more authentic, Grace removed the safety belts from all the seats, as the 1950's inspiration for her car did not have safety belts.
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# Question 7

- While riding with Grace, Lola (17) is cited for riding in the front seat without using a safety belt. Although there was no safety belt for Lola to use, she is still guilty of the offense.

● **FACT or FICTION?**

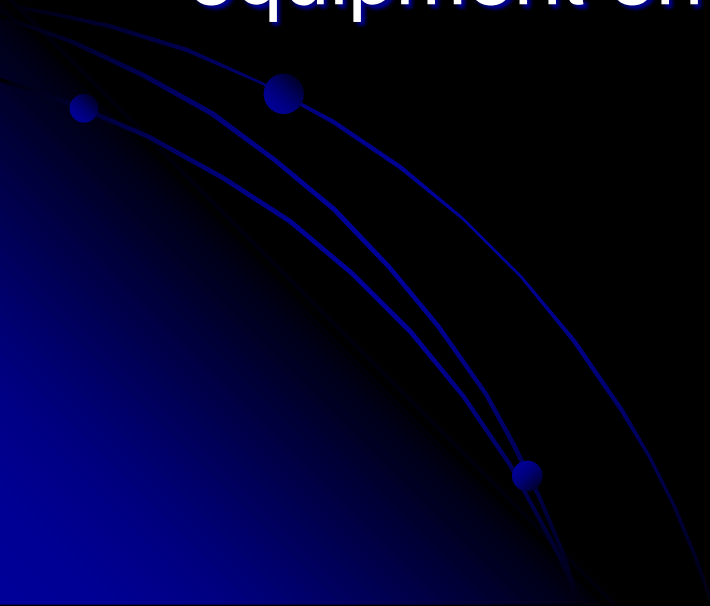
# Question 7 Answer

## ● FACT!

- Although Lola had no safety belt to use, a seat in a passenger vehicle is considered to be equipped with a safety belt if the vehicle is required under § 547.601 TC to be equipped with safety belts.

§545.413(c)

# Transportation Code § 547.601

- A motor vehicle required by Chapter 548 to be inspected shall be equipped with front safety belts if safety belt anchorages were part of the manufacturer's original equipment on the vehicle.
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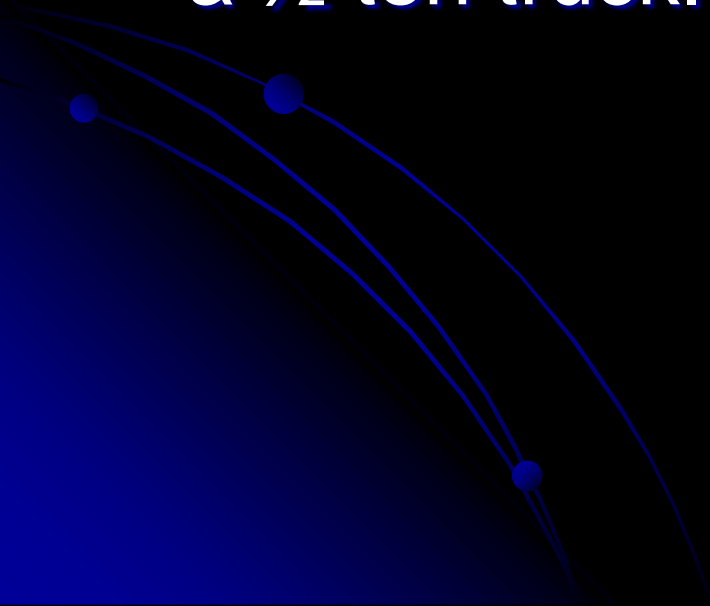
# Question 8: Farmer's Delight



- Let's read the hypothetical for Question 8 and decide if it is...

- **FACT or FICTION!**

# Question 8

- Homer's truck is registered as a farm vehicle. He allows his daughter, Penelope (9), to ride in the vehicle without being secured by a safety belt. Homer's truck is a ½ ton truck.
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## Question 8 continued

- Although it is a farm vehicle, Homer's truck is too light (not a  $\frac{3}{4}$  ton) for him to have a defense to prosecution.
- **FACT or FICTION?**

# Question 8 answer

## ● FICTION!

- It is a defense to prosecution under § 545.413(e)(6) if the person is operating a commercial vehicle registered as a farm vehicle that does not have a gross weight, registered weight, or gross weight rating of 48,000 pounds or more.



# Any other questions?

- Thank You!

