

Safety Restraints and Child Safety

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Yes it is true....changes were made. But what changes?

Submitted by men to the legislature



Submitted by women



Section 545.412

- Changes the age and height requirements.
- Effective 9-1-09: Any child under age 8, unless they are 4'9" tall, must be secured in a child passenger safety seat system.
- HOWEVER, the offense may not be prosecuted until June 1, 2010.

Section 545.412

- Officers may issue warnings based on the new restrictions but not citations.
- Don't misunderstand...ages 5 to 8 still have to be in a seatbelt until 6-1-2010, just not in a child safety/booster seat.
- Until then....it is still a violation according to the previous law for those under 5 and less than 36" in height.

Why June 10, 2010

- To allow time for the changes to be communicated to parents/caregivers.
- To allow time to purchase safety seats or booster seats as applicable.

Why so tall?

- The safety belt in vehicles is designed for adults, not children.
- The safety belt can typically be worn safely when a person reaches a height of 4'9".
- Recommended that children under 13 never ride in front seat of vehicle with an active air bag.



Penalty change for Section 545.412

- Max \$25 for first offense
- Max \$250 for subsequent offense
- New fine effective 9-1-09
- 50% of fines collected must be remitted to State Comptroller at end of city's fiscal year

New court cost

- Effective 1-1-2010
.15 court cost on CONVICTIONS under section 545.412
- Must submit it monthly.
- New court cost will be used to purchase child safety seat systems for low-income families



545.412 Does not apply to

- Person operating a vehicle transporting passengers for hire, excluding third-party transport service providers when transporting clients for contracts through Medicaid...545.412(e)(1)
- OR

Person transporting a child in a vehicle in which all seating positions with a seat belt or safety seat are occupied.



Defenses to Prosecution

- 545.412(c) - operating the vehicle in an emergency or for law enforcement purposes
- 545.4121(b) – Evidence satisfactory to the court that the defendant possesses _____?

Child under 8 unless 4'9"

- Does it qualify for.....
Special DSC, DSC, or Deferred?
- Yes, No, Maybe So

Child at least 8 and under age 17

- Section 545.413(b): Must be in a seat belt if the seat is equipped with one.
- What is the minimum and maximum fine allowed?
- Eligible for Special DSC, DSC, or Deferred?

Child at least 8 and under age 17

- Section 545.413(j)
Must send 50% of fines collected under this violation to comptroller at end of fiscal year.

HEADLINE

The Deadliest Of Combinations - A 15-Passenger Van Overloaded With 20 School Children Operated By An Unlicensed Driver - Rollover And Catastrophic Injuries

NEW:

Section 545.413(b-1)
Person commits offense if they allow a child age 8 but less than 17 ride in a passenger van designed to transport 15 or less, including the driver, without being in a seat belt if the seat is equipped with one.



Passenger Van Violation

- Minimum and Maximum fine?
- Eligible for Special DSC, DSC, or Deferred?
- What if you are under age 25 and receive any of the violations for a child not in a safety seat/belt?

THE TRUTH ABOUT SCHOOL BUSES

- Most school buses are not equipped with any form of seat belt restraint system.
- Lap-shoulder safety belts are mandatory in all automobiles, commercial vehicles, heavy trucks, even for the drivers of buses and motor coaches.
- Five states currently mandate some form of seatbelt on school buses: New York, New Jersey, Florida, Louisiana and California.
- Compartmentalization is the only protection offered in most school buses, and is a 30-year-old standard.

More on School Buses

- Compartmentalization only consists of a high back, padded, energy absorbing seat back, closely spaced with the seat behind. In a frontal impact, children are literally thrown forward in their seat and impact the seat in front of them (usually their face).
- Compartmentalization provides no safety in a side impact, rollover; or overcrowded buses where children are 3 across or standing in the aisle



Why should Texas make a change?

- TxDOT reports an average of over 7 fatality and 857 non-fatal school bus accidents each year.
- The National Highway Traffic Safety Administration claims that 26,000 school bus accidents occur annually resulting in some 8,000 injuries and 10 fatalities annually.
- Other groups have reported 20 or more annually.
- The American Academy of Pediatrics Association recently reported 17,000 U.S. children to the emergency rooms each year. Injuries range from cuts and sprains to broken bones, to more serious injuries such as lost limbs and deaths.

What is Texas doing?

- Starting September 1, 2010 each school bus purchased will have to be equipped with lap-shoulder seatbelts if the Legislature passes the funding needed.
- Unfortunately, the bill doesn't require that school districts replace their old busses with the safer ones.
- Texas believes it will cost the state about 580 million in the 2010-2011 school year alone to begin to replace the buses.
- Texas will join New York, New Jersey, Louisiana, California and Florida in proposing a school bus seatbelt law.

More seat belt violations

- Section 545.413(a) If you are at least 15 years of age, you must wear a seat belt if the seat is equipped with a safety belt while vehicle is being operated
- New: Must wear seat belt in front and back of the vehicle. No longer just for front seat.

Not the driver- at least 15

- What is the minimum and maximum fine?
- Eligible for Special DSC, DSC, or deferred?

Driver- at least 15

- What is the minimum and maximum fine?
- Eligible for Special DSC, DSC, Deferred?

Did you know there are 7 reasons you don't have to wear a seatbelt

Number 7

- Person possesses a written statement from a licensed physician.



Number 6



Person presents to the court, not later than 10 days after offense, a statement from a licensed physician.

Number 5

The person is employed by the United States Postal service and is performing a duty requiring frequent entry and exit from the vehicle



Number 4



The person is delivering newspapers from a vehicle or performing delivery duties that require frequent "in and out"

Number 3

The person is employed by a public or private utility company and is reading meters or similar duty



Number 2

The person is operating a commercial vehicle registered as a farm vehicle under Section 502.163 (read for more detail about restrictions)



And the Number 1 reason you don't have to wear a seatbelt

The person is the operator OR the passenger in a vehicle used only to transport solid waste and performing duties requiring "in and out"



Riding in open beds; Section 545.414



Children under the age of 18 years of age cannot ride in the open bed of a pick-up truck or trailer on a public road.

Fine of \$25-\$200

See Statute for defenses to prosecution

Section 545.416
No person under 5 on a motorcycle
Fine of \$100-\$200



Why are seat belts so important?

- Failure to wear a seat belt contributes to more fatalities than any other single traffic-related behavior.
- 42% of passenger vehicle occupants killed in 2007 were unbelted.
- It is estimated that seat belts saved more than 75,000 lives from 2004-2008.

**What is it costing us?
Life and Money**

- Society is paying the price: 85% of all medical costs of crash victims fall on society, not the individuals involved.
- When crash victims are unbuckled, their medical treatment costs are 50% higher.
- On-the-job crashes are costing employers \$22,000 per crash and \$110,000 per injury due to lost productivity and higher insurance/medical costs.

More stats....

- Every 9 seconds someone is injured in a traffic crash and every 13 minutes someone is killed.
- The National Highway Traffic Safety Administration, NHTSA, conducted a study that estimates that more than 1,600 lives could be saved and 22,000 injuries prevented if seat belt use was 90 percent in every state.

Texas is on the right track

In 2008, seat belt use was 83% compared to 69% in 1998. NHTSA attributes the increase to the "Click it or Ticket" campaign.



Texas is on the right track

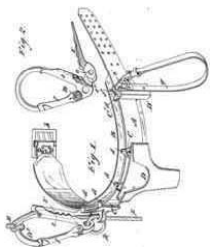
- Texas is among 26 states that allow primary enforcement of seat belt laws. This means the police can stop vehicles and write citations just for not buckling up.
- 23 states with seat belt laws specify secondary enforcement.

Who is wearing their seat belt?

Reports from NHTSA in 2007 said that:

1. Seat belt use was lower among blacks than any other race.
2. Seat belt use was higher among females (86%) than males (79%).
3. Seat belt use was lower among drivers who drove alone than with passengers.
4. Seat belt use lowest among ages 16-24

Proof that enforcement and education works



- Swedish inventor, Nils Bohlin invented the first 3 point seat belt and was introduced in 1959 by Volvo and is now the standard.
- First installed here in the 1950s, mandatory since 1967.
- Usage in the 1970s was about 20%.
- Usage increased to over 70% by 1987 due to increased education and legislation.
