

SAFETY BELT LAWS

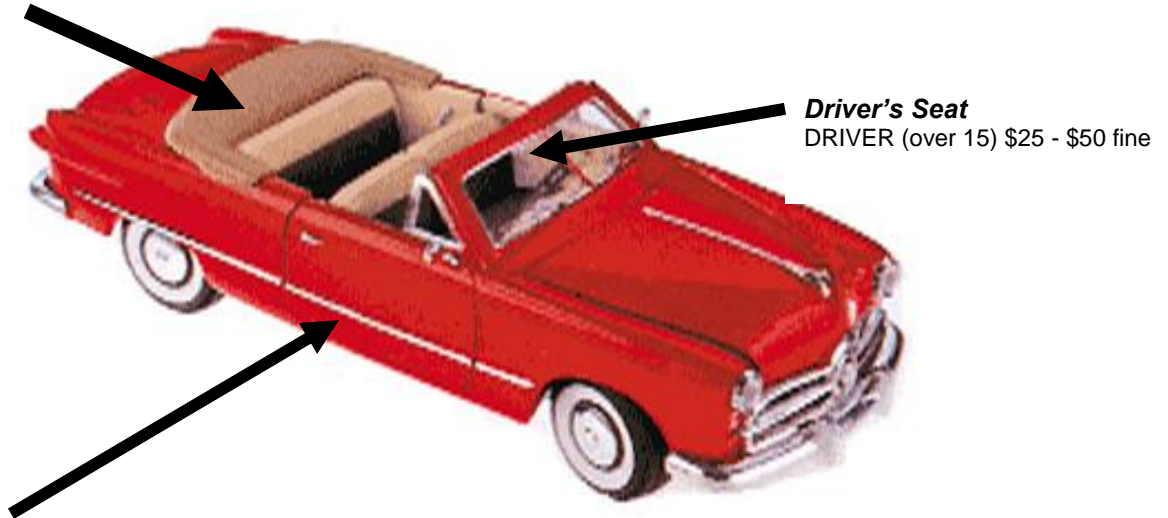
Back Seat

ADULTS (17 and over) \$25 - \$50 fine to offender

CHILDREN (15-16) \$25 - \$50 fine to passenger & \$100 - \$200 fine to driver

CHILDREN (8-15, and those under 8 but taller than 4'9") \$100 - \$200 fine to driver

CHILDREN (under age 8, unless 4'9" tall) not to exceed \$25 for first offense, not to exceed \$250 for subsequent offense



Driver's Seat

DRIVER (over 15) \$25 - \$50 fine

Front Seat

ADULTS (17 and over) \$25 - \$50 to offender

CHILDREN (15-16) \$25 - \$50 fine to passenger & \$100 - \$200 fine to driver

CHILDREN (8-15, and those under 8 but taller than 4'9") \$100 - \$200 fine to driver

CHILDREN (under age 8, unless 4'9" tall) not to exceed \$25 for first offense, not to exceed \$250 for subsequent offense

Safety Belt Laws Effective September 1, 2009

Child in safety seats

A child *under 8 years old, unless the child is taller than four feet nine inches (4'9")* must be restrained in a child passenger safety seat in accordance with the manufacturer's instructions.

Child in safety belts

A child *age 8 and younger than age 17* must be restrained in a **safety belt** regardless of position in the vehicle. A child under 8 years old who is not required to be in a safety seat must be in a safety belt.

Adults in safety belts

A person must be restrained in a safety belt regardless of position in the vehicle.

Pick-up trucks and trailers

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



Passenger Safety Seat Systems and Safety Belts

Effective on offenses committed on or after September 1, 2009*

Age	Person Responsible	Type of Restraint	Location in vehicle	Cited for	Penalty	Eligible for Special DSC (emphasizes seatbelts & child safety seat systems)	Eligible for DSC	Eligible for Deferred Disposition
Child under age 8, unless over 4'9" tall**	driver	child passenger safety seat system	front and back seats	child not in passenger safety seat system	maximum \$25 for first offense maximum \$250 for subsequent offense	yes	no	yes
Child at least age 8 and under age 17***	driver	safety belt	front and back seats	child not in safety belt	minimum \$100 maximum \$200 if in passenger vehicle minimum \$1 maximum \$200 if in passenger van	yes	no	yes
At least age 15	person	safety belt	front and back seats	passenger not wearing safety belt	minimum \$25 maximum \$50	no	no	yes
At least age 15	driver	safety belt	front and back seats	driver not wearing safety belt	minimum \$25 maximum \$50	no	yes	yes

***For an offense under Section 545.412 (requiring a child under 8, unless 4'9" tall, to be secured in a child passenger safety seat system) that would not have been an offense under that section before amended by S.B. 61 (children under 5 and less than 36" in height required to be secured in safety seat system), the offense may not be prosecuted until June 1, 2010, if the child who is the subject of the offense is secured by a safety belt. Before June 1, 2010, law enforcement officers may not arrest or issue citations to drivers in these instances, but may instead issue a warning to comply with the increased age limits.**

**Until the amended Section 545.412 offense (child under 8, unless 4'9" tall) can be prosecuted, "booster seat-aged children" (those at least 5 but less than 8) must be secured in at least a safety belt (see Section 545.413) if not in a child passenger safety seat system.

***Children under age 8 that are taller than 4'9" must wear a safety belt.

Definitions

- 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.
- 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. ("Passenger car" means a motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate 10 or fewer passengers, including the operator. "Light truck" means a truck, including a pickup truck, panel delivery truck, or carryall truck, that has a manufacturer's carrying capacity of 2,000 pounds or less. Since "sport utility vehicle" is not specifically defined, look to the definition of passenger vehicle. "Truck" means a motor vehicle designed, used, or maintained primarily to transport property. "Truck tractor" means a motor vehicle designed and used primarily to draw another vehicle but not constructed to carry a load other than a part of the weight of the other vehicle and its load. "Motor vehicle" means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. Section 541.201, T.C.)
- Safety belt means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.
- Secured in connection with use of a safety belt means using the lap belt and any shoulder straps according to the manufacturer of the vehicle, if the safety belt is original equipment; or the manufacturer of the safety belt, if the safety belt has been added to the vehicle.

Section 545.412, T.C., does not apply to:

- A person operating a vehicle transporting passengers for hire excluding third-party transport service providers when transporting clients pursuant to a contract to provide nonemergency Medicaid transportation; or
- A person transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.

Defenses to prosecution under Section 545.413, T.C.:

- The person possesses a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
- 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 a medical reason the person should not wear a safety belt;
- The person is employed by the United States Postal Service and performs a duty for that agency that requires the operator to service postal boxes from a vehicle or that requires frequent entry into and exit from a vehicle;
- The person is engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle;
- The person is employed by a public or private utility company and is engaged in the reading of meters or performing a similar duty for that company requiring the operator to frequently enter into and exit from a vehicle;
- The person is operating a commercial vehicle registered as a farm vehicle under the provisions of Section 502.163, T.C., that does not have a gross weight, registered weight, or gross weight rating of 48,000 pounds or more (Section 502.163, T.C., provides for a fee for commercial motor vehicle used primarily for farm purposes); or
- The person is the operator of or a passenger in a vehicle used exclusively to transport solid waste and performing duties that require frequent entry into and exit from the vehicle.

Amount Due the State

- Fifty percent of the fines for convictions for not securing a child in a passenger safety seat system or a safety belt must be remitted to the State Comptroller at the end of the city's fiscal year.
- Court costs must be remitted quarterly.
- The \$0.15 (15 cent) court cost on convictions under Section 545.412 must be submitted monthly, and is used by TxDOT to purchase child passenger safety seat systems for low-income families.

