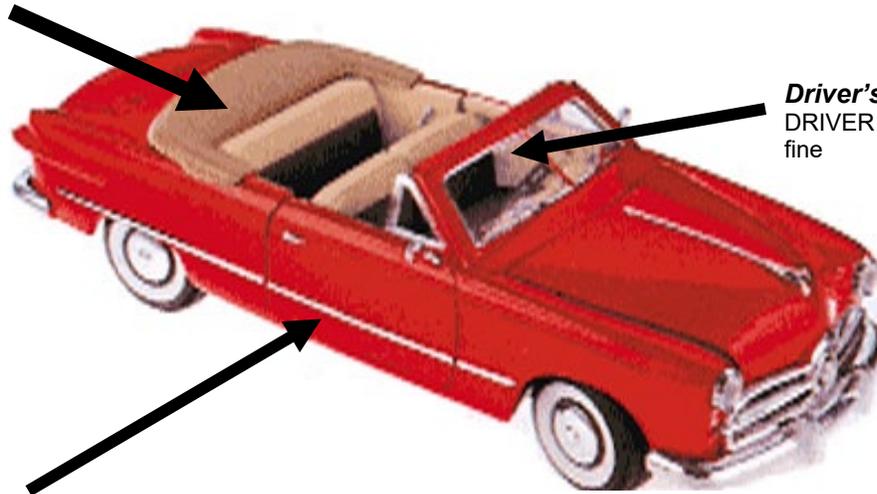


# PASSENGER RESTRAINT LAWS

## 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 (8-14 and those under 8 but taller than 4'9") \$100-\$200 fine to driver  
CHILDREN (under age 8, unless taller than 4'9") \$25-\$250 fine to driver



## Driver's Seat

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

## Front Seat Passengers

ADULTS (17 and over) \$25-\$50 to offender  
CHILDREN (15-16) \$25-\$50 fine to passenger & \$100-\$200 fine to driver  
CHILDREN (8-14 and those under 8 but taller than 4'9") \$100-\$200 fine to driver\*  
CHILDREN (under age 8, unless taller than 4'9") \$25-\$250 fine to driver\*

\* It is strongly recommended that all children less than 13 years old ride properly restrained in the back seat

## Passenger Restraint Laws

### Safety Seats

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

### Safety Belts

Anyone in a passenger vehicle who is not required to be in a safety seat and that is occupying a seat equipped with a safety belt must be secured by the **safety belt** while the vehicle is being operated.

### Motorcycles

A child *under age 5* cannot ride as a passenger on a motorcycle, unless seated in a sidecar.

### Pick-up Trucks and Trailers

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

### House Trailers and Towed Trailers

A person cannot ride in a house trailer being moved or in a trailer or semitrailer being towed.

### Towed Watercraft

A child *under age 18* cannot ride in a boat being towed by a vehicle.



## Child Passenger Safety Seat Systems and Safety Belts

Age	Person Criminally Responsible	Type of Restraint	Location in vehicle	Transportation Code Section	Penalty	Eligible for DSC*	Eligible for Deferred Disposition
Child under age 8, unless taller than 4'9"	driver	child passenger safety seat system	anywhere in the vehicle	Sec. 545.412	\$25-\$250	yes	yes
Child age 8-16 or under 8 but taller than 4'9"	driver	safety belt	any seat equipped with safety belt	Secs. 545.413(b) and 545.413(b-1)	\$100-\$200 if in passenger vehicle \$1-\$200 if in passenger van	yes	yes
Anyone age 15 or older	the unbelted person	safety belt	any seat equipped with safety belt	Sec. 545.413(a)	\$25-\$50	yes	yes

\*In 2021, the specialized driving safety courses required for certain seatbelt and child safety seat offenses were repealed.

### 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.
- **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.
- **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 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 545.412

- The person was operating the vehicle in an emergency;
- The person was operating the vehicle for a law enforcement purpose; or
- The person provides satisfactory evidence to the court that:
  - the person was not arrested or issued a citation for violation of any other offense during the stop;
  - the vehicle the person was driving was not involved in a collision at the time of the offense;
  - the person did not possess a child passenger safety seat system in the vehicle at the time of the offense; and
  - subsequent to the time of the offense, the defendant obtained an appropriate child passenger safety seat system for each child required to be secured in such a system.

### Defenses to Prosecution Under Section 545.413

- 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 performing 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 502.433, T.C., that does not have a gross weight, registered weight, or gross weight rating of 48,000 pounds or more; 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.

### Fine Amount Due to the State

- 50% of the fine for conviction for not securing a child in a child passenger safety seat system under Section 545.412 or a safety belt under Section 545.413(b) must be remitted to the State Comptroller at the end of the city's fiscal year.

