

JURISDICTION:  
General Reference:

**TEXAS**  
Vernon's Texas Transportation Code (Tran. Code)

Required Use of Safety Belts<sup>1</sup>:

Requirements:

I. When a passenger car<sup>2</sup> is being operated, anyone  $\geq 15$  years old, who is riding in the front seat and who is occupying a seat that is equipped with a safety belt, must wear such belt. Tran. Code §545.413(a)  
II. A person cannot operate a passenger car<sup>2</sup> or light truck equipped with a safety belts unless the all of the passengers, who are  $\geq 4$  but  $< 15$  years old, are secured by such belts. However, this requirement only applies if such passengers are occupying a seat that is equipped with a safety belt. Tran. Code §545.413(b)

Sanctions for Failure to Use or  
Require the Use of Safety Belts<sup>3</sup>:

Misdemeanor: A fine of not less than **\$25** nor more than **\$50**.<sup>4</sup> Tran. Code §545.413(d)

Effect on Civil Liability:

Evidence of non-use of a safety belt is not admissible in a civil trial. Tran. Code §545.413(g)

Required Use of Child Safety Restraint Systems<sup>5</sup>:

Requirements:

I. A person cannot operate a passenger car or light truck, when transporting a child  $< 2$  years old, unless such child is secured in a

Required Use of Child Safety Restraint Systems:  
(continued)

---

<sup>1</sup>**Exemptions.** The requirements to use a safety belt do not apply in the following circumstances: (1) To person who are unable to use a safety belt for physical or medical reasons; (2) to persons employed by the U.S. Postal Service while performing official duties; (3) to persons who are in the process of delivering newspapers from a vehicle; and, (4) to persons employed by a either public or private utility and who are engaged in reading meters or performing other duties that require that they frequently enter and exit a vehicle. Tran. Code §545.413(e) & §127 of Ch. 751 of the Acts of 1995)

<sup>2</sup>For the purposes of the passenger protection law, the term "passenger car" also includes a truck with a manufacturer's rated carrying capacity of not more than 1,500 lbs. Tran. Code §545.413(h) Generally, the term "passenger car" means a motor vehicle, other than a motorcycle used to transport persons and designed to accommodate  $\leq 10$  passengers. Tran. Code §541.201(12) The law also requires that the operator of a passenger car or van, used to transport  $< 15$  students, must "ensure that the number of passengers in the vehicle does not exceed the designed capacity of the vehicle and that each passenger is secured by a safety belt." Education Code §34.003(c) & (d)

<sup>3</sup>**Deferred Disposition.** Persons charged with traffic offenses may be allowed to participate in a deferred disposition program. Under this program, an offender must plead guilty or no contest to the offense and complete a "driving safety course." The court defers imposition of judgment for 180 days and dismiss the charge when the course has been completed. Code of Criminal Procedure, Art. 45.541

<sup>4</sup>The law is not specific as to whether there is a licensing sanction for this offense. However, it may be possible for the State to either suspend or revoke a person's driving privileges based on habitual violations of the traffic law which could include this offense. Tran. Code §521.294

<sup>5</sup>**Exemptions.** These requirements do not apply in the following circumstances: (1) To children who are being transported in emergency or law enforcement vehicles; (2) to children being transported in passenger for hire vehicles; and, (3) to children being transported in a vehicle in which all seating position equipped with child passenger safety seat systems or safety belts are occupied. Tran. Code §545.412(c) & (e)

TEXAS

Requirements: (continued)	Federally approved child passenger safety seat system. <sup>6</sup> Tran. Code §545.412(a)(1) & (f) II. A person cannot operate a passenger car <sup>5</sup> or light truck while transporting a child $\geq 2$ but $< 4$ years old unless such child is secured either in a Federally approved child passenger safety seat system or by a safety belt. Tran. Code §545.412(a)(2)(A) & (B) and (f)
Sanctions for Failure to Require the Use of Child Restraint Systems <sup>3</sup> :	Misdemeanor: A fine of not less than <b>\$25</b> nor more than <b>\$50</b> . <sup>4</sup> Tran. Code §545.412(b)
Effect on Civil Liability:	Evidence of non-use of a child passenger safety seat system is not admissible in a civil trial. <sup>7</sup> Tran. Code §545.412(d)

Required Use of Motorcycle Protective Headgear:

Requirements:	A person, who operates or rides as a passenger on a motorcycle <sup>8</sup> , shall wear State approved protective headgear. Tran. Code §661.003(a) & (c) <b>Exception.</b> A person, who is $\geq 21$ years old, may apply for an "exception" from this requirement provided they either (1) have successfully completed a motorcycle operator training and safety course or (2) are covered by a health insurance plan that provides the person with at least \$10,000 in medical benefits which will cover the costs of any injury sustained while operating or riding on a motorcycle. <sup>9</sup> Tran. Code §661.003(c)
Sanctions for Failure to Use <sup>3</sup> :	Misdemeanor: A fine of not less than <b>\$10</b> nor more than <b>\$50</b> . <sup>4</sup> Tran. Code §661.003(h)

---

<sup>6</sup>The term "passenger car" means a motor vehicle, other than a motorcycle used to transport persons and designed to accommodate  $\leq 10$  passengers. Tran. Code §541.201(12) Note: The Transportation Code is silent as to whether the child passenger restraint requirements apply to motor vehicles that are not required to have safety belts under Federal law.

<sup>7</sup>However, evidence of non-use can be used in certain proceeding under the Family Code. §126, Ch. 751, Acts of 1995

<sup>8</sup>The term "motorcycle" means a self propelled motor vehicle with not more than 3 wheels and which may have a saddle for rider use. The term does not include a tractor or three-wheeled vehicle that is equipped with a cab, seat and seat belt and is designed to contain the cab operator. Tran. Code §661.001(1)

<sup>9</sup>Motorcycle owners, who qualify for this exception, may apply to the State Department of Public Health for a special license plate sticker which indicates they satisfy the requirements for such an exception. In addition, the law presumes that either operators or passengers, who are riding on motorcycles displaying such stickers, have complied with these requirements. Tran. Code §661.003(d) & (g)

Note: In a Federal case, the court held that there may be a common law duty under Texas law to wear protective headgear. *Kennon v. Slipstreamer, Inc.*, 794 F.2d 1067 (5th Cir. 1986)

Required Use of Motorcycle Eye Protection Device:

Requirements:

Sanctions for Failure to Use:

Required Use of Bicycle Protective Headgear:

Requirements:

**None**

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements:

**None**

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

When operating either an open-bed pickup truck or an open flatbed truck or when drawing an open flatbed trailer at a speed >35 MPH, a driver shall not transport a passenger <12 years old in the bed of such truck or trailer. Tran. Code §545.414(a)

Sanctions for a Violation<sup>3</sup>:

Misdemeanor: A fine of not less than **\$25** nor more than **\$200**.<sup>4</sup> Tran. Code §545.414(b)

Exemptions:

This requirement does not apply if the person <12 years old was being transported in the bed of such vehicles due to an emergency. Tran. Code §545.414(c)

TEXAS