

BILL ANALYSIS

Senate Research Center
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S.B. 411
By: Duncan
State Affairs
3/22/1999
Committee Report (Amended)

DIGEST

Currently, Texas law prohibits a person from operating or towing an open-bed vehicle on a public street or highway if a child younger than the age of 12 is riding in the bed of a truck, and the vehicle is being driven at a speed of more than 35 miles per hour. Statistics compiled by the Texas Department of Public Safety indicate that in 1988 and 1993, on average, 452 injuries and 14 deaths of children under 18 occurred while the children were riding in the bed of a pickup. S.B. 411 prohibits a child younger than 18 years of age from riding in the back of a truck or trailer driven at any speed.

PURPOSE

As proposed, S.B. 411 prohibits the operation of a vehicle with a child in an open bed of the vehicle or in the open bed of a trailer being towed by the vehicle.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 545.414, Transportation Code, to provide that a person commits an offense if the person operates an open-bed pickup truck or an open flatbed truck or draws an open flatbed trailer when a child younger than 18, rather than 12, years of age is occupying the bed of the truck or trailer. Deletes a provision that the truck must be traveling at a speed greater than 35 miles per hour. Provides that it is a defense to prosecution under this section that the person was operating or towing the vehicle in a parade or in an emergency; transporting farm workers from one field to another on a farm-to-market road, a ranch-to-market road, or a county road outside an incorporated city limits; or on a beach. Provides that compliance or noncompliance with Subsection (a) is not admissible evidence in a civil trial.

SECTION 2. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 545.414(c), Transportation Code, to set forth a defense to prosecution if the person was operating or towing the vehicle in a parade or and emergency; the vehicle is transporting farm workers from one field to another on a farm-to-market road, a ranch to market road or a county road outside an incorporated city limits, or on a beach.