

## **BILL ANALYSIS**

Senate Research Center  
77R2642 MTB-D

S.B. 399  
By: Duncan  
State Affairs  
2/8/2001  
As Filed

### **DIGEST AND PURPOSE**

Currently, Texas law prohibits a child under the age of 12 from traveling in the back of a truck or trailer at a speed greater than 35 m.p.h. and provides for a defense to prosecution for emergency situations. As proposed, S.B. 399 prohibits a child under the age of 18 from riding in the bed of a truck or trailer at any speed and provides for a defense to prosecution under certain circumstances. S.B. 399 also specifically states that compliance or noncompliance with the provisions of the bill are not admissible evidence in a civil trial.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 545.414, Transportation Code, by providing 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 text that specifies a certain speed. Provides that it is a defense to prosecution under this section that the person was operating or towing the vehicle in certain situations. Provides that compliance or noncompliance with Subsection (a) is not admissible evidence in a civil trial. Defines "household."

SECTION 2. Effective date: September 1, 2001.  
Makes application of this Act prospective.