

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1741
By: Naishtat (West)
Health & Human Services
5/16/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Since 1998, more than 550 children have died in the United States from hyperthermia, or heat stroke, after being left unattended in a vehicle. Fifty-two percent of these deaths—287 children—happened after the child was accidentally forgotten in the vehicle. Texas has the highest number of child deaths from heat stroke after being accidentally forgotten in a vehicle, with at least 83 deaths. While the majority of these deaths occur while in the care of their parents, licensed day-care centers have higher rates of child deaths from vehicular heat stroke than licensed child-care homes and other types of child-care facilities in Texas.

C.S.H.B. 1741 requires licensed day-care centers to install electronic safety alarms in all vehicles owned or leased by the centers that are designed to seat eight or more people and used to transport children in their care. The bill also requires that the alarms be properly maintained. These alarms will prompt drivers to walk to the back of vehicles to turn off the alarm. If the alarm is not turned off, a louder siren will sound alerting the surrounding area. The intent is for the driver to notice any sleeping or overlooked children before he or she exits the vehicle.

C.S.H.B. 1741 amends current law relating to requiring child safety alarms in certain vehicles used by child-care facilities to transport children.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Family and Protective Services in SECTION 1 (Section 42.0424, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.0424, as follows:

Sec. 42.0424. CHILD SAFETY ALARMS IN VEHICLES. (a) Defines, in this section, "electronic child safety alarm" to mean an alarm system that prompts the driver of a vehicle to inspect the vehicle to determine whether children are in the vehicle before the driver exits the vehicle.

(b) Requires a licensed day-care center to equip each vehicle owned or leased by the facility with an electronic child safety alarm if the vehicle is:

(1) designed to seat eight or more persons; and

(2) used to transport children under the care of the facility.

(c) Requires the licensed day-care center to ensure that the electronic child safety alarm is properly maintained and used when transporting children.

(d) Requires the Department of Family and Protective Services to adopt rules to implement this section.

(e) Provides that this section applies only to a vehicle purchased or leased on or after December 31, 2013.

SECTION 2. Provides that Section 42.0424, Human Resources Code, as added by this Act, applies to a vehicle purchased or leased before, on, or after the effective date of this Act. Requires that a vehicle purchased or leased before the effective date of this Act comply with the requirements of Section 42.0424, Human Resources Code, as added by this Act, not later than December 31, 2014.

SECTION 3. Effective date: December 31, 2013.