

Texas Agricultural Extension Service

Texas - Child Passenger Protection Laws

Janie Harris*

Texas currently has three laws which have been enacted to provide protection for minor age passengers in cars and pickup trucks. These laws protect children from birth to four years of age, or at least four years old but less than 15 years old who are front seat passengers, and regulate those children younger than 12 years of age from riding in the open bed of pickup trucks.

These laws have been enacted for the following reasons. In a motor vehicle crash there are three kinds of collisions. The vehicle collides, stopping in about 1/10 of a second in a 30 mph crash (Texas Coalition for Safety Belts, 1987). If one is unrestrained, the body keeps traveling forward after the vehicle stops. The second collision occurs when the body hits something or someone inside or perhaps even outside the vehicle. The third collision is of the internal organs against each other or the skeletal structure. By using safety restraints, the second and third collision can be minimized (depending on the severity of the first collision).

In 1989, 6,866 children were injured in Texas. Of these, 62 percent were restrained. Many of the restrained children who survived crashes but received injuries might have been killed if they had not been restrained. The unrestrained children (34 percent) might not have been injured if they had been restrained.

Transporting Children

Even though these protective laws exist, it is the responsibility of the parent or driver of the vehicle to enforce the law and to help develop the habit of compliance and protection. Motor vehicle accidents are the leading cause of death and serious injury for children 6 months to 4 years old (National Highway Traffic Safety Administration). The Texas Department of Public Safety reports the following statistics for 1989 motor vehicle accidents:

82 children died (birth to 4)

- 71 percent unrestrained
- 22 percent restrained

1984 - Child Safety Seat Law

This Texas Law reads as follows:

- (a) "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.
- (b) A person commits an offense if the person:
 - (1) is a resident of this state
 - (2) transports a child younger than two years of age by operating a passenger car or light truck on a road, street, or highway of this state and
 - (3) does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system.
- (c) A person commits an offense if the person:
 - (1) is a resident of this state;
 - (2) transports a child who is two years of age or older and under four years of age by operating a passenger car or light truck on a road, street, or highway of this state;
 - (3) does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system or by a safety belt.
- (d) An offense under this section is punishable by a fine of not less than \$25 nor more than \$50".

1985 - Safety Belt Law

This law applies to passenger cars and trucks (including the 3/4 ton pick-up truck). The law reads as follows:

- "(a) A person commits an offense if the person:

* Extension specialist for Rural Child Passenger Safety Education Project, The Texas A&M University System.

- 1) is at least 15 years old,
 - 2) is riding in the front seat of a passenger car while the car is being operated on a road, street, or highway of this state,
 - 3) is occupying a seat that is equipped with a safety belt, and
 - 4) is not secured by a safety belt.
- (b) A person commits an offense if the person:
- 1) operates on a road, street, or highway of this state, a passenger car that is equipped with safety belts and
 - 2) allows a child who is at least four years old but less than 15 years old to ride in the front seat of the car without requiring the child to be secured by a safety belt..."

When this law was passed, children under four years old were already required by law to be restrained in child safety seats or safety belts.

1989 - Children Transported in Pickup Trucks

In May 1989, the Texas Legislature passed a bill that restricts the way children may be transported in pickup trucks. The law took effect on September 1, 1989 and reads as follows:

"Vehicles with Open Beds:

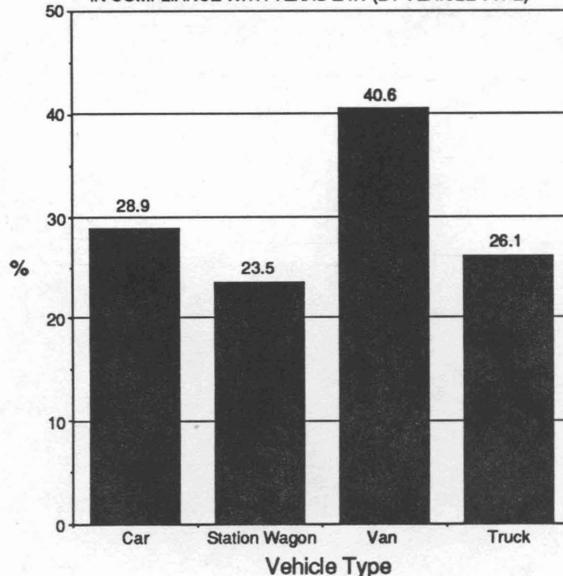
- (a) A person commits an offense if the person, at a speed that exceeds 35 miles per hour, operates an open bed pickup truck or an open flatbed truck or tows an open flatbed trailer on a public street or highway when a child younger than 12 years of age is occupying the bed of the truck or trailer."

The fine for this offense is \$25-\$200 plus court costs. Emergency situations are not punishable. The protection of children in the cab of the pickup truck was already covered in the 1984 and 1985 laws.

Compliance

The Texas Transportation Institute surveyed fourteen Texas cities in October 1989 and reported that only 45.5 percent of the children under four years of age were restrained within the law. In a Rural Child Passenger Safety Education Project survey conducted by the Texas Agricultural Extension Service, 28.7 percent of rural children were restrained. [21 percent of urban children rode in child safety seats compared to 15.3 percent of rural children.] Within the 28.7 percent restrained, it was observed that rural children who rode in cars and vans were most likely to be restrained within the law. Children who rode in a station wagon or pick-up truck in the 34 rural counties surveyed were least likely to be restrained. (Figure 1)

RURAL CHILD RESTRAINT USE 1989-90 SURVEY
IN COMPLIANCE WITH TEXAS LAW (BY VEHICLE TYPE)



In spite of the fact that technology is available to prevent the majority of vehicle deaths and serious injury, and that **IT IS THE LAW**, parents do not always protect their children. Even the laws do not require protection for all children. Currently, there is no law requiring children ages 4 to 15 to wear safety restraints unless they are front seat passengers.

There is a price to be paid for non-compliance. Parents or drivers pay the monetary price of breaking the law if they are issued a citation. The children pay the price of injury or death if not restrained and involved in a sudden stop, swerve, or motor vehicle accident.

Learn the law, use it, share it, and save a life.

References

- Texas Agricultural Extension Service, Rural Child Passenger Safety Education Project, *Survey Report*, April 1990.
- Texas Safety Association, Texas Coalition for Safety Belts, *Links to Safe Living*, Austin, Texas, May 1990.
- Texas Department of Public Safety, Motor Vehicle Traffic Accidents, 1989. Cindy Knox, Traffic Analysis Statistician.
- U.S. Department of Transportation, National Highway Traffic Safety Administration, *Buckle Up for Love!*, February 1990.
- The State of Texas, *Vernon's Texas Civil Statutes*.

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