Texas Pediatric Society Response to Veto of HB 448

The Texas Pediatric Society is disappointed with Governor Greg Abbott’s decision to ignore the recommendations of pediatricians, law enforcement, and countless auto safety experts in his Saturday veto of H.B. 448 by Rep. Chris Turner and Sen. Judith Zaffirini that sought to improve the child safety restraint laws in Texas. It is our hope that parents themselves will use this occasion to affirm their own good sense and follow these recommendations because they love and care for their children.

H.B. 448 would have required children under age two to be secured in a rear facing car seat while in a moving vehicle. The legislation included exceptions for babies and toddlers taller than 40 inches and weighing more than 40 pounds, and with medical conditions that prevented them from sitting in a rear-facing seat. The bill would have provided for a warning for a first offense with subsequent violations resulting in fines of between $25 and $250. The bill also would have made a violation of this new law a secondary offense – meaning that law enforcement would not stop or detain the driver solely to enforce the new requirements.

Under the current law, there are no specific protections for children under two – only for children under eight. Also, presently, there is no statutorily-provided initial warning, meaning parents can be fined for a first offense. Moreover, violation of the current statute is a primary offense – officers can make a traffic stop solely to determine compliance – and no defense to prosecution for medical necessity is provided in the existing law.

Therein lies the irony of the veto – Gov. Abbott’s reservations about H.B. 448 being “an unfortunate example of over-criminalization” belies the fact that the bill actually made significant efforts to reduce the likelihood that a parent would be penalized for violating the law. The bill simultaneously would have meaningfully increased the safety of our youngest, most fragile Texans, as study after study demonstrates the effectiveness of rear-facing seats for infants in a collision.

Today, my 9th grandchild was born. We all want for her the best possible future. That means that she will be immunized, that she will sleep on her back as recommended, that she will travel in an approved child safety seat, and that she will ride facing the rear of the vehicle until she is 40 pounds. And it means that her parents and grandparents will provide the appropriate adult supervision that is required to assure her continued growth and development toward becoming a responsible and productive healthy adult, to the best of our ability.

While ultimately it is up to parents to do what is best for their children, experience has shown us that sometimes the state government needs to pass laws to promote better buy-in and facilitate the adoption of evidence based best practices as children progress toward adulthood. Speed limits, appropriate times to use (and not use) cell phones, immunization requirements, purchase and consumption age limits for alcohol and tobacco products, water safety reminders, and car seat positions are just a few good examples of the states’ roles in promotion of health. It is our belief that these practices are in the best interest of promoting a healthy and productive Texas.

Ben G. Raimer, MD FAAP
President, Texas Pediatric Society
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Contact: Tricia Hall, Executive Director tricia.hall@txpeds.org 512-370-1506