

By: Louderback

H.B. No. 5040

A BILL TO BE ENTITLED

AN ACT

relating to the operation of a motor vehicle while another person rides in or on a portion of the vehicle not for passenger use; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4135 to read as follows:

Sec. 545.4135. RIDING IN OR ON PORTION OF MOTOR VEHICLE NOT FOR PASSENGER USE. (a) A person commits an offense if the person operates a motor vehicle while another person rides in or on a portion of the vehicle not designated or intended for the use of a passenger.

(b) It is a defense to prosecution of an offense under this section that at the time of the offense the person:

(1) was operating a vehicle used exclusively to transport solid, semisolid, or liquid waste and the vehicle was being operated in connection with the removal or transportation of solid, semisolid, or liquid waste; or

(2) was a peace officer or other person providing law enforcement, firefighting, ambulance, medical, rescue, or other emergency services.

(c) It is a defense to prosecution of an offense under this section involving a person occupying the bed of an open-bed pickup truck that at the time of the offense:

1 (1) the actor was operating the vehicle under a
2 circumstance described by Section 545.414(c); or

3 (2) the person occupying the bed of the truck was 18
4 years of age or older.

5 SECTION 2. This Act takes effect September 1, 2025.