

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend \_\_\_\_\_ Senate \_\_\_\_\_ Bill No. 452, Page 1, Section Title, Lines 5-6,

2 by striking "the offense of failure to appear" and inserting in  
3 lieu thereof the following: "traffic offenses"; and

4 Further amend said bill and page, section A, line 5, by  
5 inserting immediately after said line the following:

6 "307.178. 1. As used in this section, the term "passenger  
7 car" means every motor vehicle designed for carrying ten persons  
8 or less and used for the transportation of persons; except that,  
9 the term "passenger car" shall not include motorcycles, motorized  
10 bicycles, motor tricycles, and trucks with a licensed gross  
11 weight of twelve thousand pounds or more.

12 2. Each driver, except persons employed by the United  
13 States Postal Service while performing duties for that federal  
14 agency which require the operator to service postal boxes from  
15 their vehicles, or which require frequent entry into and exit  
16 from their vehicles, and front seat passenger of a passenger car  
17 manufactured after January 1, 1968, operated on a street or  
18 highway in this state, and persons less than eighteen years of  
19 age operating or riding in a truck, as defined in section  
20 301.010, on a street or highway of this state shall wear a  
21 properly adjusted and fastened safety belt that meets federal  
22 National Highway, Transportation and Safety Act requirements. No

1 person shall be stopped, inspected, or detained solely to  
2 determine compliance with this subsection. The provisions of  
3 this section and section 307.179 shall not be applicable to  
4 persons who have a medical reason for failing to have a seat belt  
5 fastened about their body, nor shall the provisions of this  
6 section be applicable to persons while operating or riding a  
7 motor vehicle being used in agricultural work-related activities.  
8 Noncompliance with this subsection shall not constitute probable  
9 cause for violation of any other provision of law. The  
10 provisions of this subsection shall not apply to the transporting  
11 of children under sixteen years of age, as provided in section  
12 307.179.

13 3. Each driver of a motor vehicle transporting a child less  
14 than sixteen years of age shall secure the child in a properly  
15 adjusted and fastened restraint under section 307.179.

16 4. In any action to recover damages arising out of the  
17 ownership, common maintenance or operation of a motor vehicle,  
18 failure to wear a safety belt in violation of this section shall  
19 not be considered evidence of comparative negligence. Failure to  
20 wear a safety belt in violation of this section may be admitted  
21 to mitigate damages, but only under the following circumstances:

22 (1) Parties seeking to introduce evidence of the failure to  
23 wear a safety belt in violation of this section must first  
24 introduce expert evidence proving that a failure to wear a safety  
25 belt contributed to the injuries claimed by plaintiff;

26 (2) If the evidence supports such a finding, the trier of  
27 fact may find that the plaintiff's failure to wear a safety belt  
28 in violation of this section contributed to the plaintiff's  
29 claimed injuries, and may reduce the amount of the plaintiff's

1 recovery by an amount not to exceed one percent of the damages  
2 awarded after any reductions for comparative negligence.

3 5. Except as otherwise provided for in section 307.179,  
4 each person who violates the provisions of subsection 2 of this  
5 section is guilty of an infraction for which a fine not to exceed  
6 ~~[ten]~~ fifty dollars may be imposed. All other provisions of law  
7 and court rules to the contrary notwithstanding, no court costs  
8 shall be imposed on any person due to a violation of this  
9 section. In no case shall points be assessed against any person,  
10 pursuant to section 302.302, for a violation of this section.

11 6. The state highways and transportation commission shall  
12 initiate and develop a program of public information to develop  
13 understanding of, and ensure compliance with, the provisions of  
14 this section. The commission shall evaluate the effectiveness of  
15 this section and shall include a report of its findings in the  
16 annual evaluation report on its highway safety plan that it  
17 submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

18 7. If there are more persons than there are seat belts in  
19 the enclosed area of a motor vehicle, then the passengers who are  
20 unable to wear seat belts shall sit in the area behind the front  
21 seat of the motor vehicle unless the motor vehicle is designed  
22 only for a front-seated area. The passenger or passengers  
23 occupying a seat location referred to in this subsection is not  
24 in violation of this section. This subsection shall not apply to  
25 passengers who are accompanying a driver of a motor vehicle who  
26 is licensed under section 302.178."; and

27 Further amend the title and enacting clause accordingly.  
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