

SECOND REGULAR SESSION

SENATE BILL NO. 884

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRAHAM.

Pre-filed December 18, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3975S.011

AN ACT

To repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to safety belts, with a penalty provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 307.178, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 307.178, to read as follows:

307.178. 1. As used in this section, the term "passenger car" means every
2 motor vehicle designed for carrying ten persons or less and used for the
3 transportation of persons; except that, the term "passenger car" shall not include
4 motorcycles, motorized bicycles, **or** motor tricycles[, and trucks with a licensed
5 gross weight of twelve thousand pounds or more].

6 2. Each driver[, except persons employed by the United States Postal
7 Service while performing duties for that federal agency which require the
8 operator to service postal boxes from their vehicles, or which require frequent
9 entry into and exit from their vehicles,] and [front seat] passenger of a passenger
10 car manufactured after January 1, 1968, operated on a street or highway in this
11 state, and persons [less than eighteen years of age] operating or riding in a truck,
12 as defined in section 301.010, RSMo, on a street or highway of this state shall
13 wear a properly adjusted and fastened safety belt that meets federal National
14 Highway, Transportation and Safety Act requirements. [No person shall be
15 stopped, inspected, or detained solely to determine compliance with this
16 subsection.] The provisions of this section and section 307.179 shall not be
17 applicable to [persons] **any person** who [have] **possesses documentation**
18 **from a physician that such person has** a medical reason for failing to have
19 a seat belt fastened about their body[, nor shall]. **No person shall be found**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 **guilty of violating this section or section 307.179 if such person**
21 **demonstrates to the court that he or she has a medical reason for**
22 **failing to have a seat belt fastened about their body.** The provisions of
23 this section **shall not** be applicable to persons while operating or riding a motor
24 vehicle being used in agricultural work-related activities. Noncompliance with
25 this subsection shall not constitute probable cause for violation of any other
26 provision of law. The provisions of this subsection shall not apply to the
27 transporting of children under sixteen years of age, as provided in section
28 307.179. **Persons employed by the United States Postal Service while**
29 **performing duties for that federal agency which require the operator**
30 **to service postal boxes from their vehicles, or which require frequent**
31 **entry into and exit from their vehicles are exempt from the provisions**
32 **of this subsection.**

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

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

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

44 (2) If the evidence supports such a finding, the trier of fact may find that
45 the plaintiff's failure to wear a safety belt in violation of this section contributed
46 to the plaintiff's claimed injuries, and may reduce the amount of the plaintiff's
47 recovery by an amount not to exceed one percent of the damages awarded after
48 any reductions for comparative negligence.

49 5. Except as otherwise provided for in section 307.179, each person who
50 violates the provisions of subsection 2 of this section is guilty of an infraction for
51 which a fine not to exceed ten dollars may be imposed. All other provisions of law
52 and court rules to the contrary notwithstanding, no court costs shall be imposed
53 on any person due to a violation of this section. In no case shall points be
54 assessed against any person, pursuant to section 302.302, RSMo, for a violation
55 of this section.

56 6. The state highways and transportation commission shall initiate and
57 develop a program of public information to develop understanding of, and ensure
58 compliance with, the provisions of this section. The commission shall evaluate
59 the effectiveness of this section and shall include a report of its findings in the
60 annual evaluation report on its highway safety plan that it submits to NHTSA
61 and FHWA pursuant to 23 U.S.C. 402.

62 7. If there are more persons than there are seat belts in the enclosed area
63 of a motor vehicle, then the passengers who are unable to wear seat belts
64 **because all existing seat belts are in use** shall sit [in the area] **on the**
65 **seats** behind the front seat of the motor vehicle unless the motor vehicle is
66 designed only for a front-seated area. The passenger or passengers occupying a
67 seat location referred to in this subsection is not in violation of this section. This
68 subsection shall not apply to passengers who are accompanying a driver of a
69 motor vehicle who is licensed under section 302.178, RSMo.

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Bill

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