

SECOND REGULAR SESSION

SENATE BILL NO. 822

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KEAVENY.

Read 1st time January 25, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4312S.011

AN ACT

To repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to seat belts, with penalty provisions.

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Section A. Section 307.178, RSMo, is repealed and one new section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, motor tricycles, and trucks with a licensed gross
5 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 who have a medical reason for failing to have a seat belt
18 fastened about their body, nor shall the provisions of this section be applicable
19 to persons while operating or riding a motor vehicle being used in agricultural

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

20 work-related activities. Noncompliance with this subsection shall not constitute
21 probable cause for violation of any other provision of law. The provisions of this
22 subsection shall not apply to the transporting of children under sixteen years of
23 age, as provided in section 307.179.

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

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

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

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

40 5. Except as otherwise provided for in section 307.179, each person who
41 violates the provisions of subsection 2 of this section is guilty of an infraction for
42 which a fine not to exceed [ten] **fifty** dollars may be imposed. All other
43 provisions of law and court rules to the contrary notwithstanding, no court costs
44 shall be imposed on any person due to a violation of this section. In no case shall
45 points be assessed against any person, pursuant to section 302.302, RSMo, for a
46 violation of this section.

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

53 7. If there are more persons than there are seat belts in the enclosed area
54 of a motor vehicle, then the passengers who are unable to wear seat belts shall
55 sit in the area behind the front seat of the motor vehicle unless the motor vehicle

56 is designed only for a front-seated area. The passenger or passengers occupying
57 a seat location referred to in this subsection is not in violation of this
58 section. This subsection shall not apply to passengers who are accompanying a
59 driver of a motor vehicle who is licensed under section 302.178, RSMo.

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