

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 822
99TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, Infrastructure and Public Safety, March 8, 2018, with recommendation that the Senate Committee Substitute do pass.

4242S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to the admissibility of the use of a safety belt as evidence in certain civil actions, with an existing 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Section A. Section 307.178, RSMo, is repealed and one new section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] **fifteen** 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, on a street or highway of this state shall wear a
13 properly adjusted and fastened safety belt that meets federal National Highway,
14 Transportation and Safety Act requirements. No person shall be stopped,
15 inspected, or detained solely to determine compliance with this subsection. The
16 provisions of this section and section 307.179 shall not be applicable to persons
17 who have a medical reason for failing to have a seat belt fastened about their

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

18 body, nor shall the provisions of this section be applicable to persons while
19 operating or riding a motor vehicle being used in agricultural work-related
20 activities. Noncompliance with this subsection shall not constitute probable cause
21 for violation of any other provision of law. The provisions of this subsection shall
22 not apply to the transporting of children under sixteen years of age, as provided
23 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. **Notwithstanding any other provision of law to the contrary,**
41 **subsection 4 of this section shall not apply to any action arising out of**
42 **the design, construction, manufacture, distribution, or sale of a**
43 **passenger car. In such actions arising out of the design, construction,**
44 **manufacture, distribution, or sale of a passenger car, a plaintiff's**
45 **failure to wear a properly adjusted and fastened safety belt shall be**
46 **admissible for any purpose, including as evidence of comparative**
47 **negligence or fault, causation, absence of a defect or hazard, and**
48 **failure to mitigate damages.**

49 6. 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, for a violation of this
55 section.

56 [6.] 7. The state highways and transportation commission shall initiate
57 and develop a program of public information to develop understanding of, and
58 ensure compliance with, the provisions of this section. The commission shall
59 evaluate the effectiveness of this section and shall include a report of its findings
60 in the annual evaluation report on its highway safety plan that it submits to
61 NHTSA and FHWA pursuant to 23 U.S.C. 402.

62 [7.] 8. If there are more persons than there are seat belts in the enclosed
63 area of a motor vehicle, then the passengers who are unable to wear seat belts
64 shall sit in the area behind the front seat of the motor vehicle unless the motor
65 vehicle is designed only for a front-seated area. The passenger or passengers
66 occupying a seat location referred to in this subsection is not in violation of this
67 section. This subsection shall not apply to passengers who are accompanying a
68 driver of a motor vehicle who is licensed under section 302.178.

✓
Bill

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