

SECOND REGULAR SESSION

SENATE BILL NO. 1076

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Read 1st time March 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6784S.01I

AN ACT

To repeal section 307.179, RSMo, and to enact in lieu thereof one new section relating to child passenger restraint systems, with penalty provisions.

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

Section A. Section 307.179, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 307.179, to read as follows:

307.179. 1. As used in this section, the following terms shall mean:

2 (1) "Child booster seat", a seating system which meets the Federal Motor
3 Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is
4 designed to elevate a child to properly sit in a federally approved safety belt
5 system;

6 (2) "Child passenger restraint system", a seating system which meets the
7 Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as
8 amended, and which is either permanently affixed to a motor vehicle or is affixed
9 to such vehicle by a safety belt or a universal attachment system;

10 (3) "Driver", a person who is in actual physical control of a motor vehicle.

11 2. Every driver transporting a child under the age of sixteen years shall
12 be responsible, when transporting such child in a motor vehicle operated by that
13 driver on the streets or highways of this state, for providing for the protection of
14 such child as follows:

15 (1) **Children less than two years of age shall be secured in a child**
16 **passenger restraint system appropriate for that child and shall be rear-**
17 **facing in such system until the child reaches two years of age or until**
18 **the child reaches the weight or height limit of the rear-facing child**
19 **passenger restraint system as allowed by the manufacturer of the child**

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

20 **passenger restraint system;**

21 (2) Children less than four years of age, regardless of weight, shall be
22 secured in a child passenger restraint system appropriate for that child;

23 [(2)] (3) Children weighing less than forty pounds, regardless of age,
24 shall be secured in a child passenger restraint system appropriate for that child;

25 [(3)] (4) Children at least four years of age but less than eight years of
26 age, who also weigh at least forty pounds but less than eighty pounds, and who
27 are also less than four feet, nine inches tall, shall be secured in a child passenger
28 restraint system or booster seat appropriate for that child;

29 [(4)] (5) Children at least eighty pounds or children more than four feet,
30 nine inches in height shall be secured by a vehicle safety belt or booster seat
31 appropriate for that child;

32 [(5)] (6) A child who otherwise would be required to be secured in a
33 booster seat may be transported in the back seat of a motor vehicle while wearing
34 only a lap belt if the back seat of the motor vehicle is not equipped with a
35 combination lap and shoulder belt for booster seat installation;

36 [(6)] (7) When transporting children in the immediate family when there
37 are more children than there are seating positions in the enclosed area of a motor
38 vehicle, the children who are not able to be restrained by a child safety restraint
39 device appropriate for the child shall sit in the area behind the front seat of the
40 motor vehicle unless the motor vehicle is designed only for a front seat area. The
41 driver transporting children referred to in this subsection is not in violation of
42 this section.

43 This subsection shall only apply to the use of a child passenger restraint system
44 or vehicle safety belt for children less than sixteen years of age being transported
45 in a motor vehicle.

46 3. Any driver who violates subdivision (1), (2), [or] (3), **or 4** of subsection
47 2 of this section is guilty of an infraction and, upon conviction, may be punished
48 by a fine of not more than fifty dollars and court costs. Any driver who violates
49 subdivision [(4)] (5) of subsection 2 of this section shall be subject to the penalty
50 in subsection 5 of section 307.178. If a driver receives a citation for violating
51 subdivision (1), (2), [or] (3), **or (4)** of subsection 2 of this section, the charges
52 shall be dismissed or withdrawn if the driver prior to or at his or her hearing
53 provides evidence of acquisition of a child passenger restraint system or child
54 booster seat which is satisfactory to the court or the party responsible for
55 prosecuting the driver's citation.

56 4. The provisions of this section shall not apply to any public carrier for
57 hire. The provisions of this section shall not apply to students four years of age
58 or older who are passengers on a school bus designed for carrying eleven
59 passengers or more and which is manufactured or equipped pursuant to Missouri
60 Minimum Standards for School Buses as school buses are defined in section
61 301.010.

62 5. The highways and transportation commission shall initiate and develop
63 a program of public information to develop understanding of, and ensure
64 compliance with, the provisions of this section.

Unofficial ✓

Bill

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