

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 30

AN ACT

To repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to the admissibility of failure to wear a safety belt as evidence in certain civil actions, with an existing penalty provision and a delayed effective date.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Section 307.178, RSMo, is repealed and one new  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

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

10           2. Each driver, except persons employed by the United  
11 States Postal Service while performing duties for that federal  
12 agency which require the operator to service postal boxes from  
13 their vehicles, or which require frequent entry into and exit  
14 from their vehicles, and front seat passenger of a passenger car  
15 manufactured after January 1, 1968, operated on a street or  
16 highway in this state, and persons less than eighteen years of

1 age operating or riding in a truck, as defined in section  
2 301.010, on a street or highway of this state shall wear a  
3 properly adjusted and fastened safety belt that meets federal  
4 National Highway, Transportation and Safety Act requirements. No  
5 person shall be stopped, inspected, or detained solely to  
6 determine compliance with this subsection. The provisions of  
7 this section and section 307.179 shall not be applicable to  
8 persons who have a medical reason for failing to have a seat belt  
9 fastened about their body, nor shall the provisions of this  
10 section be applicable to persons while operating or riding a  
11 motor vehicle being used in agricultural work-related activities.  
12 Noncompliance with this subsection shall not constitute probable  
13 cause for violation of any other provision of law. The  
14 provisions of this subsection shall not apply to the transporting  
15 of children under sixteen years of age, as provided in section  
16 307.179.

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

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

26 (1) Parties seeking to introduce evidence of the failure to  
27 wear a safety belt in violation of this section must first  
28 introduce expert evidence proving that a failure to wear a safety

1 belt contributed to the injuries claimed by plaintiff;

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

8 5. Notwithstanding any other provision of law to the  
9 contrary, subsection 4 of this section shall not apply to any  
10 action arising out of the design, construction, manufacture,  
11 distribution, or sale of a motor vehicle, as defined in section  
12 301.010, factory equipped with a safety belt. In such actions  
13 arising out of the design, construction, manufacture,  
14 distribution, or sale of a motor vehicle, a plaintiff's failure  
15 to wear a properly adjusted and fastened safety belt shall be  
16 admissible for any purpose, including as evidence of comparative  
17 negligence or fault, causation, absence of a defect or hazard,  
18 and failure to mitigate damages.

19 6. Except as otherwise provided for in section 307.179,  
20 each person who violates the provisions of subsection 2 of this  
21 section is guilty of an infraction for which a fine not to exceed  
22 ten dollars may be imposed. All other provisions of law and  
23 court rules to the contrary notwithstanding, no court costs shall  
24 be imposed on any person due to a violation of this section. In  
25 no case shall points be assessed against any person, pursuant to  
26 section 302.302, for a violation of this section.

27 [6.] 7. The state highways and transportation commission  
28 shall initiate and develop a program of public information to

1 develop understanding of, and ensure compliance with, the  
2 provisions of this section. The commission shall evaluate the  
3 effectiveness of this section and shall include a report of its  
4 findings in the annual evaluation report on its highway safety  
5 plan that it submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

6 [7.] 8. If there are more persons than there are seat belts  
7 in the enclosed area of a motor vehicle, then the passengers who  
8 are unable to wear seat belts shall sit in the area behind the  
9 front seat of the motor vehicle unless the motor vehicle is  
10 designed only for a front-seated area. The passenger or  
11 passengers occupying a seat location referred to in this  
12 subsection is not in violation of this section. This subsection  
13 shall not apply to passengers who are accompanying a driver of a  
14 motor vehicle who is licensed under section 302.178.

15 Section B. Section A of this act shall become effective on  
16 January 1, 2020.