

SECOND REGULAR SESSION

# SENATE BILL NO. 1007

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURGER.

5446S.011

KRISTINA MARTIN, Secretary

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Section A. Section 307.179, RSMo, is repealed and one new  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

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

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

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

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

16 2. Every driver transporting a child under the age of  
17 sixteen years shall be responsible, when transporting such

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

18 child in a motor vehicle operated by that driver on the  
19 streets or highways of this state, for providing for the  
20 protection of such child as follows:

21 (1) **Children shall be secured in a rear-facing child**  
22 **passenger restraint system until the child reaches two years**  
23 **of age;**

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

27 [(2)] (3) Children weighing less than forty pounds,  
28 regardless of age, shall be secured in a child passenger  
29 restraint system appropriate for that child;

30 [(3)] (4) Children at least four years of age but less  
31 than eight years of age, who also weigh at least forty  
32 pounds but less than eighty pounds, and who are also less  
33 than four feet, nine inches tall, shall be secured in a  
34 child passenger restraint system or booster seat appropriate  
35 for that child;

36 [(4)] (5) Children at least eighty pounds or children  
37 more than four feet, nine inches in height shall be secured  
38 by a vehicle safety belt or booster seat appropriate for  
39 that child;

40 [(5)] (6) A child who otherwise would be required to  
41 be secured in a booster seat may be transported in the back  
42 seat of a motor vehicle while wearing only a lap belt if the  
43 back seat of the motor vehicle is not equipped with a  
44 combination lap and shoulder belt for booster seat  
45 installation;

46 [(6)] (7) When transporting children in the immediate  
47 family when there are more children than there are seating  
48 positions in the enclosed area of a motor vehicle, the  
49 children who are not able to be restrained by a child safety

50 restraint device appropriate for the child shall sit in the  
51 area behind the front seat of the motor vehicle unless the  
52 motor vehicle is designed only for a front seat area. The  
53 driver transporting children referred to in this subsection  
54 is not in violation of this section.

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

59 3. Any driver who violates subdivision (1), (2), [or]  
60 (3), **or (4)** of subsection 2 of this section is guilty of an  
61 infraction and, upon conviction, may be punished by a fine  
62 of not more than fifty dollars and court costs. Any driver  
63 who violates subdivision [(4)] **(5)** of subsection 2 of this  
64 section shall be subject to the penalty in subsection 6 of  
65 section 307.178. If a driver receives a citation for  
66 violating subdivision (1), (2), [or] (3), **or (4)** of  
67 subsection 2 of this section, the charges shall be dismissed  
68 or withdrawn if the driver prior to or at his or her hearing  
69 provides evidence of acquisition of a child passenger  
70 restraint system or child booster seat which is satisfactory  
71 to the court or the party responsible for prosecuting the  
72 driver's citation.

73 4. The provisions of this section shall not apply to  
74 any public carrier for hire. The provisions of this section  
75 shall not apply to students four years of age or older who  
76 are passengers on a school bus designed for carrying eleven  
77 passengers or more and which is manufactured or equipped  
78 pursuant to Missouri Minimum Standards for School Buses as  
79 school buses are defined in section 301.010.

80           5. The highways and transportation commission shall  
81   initiate and develop a program of public information to  
82   develop understanding of, and ensure compliance with, the  
83   provisions of this section.

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