

SECOND REGULAR SESSION

HOUSE BILL NO. 1377

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ST. ONGE (Sponsor) YAEGER, SMITH (14), BIVINS, FLOOK,
ROORDA AND SCHAAF (Co-sponsors).

Read 1st time January 12, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4231L.01I

AN ACT

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

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Section A. Section 307.178, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 307.178, to read as follows: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 motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles and trucks with a licensed gross weight of twelve thousand pounds or more.

2. Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this state, and persons less than eighteen years of age operating or riding in a truck, as defined in section 301.010, RSMo, on a street or highway of this state shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements; except that, a child less than four years of age shall be protected as required in section 210.104, RSMo. No person shall be stopped, inspected, or detained solely to determine compliance with this subsection; **except that, nothing in this section shall prohibit a law**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **enforcement officer from enforcing the provisions of this section if the violation is clearly**
16 **visible to the officer without stopping the vehicle.** The provisions of this section shall not be
17 applicable to persons who have a medical reason for failing to have a seat belt fastened about
18 their body, nor shall the provisions of this section be applicable to persons while operating or
19 riding a motor vehicle being used in agricultural work-related activities. Noncompliance with
20 this subsection shall not constitute probable cause for violation of any other provision of law.

21 3. Each driver of a motor vehicle transporting a child four years of age or more, but less
22 than sixteen years of age, shall secure the child in a properly adjusted and fastened safety belt.

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

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

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

34 5. Each driver who violates the provisions of subsection 2 or 3 of this section is guilty
35 of an infraction for which a fine not to exceed ten dollars may be imposed. All other provisions
36 of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any
37 person due to a violation of this section. In no case shall points be assessed against any person,
38 pursuant to section 302.302, RSMo, for a violation of this section.

39 6. The [department of public safety] **state highways and transportation commission**
40 shall initiate and develop a program of public information to develop understanding of, and
41 ensure compliance with, the provisions of this section. The [department of public safety]
42 **commission** shall evaluate the effectiveness of this section and shall include a report of its
43 findings in the annual evaluation report on [its] **the** highway safety plan [that it submits]
44 **submitted** to NHTSA and FHWA pursuant to 23 U.S.C. 402.

45 7. If there are more persons than there are seat belts in the enclosed area of a motor
46 vehicle, then the driver and passengers are not in violation of this section.

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