

FIRST REGULAR SESSION

HOUSE BILL NO. 43

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE UNSICKER.

0355H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 307.179, RSMo, and to enact in lieu thereof two new sections relating to protection of children, with penalty provisions and a delayed effective date for a certain section.

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

Section A. Section 307.179, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 307.179 and 407.780, to read as follows:

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

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

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

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

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

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

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

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.

17 ~~[(2)]~~ **(3)** Children weighing less than forty pounds, regardless of age, shall be secured
18 in a child passenger restraint system appropriate for that child;

19 ~~[(3)]~~ **(4)** Children at least four years of age but less than eight years of age, who also
20 weigh at least forty pounds but less than eighty pounds, and who are also less than four feet, nine
21 inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for
22 that child;

23 ~~[(4)]~~ **(5)** Children at least eighty pounds or children more than four feet, nine inches in
24 height shall be secured by a vehicle safety belt or booster seat appropriate for that child;

25 ~~[(5)]~~ **(6)** A child who otherwise would be required to be secured in a booster seat may
26 be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat
27 of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat
28 installation;

29 ~~[(6)]~~ **(7)** When transporting children in the immediate family when there are more
30 children than there are seating positions in the enclosed area of a motor vehicle, the children who
31 are not able to be restrained by a child safety restraint device appropriate for the child shall sit
32 in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only
33 for a front seat area. The driver transporting children referred to in this subsection is not in
34 violation of this section.

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

38 3. Any driver who violates subdivision (1), (2), ~~[(3)]~~, **or (4)** of subsection 2 of this
39 section is guilty of an infraction and, upon conviction, may be punished by a fine of not more
40 than fifty dollars and court costs. Any driver who violates subdivision ~~[(4)]~~ **(5)** of subsection 2
41 of this section shall be subject to the penalty in subsection 6 of section 307.178. If a driver
42 receives a citation for violating subdivision (1), (2), ~~[(3)]~~, **or (4)** of subsection 2 of this
43 section, the charges shall be dismissed or withdrawn if the driver prior to or at his or her hearing
44 provides evidence of acquisition of a child passenger restraint system or child booster seat which
45 is satisfactory to the court or the party responsible for prosecuting the driver's citation.

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

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

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

2 **(1) "Children's product", a product including, but not limited to, a crib, toddler**
3 **bed, bed, car seat, chair, high chair, booster chair, bath seat, gate or other enclosure for**
4 **confining a child, play yard, stationary activity center, carrier, stroller, walker, swing, or**
5 **toy or play equipment that is designed or intended for the care of or use by a child;**

6 **(2) "Commercial dealer", any person who deals in children's products or crib**
7 **bumper pads or who otherwise by one's occupation holds oneself out as having knowledge**
8 **or skill relating to children's products or crib bumper pads or any person who is in the**
9 **business of remanufacturing, retrofitting, selling, leasing, subletting, or otherwise placing**
10 **into the stream of commerce children's products or crib bumper pads;**

11 **(3) "Crib bumper pad", a pad or pads of nonmesh material including, but not**
12 **limited to, a roll of stuffed fabric that is designed for placement within a crib to cushion**
13 **one or more of the crib's inner sides adjacent to the crib mattress. The term "crib bumper**
14 **pad" shall not include mesh liners;**

15 **(4) "Distributor" or "wholesaler", any person other than a manufacturer or**
16 **retailer who sells, resells, or otherwise places into the stream of commerce children's**
17 **products or crib bumper pads;**

18 **(5) "Importer", any person who brings into this country and places into the stream**
19 **of commerce children's products or crib bumper pads;**

20 **(6) "Manufacturer", any person who makes and places into the stream of**
21 **commerce children's products or crib bumper pads;**

22 **(7) "Retailer", any person other than a manufacturer, distributor, or wholesaler**
23 **who sells, leases, or sublets children's products or crib bumper pads.**

24 **2. No commercial dealer, distributor, wholesaler, importer, manufacturer, or**
25 **retailer shall sell, lease, offer for sale, or offer for lease in the state, either in a physical**
26 **location or through any electronic marketplace, any crib bumper pad as an accessory to**
27 **a crib or as a separate item.**

28 **3. Any violation of the provisions of this section shall result in a penalty of no less**
29 **than one hundred dollars nor more than five hundred dollars for each offense.**

30 **4. Subject to appropriation, the department of health and senior services shall**
31 **create and distribute information about the provisions of this section to commercial**
32 **dealers, distributors, wholesalers, importers, manufacturers, and retailers.**

Section B. The enactment of section 407.780 of section A of this act shall become
2 effective on January 1, 2022.

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