

SECOND REGULAR SESSION

# SENATE BILL NO. 820

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Pre-filed December 16, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4339S.011

## AN ACT

To repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to safety belts, with a penalty provision.

*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Section A. Section 307.178, RSMo, is repealed and one new section  
2 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  
2 motor vehicle designed for carrying ten persons or less and used for the  
3 transportation of persons; except that, the term "passenger car" shall not include  
4 motorcycles, motorized bicycles, **or** motor tricycles[, and trucks with a licensed  
5 gross weight of twelve thousand pounds or more].

6 2. Each driver, except persons employed by the United States Postal  
7 Service while performing duties for that federal agency which require the  
8 operator to service postal boxes from their vehicles, or which require frequent  
9 entry into and exit from their vehicles, and [front seat] passenger of a passenger  
10 car manufactured after January 1, 1968, operated on a street or highway in this  
11 state, and persons [less than eighteen years of age] operating or riding in a truck,  
12 as defined in section 301.010, on a street or highway of this state shall wear a  
13 properly adjusted and fastened safety belt that meets federal National Highway,  
14 Transportation and Safety Act requirements. [No person shall be stopped,  
15 inspected, or detained solely to determine compliance with this subsection.] The  
16 provisions of this section and section 307.179 shall not be applicable to [persons]  
17 **any person** who [have] **possesses documentation from a physician that**  
18 **such person has** a medical reason for failing to have a seat belt fastened about  
19 their body[, nor shall]. **No person shall be found guilty of violating this**

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

20 **section or section 307.179 if such person demonstrates to the court that**  
21 **he or she has a medical reason for failing to have a seat belt fastened**  
22 **about his or her body.** The provisions of this section **shall not** be applicable  
23 to persons while operating or riding a motor vehicle being used in agricultural  
24 work-related activities. Noncompliance with this subsection shall not constitute  
25 probable cause for violation of any other provision of law. The provisions of this  
26 subsection shall not apply to the transporting of children under sixteen years of  
27 age, as provided in section 307.179.

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

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

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

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

44 5. Except as otherwise provided for in section 307.179, each person who  
45 violates the provisions of subsection 2 of this section is guilty of an infraction for  
46 which a fine not to exceed ten dollars may be imposed. All other provisions of law  
47 and court rules to the contrary notwithstanding, no court costs shall be imposed  
48 on any person due to a violation of this section. In no case shall points be  
49 assessed against any person, pursuant to section 302.302 for a violation of this  
50 section.

51 6. The state highways and transportation commission shall initiate and  
52 develop a program of public information to develop understanding of, and ensure  
53 compliance with, the provisions of this section. The commission shall evaluate  
54 the effectiveness of this section and shall include a report of its findings in the  
55 annual evaluation report on its highway safety plan that it submits to NHTSA

56 and FHWA pursuant to 23 U.S.C. **Section 402.**

57           7. If there are more persons than there are seat belts in the enclosed area  
58 of a motor vehicle, then the passengers who are unable to wear seat belts  
59 **because all existing seat belts are in use** shall sit [in the area] **on the**  
60 **seats** behind the front seat of the motor vehicle unless the motor vehicle is  
61 designed only for a front-seated area. The passenger or passengers occupying a  
62 seat location referred to in this subsection is not in violation of this section. This  
63 subsection shall not apply to passengers who are accompanying a driver of a  
64 motor vehicle who is licensed under section 302.178.

Unofficial ✓

Bill

Copy