

FIRST REGULAR SESSION

HOUSE BILL NO. 200

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANZ.

Pre-filed December 27, 2006 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0884L.01I

AN ACT

To repeal section 307.179, RSMo, and to enact in lieu thereof one new section relating to safety belts on church buses, 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Section A. Section 307.179, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 307.179, to read as follows: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 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.

15 (2) Children weighing less than forty pounds, regardless of age, shall be secured in a
16 child passenger restraint system appropriate for that child;

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

21 (4) Children at least eighty pounds or children more than four feet, nine inches in height
22 shall be secured by a vehicle safety belt or booster seat appropriate for that child;

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

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

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

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

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

50 **that is owned or leased by a religious organization and used exclusively for the functions**
51 **of the religious organization.**

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

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