

SECOND REGULAR SESSION

HOUSE BILL NO. 2388

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor) AND MEADOWS (Co-sponsor).

Read 1st time March 10, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5360L.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Section A. Section 307.178, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 307.178, to read as follows: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, **or** 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. [No person shall be stopped, inspected, or detained solely to determine compliance with this subsection.] **A law enforcement officer may stop, inspect, or detain a driver or occupant when the officer reasonably believes that the driver or occupant is under the age of twenty-one and not wearing his or her seatbelt. If subsequent**

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.

16 investigation determines that such person is twenty-one years of age or older, no summons
17 shall be issued for failure to wear a seatbelt and the officer shall immediately end the
18 traffic stop unless the detention has yielded reasonable suspicion that another crime has
19 occurred or is occurring, in which case that officer may continue the detention for the
20 purpose of investigating such suspected crime. The provisions of this section and section
21 307.179 shall not be applicable to [persons] **any person** who [have] **possesses documentation**
22 **from a physician that such person has** a medical reason for failing to have a seat belt fastened
23 about their body[, nor shall] . **No person shall be found guilty of violating this section or**
24 **section 307.179 if such person demonstrates to the court that he or she has a medical reason**
25 **for failing to have a seat belt fastened about their body.** The provisions of this section shall
26 **not** be applicable to persons while operating or riding a motor vehicle being used in agricultural
27 work-related activities. Noncompliance with this subsection shall not constitute probable cause
28 for violation of any other provision of law. The provisions of this subsection shall not apply to
29 the transporting of children under sixteen years of age, as provided in section 307.179. **Persons**
30 **employed by the United States Postal Service while performing duties for that federal**
31 **agency which require the operator to service postal boxes from their vehicles, or which**
32 **require frequent entry into and exit from their vehicles are exempt from the provisions of**
33 **this subsection. No person shall be stopped, inspected, or detained solely to determine**
34 **compliance with this subsection by a law enforcement officer who is employed by a law**
35 **enforcement agency that has been found by the attorney general to be currently**
36 **noncompliant with the provisions set forth in section 590.650, RSMo, relating to racial**
37 **profiling.**

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

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

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

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

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

57 6. The state highways and transportation commission shall initiate and develop a
58 program of public information to develop understanding of, and ensure compliance with, the
59 provisions of this section. The commission shall evaluate the effectiveness of this section and
60 shall include a report of its findings in the annual evaluation report on its highway safety plan
61 that it submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

62 7. If there are more persons than there are seat belts in the enclosed area of a motor
63 vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the
64 front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area.
65 The passenger or passengers occupying a seat location referred to in this subsection is not in
66 violation of this section. This subsection shall not apply to passengers who are accompanying
67 a driver of a motor vehicle who is licensed under section 302.178, RSMo.

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