

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 1309, Page 1, in the Title, Lines 2-3, by
2 deleting the word "the brain injury fund" and inserting in lieu thereof the words "public safety, with a
3 penalty provision"; and
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5 Further amend said bill, Page 2, Section 304.028, Line 21, by inserting immediately after said line
6 the following:
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8 "307.178. 1. As used in this section, the term "passenger car" means every motor vehicle
9 designed for carrying ten persons or less and used for the transportation of persons; except that, the
10 term "passenger car" shall not include motorcycles, motorized bicycles, or motor tricycles[, and
11 trucks with a licensed gross weight of twelve thousand pounds or more].

12 2. Each driver, except persons employed by the United States Postal Service while
13 performing duties for that federal agency which require the operator to service postal boxes from
14 their vehicles, or which require frequent entry into and exit from their vehicles, and [front seat]
15 passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in
16 this state, and persons [less than eighteen years of age] operating or riding in a truck, as defined in
17 section 301.010, on a street or highway of this state shall wear a properly adjusted and fastened
18 safety belt that meets federal National Highway, Transportation and Safety Act requirements. [No
19 person shall be stopped, inspected, or detained solely to determine compliance with this subsection.]
20 The provisions of this section and section 307.179 shall not be applicable to [persons] any person
21 who [have] possesses documentation from a physician that such person has a medical reason for
22 failing to have a seat belt fastened about their body[, nor shall]. No person shall be found guilty of
23 violating this section or section 307.179 if such person demonstrates to the court that he or she has a
24 medical reason for failing to have a seat belt fastened about his or her body. The provisions of this
25 section shall not be applicable to persons while operating or riding a motor vehicle being used in
26 agricultural work-related activities. Noncompliance with this subsection shall not constitute
27 probable cause for violation of any other provision of law. The provisions of this subsection shall
28 not apply to the transporting of children under sixteen years of age, as provided in section 307.179.

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

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

35 (1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation of
36 this section must first introduce expert evidence proving that a failure to wear a safety belt

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1 contributed to the injuries claimed by plaintiff;

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

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

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

16 7. If there are more persons than there are seat belts in the enclosed area of a motor vehicle,
17 then the passengers who are unable to wear seat belts because all existing seat belts are in use shall
18 sit [in the area] on the seats behind the front seat of the motor vehicle unless the motor vehicle is
19 designed only for a front-seated area. The passenger or passengers occupying a seat location referred
20 to in this subsection is not in violation of this section. This subsection shall not apply to passengers
21 who are accompanying a driver of a motor vehicle who is licensed under section 302.178."; and

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23 Further amend said bill by amending the title, enacting clause, and intersectional references
24 accordingly.