

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 708, Page 8, Section 303.240, Line 18, by inserting after all of said section
2 and line the following:

3
4 "307.178. 1. As used in this section, the term "passenger car" means every motor vehicle
5 designed for carrying ~~ten~~ fifteen persons or less and used for the transportation of persons; except
6 that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles,
7 and trucks with a licensed gross weight of twelve thousand pounds or more.

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

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

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

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

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

35 5. Notwithstanding any other provision of law to the contrary, subsection 4 of this section
36 shall not apply to any action arising out of the design, construction, manufacture, distribution, or

Action Taken _____ Date _____

1 sale of a passenger car. In such actions arising out of the design, construction, manufacture,
2 distribution, or sale of a passenger car, a plaintiff's failure to wear a properly adjusted and fastened
3 safety belt shall be admissible for any purpose, including as evidence of comparative negligence or
4 fault, causation, absence of a defect or hazard, and failure to mitigate damages.

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

11 [6.] 7. The state highways and transportation commission shall initiate and develop a
12 program of public information to develop understanding of, and ensure compliance with, the
13 provisions of this section. The commission shall evaluate the effectiveness of this section and shall
14 include a report of its findings in the annual evaluation report on its highway safety plan that it
15 submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

16 [7.] 8. If there are more persons than there are seat belts in the enclosed area of a motor
17 vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front
18 seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The
19 passenger or passengers occupying a seat location referred to in this subsection is not in violation of
20 this section. This subsection shall not apply to passengers who are accompanying a driver of a
21 motor vehicle who is licensed under section 302.178."; and
22

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