

House _____ Amendment NO. _____

Offered By

1 AMEND House Substitute for House Committee Substitute for House Bill Nos. 3068 & 3049,
2 Page 42, Section 304.822, Line 138, by inserting after all of said section and line the following:

3
4 "307.179. 1. As used in this section, the following terms shall mean:

5 (1) "Child booster seat", a seating system which meets the Federal Motor Vehicle Safety
6 Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to
7 properly sit in a federally approved safety belt system;

8 (2) "Child passenger restraint system", a seating system which meets the Federal Motor
9 Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either
10 permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal
11 attachment system;

12 (3) "Driver", a person who is in actual physical control of a motor vehicle.

13 2. Every driver transporting a child under the age of sixteen years shall be responsible,
14 when transporting such child in a motor vehicle operated by that driver on the streets or
15 highways of this state, for providing for the protection of such child as follows:

16 (1) Children under three years of age shall be secured in a rear-facing child passenger
17 restraint system; except that such child may be secured in a forward-facing child passenger
18 restraint system when the child reaches the highest rear-facing weight or height allowed by the
19 manufacturer of the particular rear-facing system;

20 (2) Except as provided under subdivision (1) of this subsection, children [less than]
21 under four years of age, regardless of weight, shall be secured in a child passenger restraint
22 system appropriate for that child;

23 ~~[(2)]~~ (3) Except as provided under subdivision (1) of this subsection, children weighing
24 less than forty pounds[~~, regardless of age,~~] and under eight years of age shall be secured in a
25 child passenger restraint system appropriate for that child;

26 ~~[(3)]~~ (4) Children at least four years of age but [less than] under eight years of age, who
27 also weigh [at least] forty pounds [but less than eighty pounds, and who are also less than four
28 feet, nine inches tall,] or more, shall be secured in a child passenger restraint system or booster
29 seat appropriate for that child;

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1 ~~[(4)]~~ (5) Children at least eighty pounds ~~[or children]~~ and more than four feet, nine
 2 inches in height, or at least eight years of age, shall be secured by a vehicle safety belt ~~[or~~
 3 ~~booster seat appropriate for that child]~~ in accordance with section 307.178;

4 ~~[(5)]~~ (6) A child who otherwise would be required to be secured in a booster seat may be
 5 transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of
 6 the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat
 7 installation];

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

14
 15 ~~This subsection shall only apply to the use of a child passenger restraint system or vehicle safety~~
 16 ~~belt for children less than sixteen years of age being transported in a motor vehicle].~~

17 3. Any driver who violates subdivision (1), (2), ~~[or] (3), or (4)~~ of subsection 2 of this
 18 section is guilty of an infraction and, upon conviction, may be punished by a fine of not more
 19 than fifty dollars and court costs. Any driver who violates subdivision ~~[(4)]~~ (5) of subsection 2
 20 of this section shall be subject to the penalty in subsection 6 of section 307.178. If a driver
 21 receives a citation for violating subdivision (1), (2), ~~[or] (3), or (4)~~ of subsection 2 of this
 22 section, the charges shall be dismissed or withdrawn if the driver prior to or at his or her hearing
 23 provides evidence of acquisition of a child passenger restraint system or child booster seat which
 24 is satisfactory to the court or the party responsible for prosecuting the driver's citation.

25 4. The provisions of this section shall not apply to any public carrier for hire. The
 26 provisions of this section shall not apply to students four years of age or older who are
 27 passengers on a school bus designed for carrying eleven passengers or more and which is
 28 manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school
 29 buses are defined in section 301.010.

30 5. The highways and transportation commission shall initiate and develop a program of
 31 public information to develop understanding of, and ensure compliance with, the provisions of
 32 this section."; and

33
 34 Further amend said bill by amending the title, enacting clause, and intersectional references
 35 accordingly.