

SECOND REGULAR SESSION

HOUSE BILL NO. 2170

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SASSMANN.

5849H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 307.179, RSMo, and to enact in lieu thereof one new section relating to child passenger restraint systems, 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Section A. Section 307.179, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 307.179, to read as follows: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 under three years of age shall be secured in a rear-facing child passenger restraint system; except that such child may be secured in a forward-facing child passenger restraint system when the child reaches the highest rear-facing weight or height allowed by the manufacturer of the particular rear-facing system;**

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.

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

20 ~~[(2)]~~ **(3) Except as provided under subdivision (1) of this subsection,** children
21 weighing less than forty pounds~~[-regardless of age,]~~ **and under eight years of age** shall be
22 secured in a child passenger restraint system appropriate for that child;

23 ~~[(3)]~~ **(4)** Children at least four years of age but ~~[less than]~~ **under** eight years of age,
24 who also weigh ~~[at least]~~ forty pounds ~~[but less than eighty pounds, and who are also less than~~
25 ~~four feet, nine inches tall,]~~ **or more,** shall be secured in a child passenger restraint system or
26 booster seat appropriate for that child;

27 ~~[(4)]~~ **(5)** Children at least eighty pounds ~~[or children]~~ **and** more than four feet, nine
28 inches in height, **or at least eight years of age,** shall be secured by a vehicle safety belt ~~[or~~
29 ~~booster seat appropriate for that child]~~ **in accordance with section 307.178;**

30 ~~[(5)]~~ **(6)** A child who otherwise would be required to be secured in a booster seat may
31 be transported in the back seat of a motor vehicle while wearing only a lap belt if the back
32 seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster
33 seat installation];

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

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

43 3. Any driver who violates subdivision (1), (2), ~~[or]~~ (3), **or (4)** of subsection 2 of this
44 section is guilty of an infraction and, upon conviction, may be punished by a fine of not more
45 than fifty dollars and court costs. Any driver who violates subdivision ~~[(4)]~~ **(5)** of subsection
46 2 of this section shall be subject to the penalty in subsection 6 of section 307.178. If a driver
47 receives a citation for violating subdivision (1), (2), ~~[or]~~ (3), **or (4)** of subsection 2 of this
48 section, the charges shall be dismissed or withdrawn if the driver prior to or at his or her
49 hearing provides evidence of acquisition of a child passenger restraint system or child booster
50 seat which is satisfactory to the court or the party responsible for prosecuting the driver's
51 citation.

52 4. The provisions of this section shall not apply to any public carrier for hire. The
53 provisions of this section shall not apply to students four years of age or older who are

54 passengers on a school bus designed for carrying eleven passengers or more and which is
55 manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as
56 school buses are defined in section 301.010.

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

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