

SECOND REGULAR SESSION

# HOUSE BILL NO. 1500

## 102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BANGERT.

3089H.011

DANA RADEMAN MILLER, Chief Clerk

### 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Section A. Section 307.178, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 307.178, to read as follows: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]~~ **each 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]~~ **each person** operating or riding in a truck, as defined in section 301.010, 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.]~~ The provisions of this section and section 307.179 shall not be applicable to ~~[persons who have]~~ **any person who possesses documentation from a physician that such person has** a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this section be applicable to ~~[persons while]~~ **any person who is** operating or riding a motor vehicle being

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.

18 used in agricultural work-related activities. Noncompliance with this subsection shall not  
19 constitute probable cause for violation of any other provision of law. The provisions of this  
20 subsection shall not apply to the transporting of children under sixteen years of age, as  
21 provided in section 307.179.

22 3. Each driver of a motor vehicle transporting a child less than sixteen years of age  
23 shall 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  
25 maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this  
26 section shall not be considered evidence of comparative negligence. Failure to wear a safety  
27 belt in violation of this section may be admitted to mitigate damages, but only under the  
28 following circumstances:

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

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

36 5. Notwithstanding any other provision of law to the contrary, subsection 4 of this  
37 section shall not apply to any action arising out of the design, construction, manufacture,  
38 distribution, or sale of a motor vehicle, as defined in section 301.010, factory-equipped with a  
39 safety belt. In such actions arising out of the design, construction, manufacture, distribution,  
40 or sale of a motor vehicle, a plaintiff's failure to wear a properly adjusted and fastened safety  
41 belt shall be admissible as evidence of comparative negligence or fault, causation, absence of  
42 a defect or hazard, and failure to mitigate damages.

43 6. Except as otherwise provided for in section 307.179, each person who violates the  
44 provisions of subsection 2 of this section is guilty of an infraction for which a fine not to  
45 exceed ten dollars may be imposed. All other provisions of law and court rules to the  
46 contrary notwithstanding, no court costs shall be imposed on any person due to a violation of  
47 this section. In no case shall points be assessed against any person, pursuant to section  
48 302.302, for a violation of this section.

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

54           8. If there are more persons than there are seat belts in the enclosed area of a motor  
55 vehicle, then the passengers who are unable to wear seat belts **because all existing seat belts**  
56 **are in use** shall sit ~~[in the area]~~ **on the seats** behind the front seat of the motor vehicle unless  
57 the motor vehicle is designed only for a front-seated area. The passenger or passengers  
58 occupying a seat location referred to in this subsection is not in violation of this section. This  
59 subsection shall not apply to passengers who are accompanying a driver of a motor vehicle  
60 who is licensed under section 302.178.

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