

FIRST REGULAR SESSION

# SENATE BILL NO. 30

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0420S.011

## AN ACT

To repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to the admissibility of failure to wear a safety belt as evidence in certain civil actions, with an existing 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Section A. Section 307.178, RSMo, is repealed and one new section  
2 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  
2 motor vehicle designed for carrying [ten] **fifteen** persons or less and used for the  
3 transportation of persons; except that, the term "passenger car" shall not include  
4 motorcycles, motorized bicycles, motor tricycles, and trucks with a licensed gross  
5 weight of twelve thousand pounds or more.

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

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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

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

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

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

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

40 5. **Notwithstanding any other provision of law to the contrary,**  
41 **subsection 4 of this section shall not apply to any action arising out of**  
42 **the design, construction, manufacture, distribution, or sale of a**  
43 **passenger car. In such actions arising out of the design, construction,**  
44 **manufacture, distribution, or sale of a passenger car, a plaintiff's**  
45 **failure to wear a properly adjusted and fastened safety belt shall be**  
46 **admissible for any purpose, including as evidence of comparative**  
47 **negligence or fault, causation, absence of a defect or hazard, and**  
48 **failure to mitigate damages.**

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

55 section.

56 [6.] 7. The state highways and transportation commission shall initiate  
57 and develop a program of public information to develop understanding of, and  
58 ensure compliance with, the provisions of this section. The commission shall  
59 evaluate the effectiveness of this section and shall include a report of its findings  
60 in the annual evaluation report on its highway safety plan that it submits to  
61 NHTSA and FHWA pursuant to 23 U.S.C. 402.

62 [7.] 8. If there are more persons than there are seat belts in the enclosed  
63 area of a motor vehicle, then the passengers who are unable to wear seat belts  
64 shall sit in the area behind the front seat of the motor vehicle unless the motor  
65 vehicle is designed only for a front-seated area. The passenger or passengers  
66 occupying a seat location referred to in this subsection is not in violation of this  
67 section. This subsection shall not apply to passengers who are accompanying a  
68 driver of a motor vehicle who is licensed under section 302.178.

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Bill

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