

# SENATE BILL NO. 493

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR GANNON.

2369S.01H

ADRIANE D. CROUSE, Secretary

## 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Section A. Section 307.179, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 307.179,  
3 to read as follows:

307.179. 1. As used in this section, the following  
2 terms shall mean:

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

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

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

16 2. Every driver transporting a child under the age of  
17 sixteen years shall be responsible, when transporting such  
18 child in a motor vehicle operated by that driver on the

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

19 streets or highways of this state, for providing for the  
20 protection of such child as follows:

21       (1) **Children shall be secured in a rear-facing child**  
22 **passenger restraint system until the child reaches two years**  
23 **of age; except that, a child under two years of age may be**  
24 **secured in a forward-facing system when the child reaches**  
25 **the highest rear-facing weight or height allowed by the**  
26 **manufacturer of the particular car safety seat;**

27       (2) Children less than four years of age, regardless  
28 of weight, shall be secured in a child passenger restraint  
29 system appropriate for that child;

30       [(2)] (3) Children weighing less than forty pounds,  
31 regardless of age, shall be secured in a child passenger  
32 restraint system appropriate for that child;

33       [(3)] (4) Children at least four years of age but less  
34 than eight years of age, who also weigh at least forty  
35 pounds but less than eighty pounds, and who are also less  
36 than four feet, nine inches tall, shall be secured in a  
37 child passenger restraint system or booster seat appropriate  
38 for that child;

39       [(4)] (5) Children at least eighty pounds or children  
40 more than four feet, nine inches in height shall be secured  
41 by a vehicle safety belt or booster seat appropriate for  
42 that child;

43       [(5)] (6) A child who otherwise would be required to  
44 be secured in a booster seat may be transported in the back  
45 seat of a motor vehicle while wearing only a lap belt if the  
46 back seat of the motor vehicle is not equipped with a  
47 combination lap and shoulder belt for booster seat  
48 installation;

49       [(6)] (7) When transporting children in the immediate  
50 family when there are more children than there are seating

51 positions in the enclosed area of a motor vehicle, the  
52 children who are not able to be restrained by a child safety  
53 restraint device appropriate for the child shall sit in the  
54 area behind the front seat of the motor vehicle unless the  
55 motor vehicle is designed only for a front seat area. The  
56 driver transporting children referred to in this subsection  
57 is not in violation of this section.

58 This subsection shall only apply to the use of a child  
59 passenger restraint system or vehicle safety belt for  
60 children less than sixteen years of age being transported in  
61 a motor vehicle.

62 3. Any driver who violates subdivision (1), (2), [or]  
63 (3), **or (4)** of subsection 2 of this section is guilty of an  
64 infraction and, upon conviction, may be punished by a fine  
65 of not more than fifty dollars and court costs. Any driver  
66 who violates subdivision [(4)] **(5)** of subsection 2 of this  
67 section shall be subject to the penalty in subsection 6 of  
68 section 307.178. If a driver receives a citation for  
69 violating subdivision (1), (2), [or] (3), **or (4)** of  
70 subsection 2 of this section, the charges shall be dismissed  
71 or withdrawn if the driver prior to or at his or her hearing  
72 provides evidence of acquisition of a child passenger  
73 restraint system or child booster seat which is satisfactory  
74 to the court or the party responsible for prosecuting the  
75 driver's citation.

76 4. The provisions of this section shall not apply to  
77 any public carrier for hire. The provisions of this section  
78 shall not apply to students four years of age or older who  
79 are passengers on a school bus designed for carrying eleven  
80 passengers or more and which is manufactured or equipped

81 pursuant to Missouri Minimum Standards for School Buses as  
82 school buses are defined in section 301.010.

83         5. The highways and transportation commission shall  
84 initiate and develop a program of public information to  
85 develop understanding of, and ensure compliance with, the  
86 provisions of this section.

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