

HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 710

1 AN ACT

2 To repeal sections 210.104, 210.107, and  
3 307.178, RSMo, and to enact in lieu thereof  
4 four new sections relating to motor vehicle  
5 safety, with penalty provisions and an  
6 effective date for certain sections.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
8 AS FOLLOWS:

9 Section A. Sections 210.104, 210.107, and 307.178, RSMo,  
10 are repealed and four new sections enacted in lieu thereof, to be  
11 known as sections 307.156, 307.178, 307.179, and 1, to read as  
12 follows:

13 307.156. Any person, firm, or corporation which owns or  
14 operates a business engaged in whole or in part in servicing  
15 motor vehicles and installs or purports to install an airbag in a  
16 motor vehicle and either:

17 (1) Installs an airbag that does not meet all applicable  
18 federal safety regulations for an airbag installed in a vehicle

1 of that make, model, and year; or

2 (2) Installs an airbag which has previously been installed  
3 in another motor vehicle without disclosing in writing to the  
4 owner or lessee of the vehicle receiving such airbag installation  
5 that a used airbag has been installed in it, shall be guilty of a  
6 class D felony.

7 307.178. 1. As used in this section, the term "passenger  
8 car" means every motor vehicle designed for carrying ten persons  
9 or less and used for the transportation of persons; except that,  
10 the term "passenger car" shall not include motorcycles, motorized  
11 bicycles, motor tricycles and trucks with a licensed gross weight  
12 of twelve thousand pounds or more.

13 2. Each driver, except persons employed by the United  
14 States Postal Service while performing duties for that federal  
15 agency which require the operator to service postal boxes from  
16 their vehicles, or which require frequent entry into and exit  
17 from their vehicles, and front seat passenger of a passenger car  
18 manufactured after January 1, 1968, operated on a street or  
19 highway in this state, and persons less than eighteen years of  
20 age operating or riding in a truck, as defined in section  
21 301.010, RSMo, on a street or highway of this state shall wear a  
22 properly adjusted and fastened safety belt that meets federal  
23 National Highway, Transportation and Safety Act requirements[;  
24 except that, a child less than four years of age shall be  
25 protected as required] or as provided in section [210.104, RSMo]

1     307.179. No person shall be stopped, inspected, or detained  
2 solely to determine compliance with this subsection. The  
3 provisions of this section shall not be applicable to persons who  
4 have a medical reason for failing to have a seat belt fastened  
5 about their body, nor shall the provisions of this section be  
6 applicable to persons while operating or riding a motor vehicle  
7 being used in agricultural work-related activities.

8 Noncompliance with this subsection shall not constitute probable  
9 cause for violation of any other provision of law.

10         3. Each driver of a motor vehicle transporting a child four  
11 years of age or more[, but less than sixteen years of age,] shall  
12 secure the child in a properly adjusted and fastened [safety  
13 belt] restraint pursuant to section 307.179.

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

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

24             (2) If the evidence supports such a finding, the trier of  
25 fact may find that the plaintiff's failure to wear a safety belt

1 in violation of this section contributed to the plaintiff's  
2 claimed injuries, and may reduce the amount of the plaintiff's  
3 recovery by an amount not to exceed one percent of the damages  
4 awarded after any reductions for comparative negligence.

5 5. Each driver who violates the provisions of subsection 2  
6 or [3] 7 of this section is guilty of an infraction for which a  
7 fine not to exceed ten dollars may be imposed. All other  
8 provisions of law and court rules to the contrary  
9 notwithstanding, no court costs shall be imposed on any person  
10 due to a violation of this section. In no case shall points be  
11 assessed against any person, pursuant to section 302.302, RSMo,  
12 for a violation of this section.

13 6. The department of public safety shall initiate and  
14 develop a program of public information to develop understanding  
15 of, and ensure compliance with, the provisions of this section.  
16 The department of public safety shall evaluate the effectiveness  
17 of this section and shall include a report of its findings in the  
18 annual evaluation report on its highway safety plan that it  
19 submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

20 7. If there are more persons than there are seat belts in  
21 the enclosed area of a motor vehicle, then the [driver and]  
22 passengers [are not in violation of this section] who are unable  
23 to wear seat belts shall sit in the area behind the front seat of  
24 the motor vehicle unless the motor vehicle is designed only for a  
25 front-seated area. This subsection shall not apply to passengers

1 who are accompanying a driver of a motor vehicle who is licensed  
2 pursuant to section 302.178, RSMo.

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

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

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

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

16 2. Every person transporting a child under the age of  
17 sixteen years shall be responsible, when transporting such child  
18 in a motor vehicle operated by that person on the streets or  
19 highways of this state, for providing for the protection of such  
20 child as follows:

21 (1) Children less than four years of age, regardless of  
22 weight, or children weighing less than forty pounds, regardless  
23 of age, shall be secured in a child passenger restraint system  
24 appropriate for that child;

25 (2) Children four through five years of age shall be

1 secured in a child passenger restraint system or booster seat  
2 appropriate for that child;

3 (3) Children at least six years of age shall be secured by  
4 a vehicle safety belt, child passenger restraint system, or  
5 booster seat;

6 (4) A child weighing more than forty pounds, who would  
7 otherwise be required to be secured in a booster seat, may be  
8 transported in the back seat of a motor vehicle while wearing  
9 only a lap belt if the back seat of the motor vehicle is not  
10 equipped with a combination lap and shoulder belt for booster  
11 seat installation.

12 3. Any person who violates this section is guilty of an  
13 infraction and, upon conviction, may be punished by a fine of not  
14 more than twenty-five dollars and court costs. In no case shall  
15 points be assessed against any person, pursuant to section  
16 302.302, RSMo, for violation of this section. If a person  
17 receives a citation for violating this section, the charges shall  
18 be dismissed or withdrawn if the person prior to or at his or her  
19 hearing provides evidence of acquisition of a child passenger  
20 restraint system or child booster seat which is satisfactory to  
21 the court or the party responsible for prosecuting the person's  
22 citation.

23 4. The provisions of this section shall not apply to any  
24 public carrier for hire or to school buses as defined in section  
25 301.010, RSMo, unless such school bus has been equipped with

1 safety belts or is required to be equipped with safety belts  
2 pursuant to federal motor vehicle safety standards.

3 5. The department of public safety shall initiate and  
4 develop a program of public information to develop understanding  
5 of, and ensure compliance with the provisions of this section.  
6 The department of public safety may promulgate rules and  
7 regulations for the enforcement of this section. Any rule or  
8 portion of a rule, as that term is defined in section 536.010,  
9 RSMo, that is created under the authority delegated in this  
10 section shall become effective only if it complies with and is  
11 subject to all of the provisions of chapter 536, RSMo, and, if  
12 applicable, section 536.028, RSMo. This section and chapter 536,  
13 RSMo, are nonseverable and if any of the powers vested with the  
14 general assembly pursuant to chapter 536, RSMo, to review, to  
15 delay the effective date or to disapprove and annul a rule are  
16 subsequently held unconstitutional, then the grant of rulemaking  
17 authority and any rule proposed or adopted after August 28, 2003,  
18 shall be invalid and void.

19 Section 1. Whenever Missouri driving statutes are altered,  
20 the Missouri Department of Revenue shall notify licensed Missouri  
21 motorists via public service announcements or other mass  
22 communication means of said changes before those changes become  
23 effective.

24 [210.104. 1. Every person transporting  
25 a child under the age of four years shall be  
26 responsible, when transporting such child in  
27 a motor vehicle operated by that person on

1 the streets or highways of this state, for  
2 providing for the protection of such child.  
3 Such child shall be protected by a child  
4 passenger restraint system approved by the  
5 department of public safety.

6 2. Any person who violates this section  
7 is guilty of an infraction and, upon  
8 conviction, may be punished by a fine of not  
9 more than twenty-five dollars and court  
10 costs.

11 3. The provisions of sections 210.104  
12 to 210.107 shall not apply to any public  
13 carrier for hire.]

14 [210.107. The department of public  
15 safety shall initiate and develop a program  
16 of public information to develop  
17 understanding of, and ensure compliance with  
18 the provisions of sections 210.104 to  
19 210.107. The department of public safety  
20 shall, within thirty days of September 28,  
21 1983, promulgate standards for the  
22 performance, design, and installation of  
23 passenger restraint systems for children  
24 under four years of age in accordance with  
25 federal motor vehicle safety standards and  
26 shall approve those systems which meet such  
27 standards. No rule or portion of a rule  
28 promulgated under the authority of sections  
29 210.104 to 210.107 shall become effective  
30 unless it has been promulgated pursuant to  
31 the provisions of section 536.024, RSMo.]

32 Section B. The enactment of section 307.179, the repeal and  
33 reenactment of section 307.178, and the repeal of sections  
34 210.104 and 210.107 of section A of this act shall become  
35 effective January 1, 2005.