

JURISDICTION:  
General Reference:

**MISSOURI**  
Vernon's Annotated Missouri Statutes

Required Use of Safety Belts<sup>1</sup>:

Requirements:

I. When a passenger car<sup>2</sup> is in operation, (1) every driver, (2) front seat passenger and (3) person <18 years old while operating or riding in a truck<sup>3</sup> shall wear a safety belt. §307.178.2

**Secondary Enforcement.** No person shall be stopped, inspected or detained solely to determine compliance with this requirement. §307.178.2

II. When a passenger car<sup>2</sup> is in operation, every driver shall secure a child ≥4 but <16 years old in a safety belt. §307.178.3

Sanctions for Failure to Use or  
Require the Use of Safety Belts:

Infraction: A fine of not more than **\$10**. No court costs can be imposed and no points can be entered on an offender's driving record. §307.178.5

Effect on Civil Liability:

Failure to wear a safety belt is not to be considered as evidence of comparative negligence. However, such evidence may be admitted for the purpose of mitigation of damages if the party seeking to introduce such evidence presents expert evidence proving that such a failure contributed to the plaintiff's injuries. If such is proven, damages may be reduced by not more than 1%. §307.178.4

Required Use of Child Safety Restraint Systems<sup>4</sup>:

Requirements:

Every person, who transports a child <4 years old in a motor vehicle<sup>5</sup>, shall secure such child in a child passenger restraint system approved by the State. §210.104.1

Sanctions for Failure to Require  
the Use of Child Restraint Systems:

Infraction: Not more than **\$25** plus court costs. §210.104.2 Note: The law does not appear to assign points for a violation of this requirement.

Required Use of Child Safety Restraint Systems:  
(continued)

Effect on Civil Liability:

The failure to comply with this requirement shall not be the basis for a claim of civil liability or negligence or contributory negligence of any person for damages. In addition, such failure shall not be admissible as evidence in the trial of any civil action. §210.106

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<sup>1</sup>**Exemptions.** The requirement to use a safety belt does not apply in the following circumstances: (1) To persons employed by the U.S. Postal Service while on official duties; (2) to persons riding in passenger cars manufactured before January 1, 1968; (3) to persons who for medical reasons cannot use a safety belt; and, (4) to persons "while operating or riding a motor vehicle being used in agricultural work-related activities." §307.178.2 In addition, a vehicle operator or passenger is not in violation of the safety belt use requirement if they are unable to use a safety belt due to the fact that all of the available safety belts are already in use. §307.178.7

<sup>2</sup>A "passenger car" means every motor vehicle designed for carrying ≤10 persons but does not include motorcycles, motorized bicycles, motor tricycles or trucks with a gross weight of ≥12,000 lbs. §307.178.1

<sup>3</sup>A "truck" is defined as "a motor vehicle designed, used, or maintained for the transportation of property." §301.010(58)

<sup>4</sup>**Exemptions.** This requirement does not apply to a public carrier for hire. §210.104.3

<sup>5</sup>Note: The term "motor vehicle" is not defined in Chapter 210 of Title XII.

## MISSOURI

### Required Use of Motorcycle Protective Headgear:

Requirements:	Every rider or passenger of a motorcycle or motortricycle shall wear State approved protective headgear. §302.020.2
Sanctions for Failure to Use:	Infraction: A fine of not more than <b>\$25</b> . No court costs can be imposed and no points can be entered on an offender's driving record. §302.020.3

### Required Use of Motorcycle Eye Protection Device:

Requirements:	Note: This requirement is indirectly covered by the above requirement to use protective headgear.
Sanctions for Failure to Use:	

### Required Use of Bicycle Protective Headgear:

Requirements:	<b>None</b>
Sanctions for Failure to Use:	

### Required Use of Bicycle Eye Protection Device:

Requirements:	<b>None</b>
Sanctions for Failure to Use:	

### Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:	I. No person shall operate a truck <sup>3</sup> with a gross weight of <12,000 lbs. when any person <18 year old is riding in the truck's unenclosed bed. §304.665.1 II. No person <18 years old shall ride in the unenclosed bed of a truck <sup>3</sup> with a gross weight of <12,000 lbs. when such vehicle is in operation. §304.665.1
Sanctions for a Violation:	Class C Misdemeanor: A truck operator, who violates the requirement

### Prohibition Against Riding in Unsecured Portion of Vehicle: (continued)

Sanctions for a Violation: (continued)	in I above, is guilty of a Class C Misdemeanor. <sup>6</sup> §304.665.1 The sanctions for this misdemeanor are an imprisonment sentence of not more than <b>15 days</b> and/or a fine of not more than <b>\$300</b> . §§558.011.1(7) & 560.016.1(3)
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<sup>6</sup>Section 304.665 does not provide for a specific sanction for a violation of its provisions by a person <18 years old who is riding in the unenclosed bed of a truck. As a result, the generally penalty provision Chapter 304 may apply. The general penalty provision provides for an imprisonment term of not more than **1 year** and/or a fine of not less than **\$5** but not more than **\$500**. §304.570

Exemptions:

The above requirements do not apply in the following circumstances: (1) A person must ride in an unenclosed area in order to discharge employment duties; (2) a person must ride in an unenclosed area in order to engaged in agricultural activities; (3) a person is riding in an unenclosed area while participating in a lawfully authorized parade, caravan or exhibition; (4) a person may ride in the unenclosed area provided the vehicle has a device that prevents such passenger from being thrown, falling or jumping out of the vehicle; (5) a person is riding the unenclosed area as part of a "special event" associated with a social activity of limited duration and there is a lack of available seating in the enclosed area of the vehicle; (6) a person is riding in the unenclosed area for the purpose of providing assistance to or ensuring the safety of other persons that are engaged in a recreational activity; or (7) a person is riding in the unenclosed area of a family owned truck which is the only vehicle owned by the family and there is insufficient room in the passenger compartment to accommodate all of the passengers. §304.665.2

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