

ORDINANCE NO. _____

AN ORDINANCE TO REGULATE THE USE OF SEAT BELTS AND CHILD RESTRAINTS IN A MOTOR VEHICLE AND PASSENGERS IN TRUCK BEDS WITHIN THE CITY LIMITS OF _____

WHEREAS, Section 307.178 Revised Statutes of Missouri regulates and requires the use of seat belts by persons in certain motor vehicles, and

WHEREAS, Section 307.182 Revised Statutes of Missouri requires the use of appropriate child restraint devices for the transportation of children in certain motor vehicles, and

WHEREAS, Section 304.665 Revised Statutes of Missouri prohibits certain passengers from riding in the unenclosed bed of trucks, and

WHEREAS, it is the desire of the City of _____ that the municipal police department have the option to reduce its “court time” by presenting such cases to municipal court.

NOW, THEREFORE, BE IT ORDAINED BY THE _____ OF THE CITY OF _____, MISSOURI AS FOLLOWS:

Section 1. Seat belts and child restraint devices.

1. Except as otherwise provided in this Section, each driver and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this city shall wear a properly adjusted and fastened safety belt that meets federal national highway, transportation act requirements, except that a child less than sixteen years of age shall be protected as required in Subsection 5 of this Section.

2. With respect to Subsection 1 of this Section:

1) No person shall be stopped, inspected or detained solely to determine compliance with Subsection 1 of this Section.

2) The provisions of Subsection 1 of this Section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about his or her body or to any person employed by the United States Postal Service while performing duties for that federal agency which requires the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles.

3) As used in Subsections 1 of 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, motor tricycles and trucks with a gross weight of 12,000 pounds or more.

4) Each driver who violates the provisions of Subsection 1 of this Section shall upon conviction, be subject to a fine not to exceed ten dollars in amount. All other provisions of law and court rules to the contrary notwithstanding, no court costs may be imposed if court costs have been assessed on any other charge arising out of the same occurrence.

5) Every person transporting a child under the age of sixteen years on the streets or highways of this city shall be responsible for transporting such child as follows:

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

(b) Children weighing less than forty pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child;

(c) Children at least four years of age but less than eight years of age, who also weigh at least forty pounds but less than eighty pounds, and who are also less than four feet, nine inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child;

(d) Children at least eighty pounds or children more than four feet, nine inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child.

(e) Children eight years of age, but less than sixteen years of age, regardless of weight or height, shall be secured by a vehicle safety belt or restraint system appropriate for that child.

(f) A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.

(g) When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this Subsection is not in violation of this section.

Any person who violates this Subsection shall, upon conviction, be punished by a fine of not more than fifty dollars and court costs.

Section 2. Passengers in Truck Beds.

1. No person shall operate any truck, as defined in Section 301.010 RSMo, with a license gross weight of less than twelve thousand when such truck is operated within the corporate limits of this city when any person under eighteen years of age is riding in the unenclosed bed of such truck. No person under eighteen years of age shall ride in the unenclosed bed of such truck when

the truck is in operation. Any person who operates a truck with a licensed gross weight of less than twelve thousand pounds in violation of this section shall, upon conviction, be punished by a fine of not more than \$25.00, plus court costs. The provisions of Section shall not apply to:

(1) Any employee engaged in the necessary discharge of the employee's duties where it is necessary to ride in the unenclosed bed of the truck;

(2) Any person while engaged in agricultural activities where it is necessary to ride in the unenclosed bed of the truck;

(3) Any person riding in the unenclosed bed of a truck while such truck is being operated in a parade, caravan, or exhibition which is authorized by law;

(4) Any person riding in the unenclosed bed of a truck if such truck has installed a means of preventing such person from being discharged or such person is secured to the truck in a manner which will prevent the person from being thrown, falling, or jumping from the truck;

(5) Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of participating in a special event and it is necessary that the person ride in such unenclosed bed due to the lack of available seating. "Special event," for the purposes of this Section, is a specific social activity of a definable duration which is participated in by the person riding in the unenclosed bed;

(6) Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of providing assistance to, or ensuring the safety of, other persons engaged in a recreational activity; or

(7) Any person riding in the unenclosed bed of a truck if such truck is the only legally titled, licensed, and insured vehicle owned by the family of the person riding in the unenclosed bed and there is insufficient room in the passenger cab of the truck to accommodate all passengers in such truck. For the purposes of this subdivision the term "family" shall mean any persons related within the first degree of consanguinity.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

READ THREE TIMES AND PASSED THIS _____ DAY OF _____, 20 ____.

Mayor

Attest:

City Clerk