

AN ORDINANCE AMENDING TITLE IV, CHAPTER 100, SECTION 307.178 OF SECTION 4.100.030 OF THE CITY OF GLADSTONE, MISSOURI'S MUNICIPAL CODE REGARDING SEAT BELT REQUIREMENTS.

WHEREAS, Section 307.178 of Section 4.100.030 of the Municipal Code ("Code") of the City of Gladstone, Missouri includes requirements regarding seat belts for passenger cars; and

WHEREAS, Section 307.178 currently includes a provision prohibiting a person from being stopped, inspected, or detained solely to determine compliance with requirements for wearing safety belts; and

WHEREAS, the City Council has been presented with information by the Public Safety Department regarding the benefits to the public of allowing law enforcement officers in the City to stop and issue citations to violators of Section 307.178 without an accompanying violation; and

WHEREAS, the Missouri Court of Appeals, Eastern District, in *City of St. John v. Thomas Brockus*, 434 SW3d 90 (Mo. App. 2014) upheld the authority of cities to adopt such provisions; and

WHEREAS, the City Council desires to amend Section 307.178 of Section 4.100.030 of the Code to remove the prohibition on a person being stopped, inspected, or detained solely to determine compliance with requirements for wearing safety belts and to establish a fine for infractions pursuant to this requirement in an amount not to exceed \$50.00.

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

Section 1. That Section 307.178 of Section 4.100.030 of the Code be amended to read as follows:

Section 307.178. Seat belts required for passenger cars; passenger cars defined; exceptions penalty; passengers in car exceeding number of seat belts not violation for failure to use.

- (a) As used in 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 licensed gross weight of 12,000 pounds or more.
- (b) Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or

other roadway within the City of Gladstone, Missouri, and persons less than 18 years of age operating or riding in a truck, as defined in RSMo 301.010, on a street or other roadway within the City of Gladstone, Missouri, shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements. The provisions of this section and section 307.179 shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Noncompliance with this subsection shall constitute probable cause for violation of any other provision of law. The provisions of this subsection shall not apply to the transporting of children under 16 years of age, as provided in section 307.179.

- (c) Each driver of a motor vehicle transporting a child less than 16 years of age shall secure the child in a properly adjusted and fastened restraint under section 307.179.
- (d) Except as otherwise provided for in section 307.179, each person who violates the provisions of subsection (b) of this section is guilty of an infraction for which a fine not to exceed \$50.00 may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this section. In no case shall points be assessed against any person, pursuant to RSMo 302.302, for a violation of this section.
- (e) If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this subsection is not in violation of this section. This subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who holds an intermediate license under section RSMo 302.178.

Section 2. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

Section 3. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

INTRODUCED, PASSED, SIGNED, AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, ON THIS 14TH DAY OF MARCH, 2016.



Mayor Bill Garnos

ATTEST:



Ruth E. Bocchino, City Clerk

First Reading: March 14, 2016

Second Reading: March 14, 2016

Deletions are shown in ~~strikethrough~~; additional language is shown in **bold and double underline**.

Section 307.178. Seat belts required for passenger cars; passenger cars defined; exceptions penalty; passengers in car exceeding number of seat belts not violation for failure to use.

- (a) As used in 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 licensed gross weight of 12,000 pounds or more.
- (b) Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or other roadway within the City of Gladstone, Missouri, and persons less than 18 years of age operating or riding in a truck, as defined in RSMo 301.010, on a street or other roadway within the City of Gladstone, Missouri, shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements. ~~No person shall be stopped, inspected, or detained solely to determine compliance with this subsection.~~ The provisions of this section and section 307.179 shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Noncompliance with this subsection shall ~~not~~ constitute probable cause for violation of any other provision of law. The provisions of this subsection shall not apply to the transporting of children under 16 years of age, as provided in section 307.179.
- (c) Each driver of a motor vehicle transporting a child less than 16 years of age shall secure the child in a properly adjusted and fastened restraint under section 307.179.
- (d) Except as otherwise provided for in section 307.179, each person who violates the provisions of subsection (b) of this section is guilty of an infraction for which a fine not to exceed ~~410.00~~ **\$50.00** may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this section. In no case shall points be assessed against any person, pursuant to RSMo 302.302, for a violation of this section.
- (e) If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this subsection is not in violation of this section. This subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who holds an intermediate license under section RSMo 302.178.