

BILL NO. 2755

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 51 OF THE CITY OF CHESTERFIELD, RELATING TO SEATBELTS BEING WORN WHILE RIDING IN A MOTOR VEHICLE.

WHEREAS, the City of Chesterfield pursuant to Ordinance No. 51 has provided for the requirement of passengers in motor vehicles to wear seatbelts; and

WHEREAS, the City Council recognizes that some studies have shown that primary enforcement of seatbelt laws result in a reduction in fatalities and injuries from motor vehicle collisions, and

WHEREAS, the City Council having considered the same, determines that it is in the best interests of the health and general welfare of the Citizens of the City of Chesterfield that the City should have a primary enforcement seatbelt law;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Ordinance No. 51 of the City of Chesterfield Section 1 is hereby amended by adding the words underlined and deleting the words [bracketed] and shall read as follows:

As used in this section, the term "passenger car" means every motor vehicle designed for carrying ten (10) 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 twelve thousand (12,000) pounds or more.

Section 2. Ordinance No. 51 of the City of Chesterfield Section 2 is hereby amended and shall read as follows:

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 highway in this City [State], and persons less than eighteen (18) years of age operating or riding in a truck as defined in Section 301.010 R.S.Mo., shall

wear a properly adjusted and fastened safety belt that meets the Federal National Highway, Transportation and Safety Act requirements; except that a child less than four (4) years of age shall be protected as required in Section 307.179 [210.104] Revised Statutes of Missouri. Each driver of a motor vehicle transporting a child four (4) years of age or more, but less than sixteen (16) years of age, in the front seat of the motor vehicle shall secure the child in a properly adjusted and fastened safety belt. [No person shall be stopped, inspected, or detained solely to determine compliance with this section.] The provisions of this section shall not be applicable to persons [a person] who have [has] a medical reason for failing to have a seat belt fastened about his or her body or to persons operating or riding a motor vehicle being used in agricultural work-related activities.

Section 3. Ordinance No. 51 of the City of Chesterfield Section 3 is hereby deleted in its entirety and a new section 3 is enacted and shall read as follows:

Each person who violates the provisions of subsection 2 of this section shall upon conviction be fined not more than ten dollars (\$10.00). Court costs will not be assessed for this violation. In no case shall points be assessed against any person, pursuant to Section 302.302 R.S.Mo. for violation of this section.

Section 4. All Ordinances, or parts of Ordinances, in conflict with this Ordinance are hereby repealed and held for not.

Section 5. Nothing in this Ordinance shall be construed to effect any proceedings pending in any court, or any right acquired, or liability incurred, or any cause, or causes of action, which accrued or are existing under any act or Ordinance enacted prior to this date, or any Ordinance hereby amended.

Section 6. Except as amended herein, the Municipal Code, and Ordinances of the City of Chesterfield shall remain in full force and effect

Section 7. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2009.

MAYOR

ATTEST:

CITY CLERK

First Reading Held: _____