

# MODEL PRIMARY SEAT BELT ORDINANCE

## SECTION XXXXXXXX SEAT BELT/CHILD PASSENGER RESTRAINT SYSTEM

A. As used in this Section, the following terms shall mean:

1. "Passenger car" shall mean 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 twelve thousand pounds or more. The term "passenger car" shall include what is commonly referred to as a "pickup truck", whether said truck has one or two rows of passenger seating. As used in this section, the following terms shall mean:
2. "Child booster seat", a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system;
3. "Child passenger restraint system", a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system;

B. Except as otherwise provided in this Section, each driver and front seat passenger of a passenger car manufactured after January 1, 1968, operated on the streets or highways within this City [or County] shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act (NHTSA) requirements, except that a child sixteen (16) years of age or less shall be protected as required in Subsection C of this Ordinance.

C. The provisions of Subsections A and B of this Section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about his/her body, nor shall the provisions of Subsections A and B be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities, nor to any person employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicle, or which require frequent entry into and exit from their vehicle.

D. Each person who violates the provisions of Subsection B of this Section shall be guilty of an infraction for which a fine not to exceed ten dollars (\$10.00) [or \$25] 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 Ordinance. In no case shall points be assessed against any person, pursuant to Section 302.302, RSMo for a violation of this Ordinance.

E. Every driver transporting a child sixteen (16) years of age or less shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this City [or County], for providing for the protection of such child as follows:

1. Children less than four years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child;
2. Children weighing less than forty pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child;
3. 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;
4. 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;
5. 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;
6. 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 in compliance with Subsection C(6) shall not be in violation of Subsection E hereof.
7. Subsection E of this Ordinance shall only apply to the use of a child passenger restraint system or vehicle safety belt for children sixteen (16) years of age or less being transported in a motor vehicle.
8. As used in Subsection E, the term "child booster seat" shall mean a seating system which meets the Federal Motor Vehicle Safety Standards that is designed to elevate a child to properly sit in a federally approved safety belt system; and the term "child passenger restraint system" shall mean a seating system which meets the Federal Motor Vehicle Safety Standards and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system;

F. With respect to Subsection E hereof:

1. Subsection E of this Ordinance shall not apply to any public carrier for hire. The provisions of Subsection E shall not apply to students four years of age or older who are passengers on a school bus designed for carrying eleven passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses.
2. Any person who violates Subsection E of this Ordinance shall, upon conviction, be subject to a fine of not more than fifty dollars (\$50.00) and court costs.