

AN ORDINANCE OF THE CITY OF MALDEN, MISSOURI TO AMEND SECTION 370.160 OF THE MALDEN CITY CODE RELATING TO SEAT BELTS FOR THE PURPOSE OF ESTABLISHING THE CITY OF MALDEN AS A "PRIMARY SEAT BELT CITY"; ESTABLISHING PENALTIES FOR VIOLATION; TO REPEAL ALL CONFLICTING ORDINANCES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Malden, Missouri has determined that it in the best interest of the City to establish the City of Malden as a "Primary Seat Belt City",

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MALDEN, MISSOURI, TO-WIT:

Section 1: That Section 370.160 of the Malden City Code be amended to read as follows (deletions in ~~strikethrough~~):

Section 370.160 Seat Belts.

- A. As used in this Section, the term "truck" means a motor vehicle designed, used or maintained for the transportation of property.
- B. As used in this Section, the term "passenger car" means every motor vehicle designed for carrying ten (10) persons or fewer and used for the transportation of persons; except that the term "passenger car" shall not include motorcycles, motorized bicycles, motortricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.
- C. 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 passengers of a passenger car manufactured after January 1, 1968, operated on a street or highway in the City, and persons less than eighteen (18) years of age operating or riding in a truck, as defined in Subsection (A) of this Section, on a street or highway of this City 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 370.170 of this Chapter 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. Non-compliance 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 sixteen (16) years of age, as provided in Section 370.170 of this Chapter.
- D. Each driver of a motor vehicle transporting a child less than sixteen (16) years of age shall secure the child in a properly adjusted and fastened restraint under Section 370.170 of this Chapter.

- E. Except as otherwise provided for in Section 370.170 of this Chapter, each person found guilty of violating the provisions of Subsection (B) of this Section is guilty of an ordinance violation for which a fine not to exceed ten dollars (\$10.00) 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.
- F. 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 is licensed under Section 302.178, RSMo.

Section 2: That Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall be effective and in full force as set out herein after the date of passage.

Read the first time and passed and approved by the City Council of the City of Malden, Missouri on the 23rd day of January, 2023.

COUNCIL MEMBER

LYNNETTE JENKINS

KEVIN MOORE

DIANNA ROGERS

ROBERT HOUSE

HAROLD JONES

KAREN HALEY

DEBRA WILKERSON

CASEN COLEMAN

Yea

Nay

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Read the second time, passed approved and finally adopted by the City Council of the City of Malden, Missouri on the 23rd day of January, 2023.

COUNCIL MEMBER

LYNNETTE JENKINS

KEVIN MOORE

DIANNA ROGERS

ROBERT HOUSE

HAROLD JONES

KAREN HALEY

DEBRA WILKERSON

CASEN COLEMAN

Yea

Nay


Denton Kooyman -- Mayor

Attest:


Mandy Lewis - City Clerk