

ORDINANCE NO. 304

**AN ORDINANCE OF THE CITY OF STILWELL GOVERNING THE USE OF SEAT BELTS IN ACCORDANCE WITH THE "OKLAHOMA MANDATORY SEAT BELT USE ACT"; ESTABLISHING A PENALTY FOR VIOLATION OF SAME; AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Mayor and City Council of Stilwell, Oklahoma:

**SECTION 1. CHILD PASSENGER RESTRAINT SYSTEM - WHEN REQUIRED**

- A. Every driver when transporting a child under four(4) years of age weighing sixty (60) pounds or less in a motor vehicle operated on the roadways, streets, or highways of this State shall provide for the protection of said child by properly using a child passenger restraint system. For purpose of this section and Section 11-113 of this title, "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint system as set by the United States Department of Transportation.
- B. Children four (4) or five (5) years of age shall be protected by use of a child passenger restraint system or a seat belt.
- C. The provisions of this section shall not apply to:
  - 1. A nonresident driver transporting a child in this city; and
  - 2. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to State or Federal laws; and
  - 3. The driver of an ambulance or emergency vehicle; and
  - 4. A driver of a vehicle if all of the seat belts in the vehicle are in use; and
  - 5. The transportation of children who for medical reasons are unable to be placed in such devices.
- D. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provisions of this section and to give an oral warning to said driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle.
- E. A violation of the provisions of this section shall not be admissible as evidence in any civil action or proceeding for damages.
- F. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this section shall not be used in aggravation or mitigation of damages.
- G. Any person convicted of violating subsection A or B of this section shall be punished by a fine of Ten (\$10.00) Dollars and shall pay a maximum of Eighteen (&18.00) Dollars court cost thereof. This fine shall be suspended in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. Provided, the Department of Public Safety shall not assess points of the driving record of any licensed person convicted of a violation of this section.

**SECTION 2. SEAT BELTS REQUIRED FOR OPERATOR, FRONT PASSENGERS**

- A. Every operator and front seat passenger of a passenger car operated in this State shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. For the purpose of this section, "passenger car" shall mean "vehicle" as defined in Section 1102 of this title, except that "passenger car" shall not

include trucks, truck-tractors, recreational vehicles, motorcycles, motorized bicycles or vehicles used primarily for farm use and licensed pursuant to the provisions of Section 1134 of this title.

- B. This section shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this State that he is unable to wear a safety seat belt system for medical reasons. Provided, the issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system.
- C. This section shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.
- D. Any person convicted of violating Section 2 of this act shall be punished by a fine of Ten (\$10.00) Dollars and shall pay court costs of Eighteen (\$18.00) Dollars. Provided, the Department of Public Safety shall not assess points to the driving record of any licensed or unlicensed person convicted of a violation of this act.

Emergency Clause: An emergency is hereby declared to exist, therefore this ordinance shall be in full force and effect from and after its passage and approval.

ADOPTED by the City Council this 3<sup>rd</sup> day of April, 2000.

Marilyn Hill-Russell  
Mayor

ATTEST: DEAN WATT  
City Clerk

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