

ORDINANCE NO. 310

AN ORDINANCE KNOWN AS THE MANDATORY SEAT BELT USE; PROVIDING FOR PENALTY; REPEALING ALL OTHER ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY.

Be it ordained by the Mayor and Council of the City of Stilwell, Oklahoma:

SECTION 1. SEAT BELTS REQUIRED FOR OPERATOR, FRONT PASSENGERS.

A. Every operator and front seat passenger of a passenger car operated in this City 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 purposes of this ordinance, "passenger car" shall mean "vehicle" as defined in Title 47, O.S. 1991, Section 1102, 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 Title 47, O.S. 1991, Section 1134.

B. This ordinance 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 license 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 ordinance shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.

D. The Department of Public Safety shall not record or assess points for violations of this ordinance on any license holder's traffic record maintained by the Department

E. Fine and court costs for violating the provisions of this ordinance shall not exceed Twenty Dollars (\$20.00).

SECTION 2. CIVIL PROCEEDINGS – EFFECT OF ORDINANCE

Nothing in this ordinance shall be used in any civil proceeding in this state and the use or nonuse of seat belts shall not be submitted into evidence in any civil suit in Oklahoma.

SECTION 3. REPEALER. That all ordinances and parts of ordinances in conflict herewith are hereby cancelled.

SECTION 4. EMERGENCY. WHEREAS, an immediate necessity exists therefor, for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the City Council this 4th day of September, 2001.

APPROVED by the Mayor this 4th day of September, 2001.



Mayor

ATTEST:



City Clerk