



# WILDWOOD

## MEMORANDUM

To: Mayor Bowlin and City Council Members

From: Rick Brown, Director of Public Works/City Engineer

Date: May 9, 2019

Re: Legislation Authorizing a Primary Seatbelt Regulation

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### Background

Wildwood Precinct Police Captain Mundel has recommended that the City enact legislation to ensure our ordinances are consistent with those of St. Louis County with respect to seat belt regulations. Regarding seat belt regulations, the City of Wildwood Code adopts, by reference, certain state statutes, including one which requires seat belt use, however they don't allow the police to stop a motorist solely for non-compliance. However, in 2007, St. Louis County adopted a primary seat belt law (see attached), which eliminates the state prohibition on stopping vehicles to determine compliance. It should be noted that a person convicted under this ordinance can be fined no more than ten dollars (\$10.00) and is not assessed points.

As shown in **Table 1**, within St. Louis County there are eighteen (18) municipalities which have adopted a similar primary seat belt ordinance.

Ballwin	Chesterfield	Clarkson Valley
Creve Coeur	Town & Country	Webster Groves
Brentwood	Florissant	Kirkwood
Olivette	Hazelwood	Manchester
St. John	Plus 5 (five) others	

### Recommendation

It is recommended to enact primary seat belt legislation, consistent with St. Louis County, which would eliminate the state prohibition on stopping vehicles to determine compliance.

This recommendation was reviewed and approved by the Board of Public Safety at their March meeting. This item was then presented to the City Council for action at the April 8<sup>th</sup> Work Session, where the Council passed a motion approving the preparation of primary seat belt legislation, consistent with St. Louis County, which would eliminate the state prohibition on stopping vehicles to determine compliance. Therefore, Bill 2473 has been prepared for the consideration of the City Council.

Captain Mundel and I will be available for any questions regarding this matter at the May 13<sup>th</sup> work session of the City Council.

RCB

## 1217.095 - Seat Belts Required for Passenger Cars.

—1. 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 motor-cycles, motorized bicycles, motor tricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.

2. 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 each front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this county, 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 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 1217.090. Each driver of a motor vehicle transporting a child four (4) years of age or more, but less than sixteen (16) years of age, shall secure the child in a properly adjusted and fastened safety belt. The provisions of this section shall not be applicable to persons who have 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.
3. 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.

(O. No. 23115, 2-20-07)

**AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AMENDING ARTICLE I OF TITLE III OF THE CODE OF ORDINANCES OF THE CITY OF WILDWOOD BY ENACTING A NEW SECTION 304.335; AND PROVIDING REGULATIONS ON THE USE OF SEAT BELTS IN PASSENGER CARS**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:**

**Section One.** That Article I of Title III of the Code of Ordinances of the City of Wildwood, Missouri, be and is hereby amended by enacting a new Section 304.335, to read as follows:

**SECTION 304.335. SEAT BELTS REQUIRED FOR PASSENGER CARS**

1. 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 motor-cycles, motorized bicycles, motor tricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.

2. 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 each front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street, road or highway in this City, and persons less than eighteen (18) years of age operating or riding in a truck as defined in Section 301.010 RSMo., shall wear a properly adjusted and fastened safety belt that meets 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 340.340 of this Code and Section 307.179, RSMo. Each driver of a motor vehicle transporting a child four (4) years of age or more, but less than sixteen (16) years of age, shall secure the child in a properly adjusted and fastened safety belt. The provisions of this section shall not be applicable to persons who have 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.

3. 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 RSMo., for violation of this Section.

**Section Two.** Savings. Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

**Section Three.** Severability. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**Section Four.** Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

This Bill was passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2019, by the Council of the City of Wildwood, Missouri, after having been read by title or in full two (2) times prior to its passage.

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
James R. Bowlin, Mayor

ATTEST:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Clerk