AN ORDINANCE

AMENDING Springfield City Code, Chapter 106 – ‘Traffic and Vehicles,’ Article V – ‘Operation,’ Division 1. – ‘Generally,’ Section 106-199. – ‘Seat belt regulations,’ by removing the language prohibiting a violation of this section to be the basis for a vehicle stop by law enforcement officers. (Plans and Policies Committee recommends approval).

WHEREAS, seat belt use is linked to motor vehicle crash survival rates; and

WHEREAS, the proposed amendment will allow the Springfield Police Department (“SPD”) to treat a violation of City Code Section 106-199. – ‘Seat belt regulations,’ as a primary offense; and

WHEREAS, SPD will be able to stop a motorist to determine compliance with this code section.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – The Springfield City Code, Chapter 106– ‘Traffic and Vehicles,’ Article V ‘Operation,’ Division 1 ‘Generally,’ Section 106-199. – ‘Seat belt regulations,’ is hereby amended as follows:

(a) As used in this section, the term "passenger car" means 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 12,000 pounds or more.
(b) Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operators to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this state 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 years of age shall be protected as required in RSMo 210.104. Each driver of a motor vehicle transporting a child four years of age or more, but less than 16 years of age, in the front seat of the motor vehicle shall secure the child in a properly adjusted and fastened safety belt. No person shall be stopped, inspected or detained solely to determine compliance with this subsection. The provisions of this section shall not be applicable to a person who has a medical reason for failing to have a seat belt fastened about his body.

(c) To the extent permitted by law, in any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not be considered evidence of comparative negligence. Failure to wear a safety belt in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation of this section must first introduce expert evidence proving that a failure to wear a safety belt contributed to the injuries claimed by the plaintiff.

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one percent of the damages awarded after any reductions for comparative negligence.

(d) Each person who violates the provisions of subsection (b) of this section after April 1, 1996, shall be guilty of a violation, for which a fine of $10.00 may be imposed, except that a violation of the provisions relating to a child less than four years of age shall be punishable by a fine not to exceed $25.00. All other provisions of law and court rules to the contrary notwithstanding, no court costs may be imposed if court costs have been assessed on any other charge arising out of the same occurrence.

**Section 2** – Severability Clause. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses, or phrases be declared invalid.

**Section 3** – Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or cause of action occurred or existing, under any act or
ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4 –This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: ____________________________

__________________________ Mayor

Attest: ____________________________, City Clerk

Filed as Ordinance: ____________________________

Approved as to form: ____________________________, Assistant City Attorney

Approved for Council action: ____________________________, City Manager
EXPLANATION TO COUNCIL BILL 2017-294

FILED: 12-05-17

ORIGINATING DEPARTMENT: Police

PURPOSE: To amend Springfield City Code, Chapter 106 – ‘Traffic and Vehicles,’ – Article V. ‘Operation,’ Division 1. – ‘Generally,’ Section 106-199. – ‘Seat belt regulations,’ by removing the language prohibiting a violation of this section to be the basis for a vehicle stop by law enforcement officers. (Plans and Policies Committee recommends approval).

BACKGROUND INFORMATION: The proposed amendment will allow the Springfield Police Department (“SPD”) to treat a violation of Springfield City Code, Section 106-199 as a primary offense. This means that an SPD officer can stop a motorist to determine compliance with this code section. In 2014 the Missouri Court of Appeals held in City of St. John v. Brocus that the bar on primary enforcement contained in Section 307.178 RSMo is limited to that section and does not prohibit municipalities from having a primary seat belt law. Fifty-four Missouri municipalities enacted local primary seat belt laws after this ruling.

Seat belt use is linked to motor vehicle crash survival rates. According to the Missouri Department of Transportation, in 2015, 63 percent of all drivers and passengers killed in traffic crashes were not belted and that number increased to 70 percent for teen drivers and their passengers. These deaths and injuries are many times preventable by wearing a seat belt.

RECOMMENDATIONS:

The Plans and Policies Committee met on July 20, 2017, and recommended passage of this Ordinance by a vote of 3 to 0 (one committee member was absent).

Submitted by: Approved by:

Paul F. Williams, Chief of Police Greg Burris, City Manager