

ORDINANCE 809 (15)

AN ORDINANCE AMENDING PART 15, CHAPTER 5, ARTICLE A, SECTION 15-543, OF THE MOORE MUNICIPAL CODE, WHICH RELATES TO CHILD PASSENGER RESTRAINT SYSTEMS; MODIFYING CHILD PASSENGER RESTRAINT SYSTEM REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER;

SECTION 15-543

CHILD PASSENGER RESTRAINT SYSTEM OR SEAT BELT REQUIRED; EXCEPTIONS; PENALTY.

A. As used in this section:

1. "Child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards as set by 49C.F.R., Section 571.213.

B. Every driver when transporting a child under eight (8) years of age 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 as follow:

1. A child under four (4) years of age shall be properly secured in a child passenger restraint system. The child passenger restraint system shall be rear-facing until the child reaches two (2) years of age or until the child reaches the weight or height limit of the rear-facing child passenger restraint system, whichever occurs first; and
2. A child at least four (4) years of age but younger than eight (8) years of age, if not taller than 4 feet 9 inches in height, shall be properly secured in either a child passenger restraint system or child booster seat.
3. If a child is eight (8) years of age or is taller than 4 feet 9 inches in height, a seat belt properly secured to the vehicle shall be sufficient to meet the requirement of this section.

C. This section shall not apply to:

1. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to city ordinance, state statute, or federal law;
2. The driver of an ambulance or emergency vehicle; or
3. A driver of a vehicle if all of the seat belts in the vehicle are in use; and
4. The transportation of children who for medical reasons are unable to be placed in such devices, provided there is written documentation from a physician of such medical reason.
5. The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat is not properly equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written

statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

D. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provision of this section and to give an oral warning to the 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. In any civil action or proceedings for damages. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained by 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.

F. Any person convicted of violating this section shall be punished by a fine of fifty dollars (\$50.00), or maximum amount allowed by state law, whichever is greater, and shall pay court costs. 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. The fine need not be suspended if the child was being transported in a motor vehicle already equipped with a child passenger restraint system. State law reference O.S. SECT. 11-1112

Severability

If any of the provisions of this ordinance are determined to be unconstitutional or unlawful by any court of competent jurisdiction, the remainder shall be severable and unaffected.

Repealer

Any ordinance or parts thereof in conflict with this section are hereby repealed.

PASSED AND APPROVED THIS 19 DAY OF OCTOBER, 2015.



Glenn Lewis
GLENN LEWIS, Mayor

ATTEST: (Seal)

Brooks D. Mitchell

BROOKS MITCHELL, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Randy C. Brink

RANDY C. BRINK, City Attorney