

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

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5 AN ORDINANCE introduced by Interim City Manager Douglas Gerber, concerning
6 seat belt fines, amending City of Topeka Code § 10.15.020 and
7 repealing original section and creating new section 10.20.020.
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9 WHEREAS, SB 89 increases the fine for a seat belt violation from \$10 to \$30 and
10 goes into effect on July 1, 2017; and

11 WHEREAS, K.S.A. 2016 Supp. 8-2504(d) prohibits cities from enacting
12 ordinances that conflict with seat belt violation fines; and

13 WHEREAS, in order to conform to state law, it is necessary to amend the
14 Standard Traffic Ordinance to reflect this increase.

15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

16 Section 1. That section 10.15.020, Amendments, of The Code of the City of
17 Topeka, Kansas, is hereby amended to read as follows:

18 **Amendments.**

19 The 2015 Edition of the Standard Traffic Ordinance for Kansas Cities, as adopted
20 by reference, shall be amended as follows:

21 (a) Section 33 of the Standard Traffic Ordinance, relating to maximum speed
22 limits, is hereby declared to be and is omitted and deleted and the provisions set forth at
23 TMC 10.20.060 shall be substituted therefor.

24 (b) Section 50 of the Standard Traffic Ordinance, relating to right, left and U-
25 turns at intersection – obedience to, is hereby declared to be and is omitted and deleted
26 and the provisions set forth at TMC 10.20.180, 10.20.190, 10.20.210, and 10.20.220
27 shall be substituted therefor.

28 (c) Section 67 of the Standard Traffic Ordinance, relating to pedestrians to

use right half of crosswalks, is hereby declared to be and is omitted and deleted.

(d) Section 104 of the Standard Traffic Ordinance, relating to inattentive driving, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.100 shall be substituted therefor.

(e) Section 107 of the Standard Traffic Ordinance, relating to unattended motor vehicles, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.125 shall be substituted therefor.

(f) Section 116 of the Standard Traffic Ordinance, relating to driving upon sidewalks, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.127 shall be substituted therefor.

(g) Section 119 of the Standard Traffic Ordinance, relating to parades and processions, is hereby declared to be and is omitted and deleted and the provisions set forth in Chapter 10.50 TMC shall be substituted therefor.

(h) Section 194(b) and (c) of the Standard Traffic Ordinance, relating to driving while license canceled, suspended or revoked, is hereby declared to be and is omitted and deleted.

(i) Section 195.1 of the Standard Traffic Ordinance, relating to operation of a motor vehicle when a habitual violator, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.230 shall be substituted therefor.

(j) Section 198 of the Standard Traffic Ordinance, relating to vehicle license – illegal tag, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.05.060 shall be substituted therefor.

(k) Section 204(b) of the Standard Traffic Ordinance, relating to fines doubled in school zones, is hereby declared to be and is omitted and deleted and the provisions

set forth at TMC 10.20.170 shall be substituted therefor.

(l) Section 182.1 of the Standard Traffic Ordinance, relating to seat belts, is hereby declared to be and is omitted and deleted and the provisions set for at TMC 10.20.020 shall be substituted therefor.

Section 2. "That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 10.20.020, which said section reads as follows:

(a) Except as provided in subsection (b):

(1) Each occupant of either a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 or an auticycle, who is 18 years of age or older, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion; and

(2) Each occupant of either a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 or an auticycle, who is at least 14 years of age but less than 18 years of age, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion.

(b) This section does not apply to:

(1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;

(2) Carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes; or

(3) Newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes.

(c) Law enforcement officers shall not stop drivers for violations of subsection (a)(1) by a back seat occupant in the absence of another violation of law. A citation for violation of subsection (a)(1) by a back seat occupant shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

(d) (1) Persons violating subsection (a)(1) shall be fined \$30 and no court costs; and

(2) Persons violating subsection (a)(2) shall be fined \$60 and no court costs.

(e) As used in this section, **passenger car** means a motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle or a motor-driven cycle. (K.S.A. 2016 Supp. 8-2502-8-2504)

Section 3. That original § 10.15.020 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 4. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 5. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 6. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

100 PASSED AND APPROVED by the Governing Body on _____.

101
102 CITY OF TOPEKA, KANSAS

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108 Larry E. Wolgast, Mayor

109 ATTEST:

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113 Brenda Younger, City Clerk