

10.16.100 Child Passenger System

An ordinance amending section 10.16.100 of the Edmond Municipal Code amending provisions of the child passenger system; and providing for Repealer, severability and declaring an emergency.

Be it ordained by the mayor and council of the city of Edmond, Oklahoma:

SECTION 1. Section 10.16.100 of the Edmond Municipal Code is hereby amended to read as follows:

10.16.100 Child Passenger System.

- (A) Every driver when transporting a child under six (6) 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. For purposes of this title, "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards as set by 49 C.F.R. §571.213.
- (B) Children at least six (6) years of age, but younger than thirteen (13) years of age shall be protected by use of a child passenger restraint system or a seat belt.
- (C) The provisions of 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 state or federal laws; and
 - 2. The driver of an ambulance or emergency vehicle; and
 - 3. A driver of a vehicle in which 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; or
 - 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 of the vehicle is not 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 officers 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 provisions of this section and to give an oral warning to said 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.
- (F) In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a 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.
- (G) Any person convicted of violating subsection A or B of this section shall be punished by a fine of Fifty Dollars (\$50.00) and shall pay all court costs thereof. This fine shall be suspended and the court costs limited to a maximum of Fifteen (\$15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. Provided, the Department of Public Safety shall not assess points to the driving record of any person convicted of a violation of this section.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3. SEVERABILITY. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. EMERGENCY. Whereas, it being immediately necessary for the preservation of the peace, health and safety of Edmond and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED AND APPROVED the 10TH day of September, 2007.