

**AN ORDINANCE AMENDING SECTION 345.35 OF THE TRAFFIC CODE OF THE CITY OF MORGANTOWN MAKING THE OFFENSE OF FAILURE TO WEAR SAFETY BELTS A PRIMARY OFFENSE.**

The City of Morgantown hereby ordains that Section 345.35 of its Traffic Code is amended as follows (new matter underlined, deleted matter struck through):

**345.35 OPERATION OF VEHICLES WITH SAFETY BELTS.**

- (a) A person shall not operate a passenger vehicle on a public street or highway unless the person, any passenger in the backseat under eighteen years of age, and any passenger in the front seat of such passenger vehicle is restrained by a safety belt meeting applicable federal motor vehicle safety standards. For the purposes of this section, "passenger vehicle" means a motor vehicle which is designed for transporting ten passengers or less, including the driver, except that such term does not include a motorcycle, a trailer or any motor vehicle which is not required on the date of the enactment of this section under a federal motor vehicle safety standard to be equipped with a belt system. The provisions of this section shall apply to all passenger vehicles manufactured after the first day of January, 1967, and being 1968 models and newer.
- (b) The required use of safety belts as provided herein does not apply to a duly appointed or contracted rural mail carrier of the United States Postal Service who is actually making mail deliveries or to a passenger or operator with a physically disabling condition whose physical disability would prevent appropriate restraint in such safety belt if the condition is duly certified by a physician who shall state the nature of the disability as well as the reason such restraint is appropriate. Any regulations or rules which may be adopted by the West Virginia Division of Motor Vehicles establishing a method to certify any such physical disability and to require the use of an alternative restraint system where feasible or to waive the requirement for the use of any restraint system shall be hereby adopted by reference.
- (c) Notwithstanding any other provision of this Code to the contrary, no points may be entered on any driver's record maintained by the Division of Motor Vehicles as a result of a violation of this section.
- (d) Nothing contained in this section shall be construed to abrogate or alter the provisions of Section 345.31 relating to the mandatory use of child passenger safety devices.
- (e) Any person who violates the provisions of this section shall be fined not more than twenty-five dollars (\$25.00). No court costs or other fees shall be assessed for a violation of this section. ~~Enforcement of this section shall be accomplished only as a secondary action when a driver of a passenger vehicle has been detained for probable cause of violating another section of this code.~~

This Ordinance shall be effective upon date of adoption.

FIRST READING:

\_\_\_\_\_  
Mayor

ADOPTED:

FILED:

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

RECORDED: