

(Published in the Topeka Metro News July 17, 2017)

**ORDINANCE NO. 20073**

AN ORDINANCE introduced by Interim City Manager Douglas Gerber, concerning seat belt fines, amending City of Topeka Code Section 10.15.020 and repealing original section and creating new section 10.20.020.

WHEREAS, SB 89 increases the fine for a seat belt violation from \$10 to \$30 and goes into effect on July 1, 2017; and

WHEREAS, the currently adopted Standard Traffic Ordinance needs amended to reflect this increase.

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

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

**Amendments.**

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

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

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

(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  
autocycle, 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  
autocycle, 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.

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

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

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

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

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

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

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

95           Section 6.   Should any section, clause or phrase of this ordinance be declared  
96           invalid by a court of competent jurisdiction, the same shall not affect the validity of this  
97           ordinance as a whole, or any part thereof, other than the part so declared to be invalid.  
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99 PASSED AND APPROVED by the Governing Body on July 11, 2017.

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CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

ATTEST:

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Brenda Younger, City Clerk