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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3731

AN ORDINANCE relating to motor vehicle safety; adopting substantive provisions of the Washington mandatory seat belt law and adding a new Section 11.52.100 to the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new Section 11.52.100 is hereby added to the Bellevue City Code to read as follows:

Section 11.52.100 Safety belts, use required - Penalties and Exemptions.

- A. Motor Vehicle Defined. For the purposes of this section, the term "motor vehicle" includes:
- (1) "Buses", meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;
 - (2) "Multipurpose passenger vehicles", meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;
 - (3) "Passenger cars", meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and
 - (4) "Trucks", meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in Federal Motor Vehicle Safety Standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by Federal Motor Vehicle Safety Standard 208 are occupied.

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- B. Safety Belt Assembly Defined. For purposes of this section, the term "safety belt assembly" means any strap, webbing or similar device designed to secure a person in a motor vehicle in order to mitigate the results of any accident, including all necessary buckles and other fasteners, and all hardware designed for installing such safety belt assembly in a motor vehicle and is intended to have the same meaning as the term "seat belt assembly" as defined in 49 CFR Ch. V (10-1-85 Edition) Section 571.209.
- C. Use of Safety Belts Required.
- (1) Persons Sixteen or Older. Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.
- (2) Passenger(s) Under Sixteen. No person may operate a motor vehicle unless all passengers under the age of sixteen years are either wearing a safety belt assembly or are securely fastened into an approved child restraint device.
- D. Enforcement.
- (1) Secondary Action. Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.
- (2) Traffic Infraction. Violation of this section is a traffic infraction. Any person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall not be available to insurance companies or employers.
- E. Exemption. This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the

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operator or passenger is unable to wear a safety belt for physical or medical reasons.

F. Evidence of Negligence. Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

G. This section shall be effective January 1, 1987.


Section 2. This ordinance shall take effect and be in force thirty days after final passage by the City Council.

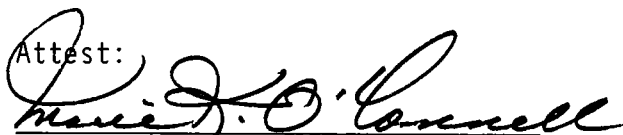
PASSED by the City Council this 24th day of November 1986, and signed in authentication of its passage this 24th day of November, 1986.



Cary E. Bozeman, Mayor

Approved as to form:


Richard L. Andrews, City Attorney

Attest:

Marie K. O'Connell, City Clerk

Published November 28, 1986