

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing section 5230., Jackson County Code, 1984, relating to the Traffic Code, and enacting eleven new sections relating to the same subject, with a penalty provision.

ORDINANCE #4004, June 16, 2008

INTRODUCED BY Dennis Waits, County Legislator

WHEREAS, the County has established a Municipal Court for the disposition of County ordinance violations; and,

WHEREAS, the Administration now recommends that the penalty provision of the Traffic Code be amended to increase the maximum fine allowed on traffic code offenses from \$500.00 to \$1,000.00; and,

WHEREAS, the Sheriff's Office has requested that new offense sections be added to the Traffic Code, permitting the Sheriff to issue county ordinance violations for persons failing to have proper drivers' licenses or proof of insurance, valid vehicle registration, failure to wear a seat belt, endangering the health and welfare of other citizens by aggressive driving or failure to employ child passenger restraints, or for the use of alcohol and other substances in the operation of a vehicle; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Section 5230., Jackson County Code, 1984, is hereby

repealed and eleven new sections enacted, to be known as sections 5230., 5243., 5244., 5245., 5246., 5247., 5248., 5249., 5257., 5258., and 5259., to read as follows:

5230. Penalty, Violation of Traffic Code.

Any person who violated any of the provisions of the Jackson County Traffic Code shall, on conviction, be punished by a fine of not more than [five hundred] one thousand dollars (\$[500] 1,000) or by imprisonment in the County jail for a term not exceeding one hundred eighty (180) days, or both.

5243. Drivers To Have Licenses.

1. No person shall operate any motor vehicle, except farm tractors, upon any highway, roadway, or alleyway unless the person has a valid license or permit as an operator under the provisions of the laws of Missouri. Any person holding a valid chauffeur's license shall not be required to procure an operator's license. A person operating a motor vehicle within the restrictions and limitations of a court order granting him limited hardship driving privileges and having a copy of such order in his possession shall not be guilty of operating a motor vehicle without a valid driver's license.

2. No person shall operate as a chauffeur any vehicle upon any highway, roadway, or alleyway, unless the person has a valid license as a chauffeur under the provisions of the laws of Missouri, except as provided in section 302.051, RSMo.

3. While operating a motor vehicle, the holder of a license shall carry the license

issued. The license shall be displayed for inspection when demand is made for its display by any law enforcement officer. Failure of any driver of a motor vehicle to exhibit a license to law enforcement officers shall be prima facie evidence that the person is not a duly licensed operator.

4. No person shall operate a motorcycle or other self-propelled two- or three-wheeled vehicle upon any highway, roadway, or alleyway, unless the person has a valid operator's or chauffeur's license which has been validated for motorcycle operation according to the provisions of section 302.020.1(4), RSMo.

5. No person shall operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license.

6. No person shall operate a motorized bicycle on any highway, roadway or alleyway unless the person has a valid operator's or chauffeur's license.

7. No person under the age of fifteen (15) years shall operate a motor vehicle on any highway, roadway, or alleyway.

8. No owner or lessee of any motor vehicle shall permit any person under the age of fifteen (15) years to operate such motor vehicle on any highway, roadway, or alleyway. Persons who have reached the age of fifteen (15) years and who have been issued a driver's permit by the Missouri Director of Revenue as provided in section 302.130, RSMo,

may operate a motor vehicle upon any highway, roadway, or alleyway, under the provisions and conditions set forth in the laws of Missouri.

9. No person shall authorize or knowingly permit a motor vehicle owned by or under the control of such person to be operated by any person who is not authorized to drive under any of the provisions of sections 302.010--302.270, RSMo, providing for driver's and chauffeur's licenses.

10. In any prosecution charging a violation of this section, proof that an unauthorized person as described in sections 213.040 and 302.010--302.270, RSMo, was operating the motor vehicle described in the complaint, together with proof that the defendant named in the complaint was, at the time described in the complaint, the registered owner of the vehicle, shall give rise to a prima facie presumption that the registered owner was the person who authorized or knowingly permitted the unauthorized person to drive the vehicle at the point where and during which the violation occurred.

11. No person shall display, permit to be displayed, or have in his or her possession, any operator's or chauffeur's license knowing it to be fictitious or to have been canceled, suspended, revoked, or altered.

12. No person shall lend or knowingly permit the use by another of any operator's or chauffeur's license issued to the person lending or permitting its use.

13. No person shall display or represent as one's own any operator's or chauffeur's

license not issued to the person displaying the license.

5244. Financial Responsibility Required.

1. It shall be unlawful for any person to operate a motor vehicle, other than a farm tractor, upon any highway, roadway, or alleyway, unless that person maintains the financial responsibility required by chapter 303, RSMo, or is operating a motor vehicle as to which the vehicle's owner has maintained financial responsibility.

2. While operating a motor vehicle, each operator shall carry proof of the financial responsibility required by Chapter 303, RSMo.

3. While operating a motor vehicle, each operator shall display proof of financial responsibility for inspection upon demand by any law enforcement officer.

4. Failure of any operator to exhibit proof of financial responsibility to a law enforcement officer shall constitute prima facie evidence that the driver has not maintained financial responsibility and is not operating a motor vehicle as to which the owner has maintained financial responsibility.

5245. Driving While License or Driving Privilege Is Suspended or Revoked.

1. No person shall operate any motor vehicle upon any highway, roadway, or alleyway while that person's license and driving privilege is canceled, suspended or revoked and before an official reinstatement notice or termination notice is issued by the

Missouri Director of Revenue pursuant to the provisions of sections 302.010--302.340, 302.500--302.540, 303.041, 544.046, or chapter 577, RSMo, whether that person's license and driving privilege is that of a resident or a nonresident.

2. The County Municipal Court shall not suspend imposition of the sentence nor suspend execution of sentence of such person, nor shall such person be eligible for parole or probation until such person has served a minimum of forty-eight (48) consecutive hours of imprisonment unless, as a condition of such parole or probation, such person performs at least ten (10) days involving at least forty (40) hours of community service under the supervision of the County Municipal Court or pays a fine.

5246. Aggressive Driving.

It shall be unlawful for the operator of any motor vehicle to harass or alarm another person who is inside a motor vehicle by intentionally or knowingly:

(a) Increasing or decreasing the speed of his or her vehicle;

(b) Changing lanes;

(c) Following the other person's vehicle more closely than is reasonable and prudent under the totality of the circumstances;

(d) Impeding or obstructing the operation of the other person's motor vehicle; or

(e) Operating his or her vehicle in a manner that endangers or would be likely to endanger any person or property.

5247. Driving While Intoxicated.

No person shall operate a motor vehicle while:

1. under the influence of alcohol;
2. under the influence of any controlled substance as defined by chapter 195, RSMo;
3. under the influence of model glue or any substance containing toluene; or
4. under the influence of any combination of alcohol and controlled substances, to such extent as to impair the person of full possession of normal faculties.

5248. Driving with Excessive Blood Alcohol Content.

1. No person shall operate a motor vehicle upon any highway, roadway, or alleyway with a blood alcohol content of eight one-hundredths (0.08) of one percent or more by weight of alcohol in his or her blood.

2. No person shall operate a commercial vehicle upon any highway, roadway, or alleyway while having an alcohol concentration in his or her blood, breath, urine, or saliva of four one-hundredths (0.04) of one percent or more.

3. As used in this section, the term "commercial motor vehicle" shall mean any motor vehicle designed or used to transport passengers or property if:

(a) The vehicle has a gross combination weight rating of twenty-six thousand one (26,001) or more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand (10,000) pounds;

(b) The vehicle has a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds;

(c) The vehicle is designed to transport more than fifteen (15) passengers, including the driver; or

(d) The vehicle is transporting hazardous materials as defined in section 302.700, RSMo.

3. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood and may be shown by chemical analysis of the person's blood, breath, saliva, or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with provisions of sections 577.020 to 577.041, RSMo.

5249. Passenger Restraint System Required for Children--Exception.

1. It shall be unlawful for any person transporting a child under the age of sixteen (16) years to fail to provide for the protection of the child as required by this section when transporting such child in a motor vehicle operated by that person upon any highway, roadway, or alleyway.

2. Every child under the age of four (4) years shall be protected by a child passenger restraint system appropriate for that child.

3. Children weighing less than forty (40) pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child.

4. Children at least four years of age but less than eight years of age, who also weigh at least forty (40) pounds but less than eighty (80) pounds, and who are also less than four feet, nine inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child.

5. Children at least eighty (80) pounds or children more than four feet, nine inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child.

6. A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is equipped with a combination lap and shoulder belt for booster seat installation.

7. When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this subsection is not in violation of this section.

8. Any person who violates this section may upon conviction be fined not more than twenty-five dollars (\$25.00) and court costs. The charges shall be dismissed or withdrawn if the driver, prior to or at the time of his or her hearing, provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court.

9. This section does not apply to any public carrier for hire. The provisions of this section shall not apply to students four (4) years of age or older who are passengers on a school bus designed for carrying eleven (11) passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as defined in section 301.010, RSMo.

5257. Vehicles on Roads To Be Licensed; Display Required.

No person, firm, or corporation shall operate or park a motor vehicle or trailer upon a highway, roadway, or alleyway unless the vehicle or trailer has properly attached to it valid registration plates for display in accordance with sections 301.010--301.440, RSMo, providing for the registration and licensing of motor vehicles.

5258. Seat Belts Required for Passenger Cars.

1. As used in this section, the term "passenger car" means every motor vehicle designed for carrying ten (10) or fewer persons and used for the transportation of persons except that the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles, and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.

2. Each operator of a passenger car, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from his or her vehicle, and each front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this county, and persons less than eighteen (18) years of age operating or riding in a truck as defined in section 301.010, RSMo, shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements; except that a child less than four (4) years of age shall be protected as required in this chapter. Each operator of a passenger vehicle transporting a child four (4) years of age or more, but less than sixteen (16) years of age, shall secure the child in a properly adjusted and fastened safety belt. The provisions of this section shall not be applicable to any person who has a medical reason for failing to have a seat belt fastened about his or her body or to any person operating or riding a motor vehicle being used in agricultural work-related activities.

3. Each person who violates any provision of this section shall upon conviction be fined not more than ten dollars (\$10.00). Court costs will not be assessed for this violation. In no case shall points be assessed against any person, pursuant to section 302.302, RSMo, for violation of this section.

5259. Vehicles with Obstructed Vision.

1. No person shall operate a motor vehicle unless the operator has a clear view of all parts of the roadway essential to the safe operation of the vehicle unobstructed by the

vehicle's load, modifications to the vehicle, accumulation on the windshield or other windows of snow, mud, or other material, or any other cause.

2. No person shall operate any motor vehicle registered in the State of Missouri on any highway, roadway, or alleyway with a sun screening device, in conjunction with safety glazing material, applied to the vehicle's windshield, sidewings, or windows located immediately to the left and right of the driver that does not permit a light transmission of thirty-five percent or more plus or minus three percent and a luminous reflectance of thirty-five percent or less plus or minus three percent without a permit granted by the Missouri Department of Public Safety because of a serious medical condition of the permittee. This section shall not prohibit labels, stickers, decalcomania, or informational signs on vehicles or the application of tinted or solar screening material to recreational vehicles provided that such material does not interfere with the driver's normal view of the road. This section shall not prohibit factory-installed tinted glass, the equivalent replacement thereof, or tinting material applied to the upper portion of the vehicle's windshield which is normally tinted by the manufacturer of vehicle safety glass. For the purpose of this section, "recreational vehicle" means a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, kitchen units, or fixtures) and bath and toilet rooms.

3. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this section.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:



Chief Deputy County Counselor



County Counselor

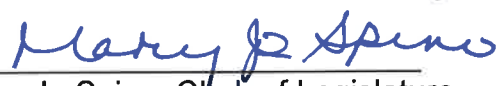
I hereby certify that the attached Ordinance, Ordinance #4004 introduced on June 16, 2008, was duly passed on June 16, 2008 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8 Nays 0
Abstaining 0 Absent 1

This Ordinance is hereby transmitted to the County Executive for his signature.

6.17.08

Date



Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4004.

6/17/2008

Date



Michael D. Sanders, County Executive