

ORDINANCE NO. 378

AN ORDINANCE REQUIRING MOTOR VEHICLE LIABILITY INSURANCE COVERAGE ON ALL AUTOMOBILES OPERATED UPON THE STREETS AND HIGHWAYS OF THE CITY OF WATHENA; CREATING OFFENSES FOR OPERATING OR PERMITTING THE OPERATION OF AN UNINSURED MOTOR VEHICLE UPON THE STREETS AND HIGHWAYS OF THE CITY OF WATHENA AND PRESCRIBING A PENALTY FOR THE VIOLATION HEREOF.

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

SECTION 1. DEFINITIONS. As used in this Ordinance:

- (a) The term "operator" means any person who drives or is in actual physical control of a motor vehicle upon a street or highway within the City of Wathena or who is exercising control over or steering a vehicle being towed by a motor vehicle.
- (b) The term "owner" means a person, other than a lienholder, having property in or title to a motor vehicle, including a person who is entitled to the use and possession of a motor vehicle subject to a security interest held by another person; but such term does not include a lessee under a lease not intended as security.
- (c) The term "person" means an individual, partnership, corporation or other association or persons.
- (d) The term "self-insurer" means any person effecting self-insurance pursuant to subsection (d) of Kansas Statutes Annotated 40-3104 as amended.
- (e) The term "uninsured motor vehicle" means any motor vehicle which is not included under an approved self-insurance plan of a self-insurer or for which there is not in effect a motor vehicle liability insurance policy.

SECTION 2. MOTOR VEHICLE LIABILITY INSURANCE COVERAGE REQUIRED. Every owner shall provide motor vehicle liability insurance coverage in accordance with the provisions of the Kansas Automobile Injury Reparations Act (Article 31 of Chapter 40 of Kansas Statutes Annotated) for every motor vehicle owned by such person which is operated upon the streets and highways of the City of Wathena unless the same is exempt under the provisions of Section 4 hereof.

SECTION 3. PROHIBITED VEHICLE OPERATION. (a) An owner of an uninsured motor vehicle shall not permit the operation thereof upon the streets or highways of the City of Wathena or upon property open to use by the public, unless such motor vehicle is expressly exempted from the provisions of this act.

(b) No person shall knowingly drive an uninsured motor vehicle upon the streets or highways of the City of Wathena or upon property open to use by the public, unless such motor vehicle is expressly exempted from the provisions of this ordinance.

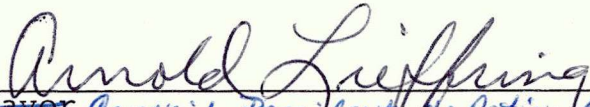
SECTION 4. EXEMPT VEHICLES. The following vehicles shall be exempt from the provisions of this ordinance:

- (a) All motor vehicles included under an approved self-insurance plan as defined by K.S.A. 40-3104(d) as amended;
- (b) Any motor vehicle owned by the government of the United States, any state or any political subdivision of any state;
- (c) An implement of husbandry or special mobile equipment which is operated only incidentally on a street, highway or on property open to use by the public;
- (d) A vehicle operated on a street or highway only for the purpose of crossing such street or highway from one property to another; and,
- (e) A non-highway vehicle for which a non-highway certificate of title has been issued pursuant to K.S.A. 8-198.


SECTION 5. PENALTY PROVISION. Any person adjudged guilty of violating this Ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 or by imprisonment in jail for a period of not more than six months, or by both such fine and imprisonment.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective upon its publication in the official City newspaper.

PASSED by the Council and APPROVED by the Mayor on the 18th day of October, 1983.


Mayor Council President & Acting Mayor

ATTEST:


City Clerk