

BILL NO. 20-005

ORDINANCE NO. 4823

FIRST READING 02.18.2020

SECOND READING 03.03.2020

AN ORDINANCE OF THE CITY OF HANNIBAL REVISING SECTION 16 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF HANNIBAL, BY ADDING A NEW SECTION 16-239, *REFUSAL TO PROVIDE OPERATOR INFORMATION*

WHEREAS, the City Council has determined that during the conduct of investigations into certain traffic offenses, in order to determine the driver of a non-owner operated vehicle it may be necessary to obtain information from the owner of the vehicle, and

WHEREAS, by operation of State and Federal Law the owners of certain commercial vehicles or vehicles for hire are required to keep a log or other record of the operator of their vehicle, which record may include the dates, times and locations such operator was operating the vehicle, and

WHEREAS, such information is not privileged and it is within the reasonable police powers of the City of Hannibal as a constitutional charter City for them to require that such information be provided during the course of an investigation.

NOW THEREFORE, the City Council makes the following amendment to Chapter 16 of the ordinances of the City of Hannibal:

SECTION ONE: Section 16, Article VII, OFFENSES AGAINST GOVERNMENT, is hereby amended by enacting the following new section 16-239:

SEC. 16-239. Refusal to provide operator information.

1. It shall be unlawful for any person, company, corporation, limited liability company or unincorporated association to refuse to provide information regarding the identity of the driver of a vehicle owned by or licensed to them, if requested by an officer or investigator of the Hannibal Police Department if:

- (a) During the course of an investigation, the officer or investigator contacts the person, company, corporation, limited liability company or unincorporated association properly identifies themselves and conveys that they are investigating the identity of the driver of a vehicle, involved in an ordinance violation in the City: and
- (b) The officer or investigator provides to the person, company, corporation, limited liability company or unincorporated association the date and approximate time of the incident being investigated and further provides identifying information regarding the vehicle, including at a minimum the license plate information for the vehicle; and

- (c) The request is in connection with an investigation of a crime or ordinance violation which occurred within the confines of the city limits of the City of Hannibal; and
- (d) The person, company, corporation, limited liability company or unincorporated association, is required by operation of State or Federal law to keep a record or log which includes the identity of the operator of the vehicle owned by or licensed to them.

2. This ordinance shall not be construed to require a party to waive their right against self-incrimination pursuant to the Fifth Amendment of the United States Constitution, if they were the actual operator of the vehicle during the incident being investigated.

SECTION TWO: It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

SECTION THREE: All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval.

Adopted this 3rd day of March, 2020.

Approved this 3rd day of March, 2020.


James R. Hark, Mayor

ATTEST:


Angelica N. Zerbonia, MRCC, CMO - City Clerk