

HOUSE BILL No. 2691

By Representative Vickrey

2-3

9 AN ACT amending the child passenger safety act; amending K.S.A. 8-
10 1343a, 8-1344 and 8-1345 and repealing the existing sections.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 8-1343a is hereby amended to read as follows: 8-
14 1343a. As used in K.S.A. 8-1343 through 8-1347, and amendments
15 thereto, "passenger car" means a motor vehicle *manufactured or assem-*
16 *bled after January 1, 1968*, with motive power designed for carrying 10
17 passengers or fewer, including vans, but does not include a motorcycle,
18 a trailer or a vehicle constructed either on a truck chassis registered for
19 a gross weight of more than 12,000 pounds or a farm truck registered for
20 a gross weight of more than 16,000 pounds.

21 Sec. 2. K.S.A. 8-1344 is hereby amended to read as follows: 8-1344.

22 (a) Every driver as defined in K.S.A. 8-1416, and amendments thereto,
23 who transports a child under the age of ~~14~~ 18 years in a passenger car as
24 defined in K.S.A. 8-1343a, and amendments thereto, on a highway as
25 defined in K.S.A. 8-1424, and amendments thereto, shall provide for the
26 protection of such child by properly using:

27 ~~(a)~~ (1) For a child under the age of four years a child passenger safety
28 restraining system that meets or exceeds the standards and specifications
29 contained in federal motor vehicle safety standard no. 213 ~~in effect on~~
30 ~~July 1, 1997; or~~

31 (2) *for a child four years of age, but under the age of eight years and*
32 *who weighs less than 80 pounds or is less than 4 feet 9 inches in height,*
33 *a child passenger safety restraining system that meets or exceeds the stan-*
34 *dards and specifications contained in federal motor vehicle safety stan-*
35 *dard no. 203; or*

36 ~~(b)~~ (3) for a child ~~four~~ eight years of age but under the age of 14
37 years or who weighs more than 80 pounds or is more than 4 feet 9 inches
38 in height, a safety belt manufactured in compliance with federal motor
39 vehicle safety standard no. 208, ~~except that if the number of children~~
40 ~~subject to this requirement exceeds the number of passenger securing~~
41 ~~locations available for use by children affected by this requirement, and~~
42 ~~all of those securing locations are in use by children, then there is not a~~
43 ~~violation of this section.~~

1 **(b)** *If the number of children subject to the requirements of subsection*
2 *(a) exceeds the number of passenger securing locations available for use*
3 *by children affected by such requirements, and all of these securing lo-*
4 *cations are in use by children, then there is not a violation of this section.*

5 **(c)** *The provisions of paragraph (2) of subsection (a) shall not apply*
6 *in any seating position where there is only a lap belt available.*

7 Sec. 3. K.S.A. 8-1345 is hereby amended to read as follows: 8-1345.

8 **(a)** It shall be unlawful for any driver to violate the provisions of K.S.A.
9 8-1344, and amendments thereto, and upon conviction such driver shall
10 be punished by a fine of \$20. The failure to provide a child safety re-
11 straining system or safety belt for more than one child in the same pas-
12 senger car at the same time shall be treated as a single violation. Any
13 conviction under the provisions of this subsection shall not be construed
14 as a moving traffic violation for the purpose of K.S.A. 8-255, and amend-
15 ments thereto.

16 **(b)** Ten dollars of the fine provided for in subsection (a) and court
17 costs assessed under K.S.A. 28-172a, and amendments thereto, shall be
18 waived if the driver convicted of violating subsection (a) *or (b)* of K.S.A.
19 8-1344, and amendments thereto, provides proof to the court that such
20 driver has purchased or acquired an approved child passenger safety re-
21 straining system.

22 **(c)** No driver charged with violating the provisions of this act shall be
23 convicted if such driver produces in the office of the arresting officer or
24 in court proof that the child was 14 years of age or older at the time the
25 violation was alleged to have occurred.

26 **(d)** Evidence of failure to secure a child in a child passenger safety
27 restraining system or a safety belt under the provisions of K.S.A. 8-1344,
28 and amendments thereto, shall not be admissible in any action for the
29 purpose of determining any aspect of comparative negligence or mitiga-
30 tion of damages.

31 **(e)** *From and after the effective date of this act, and prior to July 1,*
32 *2005, a law enforcement officer shall issue a warning citation to anyone*
33 *violating paragraph (2) of subsection (a) of K.S.A. 8-1344, and amend-*
34 *ments thereto.*

35 Sec. 4. K.S.A. 8-1343a, 8-1344 and 8-1345 are hereby repealed.

36 Sec. 5. This act shall take effect and be in force from and after its
37 publication in the statute book.