

As Amended by House Committee

[As Amended by Senate Committee of the Whole]

Session of 2007

SENATE BILL No. 211

By Committee on Transportation

1-29

12 AN ACT relating to ~~safety belts, concerning enforcement~~ **[motor vehi-**
13 **cles; concerning the use of safety belts; providing for the dispo-**
14 **sition of certain fines]**; amending K.S.A. **8-2502**, 8-2503 and 8-2504
15 **[and K.S.A. 2006 Supp. 8-1345, 20-350 and 74-7336]** and repeal-
16 ing the existing sections.

17

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

19 **Section 1. K.S.A. 8-2502 is hereby amended to read as follows:**
20 **8-2502. As used in this act, “passenger car” means a motor vehicle,**
21 **manufactured or assembled after January 1, 1968, or a motor ve-**
22 **hicle manufactured or assembled prior to 1968 which was manu-**
23 **factured or assembled with safety belts, with motive power de-**
24 **signed for carrying 10 passengers or fewer, including vans, but**
25 **does not include a motorcycle,** ~~a trailer or a vehicle constructed either~~
26 ~~on a truck chassis registered for a gross weight of more than 12,000~~
27 ~~pounds or a farm truck registered for a gross weight of more than 16,000~~
28 ~~pounds or a vehicle constructed with special features for occasional off-~~
29 ~~road operation or a motor-driven cycle.~~

30 ~~Section 1.~~ **Sec. 2.** K.S.A. 8-2503 is hereby amended to read as fol-
31 lows: 8-2503. (a) Except as provided in K.S.A. 8-1344 and 8-1345, and
32 amendments thereto, and in subsection (b) *or* (c), each front seat occu-
33 pant of a passenger car manufactured with safety belts in compliance with
34 federal motor vehicle safety standard no. 208, *who is 18 years of age or*
35 *older*, shall have a safety belt properly fastened about such person’s body
36 at all times when the ~~vehicle~~ *passenger car* is in motion.

37 (b) *Each occupant of a passenger car manufactured with safety belts*
38 *in compliance with federal motor vehicle safety standard no. 208, who is*
39 *at least 14 years of age but less than 18 years of age, shall have a safety*
40 *belt properly fastened about such person’s body at all times when the*
41 *passenger car is in motion.*

42 ~~(b)~~ (c) This section does not apply to:

43 (1) An occupant of a passenger car who possesses a written statement

1 from a licensed physician that such person is unable for medical reasons
2 to wear a safety belt system;

3 (2) carriers of United States mail while actually engaged in delivery
4 and collection of mail along their specified routes;

5 (3) newspaper delivery persons while actually engaged in delivery of
6 newspapers along their specified routes; or

7 (4) an occupant of a passenger car required to be protected by a safety
8 restraining system under the child passenger safety act.

9 ~~(c)~~ (d) The secretary of transportation shall initiate an educational
10 program designed to encourage compliance with the safety belt usage
11 provisions of this act.

12 ~~(d)~~ (e) The secretary shall evaluate the effectiveness of this act and
13 shall include a report of its findings in the annual evaluation report on its
14 highway safety plan that it submits under 23 U.S.C. 402.

15 ~~(e)~~ (f) Law enforcement officers shall not stop drivers for violations
16 of ~~this act subsection (a)~~ in the absence of another violation of law. A
17 citation for violation of ~~this act subsection (a)~~ shall not be issued without
18 citing the violation that initially caused the officer to effect the enforce-
19 ment stop.

20 Sec. ~~2~~ **3**. K.S.A. 8-2504 is hereby amended to read as follows: 8-
21 2504. ~~(a) (1) From and after the effective date of this act, and prior to~~
22 ~~July 1, 1987, a law enforcement officer shall issue a warning citation to~~
23 ~~anyone violating subsection (a) of K.S.A. 8-2503; and~~

24 ~~—(2) from and after July 1, 1987, Persons violating subsection (a) or~~
25 ~~(b) of K.S.A. 8-2503, and amendments thereto, shall be fined not more~~
26 ~~than \$10 including court costs. [(a) (1) From and after July 1, 2007,~~
27 ~~and prior to January 1, 2008, a law enforcement officer shall issue~~
28 ~~a warning citation to anyone violating subsection (b) of K.S.A. 8-~~
29 ~~2503, and amendments thereto;~~

30 ~~(2) persons violating subsection (a) of K.S.A. 8-2503, and~~
31 ~~amendments thereto, shall be fined not more than \$60 including~~
32 ~~court costs \$60; and~~

33 ~~(3) from and after January 1, 2008, persons violating subsection~~
34 ~~(b) of K.S.A. 8-2503, and amendments thereto, shall be fined not~~
35 ~~more than \$60 including court costs \$60.]~~

36 (b) No court shall report violation of this act to the department of
37 revenue.

38 (c) Evidence of failure of any person to use a safety belt shall not be
39 admissible in any action for the purpose of determining any aspect of
40 comparative negligence or mitigation of damages.

41 *[New Sec. ~~3~~ 4. There is hereby created in the state treasury*
42 *the traffic records enhancement fund. All moneys credited to the*
43 *traffic records enhancement fund shall be used by the department*

1 of transportation for the purpose of enhancing and upgrading the
2 traffic records systems in the state. All expenditures from traffic
3 records enhancement fund shall be made in accordance with ap-
4 propriation acts, upon warrants of the director of accounts and re-
5 ports issued pursuant to vouchers approved by the secretary of
6 transportation or the secretary's designee.

7 [New Sec. ~~4~~ 5. There is hereby created in the state treasury
8 the EMS revolving fund. All moneys credited to the EMS revolving
9 fund shall be used by the emergency medical services board to im-
10 prove and enhance emergency medical services in the state. All ex-
11 penditures from the EMS revolving fund shall be made in accord-
12 ance with appropriation acts, upon warrants of the director of
13 accounts and reports issued pursuant to vouchers approved by the
14 chairperson of the emergency medical services board or by a person
15 or persons designated by such chairperson.

16 [Sec. ~~5~~ 6. K.S.A. 2006 Supp. 8-1345 is hereby amended to read
17 as follows: 8-1345. (a) It shall be unlawful for any driver to violate
18 the provisions of K.S.A. 8-1344, and amendments thereto, and upon
19 conviction such driver shall be punished by a fine of \$60. Notwith-
20 standing any provision of law to the contrary, of each such fine received
21 from clerks of the district court, the state treasurer shall credit \$40 to the
22 children's advocacy center fund established pursuant to K.S.A. 2006
23 Supp. 20-370, and amendments thereto. The failure to provide a child
24 safety restraining system or safety belt for more than one child in
25 the same passenger car at the same time shall be treated as a single
26 violation. Any conviction under the provisions of this subsection
27 shall not be construed as a moving traffic violation for the purpose
28 of K.S.A. 8-255, and amendments thereto.

29 [(b) The \$60 fine provided for in subsection (a) shall be waived
30 if the driver convicted of violating subsection (a)(1) or (a)(2) of
31 K.S.A. 8-1344, and amendments thereto, provides proof to the court
32 that such driver has purchased or acquired the appropriate and
33 approved child passenger safety restraining system. At the time of
34 issuing the citation for a violation of subsection (a)(1) or (a)(2) of
35 K.S.A. 8-1344, and amendments thereto, the law enforcement officer
36 shall notify the driver of the waiver provisions of this subsection.

37 [(c) No driver charged with violating the provisions of this act
38 shall be convicted if such driver produces in the office of the ar-
39 resting officer or in court proof that the child was 14 years of age
40 or older at the time the violation was alleged to have occurred.

41 [(d) Evidence of failure to secure a child in a child passenger
42 safety restraining system or a safety belt under the provisions of
43 K.S.A. 8-1344, and amendments thereto, shall not be admissible in

1 *any action for the purpose of determining any aspect of comparative*
2 *negligence or mitigation of damages.*

3 *[(e) From and after the effective date of this act, and prior to*
4 *July 1, 2007, a law enforcement officer shall issue a warning citation*
5 *to anyone violating subsection (a)(2) of K.S.A. 8-1344, and amend-*
6 *ments thereto.*

7 *[Sec. ~~6~~ 7. K.S.A. 2006 Supp. 20-350 is hereby amended to read*
8 *as follows: 20-350. (a) Except for fines and penalties authorized to*
9 *be paid to counties pursuant to K.S.A. 19-101e, and amendments*
10 *thereto, and subsection (b), and amendments thereto, all moneys*
11 *received by the clerk of the district court from the payment of fines,*
12 *penalties and forfeitures shall be remitted to the state treasurer in*
13 *accordance with the provisions of K.S.A. 75-4215, and amendments*
14 *thereto. Upon receipt of each such remittance, the state treasurer*
15 *shall deposit the entire amount in the state treasury to the credit of*
16 *the state general fund, except as provided in K.S.A. 74-7336, and*
17 *amendments thereto, or K.S.A. 8-1345, and amendments thereto.*

18 *[(b) Except as provided by K.S.A. 2006 Supp. 20-368, and*
19 *amendments thereto, all moneys received by the clerk of the district*
20 *court from the payment of bail forfeitures shall be remitted to the*
21 *state treasurer in accordance with the provisions of K.S.A. 75-4215,*
22 *and amendments thereto. Upon receipt of each such remittance, the*
23 *state treasurer shall deposit the entire amount in the state treasury*
24 *and shall credit equal portions of such remittance to the indigents'*
25 *defense services fund and the state general fund.*

26 *[(c) The chief judge may invest any moneys on deposit in the*
27 *district court account if the moneys are not immediately required*
28 *for the purposes for which they were collected or received. Such*
29 *moneys may be invested in: (1) Time deposits, open account or cer-*
30 *tificates of deposit, for periods not to exceed six months, or savings*
31 *deposits, in commercial banks located in the county, except that*
32 *amounts invested which are not insured by the United States gov-*
33 *ernment shall be secured in the manner and amounts provided by*
34 *K.S.A. 9-1402, and amendments thereto; (2) United States treasury*
35 *bills or notes with maturities not to exceed six months; or (3) savings*
36 *and loan associations located in the county. No investment of more*
37 *than the amount insured by the federal deposit insurance corpo-*
38 *ration shall be made in any one savings and loan association. In-*
39 *terest received from the investment of moneys pursuant to this sub-*
40 *section shall be remitted to the state treasurer in accordance with*
41 *the provisions of K.S.A. 75-4215, and amendments thereto. Upon*
42 *receipt of each such remittance, the state treasurer shall deposit the*
43 *entire amount in the state treasury to the credit of the state general*

1 *fund.*

2 *[(d) Upon application of a party to an action in which such*
 3 *party claims ownership of moneys held by the district court, the*
 4 *chief judge may invest such moneys in the same manner as provided*
 5 *by subsection (c). Interest received from the investment of moneys*
 6 *pursuant to this subsection shall become the property of the person*
 7 *found to be the owner of the moneys.*

8 *[Sec. ~~7~~ 8. K.S.A. 2006 Supp. 74-7336 is hereby amended to*
 9 *read as follows: 74-7336. (a) Of the remittances of fines, penalties*
 10 *and forfeitures received from clerks of the district court, at least*
 11 *monthly, the state treasurer shall credit:*

12 *[(1) 11.99% to the crime victims compensation fund;]*

13 *[(2) 2.45% to the crime victims assistance fund;]*

14 *[(3) 2.01% to the community alcoholism and intoxication pro-*
 15 *grams fund;]*

16 *[(4) 2.01% to the department of corrections alcohol and drug*
 17 *abuse treatment fund and;*

18 *[(5) 0.17% to the boating fee fund.]* ~~The remainder of the remit-~~
 19 ~~tances shall be credited to the state general fund;~~

20 *[(6) 0.12% to the children's advocacy center fund;*

21 *[(7) 0.04% to the EMS revolving fund;*

22 *[(8) 0.04% to the trauma fund;*

23 *[(9) 0.04% to the traffic records enhancement fund; and*

24 *[(10) the remainder of the remittances to the state general fund.]*

25 *[(b) The county treasurer shall deposit grant moneys as pro-*
 26 *vided in subsection (a), from the crime victims assistance fund, to*
 27 *the credit of a special fund created for use by the county or district*
 28 *attorney in establishing and maintaining programs to aid witnesses*
 29 *and victims of crime.]*

30 ~~Sec. ~~8~~ ~~9~~. K.S.A. 8-2502, 8-2503 and 8-2504 [and K.S.A. 2006~~
 31 ~~Supp. 8-1345, 20-350 and 74-7336] are hereby repealed.~~

32 ~~Sec. ~~9~~ ~~10~~. This act shall take effect and be in force from and~~
 33 ~~after its publication in the statute book.~~