

## SENATE BILL No. 223

By Committee on Transportation

1-30

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9 AN ACT relating to motor vehicles; concerning the use of safety belts;  
10 amending K.S.A. 8-2503 and 8-2504 and K.S.A. 2006 Supp. 20-350  
11 and repealing the existing sections.  
12

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

14 New Section 1. There is hereby created in the state treasury the  
15 traffic records enhancement fund. All moneys credited to the traffic re-  
16 cords enhancement fund shall be used by the department of transporta-  
17 tion for the purpose of enhancing and upgrading the traffic records sys-  
18 tems in the state. All expenditures from the traffic records enhancement  
19 fund shall be made in accordance with appropriation acts, upon warrants  
20 of the director of accounts and reports issued pursuant to vouchers ap-  
21 proved by the secretary of transportation or the secretary's designee.

22 New Sec. 2. There is hereby created in the state treasury the EMS  
23 revolving fund. All moneys credited to the EMS revolving fund shall be  
24 used by the emergency medical services board to improve and enhance  
25 emergency medical services in the state. All expenditures from the EMS  
26 revolving fund shall be made in accordance with appropriation acts, upon  
27 warrants of the director of accounts and reports issued pursuant to vouch-  
28 ers approved by the chairperson of the emergency medical services board  
29 or by a person or persons designated by such chairperson.

30 Sec. 3. K.S.A. 8-2503 is hereby amended to read as follows: 8-2503.

31 (a) Except as provided in K.S.A. 8-1344 and 8-1345, and amendments  
32 thereto, and in subsection (b), each ~~front seat~~ occupant of a passenger  
33 car manufactured with safety belts in compliance with federal motor ve-  
34 hicle safety standard no. 208 shall have a safety belt properly fastened  
35 about such person's body at all times when the vehicle is in motion.

36 (b) This section does not apply to:

37 (1) An occupant of a passenger car who possesses a written statement  
38 from a licensed physician that such person is unable for medical reasons  
39 to wear a safety belt system;

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

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

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

3 (c) The secretary of transportation shall initiate an educational pro-  
4 gram designed to encourage compliance with the safety belt usage pro-  
5 visions of this act.

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

9 ~~(e) Law enforcement officers shall not stop drivers for violations of  
10 this act in the absence of another violation of law. A citation for violation  
11 of this act shall not be issued without citing the violation that initially  
12 caused the officer to effect the enforcement stop.~~

13 Sec. 4. K.S.A. 8-2504 is hereby amended to read as follows: 8-2504.

14 ~~(a) (1) From and after the effective date of this act, and prior to July 1,  
15 1987, a law enforcement officer shall issue a warning citation to anyone  
16 violating subsection (a) of K.S.A. 8-2503, and~~

17 ~~(2) from and after July 1, 1987, persons violating subsection (a) of  
18 K.S.A. 8-2503 shall be fined not more than \$10 including court costs.~~

19 *(a) It shall be unlawful for any person to violate the provisions of  
20 subsection (a) of K.S.A. 8-2503, and amendments thereto, and upon con-  
21 viction such person shall be punished by a fine of \$60. Notwithstanding  
22 any provision of law to the contrary, of each such fine received from clerks  
23 of the district court, the state treasurer shall:*

24 *(1) Credit \$17 to the EMS revolving fund established under section  
25 2, and amendments thereto;*

26 *(2) credit \$17 to the trauma fund established under K.S.A. 75-5670,  
27 and amendments thereto; and*

28 *(3) credit \$16 to the traffic records enhancement fund established  
29 under section 1, and amendments thereto.*

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

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

35 Sec. 5. K.S.A. 2006 Supp. 20-350 is hereby amended to read as fol-  
36 lows: 20-350. (a) Except for fines and penalties authorized to be paid to  
37 counties pursuant to K.S.A. 19-101e, and amendments thereto, and sub-  
38 section (b), and amendments thereto, all moneys received by the clerk of  
39 the district court from the payment of fines, penalties and forfeitures shall  
40 be remitted to the state treasurer in accordance with the provisions of  
41 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
42 remittance, the state treasurer shall deposit the entire amount in the state  
43 treasury to the credit of the state general fund, except as provided in

1 K.S.A. 8-1345, 8-2504 or 74-7336, and amendments thereto, ~~or K.S.A. 8-~~  
2 ~~1345, and amendments thereto.~~

3 (b) Except as provided by K.S.A. 2006 Supp. 20-368, and amend-  
4 ments thereto, all moneys received by the clerk of the district court from  
5 the payment of bail forfeitures shall be remitted to the state treasurer in  
6 accordance with the provisions of K.S.A. 75-4215, and amendments  
7 thereto. Upon receipt of each such remittance, the state treasurer shall  
8 deposit the entire amount in the state treasury and shall credit equal  
9 portions of such remittance to the indigents' defense services fund and  
10 the state general fund.

11 (c) The chief judge may invest any moneys on deposit in the district  
12 court account if the moneys are not immediately required for the pur-  
13 poses for which they were collected or received. Such moneys may be  
14 invested in: (1) Time deposits, open account or certificates of deposit, for  
15 periods not to exceed six months, or savings deposits, in commercial banks  
16 located in the county, except that amounts invested which are not insured  
17 by the United States government shall be secured in the manner and  
18 amounts provided by K.S.A. 9-1402, and amendments thereto; (2) United  
19 States treasury bills or notes with maturities not to exceed six months; or  
20 (3) savings and loan associations located in the county. No investment of  
21 more than the amount insured by the federal deposit insurance corpo-  
22 ration shall be made in any one savings and loan association. Interest  
23 received from the investment of moneys pursuant to this subsection shall  
24 be remitted to the state treasurer in accordance with the provisions of  
25 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
26 remittance, the state treasurer shall deposit the entire amount in the state  
27 treasury to the credit of the state general fund.

28 (d) Upon application of a party to an action in which such party claims  
29 ownership of moneys held by the district court, the chief judge may invest  
30 such moneys in the same manner as provided by subsection (c). Interest  
31 received from the investment of moneys pursuant to this subsection shall  
32 become the property of the person found to be the owner of the moneys.

33 Sec. 6. K.S.A. 8-2503 and 8-2504 and K.S.A. 2006 Supp. 20-350 are  
34 hereby repealed.

35 Sec. 7. This act shall take effect and be in force from and after its  
36 publication in the statute book.