

SESSION OF 2006

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2611

As Amended by Senate Committee on
Transportation

Brief*

HB 2611 would amend current law regarding child passenger safety regulations. The bill would establish the following guidelines for child passenger restraints:

- A child under the age of four years must have the most appropriate child passenger safety restraining system for the age of the child. The bill would use the federal motor vehicle safety standard number 213 for setting regulations.
- A child four years of age through seven years of age, when the child weighs less than 80 pounds or is less than four feet nine inches in height, must have a child safety passenger restraining system that meets or exceeds the number 213 standard.
- At the time of issuing a citation for the violation of the two previous items, the law enforcement office shall notify the driver of the waiver provisions contained in the law. The fine will be waived if the driver can show proof to the court that the appropriate and approved child passenger safety restraining system has been purchased or acquired.
- A child eight years of age up to 14 years of age, when the child weighs more than 80 pounds or is at least four feet nine inches in height, must have a standard passenger safety restraining system (seat belt).

If a vehicle is transporting more children passengers than the number of safety restraining systems, or if it has only lap restraining systems, a violation would not be charged to the driver. The bill also would increase the child safety system traffic violation fine from \$20 to \$60; however, prior to July 1, 2007, a warning citation would be given.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- From each fine received from the Clerk of the District Court, the State Treasurer shall credit \$40 to the Children's Advocacy Center Fund which is administered by the Attorney General for operating expenditures of Children's Advocacy Center in the state.

Background

Several conferees appeared in support of the bill. These proponents included representatives from Safe Kids of Kansas, the Kansas Highway Patrol, the Kansas Chapter of the American Academy of Pediatrics, the Kansas Department of Transportation, the American Automobile Association, the American College of Surgeons, Kansas Chapter, State Farm Insurance, Children's Mercy Hospitals, State Child Death Review Board, Emergency Nurses Association, and Kansas State Nurses Association, Kansas Department of Health and Environment, and Kansas Action for Children.

Written testimony in support of the bill, was submitted on behalf of Safe Kids Worldwide, Kansas Academy of Family Physicians, Kansas Sheriff's Association, Clay County Emergency Medical Services, Kansas Emergency Medical Association, National Transportation Safety Board, and various individuals.

No one testified in opposition to the measure.

The fiscal note indicates no fiscal effect at this time.

The House Committee of the Whole made the following amendments:

- Provide that \$40 of the \$60 fine to go to the Children's Advocacy Center Fund.
- Require law enforcement officers to notify the driver of the waiver provisions.
- Provide that warning citations be issued to nonresidents.

The Senate Committee amendment would provide that the fines could be waived for violating the Child Passenger Safety Act; and would remove the provision requiring a warning citation issued to a nonresident.