

**SENATE BILL No. 274**

By Committee on Assessment and Taxation

3-9

1 AN ACT relating to ~~motor vehicles~~ *{education}*; concerning the use of  
2 safety belts; establishing the seat belt safety fund; *{boating safety*  
3 *education courses, exceptions therefrom, certain sailboats}*; amending  
4 *{K.S.A. 32-1139 and}* K.S.A. 2014 Supp. 8-2504, 12-4120 and 74-7336  
5 and repealing the existing sections.  
6

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

8 New Section 1. There is hereby established in the state treasury the  
9 seat belt safety fund which shall be administered by the secretary of  
10 transportation. All expenditures of moneys in the seat belt safety fund shall  
11 be used for the purpose of promotion and education of occupant protection  
12 among children, including, but not limited to, programs in schools in  
13 Kansas and shall be made in accordance with appropriation acts upon  
14 warrants of the director of accounts and reports issued pursuant to  
15 vouchers approved by the secretary of transportation or by a person or  
16 persons designated by the secretary of transportation. The secretary of  
17 transportation may accept all gifts, grants, donations and bequests to the  
18 fund. The secretary of transportation shall remit all moneys received under  
19 this section to the state treasurer in accordance with the provisions of  
20 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
21 remittance, the state treasurer shall deposit the entire amount in the state  
22 treasury to the credit of the seat belt safety fund.

23 Sec. 2. K.S.A. 2014 Supp. 8-2504 is hereby amended to read as  
24 follows: 8-2504. (a) (1) Persons violating ~~subsection (a)(1) of~~ K.S.A. 8-  
25 2503(a)(1), and amendments thereto, shall be fined ~~\$5 and no court costs~~  
26 ~~and, from and after July 1, 2011, persons violating subsection (a)(1) of~~  
27 ~~K.S.A. 8-2503, and amendments thereto, shall be fined \$10~~ \$30 and no  
28 court costs; and

29 (2) persons violating ~~subsection (a)(2) of~~ K.S.A. 8-2503(a)(2), and  
30 amendments thereto, shall be fined \$60 and no court costs.

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

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

36 (d) The provisions of this section shall be applicable and uniform

1 throughout the state and no city, county, subdivision or local authority  
2 shall enact or enforce any law, ordinance, rule, regulation or resolution in  
3 conflict with, in addition to, or supplemental to, the provisions of this  
4 section.

5 Sec. 3. K.S.A. 2014 Supp. 12-4120 is hereby amended to read as  
6 follows: 12-4120. (a) On and after July 1, 2012, the amount of \$250 from  
7 each fine imposed for a violation of a city ordinance prohibiting the acts  
8 prohibited by K.S.A. 8-1567 or 8-2,144 or K.S.A. 2014 Supp. 8-1025, and  
9 amendments thereto, shall be remitted by the judge or clerk of the  
10 municipal court to the state treasurer in accordance with the provisions of  
11 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
12 remittance, the state treasurer shall credit the entire amount to the  
13 community corrections supervision fund established by K.S.A. 2014 Supp.  
14 75-52,113, and amendments thereto.

15 (b) On and after July 1, 2013, the amount of \$2,500 from each fine  
16 imposed for a violation of a city ordinance prohibiting the acts prohibited  
17 by K.S.A. 2014 Supp. 21-6421, and amendments thereto, shall be remitted  
18 by the judge or clerk of the municipal court to the state treasurer in  
19 accordance with the provisions of K.S.A. 75-4215, and amendments  
20 thereto. Upon receipt of each such remittance, the state treasurer shall  
21 credit the entire amount to the human trafficking victim assistance fund  
22 established by K.S.A. 2014 Supp. 75-758, and amendments thereto.

23 (c) *On and after July 1, 2015, the amount of \$20 from each fine*  
24 *imposed for a violation of a city ordinance requiring the use of safety belts*  
25 *for those individuals required by K.S.A. 8-2503(a)(1), and amendments*  
26 *thereto, shall be remitted by the judge or clerk of the municipal court to*  
27 *the state treasurer in accordance with the provisions of K.S.A. 75-4215,*  
28 *and amendments thereto. Upon receipt of each such remittance, the state*  
29 *treasurer shall credit the entire amount to the seat belt safety fund*  
30 *established by section 1, and amendments thereto.*

31 Sec. 4. K.S.A. 2014 Supp. 74-7336 is hereby amended to read as  
32 follows: 74-7336. (a) Of the remittances of fines, penalties and forfeitures  
33 received from clerks of the district court, at least monthly, the state  
34 treasurer shall credit:

- 35 (1) ~~10.94%~~10.64% to the crime victims compensation fund;
- 36 (2) ~~2.24%~~2.18% to the crime victims assistance fund;
- 37 (3) ~~2.75%~~2.67% to the community alcoholism and intoxication  
38 programs fund;
- 39 (4) ~~7.65%~~7.44% to the department of corrections alcohol and drug  
40 abuse treatment fund;
- 41 (5) 0.16% to the boating fee fund;
- 42 (6) 0.11% to the children's advocacy center fund;
- 43 (7) ~~2.28%~~2.22% to the EMS revolving fund;

- 1 (8) ~~2.28%~~2.22% to the trauma fund;  
 2 (9) ~~2.28%~~2.22% to the traffic records enhancement fund;  
 3 (10) ~~2.91%~~2.83% to the criminal justice information system line  
 4 fund; ~~and~~  
 5 (11) 2.74% to the seat belt safety fund; and  
 6 ~~(11)~~(12) the remainder of the remittances to the state general fund.

7 (b) The county treasurer shall deposit grant moneys as provided in  
 8 subsection (a), from the crime victims assistance fund, to the credit of a  
 9 special fund created for use by the county or district attorney in  
 10 establishing and maintaining programs to aid witnesses and victims of  
 11 crime.

12 *{Sec. 5. K.S.A. 32-1139 is hereby amended to read as follows: 32-*  
 13 *1139. (a) On and after January 1, 2001:*

14 *(1) No person born on or after January 1, 1989, shall operate on*  
 15 *public waters of this state any motorboat or sailboat unless the person*  
 16 *possesses a certificate of completion of an approved boater safety*  
 17 *education course of instruction lawfully issued to such person as*  
 18 *provided by this act.*

19 *(2) No owner or person in possession of any motorboat or sailboat*  
 20 *shall permit another person, who is subject to the requirements in*  
 21 *subsection (a)(1), to operate such motorboat or sailboat unless such*  
 22 *other person either: (A) Has been lawfully issued a certificate of*  
 23 *completion of an approved boater safety education course of instruction*  
 24 *as provided by this act; or (B) is legally exempt from the requirements of*  
 25 *subsection (a)(1).*

26 *(3) The requirement in subsection (a)(1), shall not apply to a person*  
 27 *21 years of age or older.*

28 *(4) The requirement in subsection (a)(1) shall not apply to a person*  
 29 *operating a sailboat that does not have a motor and has an overall length*  
 30 *of 16 feet, seven inches or less, while enrolled in an instructor-led class.*

31 *(b) The requirement in subsection (a)(1) shall not apply to a person*  
 32 *operating a motorboat or sailboat accompanied by and under the direct*  
 33 *and audible supervision of a person over 17 years of age who either: (1)*  
 34 *Possesses a certificate of completion of an approved boater safety*  
 35 *education course; or (2) is legally exempt from the requirements of*  
 36 *subsection (a)(1).*

37 *(c) No person who is charged with a violation of subsection (a)(1)*  
 38 *shall be convicted of the violation if such person produces in court or in*  
 39 *the office of the arresting officer a certificate of completion of an*  
 40 *approved boater safety education course of instruction lawfully issued to*  
 41 *such person and valid at the time of such person's arrest.}*

42 ~~Sec. 5: {6.}~~ *{K.S.A. 32-1139 and}* K.S.A. 2014 Supp. 8-2504, 12-4120  
 43 and 74-7336 are hereby repealed.

1       Sec. ~~6.~~ {7.} This act shall take effect and be in force from and after its  
2       publication in the statute book.