

1 **As Amended by House Committee**

2
3 **[As Amended by Senate Committee of the Whole]**

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5 **As Amended by Senate Committee**

6 *Session of 2001*

7
8 **SENATE BILL No. 172**

9
10 By Committee on Judiciary

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12 1-31

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14 AN ACT regulating traffic; concerning the use of child passenger safety
15 seats ~~and safety belts~~; amending ~~K.S.A. 8-2503 and 8-2504 and~~ K.S.A.
16 2000 Supp. 8-1343a, 8-1344 and 8-1345 and repealing the existing
17 sections.

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

20 Section 1. K.S.A. 2000 Supp. 8-1343a is hereby amended to read as
21 follows: 8-1343a. As used in K.S.A. 8-1343 through 8-1347, and amend-
22 ments thereto,:

23 (a) "Passenger car" means a motor vehicle **[manufactured or as-**
24 **sembled after January 1, 1968,]** with motive power designed for car-
25 rying 10 passengers or fewer, including vans, but does not include a mo-
26 torcycle, a trailer or a vehicle constructed either on a truck chassis
27 registered for a gross weight of more than 12,000 pounds or a farm truck
28 registered for a gross weight of more than 16,000 pounds; *or*

29 (b) "child booster seat" means a child passenger restraint system that
30 meets the federal motor vehicle safety standards set forth in 49 C.F.R.
31 571.213 that is designed to elevate a child to properly sit in a federally
32 approved lap/shoulder belt system.

33 Sec. 2. K.S.A. 2000 Supp. 8-1344 is hereby amended to read as fol-
34 lows: 8-1344. (a) Every driver as defined in K.S.A. 8-1416, and amend-
35 ments thereto, who transports a child under the age of 14 years in a
36 passenger car as defined in K.S.A. 2000 Supp. 8-1343a, and amendments
37 thereto, on a highway as defined in K.S.A. 8-1424, and amendments
38 thereto, shall provide for the protection of such child by properly using:

39 ~~(a)~~ (1) For a child under the age of four years *or who weighs less*
40 *than 40 pounds*, a child passenger safety restraining system that meets or
41 exceeds the standards and specifications contained in federal motor ve-
42 hicle safety standard no. 213 in effect on July 1, ~~1997~~ 2001; ~~or~~

43 ~~(b)~~ (2) *for a child under the age of seven but at least four years of age*

1 *or who weighs less than 80 pounds but weighs at least 40 pounds, a child*
2 *booster seat; or*

3 ~~(b) (e) (3)~~ *for a child four seven years of age but under the age of 14*
4 *or who weighs more than 80 pounds, a safety belt manufactured in com-*
5 *pliance with federal motor vehicle safety standard no. 208, except that if*
6 *the number of children subject to this requirement exceeds the number*
7 *of passenger securing locations available for use by children affected by*
8 *this requirement, and all of those securing locations are in use by children,*
9 *then there is not a violation of this section.*

10 **(b) If the number of children subject to the requirement of**
11 **subsection (a) exceeds the number of passenger securing locations**
12 **available for use by children affected by such requirements, and**
13 **all of those securing locations are in use by children, then there is**
14 **not a violation of this section.**

15 Sec. 3. K.S.A. 2000 Supp. 8-1345 is hereby amended to read as fol-
16 lows: 8-1345. (a) It shall be unlawful for any driver to violate the provisions
17 of K.S.A. 8-1344, and amendments thereto, and upon conviction such
18 driver shall be punished by a fine of \$20. The failure to provide a child
19 safety restraining system, *child booster seat* or safety belt for more than
20 one child in the same passenger car at the same time shall be treated as
21 a single violation. Any conviction under the provisions of this subsection
22 shall not be construed as a moving traffic violation for the purpose of
23 K.S.A. 8-255, and amendments thereto.

24 (b) Ten dollars of the fine provided for in subsection (a) and court
25 costs assessed under K.S.A. 28-172a, and amendments thereto, shall be
26 waived if the driver convicted of violating **paragraph (1) or (2) of sub-**
27 **section (a) ~~or (b)~~** of K.S.A. 8-1344, and amendments thereto, provides
28 proof to the court that such driver has purchased or acquired an approved
29 child passenger safety restraining system *or child booster seat*.

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

34 (d) Evidence of failure to secure a child in a child passenger safety
35 restraining system, *child booster seat* or a safety belt under the provisions
36 of K.S.A. 8-1344, and amendments thereto, shall not be admissible in any
37 action for the purpose of determining any aspect of comparative negli-
38 gence or mitigation of damages.

39 ~~Sec. 4. K.S.A. 8-2503 is hereby amended to read as follows: 8-2503.~~

40 ~~(a) Except as provided in K.S.A. 8-1344 and 8-1345, and amendments~~
41 ~~thereto, and in subsection (b), each front seat occupant *all occupants* of~~
42 ~~a passenger car manufactured with safety belts in compliance with federal~~
43 ~~motor vehicle safety standard no. 208 shall have a safety belt properly~~

1 fastened about such person's *each occupant's* body at all times when the
2 vehicle is in motion.

3 —(b) This section does not apply to:

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

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

9 —(3) newspaper delivery persons while actually engaged in delivery of
10 newspapers along their specified routes; or

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

13 —(c) The secretary of transportation shall initiate an educational pro-
14 gram designed to encourage compliance with the safety belt usage pro-
15 visions of this act.

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

19 (e) Law enforcement officers shall not stop drivers for violations of
20 this act in the absence of another violation of law. A citation for violation
21 of this act shall not be issued without citing the violation that initially
22 caused the officer to effect the enforcement stop.

23 Sec. 5. 4. K.S.A. 8-2504 is hereby amended to read as follows: 8-
24 2504. (a) (1) From and after the effective date of this act, and prior to
25 July 1, 1987, a law enforcement officer shall issue a warning citation to
26 anyone violating subsection (a) of K.S.A. 8-2503; and

27 —(2) from and after July 1, 1987, Persons violating subsection (a) of
28 K.S.A. 8-2503, and amendments thereto, shall be fined not more than \$10
29 including \$25 plus court costs.

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. 6. 5. 4. K.S.A. 8-2503 and 8-2504 and K.S.A. 2000 Supp. 8-
36 1343a, 8-1344 and 8-1345 are hereby repealed.

37 Sec. 7. 6. 5. This act shall take effect and be in force from and after
38 its publication in the statute book.

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