

1 **As Amended by House Committee**

2 *Session of 2002*

3
4 **HOUSE BILL No. 2886**

5
6 By Committee on Taxation

7
8 2-13

9
10 AN ACT amending the child passenger safety act; amending K.S.A. 8-
11 1343a, 8-1344 and 8-1345 and repealing the existing sections.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 8-1343a is hereby amended to read as follows: 8-
15 1343a. As used in K.S.A. 8-1343 through 8-1347, and amendments
16 thereto, "passenger car" means a motor vehicle *manufactured or assem-*
17 *bled after January 1, 1968*, with motive power designed for carrying 10
18 passengers or fewer, including vans, but does not include a motorcycle,
19 a trailer or a vehicle constructed either on a truck chassis registered for
20 a gross weight of more than 12,000 pounds or a farm truck registered for
21 a gross weight of more than 16,000 pounds.

22 Sec. 2. K.S.A. 8-1344 is hereby amended to read as follows: 8-1344.

23 (a) Every driver as defined in K.S.A. 8-1416, and amendments thereto,
24 who transports a child under the age of ~~14~~ 16 years in a passenger car as
25 defined in K.S.A. 8-1343a, and amendments thereto, on a highway as
26 defined in K.S.A. 8-1424, and amendments thereto, shall provide for the
27 protection of such child by properly using:

28 ~~(a)~~ (1) For a child under the age of four years a child passenger safety
29 restraining system that meets or exceeds the standards and specifications
30 contained in federal motor vehicle safety standard no. 213 ~~in effect on~~
31 ~~July 1, 1997; or~~

32 ~~(b)~~ (2) *for a child four years of age, but under the age of eight years*
33 *and who weighs less than 80 pounds or is less than 4 feet 9 inches in*
34 *height, a child passenger safety restraining system that meets or exceeds*
35 *the standards and specifications contained in federal motor vehicle safety*
36 *standard no. 213; or*

37 ~~(b)~~ ~~(c)~~ (3) *for a child ~~four~~ eight years of age but under the age of 14*
38 *16 years or who weighs more than 80 pounds or is more than 4 feet 9*
39 *inches in height, a safety belt manufactured in compliance with federal*
40 *motor vehicle safety standard no. 208, ~~except that if the number of chil-~~*
41 *children subject to this requirement exceeds the number of passenger securing*
42 *locations available for use by children affected by this requirement, and*
43 *all of those securing locations are in use by children, then there is not a*

1 ~~violation of this section.~~

2 (b) **If the number of children subject to the requirements of**
3 **subsection (a) exceeds the number of passenger securing locations**
4 **available for use by children affected by such requirements, and**
5 **all of those securing locations are in use by children, then there is**
6 **not a violation of this section.**

7 (c) ~~The provisions of subsection (b) paragraph (2) of subsection~~
8 ~~(a) shall not apply in any seating position where there is only a lap belt~~
9 ~~available.~~

10 Sec. 3. K.S.A. 8-1345 is hereby amended to read as follows: 8-1345.

11 (a) It shall be unlawful for any driver to violate the provisions of K.S.A.
12 8-1344, and amendments thereto, and upon **the first** conviction such
13 driver shall be punished by a fine of ~~\$20~~ **\$20 and upon the second or**
14 **subsequent conviction, shall be punished by a fine of \$60.** The fail-
15 ure to provide a child safety restraining system or safety belt for more
16 than one child in the same passenger car at the same time shall be treated
17 as a single violation. Any conviction under the provisions of this subsection
18 shall not be construed as a moving traffic violation for the purpose of
19 K.S.A. 8-255, and amendments thereto.

20 (b) ~~Ten dollars of The fine provided for in subsection (a) and court~~
21 ~~costs assessed under K.S.A. 28-172a, and amendments thereto, Upon the~~
22 **first conviction of a driver for violating paragraph (1) or (2) of**
23 **subsection (a) of K.S.A. 8-1344, and amendments thereto, \$10 of**
24 **the fine provided in subsection (a) and court costs assessed under**
25 **K.S.A. 28-172a, and amendments thereto,** shall be waived if the driver
26 convicted of violating subsection (a) of K.S.A. 8-1344, and amendments
27 ~~thereto, so convicted~~ provides proof to the court that such driver has
28 purchased or acquired an approved child passenger safety restraining sys-
29 tem. ~~Court costs shall be assessed under K.S.A. 28-172a, and amendments~~
30 ~~thereto.~~

31 (c) No driver charged with violating the provisions of this act shall be
32 convicted if such driver produces in the office of the arresting officer or
33 in court proof that the child was ~~14~~ 16 years of age or older at the time
34 the violation was alleged to have occurred.

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

40 (e) *From and after the effective date of this act, and prior to July 1,*
41 *2003, a law enforcement officer shall issue a warning citation to anyone*
42 *violating ~~subsection (b) paragraph (2) of subsection (a) of K.S.A. 8-~~*
43 *1344, and amendments thereto.*

1 Sec. 4. K.S.A. 8-1343a, 8-1344 and 8-1345 are hereby repealed.

2 Sec. 5. This act shall take effect and be in force from and after its
3 publication in the statute book.

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