

## Substitute for HOUSE BILL No. 2136

By Committee on Transportation

2-21

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9 AN ACT relating to motor vehicles; concerning safety belts; amending  
10 K.S.A. 8-2502, 8-2503 and 8-2504 and repealing the existing sections.

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

13 Section 1. K.S.A. 8-2502 is hereby amended to read as follows: 8-  
14 2502. As used in this act, "passenger car" means a motor vehicle, man-  
15 ufactured or assembled after January 1, 1968, or a motor vehicle manu-  
16 factured or assembled prior to 1968 which was manufactured or  
17 assembled with safety belts, 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 or a vehicle constructed with~~  
22 ~~special features for occasional off-road operation or a motor-driven cycle.~~

23 Sec. 2. K.S.A. 8-2503 is hereby amended to read as follows: 8-2503.

24 (a) Except as provided in K.S.A. 8-1344 and 8-1345, and amendments  
25 thereto, and in subsection (b) *or* (c), each front seat occupant of a pas-  
26 senger car manufactured with safety belts in compliance with federal  
27 motor vehicle safety standard no. 208, *who is 18 years of age or older*,  
28 shall have a safety belt properly fastened about such person's body at all  
29 times when the ~~vehicle~~ *passenger car* is in motion.

30 (b) *Each occupant of a passenger car manufactured with safety belts*  
31 *in compliance with federal motor vehicle safety standard no. 208, who is*  
32 *at least 14 years of age but less than 18 years of age, shall have a safety*  
33 *belt properly fastened about such person's body at all times when the*  
34 *passenger car is in motion.*

35 ~~(b)~~ (c) This section does not apply to:

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

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

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

43 (4) an occupant of a passenger car required to be protected by a safety

1 restraining system under the child passenger safety act.

2 ~~(c)~~ (d) The secretary of transportation shall initiate an educational  
3 program designed to encourage compliance with the safety belt usage  
4 provisions of this act.

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

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

13 Sec. 3. 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, July 1, 2007, and prior to January 1, 2008,~~ a law enforcement  
16 officer shall issue a warning citation to anyone violating subsection ~~(a)~~ (b)  
17 of K.S.A. 8-2503, ~~and amendments thereto; and~~

18 (2) ~~from and after July 1, 1987,~~ persons violating subsection (a) of  
19 K.S.A. 8-2503, ~~and amendments thereto,~~ shall be fined not more than ~~\$10~~  
20 ~~including court costs.~~ \$60; ~~and~~

21 (3) ~~from and after January 1, 2008,~~ persons violating subsection (b)  
22 of K.S.A. 8-2503, ~~and amendments thereto,~~ shall be fined not more than  
23 \$60.

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

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

29 Sec. 4. K.S.A. 8-2502, 8-2503 and 8-2504 are hereby repealed.

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