

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2009

SENATE BILL No. 59

By Committee on Transportation

1-21

12 AN ACT relating to motor vehicles; concerning the use of safety belts;
13 amending K.S.A. 2008 Supp. 8-2503 and 8-2504 and repealing the
14 existing sections.

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. K.S.A. 2008 Supp. 8-2503 is hereby amended to read as
18 follows: 8-2503. (a) Except as provided in K.S.A. 8-1344 and 8-1345, and
19 amendments thereto, and in subsection (b) ~~or (c)~~, each ~~front seat~~ occu-
20 pant of a passenger car manufactured with safety belts in compliance with
21 federal motor vehicle safety standard no. 208, ~~who is 18 years of age or~~
22 ~~older~~, shall have a safety belt properly fastened about such person's body
23 at all times when the passenger car is in motion.

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

29 ~~(c)~~ This section does not apply to:

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

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

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

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

39 ~~(c)~~ (c) The secretary of transportation shall initiate an educational
40 program designed to encourage compliance with the safety belt usage
41 provisions of this act.

42 ~~(c)~~ (d) The secretary shall evaluate the effectiveness of this act and
43 shall include a report of its findings in the annual evaluation report on its

1 highway safety plan that it submits under 23 U.S.C. 402.

2 ~~(f) Law enforcement officers shall not stop drivers for violations of~~
3 ~~subsection (a) in the absence of another violation of law. A citation for~~
4 ~~violation of subsection (a) shall not be issued without citing the violation~~
5 ~~that initially caused the officer to effect the enforcement stop.~~

6 Sec. 2. K.S.A. 2008 Supp. 8-2504 is hereby amended to read as fol-
7 lows: 8-2504. (a) ~~(1) From and after July 1, 2007, and prior to January 1,~~
8 ~~2008, a law enforcement officer shall issue a warning citation to anyone~~
9 ~~violating subsection (b) of K.S.A. 8-2503, and amendments thereto;~~

10 ~~—(2) Persons~~

11 **(1) From and after the effective date of this act and prior to June**
12 **30, 2009, a law enforcement officer shall issue a warning citation**
13 **to anyone violating subsection (a) of K.S.A. 8-2503, and amend-**
14 **ments thereto.**

15 **(2) On and after June 30, 2009, persons** violating subsection (a)
16 of K.S.A. 8-2503, and amendments thereto, shall be fined ~~\$30 including~~
17 ~~court costs; and~~

18 ~~—(3) from and after January 1, 2008, persons violating subsection (b)~~
19 ~~of K.S.A. 8-2503, and amendments thereto, shall be fined \$60 including~~
20 ~~court costs \$25.~~

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

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

26 Sec. 3. K.S.A. 2008 Supp. 8-2503 and 8-2504 are hereby repealed.

27 Sec. 4. This act shall take effect and be in force from and after its
28 publication in the ~~statute book~~ **Kansas register**.