

CHAPTER 157
HOUSE BILL No. 2130

AN ACT relating to motor vehicles; concerning the use of safety belts; amending K.S.A. 2009 Supp. 8-2503 and 8-2504 and repealing the existing sections.

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

Section 1. K.S.A. 2009 Supp. 8-2503 is hereby amended to read as follows: 8-2503. (a) Except as provided in K.S.A. 8-1344 and 8-1345, and amendments thereto, and in subsection (b) or (c), each ~~front seat~~ occupant of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208, who is 18 years of age or older, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion.

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

(c) This section does not apply to:

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

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

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

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

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

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

(f) Law enforcement officers shall not stop drivers for violations of subsection (a) *by a back seat occupant* in the absence of another violation of law. A citation for violation of subsection (a) *by a back seat occupant* shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

Sec. 2. K.S.A. 2009 Supp. 8-2504 is hereby amended to read as follows: 8-2504. (a) (1) From and after ~~July 1, 2007, and prior to January 1, 2008~~ *the effective date of this act and prior to June 30, 2010*, a law enforcement officer shall issue a warning citation to anyone violating subsection ~~(b)~~ (a) of K.S.A. 8-2503, and amendments thereto;

(2) *from and after June 30, 2010, until July 1, 2011*, persons violating subsection (a) of K.S.A. 8-2503, and amendments thereto, shall be fined ~~\$30~~ \$5 including court costs; ~~and~~

(3) *from and after July 1, 2011, persons violating subsection (a) of K.S.A. 8-2503, and amendments thereto, shall be fined \$10 including court costs; and*

~~(3) from and after January 1, 2008;~~ (4) persons violating subsection (b) of K.S.A. 8-2503, and amendments thereto, shall be fined \$60 including court costs.

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

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

Sec. 3. K.S.A. 2009 Supp. 8-2503 and 8-2504 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 27, 2010.

Published in the *Kansas Register* June 10, 2010.