

STATE OF KANSAS

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SENATE CHAMBER

MADAM PRESIDENT:

I move to amend **HB 2044**, as amended by Senate Committee, on page 10, following line 27, by inserting:

"Sec. 9. K.S.A. 2014 Supp. 8-1344 is hereby amended to read as follows: 8-1344. (a) Every driver as defined in K.S.A. 8-1416, and amendments thereto, who transports a child under the age of 14 years in a passenger car as defined in K.S.A. 8-1343a, and amendments thereto, or an autocycle as defined in section 1, and amendments thereto, on a highway as defined in K.S.A. 8-1424, and amendments thereto, shall provide for the protection of such child by properly using:

(1) For a child under the age of four years an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213;

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

(3) for a child eight years of age but under the age of 14 years or who weighs more than 80 pounds or is more than 4 feet 9 inches in height, a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208.

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

(c) If a securing location only has a lap safety belt available, the provisions of subsection (a) (2) shall not apply and the child shall be secured in accordance with the provisions of subsection (a)(3).

Sec. 10. K.S.A. 2014 Supp. 8-1345 is hereby amended to read as follows: 8-1345. (a) It shall be unlawful for any driver to violate the provisions of K.S.A. 8-1344, and amendments thereto, and upon conviction such driver shall be punished by a fine of \$60. The failure to provide a child safety restraining system or safety belt for more than one child in the same passenger car, or autocycle as defined in section 1, and amendments thereto, at the same time shall be treated as a single violation. Any conviction under the provisions of this subsection shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(b) The \$60 fine provided for in subsection (a) shall be waived if the driver convicted of violating ~~subsection (a)(1) or (a)(2) of~~ K.S.A. 8-1344(a)(1) or (2), and amendments thereto, provides proof to the court that such driver has purchased or acquired the appropriate and approved child passenger safety restraining system. At the time of issuing the citation for a violation of ~~subsection (a) (1) or (a)(2) of~~ K.S.A. 8-1344(a)(1) or (2), and amendments thereto, the law enforcement officer shall notify the driver of the waiver provisions of this subsection.

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

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

(e) From and after the effective date of this act, and prior to July 1, 2007, a law enforcement officer shall issue a warning citation to anyone violating ~~subsection (a)(2) of~~ K.S.A. 8-1344(a)(2), and

amendments thereto.";

Also on page 10, in line 29, after "234b," by inserting "8-1344, 8-1345,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first semicolon by inserting "child passenger safety restraints;"; in line 3, after "8-234b," by inserting "8-1344, 8-1345,"

Senator \_\_\_\_\_