

HOUSE BILL No. 2044

By Committee on Transportation

1-16

1 AN ACT concerning motor vehicles; relating to autocycles; definitions;
2 *safety belts; {child passenger safety restraints;}* requirements;
3 amending K.S.A. 8-1438 and 8-1594 and K.S.A. 2014 Supp. 8-126, 8-
4 234b, ~~{8-1344, 8-1345,}~~ 8-1486~~and~~, 8-1598 *and 8-2503* and repealing
5 the existing sections.
6

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

8 New Section 1. "Autocycle" means a three-wheel—~~enclosed~~—
9 motorcycle that has a steering wheel and seating that does not require the
10 operator to straddle or sit astride it.

11 Sec. 2. K.S.A. 2014 Supp. 8-126 is hereby amended to read as
12 follows: 8-126. The following words and phrases when used in this act
13 shall have the meanings respectively ascribed to them herein:

14 (a) "All-terrain vehicle" means any motorized nonhighway vehicle 50
15 inches or less in width, having a dry weight of 1,500 pounds or less,
16 traveling on three or more nonhighway tires, having a seat designed to be
17 straddled by the operator. As used in this subsection, nonhighway tire
18 means any pneumatic tire six inches or more in width, designed for use on
19 wheels with rim diameter of 14 inches or less.

20 (b) *"Autocycle" means a three-wheel-~~enclosed~~ motorcycle that has a*
21 *steering wheel and seating that does not require the operator to straddle*
22 *or sit astride it.*

23 ~~(b)~~ (c) "Commission" or "state highway commission" means the
24 director of vehicles of the department of revenue.

25 ~~(e)~~ (d) "Contractor" means a person, partnership, corporation, local
26 government, county government, county treasurer or other state agency
27 that has contracted with the department to provide services associated with
28 vehicle functions.

29 ~~(d)~~ (e) "Department" or "motor vehicle department" or "vehicle
30 department" means the division of vehicles of the department of revenue,
31 acting directly or through its duly authorized officers and agents. When
32 acting on behalf of the department of revenue pursuant to this act, a county

1 treasurer shall be deemed to be an agent of the state of Kansas.

2 ~~(e)~~ (f) "Division" means the division of vehicles of the department of
3 revenue.

4 ~~(f)~~ (g) "Electric personal assistive mobility device" means a self-
5 balancing two nontandem wheeled device, designed to transport only one
6 person, with an electric propulsion system that limits the maximum speed
7 of the device to 15 miles per hour or less.

8 ~~(g)~~ (h) "Electric vehicle" means a vehicle that is powered by an
9 electric motor drawing current from rechargeable storage batteries or other
10 portable electrical energy storage devices, provided the recharge energy
11 must be drawn from a source off the vehicle, such as, but not limited to:

12 (1) Residential electric service;

13 (2) an electric vehicle charging station, also called an EV charging
14 station, an electric recharging point, a charging point, EVSE (Electric
15 Vehicle Supply Equipment) or a public charging station.

16 ~~(h)~~ (i) "Electronic certificate of title" means any electronic record of
17 ownership, including any lien or liens that may be recorded, retained by
18 the division in accordance with K.S.A. 2014 Supp. 8-135d, and
19 amendments thereto.

20 ~~(i)~~ (j) "Electronic notice of security interest" means the division's
21 online internet program which enables a dealer or secured party to submit
22 a notice of security interest as defined in this section, and to cancel the
23 notice or release the security interest using the program. This program is
24 also known as the Kansas elien or KSelien.

25 ~~(j)~~ (k) "Farm tractor" means every motor vehicle designed and used
26 as a farm implement power unit operated with or without other attached
27 farm implements in any manner consistent with the structural design of
28 such power unit.

29 ~~(k)~~ (l) "Farm trailer" means every trailer and semitrailer as those
30 terms are defined in this section, designed and used primarily as a farm
31 vehicle.

32 ~~(l)~~ (m) "Foreign vehicle" means every motor vehicle, trailer, or
33 semitrailer which shall be brought into this state otherwise than in ordinary
34 course of business by or through a manufacturer or dealer and which has
35 not been registered in this state.

36 ~~(m)~~ (n) "Golf cart" means a motor vehicle that has not less than three
37 wheels in contact with the ground, an unladen weight of not more than
38 1,800 pounds, is designed to be and is operated at not more than 25 miles
39 per hour and is designed to carry not more than four persons including the
40 driver.

41 ~~(n)~~ (o) "Highway" means every way or place of whatever nature open
42 to the use of the public as a matter of right for the purpose of vehicular
43 travel. The term "highway" shall not be deemed to include a roadway or

1 driveway upon grounds owned by private owners, colleges, universities or
2 other institutions.

3 ~~(p)~~ (p) "Implement of husbandry" means every vehicle designed or
4 adapted and used exclusively for agricultural operations, including
5 feedlots, and only incidentally moved or operated upon the highways.
6 Such term shall include, but not be limited to:

7 (1) A farm tractor;

8 (2) a self-propelled farm implement;

9 (3) a fertilizer spreader, nurse tank or truck permanently mounted
10 with a spreader used exclusively for dispensing or spreading water, dust or
11 liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202,
12 and amendments thereto, regardless of ownership;

13 (4) a truck mounted with a fertilizer spreader used or manufactured
14 principally to spread animal dung;

15 (5) a mixer-feed truck owned and used by a feedlot, as defined in
16 K.S.A. 47-1501, and amendments thereto, and specially designed and used
17 exclusively for dispensing food to livestock in such feedlot.

18 ~~(q)~~ (q) "Lien" means a security interest as defined in this section.

19 ~~(r)~~ (r) "Lightweight roadable vehicle" means a multipurpose motor
20 vehicle that is allowed to be driven on public roadways and is required to
21 be registered with, and flown under the direction of, the federal aviation
22 administration.

23 ~~(s)~~ (s) "Manufacturer" means every person engaged in the business of
24 manufacturing motor vehicles, trailers or semitrailers.

25 ~~(t)~~ (t) "Micro utility truck" means any motor vehicle which is not less
26 than 48 inches in width, has an overall length, including the bumper, of not
27 more than 160 inches, has an unladen weight, including fuel and fluids, of
28 more than 1,500 pounds, can exceed 40 miles per hour as originally
29 manufactured and is manufactured with a metal cab. "Micro utility truck"
30 does not include a work-site utility vehicle or recreational off-highway
31 vehicle.

32 ~~(u)~~ (u) "Motor vehicle" means every vehicle, other than a motorized
33 bicycle or a motorized wheelchair, which is self-propelled.

34 ~~(v)~~ (v) "Motorcycle" means every motor vehicle, *including*
35 *autocycles*, designed to travel on not more than three wheels in contact
36 with the ground, except any such vehicle as may be included within the
37 term "tractor" as defined in this section.

38 ~~(w)~~ (w) "Motorized bicycle" means every device having two tandem
39 wheels or three wheels, which may be propelled by either human power or
40 helper motor, or by both, and which has:

41 (1) A motor which produces not more than 3.5 brake horsepower;

42 (2) a cylinder capacity of not more than 130 cubic centimeters;

43 (3) an automatic transmission; and

1 (4) the capability of a maximum design speed of no more than 30
2 miles per hour.

3 ~~(w)~~ (x) "Motorized wheelchair" means any self-propelled vehicle
4 designed specifically for use by a physically disabled person and such
5 vehicle is incapable of a speed in excess of 15 miles per hour.

6 ~~(x)~~ (y) "New vehicle dealer" means every person actively engaged in
7 the business of buying, selling or exchanging new motor vehicles, travel
8 trailers, trailers or vehicles and who holds a dealer's contract therefor from
9 a manufacturer or distributor and who has an established place of business
10 in this state.

11 ~~(y)~~ (z) "Nonresident" means every person who is not a resident of this
12 state.

13 ~~(z)~~ (aa) "Notice of security interest" means a notification to the
14 division from a dealer or secured party of a purchase money security
15 interest as provided in article 9 of chapter 84 of the Kansas Statutes
16 Annotated, and amendments thereto, upon a vehicle which has been sold
17 and delivered to the purchaser describing the vehicle and showing the
18 name, address and acknowledgment of the secured party as well as the
19 name and address of the debtor or debtors and other information the
20 division requires.

21 ~~(aa)~~ (bb) "Oil well servicing, oil well clean-out or oil well drilling
22 machinery or equipment" means a vehicle constructed as a machine used
23 exclusively for servicing, cleaning-out or drilling an oil well and
24 consisting in general of a mast, an engine for power, a draw works and a
25 chassis permanently constructed or assembled for one or more of those
26 purposes. The passenger capacity of the cab of a vehicle shall not be
27 considered in determining whether such vehicle is oil well servicing, oil
28 well clean-out or oil well drilling machinery or equipment.

29 ~~(bb)~~ (cc) "Owner" means a person who holds the legal title of a
30 vehicle, or in the event a vehicle is the subject of an agreement for the
31 conditional sale thereof with the right of purchase upon performance of the
32 conditions stated in the agreement and with an immediate right of
33 possession vested in the conditional vendee or in the event a vehicle is
34 subject to a lease of 30 days or more with an immediate right of possession
35 vested in the lessee; or in the event a party having a security interest in a
36 vehicle is entitled to possession, then such conditional vendee or lessee or
37 secured party shall be deemed the owner for the purpose of this act.

38 ~~(cc)~~ (dd) "Passenger vehicle" means every motor vehicle, as defined
39 in this section, which is designed primarily to carry 10 or fewer
40 passengers, and which is not used as a truck.

41 ~~(dd)~~ (ee) "Person" means every natural person, firm, partnership,
42 association or corporation.

43 ~~(ee)~~ (ff) "Pole trailer" means any two-wheel vehicle used as a trailer

1 with bolsters that support the load, and do not have a rack or body
2 extending to the tractor drawing the load.

3 ~~(ff)~~ (gg) "Recreational off-highway vehicle" means any motor vehicle
4 64 inches or less in width, having a dry weight of 2,000 pounds or less,
5 traveling on four or more nonhighway tires, having a nonstraddle seat and
6 steering wheel for steering control.

7 ~~(gg)~~ (hh) "Road tractor" means every motor vehicle designed and
8 used for drawing other vehicles, and not so constructed as to carry any
9 load thereon independently, or any part of the weight of a vehicle or load
10 so drawn.

11 ~~(hh)~~ (ii) "Self-propelled farm implement" means every farm
12 implement designed for specific use applications with its motive power
13 unit permanently incorporated in its structural design.

14 ~~(ii)~~ (jj) "Semitrailer" means every vehicle of the trailer type so
15 designed and used in conjunction with a motor vehicle that some part of its
16 own weight and that of its own load rests upon or is carried by another
17 vehicle.

18 ~~(jj)~~ (kk) "Specially constructed vehicle" means any vehicle which
19 shall not have been originally constructed under a distinctive name, make,
20 model or type, or which, if originally otherwise constructed shall have
21 been materially altered by the removal of essential parts, or by the addition
22 or substitution of essential parts, new or used, derived from other vehicles
23 or makes of vehicles.

24 ~~(kk)~~ (ll) "Trailer" means every vehicle without motive power
25 designed to carry property or passengers wholly on its own structure and
26 to be drawn by a motor vehicle.

27 ~~(ll)~~ (mm) "Travel trailer" means every vehicle without motive power
28 designed to be towed by a motor vehicle constructed primarily for
29 recreational purposes.

30 ~~(mm)~~ (nn) "Truck" means a motor vehicle which is used for the
31 transportation or delivery of freight and merchandise or more than 10
32 passengers.

33 ~~(nn)~~ (oo) "Truck tractor" means every motor vehicle designed and
34 used primarily for drawing other vehicles, and not so constructed as to
35 carry a load other than a part of the weight of the vehicle or load so drawn.

36 ~~(oo)~~ (pp) "Used vehicle dealer" means every person actively engaged
37 in the business of buying, selling or exchanging used vehicles, and having
38 an established place of business in this state and who does not hold a
39 dealer's contract for the sale of new motor vehicles, travel trailers or
40 vehicles.

41 ~~(pp)~~ (qq) "Vehicle" means every device in, upon or by which any
42 person or property is or may be transported or drawn upon a public
43 highway, excepting electric personal assistive mobility devices or devices

1 moved by human power or used exclusively upon stationary rails or tracks.

2 ~~(qq)~~ (rr) "Vehicle functions" means services relating to the
3 application, processing, auditing or distribution of original or renewal
4 vehicle registrations, certificates of title, driver's licenses and division-
5 issued identification cards associated with services and functions set out in
6 articles 1, 2 and 13 of chapter 8 of the Kansas Statutes Annotated, and
7 amendments thereto. "Vehicle functions" may also include personal
8 property taxation duties set out in article 51 of chapter 79 of the Kansas
9 Statutes Annotated, and amendments thereto, and other vehicle-related
10 events described in article 1 of chapter 8 of the Kansas Statutes Annotated,
11 and amendments thereto.

12 ~~(rr)~~ (ss) "Work-site utility vehicle" means any motor vehicle which is
13 not less than 48 inches in width, has an overall length, including the
14 bumper, of not more than 135 inches, has an unladen weight, including
15 fuel and fluids, of more than 800 pounds and is equipped with four or
16 more low pressure tires, a steering wheel and bench or bucket-type seating
17 allowing at least two people to sit side-by-side, and may be equipped with
18 a bed or cargo box for hauling materials. "Work-site utility vehicle" does
19 not include a micro utility truck or recreational off-highway vehicle.

20 Sec. 3. K.S.A. 2014 Supp. 8-234b is hereby amended to read as
21 follows: 8-234b. (a) Every original driver's license issued by the division
22 shall indicate the class or classes of motor vehicles which the licensee is
23 entitled to drive. For this purpose the following classes are established:

24 (1) Commercial class A motor vehicles include any combination of
25 vehicles with a gross combination weight rating of 26,001 pounds or more,
26 providing the gross vehicle weight rating of the vehicle or vehicles being
27 towed is in excess of 10,000 pounds;

28 (2) commercial class B motor vehicles include any single vehicle
29 with a gross vehicle weight rating of 26,001 pounds or more, or any such
30 vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle
31 weight rating;

32 (3) commercial class C motor vehicles include any single vehicle less
33 than 26,001 pounds gross vehicle weight rating, or any such vehicle
34 towing a vehicle not in excess of 10,000 pounds, or any vehicle less than
35 26,001 pounds gross vehicle weight rating towing a vehicle in excess of
36 10,000 pounds gross vehicle weight rating, provided the gross combination
37 weight rating of the combination is less than 26,001 pounds comprising:

38 (A) Vehicles designed to transport 16 or more passengers, including
39 the driver; or

40 (B) vehicles used in the transportation of hazardous materials which
41 requires the vehicle to be placarded;

42 (4) class A motor vehicles include any combination of vehicles with a
43 gross combination weight rating of 26,001 pounds or more, provided the

1 gross combination weight rating of the vehicle or vehicles being towed is
2 in excess of 10,000 pounds, and all other lawful combinations of vehicles
3 with a gross combination weight rating of 26,001 pounds, or more; except
4 that, class A does not include a combination of vehicles that has a truck
5 registered as a farm truck under K.S.A. 8-143, and amendments thereto;

6 (5) class B motor vehicles include any single vehicle with a gross
7 vehicle weight rating of 26,001 pounds or more, or any such vehicle
8 towing a vehicle not in excess of 10,000 pounds gross vehicle weight
9 rating. Class B motor vehicles do not include a single vehicle registered as
10 a farm truck under K.S.A. 8-143, and amendments thereto, when such
11 farm truck has a gross vehicle weight rating of 26,001 pounds, or more; or
12 any fire truck operated by a volunteer fire department;

13 (6) class C motor vehicles include any single vehicle with a gross
14 vehicle weight rating less than 26,001 pounds, or any such vehicle towing
15 a vehicle not in excess of 10,000 pounds gross vehicle weight rating, or
16 any vehicle with a less than 26,001 gross vehicle weight rating towing a
17 vehicle in excess of 10,000 pounds gross vehicle weight rating, provided
18 the gross combination weight rating of the combination is less than 26,001
19 pounds, or any single vehicle registered as a farm truck under K.S.A. 8-
20 143, and amendments thereto, when such farm truck has a gross vehicle
21 weight rating of 26,001 pounds, or more, or any fire truck operated by a
22 volunteer fire department *or any autocycle*; and

23 (7) class M motor vehicles includes motorcycles, *but does not*
24 *include autocycles*.

25 As used in this subsection, "gross vehicle weight rating" means the
26 value specified by the manufacturer as the maximum loaded weight of a
27 single or a combination (articulated) vehicle. The gross vehicle weight
28 rating of a combination (articulated) vehicle, commonly referred to as the
29 gross combination weight rating, is the gross vehicle weight rating of the
30 power unit plus the gross vehicle weight rating of the towed unit or units.

31 (b) Every applicant for an original driver's license shall indicate on
32 such person's application the class or classes of motor vehicles for which
33 the applicant desires a license to drive, and the division shall not issue a
34 driver's license to any person unless such person has demonstrated
35 satisfactorily ability to exercise ordinary and reasonable control in the
36 operation of motor vehicles in the class or classes for which the applicant
37 desires a license to drive. The division shall administer an appropriate
38 examination of each applicant's ability to drive such motor vehicles.
39 Except as provided in K.S.A. 8-2,125 through 8-2,142, and amendments
40 thereto, the director of vehicles may accept a copy of the certificate of a
41 person's road test issued to an individual under the regulatory requirements
42 of the United States department of transportation, in lieu of requiring the
43 person to demonstrate ability to operate any motor vehicle or combination

1 of vehicles, if such certificate was issued not more than three years prior to
2 the person's application for a driver's license.

3 (c) Any person who is the holder of a valid driver's license which
4 entitles the person to drive class A motor vehicles may also drive class B
5 and C motor vehicles. Any person who is the holder of a valid driver's
6 license which entitles the person to drive class B motor vehicles may also
7 drive class C motor vehicles.

8 (d) The secretary of revenue shall adopt rules and regulations
9 establishing qualifications for the safe operation of the various types, sizes
10 and combinations of vehicles in each class of motor vehicles established in
11 subsection (a). Such rules and regulations shall include the adoption of at
12 least the minimum qualifications for commercial drivers' licenses
13 contained in the commercial motor vehicle safety act of 1986.

14 (e) Any reference in the motor vehicle drivers' license act to a class or
15 classes of motor vehicles is a reference to the classes of motor vehicles
16 established in subsection (a), and any reference in the motor vehicle
17 drivers' license act to a classified driver's license or a class of driver's
18 license means a driver's license which restricts the holder thereof to
19 driving one or more of such classes of motor vehicles.

20 (f) The secretary of revenue may enter into a contract with any
21 person, who meets the qualifications imposed on persons regularly
22 employed by the division as drivers' license examiners, to accept
23 applications for drivers' licenses and to administer the examinations
24 required for the issuance of drivers' licenses.

25 (g) Notwithstanding the provisions of subsection (a), any person
26 employed as an automotive mechanic who possesses a valid class C
27 driver's license may drive any class A or class B motor vehicle on the
28 highways for the purpose of determining the proper performance of the
29 vehicle, except that this does not include commercial class A, B or C
30 vehicles.

31 Sec. 4. K.S.A. 2014 Supp. 8-1598 is hereby amended to read as
32 follows: 8-1598. (a) No person under the age of 18 years shall operate or
33 ride upon a motorcycle or a motorized bicycle, unless wearing a helmet
34 which complies with minimum guidelines established by the national
35 highway traffic safety administration pursuant to the national traffic and
36 motor vehicle safety act of 1966 for helmets designed for use by
37 motorcyclists and other motor vehicle users.

38 (b) No person shall allow or permit any person under the age of 18
39 years to: (1) Operate a motorcycle or motorized bicycle or to ride as a
40 passenger upon a motorcycle or motorized bicycle without being in
41 compliance with the provisions of subsection (a); or (2) operate a
42 motorcycle or to ride as a passenger upon a motorcycle without being in
43 compliance with the provisions of subsection (c).

1 (c) (1) No person shall operate a motorcycle unless such person is
2 wearing an eye-protective device which shall consist of protective glasses,
3 goggles or transparent face shields which are shatter proof and impact
4 resistant, except when the motorcycle is equipped with a windscreen
5 which has a minimum height of 10 inches measured from the center of the
6 handlebars.

7 (2) No person under the age of 18 years shall ride as a passenger on a
8 motorcycle unless such person is wearing an eye-protective device which
9 shall consist of protective glasses, goggles or transparent face shields
10 which are shatter proof and impact resistant.

11 (d) This section shall not apply to persons riding within an enclosed
12 cab, *an autocycle* or on a golf cart, nor shall it apply to any person
13 operating or riding any industrial or cargo-type vehicle having three
14 wheels and commonly known as a truckster.

15 Sec. 5. K.S.A. 8-1438 is hereby amended to read as follows: 8-1438.
16 "Motorcycle" means every motor vehicle, *including autocycles*, having a
17 seat or saddle for the use of the rider and designed to travel on not more
18 than three(~~3~~) wheels in contact with the ground, but excluding a tractor.

19 Sec. 6. K.S.A. 8-1594 is hereby amended to read as follows: 8-1594.
20 (a) A person operating a motorcycle shall ride only upon the permanent
21 and regular seat attached thereto, and such operator shall not carry any
22 other person nor shall any other person ride on a motorcycle, unless such
23 motorcycle is designed to carry more than one(~~1~~) person, in which event a
24 passenger may ride upon the permanent and regular seat if designed for
25 two(~~2~~) persons, or upon another seat firmly attached to the motorcycle at
26 the rear or side of the operator.

27 (b) A person shall ride upon a motorcycle only while sitting astride
28 the seat, facing forward, with one leg on each side of the motorcycle. *This*
29 *subsection shall not apply to any person riding within an autocycle.*

30 (c) No person shall operate a motorcycle while carrying any package,
31 bundle, or other article which prevents such person from keeping both
32 hands on the handlebars.

33 (d) No operator shall carry any person, nor shall any person ride, in a
34 position that will interfere with the operation or control of the motorcycle
35 or the view of the operator.

36 Sec. 7. K.S.A. 2014 Supp. 8-1486 is hereby amended to read as
37 follows: 8-1486. K.S.A. 8-1402a, 8-1414a, 8-1439c, 8-1458a, 8-1459a, 8-
38 1475a, 8-1487, 8-1488, 8-1489 and 8-1490 and amendments thereto, and
39 K.S.A. 2014 Supp. 8-1491, 8-1492, 8-1493, 8-1494, 8-1495 and 8-1496,
40 and amendments thereto, *and section 1, and amendments thereto*, shall be
41 a part of, and supplemental to, the uniform act regulating traffic on
42 highways.

43 ***Sec. 8. K.S.A. 2014 Supp. 8-2503 is hereby amended to read as***

1 *follows: 8-2503. (a) Except as provided in subsection (b):*

2 *(1) Each occupant of either a passenger car manufactured with*
3 *safety belts in compliance with federal motor vehicle safety standard no.*
4 *208 or an auticycle, who is 18 years of age or older, shall have a safety*
5 *belt properly fastened about such person's body at all times when the*
6 *passenger car is in motion; and*

7 *(2) each occupant of either a passenger car manufactured with*
8 *safety belts in compliance with federal motor vehicle safety standard no.*
9 *208 or an auticycle, who is at least 14 years of age but less than 18 years*
10 *of age, shall have a safety belt properly fastened about such person's*
11 *body at all times when the passenger car is in motion.*

12 *(b) This section does not apply to:*

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

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

18 *(3) newspaper delivery persons while actually engaged in delivery*
19 *of newspapers along their specified routes.*

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

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

26 *(e) Law enforcement officers shall not stop drivers for violations of*
27 *subsection (a)(1) by a back seat occupant in the absence of another*
28 *violation of law. A citation for violation of subsection (a)(1) by a back*
29 *seat occupant shall not be issued without citing the violation that*
30 *initially caused the officer to effect the enforcement stop.*

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

38 *(1) For a child under the age of four years an appropriate child*
39 *passenger safety restraining system that meets or exceeds the standards*
40 *and specifications contained in federal motor vehicle safety standard no.*
41 *213;*

42 *(2) for a child four years of age, but under the age of eight years*
43 *and who weighs less than 80 pounds or is less than 4 feet 9 inches in*

1 *height, an appropriate child passenger safety restraining system that*
2 *meets or exceeds the standards and specifications contained in federal*
3 *motor vehicle safety standard no. 213; or*

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

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

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

16 *Sec. 10. K.S.A. 2014 Supp. 8-1345 is hereby amended to read as*
17 *follows: 8-1345. (a) It shall be unlawful for any driver to violate the*
18 *provisions of K.S.A. 8-1344, and amendments thereto, and upon*
19 *conviction such driver shall be punished by a fine of \$60. The failure to*
20 *provide a child safety restraining system or safety belt for more than one*
21 *child in the same passenger car, or auticycle as defined in section 1, and*
22 *amendments thereto, at the same time shall be treated as a single*
23 *violation. Any conviction under the provisions of this subsection shall*
24 *not be construed as a moving traffic violation for the purpose of K.S.A.*
25 *8-255, and amendments thereto.*

26 (b) *The \$60 fine provided for in subsection (a) shall be waived if the*
27 *driver convicted of violating ~~subsection (a)(1) or (a)(2) of K.S.A. 8-~~*
28 *1344(a)(1) or (2), and amendments thereto, provides proof to the court*
29 *that such driver has purchased or acquired the appropriate and*
30 *approved child passenger safety restraining system. At the time of*
31 *issuing the citation for a violation of ~~subsection (a)(1) or (a)(2) of K.S.A.~~*
32 *8-1344(a)(1) or (2), and amendments thereto, the law enforcement*
33 *officer shall notify the driver of the waiver provisions of this subsection.*

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

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

43 (e) *From and after the effective date of this act, and prior to July 1,*

1 **2007, a law enforcement officer shall issue a warning citation to anyone**
2 **violating** ~~subsection (a)(2) of K.S.A. 8-1344(a)(2), and amendments~~
3 **thereto.**}

4 Sec. ~~8-9.~~ {11.} K.S.A. 8-1438 and 8-1594 and K.S.A. 2014 Supp. 8-
5 126, 8-234b, {8-1344, 8-1345,} 8-1486~~and~~, 8-1598 **and 8-2503** are hereby
6 repealed.

7 Sec. ~~9-10.~~ {12.} This act shall take effect and be in force from and
8 after its publication in the Kansas register.