

## House Substitute for SENATE BILL No. 213

By Committee on Transportation

3-17

1 AN ACT concerning motor vehicles; relating to safety belts; uniform act  
2 regulating traffic on highways; amending K.S.A. 8-2204 and K.S.A.  
3 2010 Supp. 8-2503 and 8-2504 and repealing the existing sections.

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

6 Section 1. K.S.A. 8-2204 is hereby amended to read as follows: 8-  
7 2204. This act shall be known and may be cited as the uniform act  
8 regulating traffic on highways. The uniform act regulating traffic on  
9 highways includes K.S.A. 8-1560a through 8-1560d; all sections located in  
10 articles 10, ~~and~~ 14 through 22 *and* 25 of chapter 8 of *the* Kansas Statutes  
11 Annotated; K.S.A. 8-1,129, 8-1,130a, 8-1428a, 8-1742a, 8-2118 and  
12 K.S.A. 8-1599, and amendments thereto.

13 Sec. 2. K.S.A. 2010 Supp. 8-2503 is hereby amended to read as  
14 follows: 8-2503. (a) Except as provided in ~~K.S.A. 8-1344 and 8-1345, and~~  
15 ~~amendments thereto, and in subsection (b) or (c)~~ subsection (b);

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

20 (b)(2) each occupant of a passenger car manufactured with safety  
21 belts in compliance with federal motor vehicle safety standard no. 208,  
22 who is at least 14 years of age but less than 18 years of age, shall have a  
23 safety belt properly fastened about such person's body at all times when  
24 the passenger car is in motion.

25 (e)(b) This section does not apply to:

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

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

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

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

35 (d)(c) The secretary of transportation shall initiate an educational

1 program designed to encourage compliance with the safety belt usage  
2 provisions of this act.

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

6 ~~(f)~~(e) Law enforcement officers shall not stop drivers for violations of  
7 subsection (a)(1) by a back seat occupant in the absence of another  
8 violation of law. A citation for violation of subsection (a)(1) by a back seat  
9 occupant shall not be issued without citing the violation that initially  
10 caused the officer to effect the enforcement stop.

11 Sec. 3. K.S.A. 2010 Supp. 8-2504 is hereby amended to read as  
12 follows: 8-2504. (a) (1) ~~From and after the effective date of this act and~~  
13 ~~prior to June 30, 2010, a law enforcement officer shall issue a warning~~  
14 ~~citation to anyone violating subsection (a) of K.S.A. 8-2503, and~~  
15 ~~amendments thereto;~~

16 ~~(2) from and after June 30, 2010, until July 1, 2011, Persons violating~~  
17 ~~subsection (a)(1) of K.S.A. 8-2503, and amendments thereto, shall be fined~~  
18 ~~\$5 including and no court costs;~~

19 ~~(3) and, from and after July 1, 2011, persons violating subsection (a)~~  
20 ~~(1) of K.S.A. 8-2503, and amendments thereto, shall be fined \$10~~  
21 ~~including and no court costs; and~~

22 ~~(4)(2) persons violating subsection (b)(a)(2) of K.S.A. 8-2503, and~~  
23 ~~amendments thereto, shall be fined \$60 including and no court costs.~~

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 (d) *The provisions of this section shall be applicable and uniform*  
30 *throughout the state and no city, county, subdivision or local authority*  
31 *shall enact or enforce any law, ordinance, rule, regulation or resolution in*  
32 *conflict with, in addition to, or supplemental to, the provisions of this*  
33 *section.*

34 Sec. 4. K.S.A. 8-2204 and K.S.A. 2010 Supp. 8-2503 and 8-2504 are  
35 hereby repealed.

36 Sec. 5. This act shall take effect and be in force from and after its  
37 publication in the Kansas register.

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