

[As Amended by House Committee of the Whole]

Session of 2011

House Substitute for SENATE BILL No. 213

By Committee on Transportation

3-17

1 AN ACT ~~[regulating traffic;] concerning motor vehicles; relating to~~
2 safety belts[;] ~~[maximum speed limits;]~~ uniform act regulating traffic
3 on highways; amending K.S.A. 8-2204 and K.S.A. 2010 Supp. ~~[8-~~
4 **1558, 8-1560c, 8-1560d,** 8-2503 and 8-2504 and repealing the existing
5 sections.
6

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

8 [Section 1. Section 1. K.S.A. 2010 Supp. 8-1558 is hereby
9 amended to read as follows: 8-1558. (a) Except as provided in
10 subsection (b) and except when a special hazard exists that requires
11 lower speed for compliance with K.S.A. 8-1557, and amendments
12 thereto, the limits specified in this subsection or established as
13 authorized by law shall be maximum lawful speeds, and no person
14 shall operate a vehicle at a speed in excess of such maximum limits:]

15 [(1) In any urban district, 30 miles per hour;]

16 [(2) on any separated multilane highway, as designated and
17 posted by the secretary of transportation, ~~70~~ 75 miles per hour;]

18 [(3) on any county or township highway, 55 miles per hour; and]

19 [(4) on all other highways, 65 miles per hour.]

20 [(b) No person shall drive a school bus to or from school, or
21 interschool or intraschool functions or activities, at a speed in excess of
22 the maximum speed limits provided in subsection (a), except that the
23 board of education of any school district may establish by board
24 policy lower maximum speed limits for the operation of such district's
25 school buses. The provisions of this subsection relating to school buses
26 shall apply to buses used for the transportation of students enrolled in
27 community colleges or area vocational schools, when such buses are
28 transporting students to or from school, or functions or activities.]

29 [(c) The maximum speed limits in this section may be altered as
30 authorized in K.S.A. 8-1559 and 8-1560, and amendments thereto.]

31 [Sec. 2. K.S.A. 2010 Supp. 8-1560c is hereby amended to read as
32 follows: 8-1560c. (a) Any conviction or forfeiture of bail or bond for
33 violating a maximum posted or authorized speed limit of 30 miles per
34 hour or more but not exceeding 54 miles per hour on any highway, by
35 not more than six miles per hour, shall not be construed as a moving

1 traffic violation for the purpose of K.S.A. 8-255, and amendments
2 thereto.]

3 [(b) Any conviction or forfeiture of bail or bond for violating the
4 maximum posted or authorized speed limit of 55 miles per hour or
5 more but not exceeding ~~70~~ 75 miles per hour on any highway, by not
6 more than 10 miles per hour, shall not be construed as a moving traffic
7 violation for the purpose of K.S.A. 8-255, and amendments thereto.]

8 [Sec. 3. K.S.A. 2010 Supp. 8-1560d is hereby amended to read as
9 follows: 8-1560d. Convictions for violating a maximum posted speed
10 limit of 55 miles per hour or more but not exceeding ~~70~~ 75 miles per
11 hour, by not more than 10 miles per hour in excess of such maximum
12 speed limit, or a maximum posted speed limit of 30 miles per hour or
13 more but not exceeding 54 miles per hour, by not more than six miles
14 per hour in excess of such maximum speed limit, shall not be reported
15 by the division and shall not be considered by any insurance company
16 in determining the rate charged for any automobile liability insurance
17 policy or whether to cancel any such policy under the provisions of
18 subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto.]

19 ~~Section 4.~~ [Sec. 4.] K.S.A. 8-2204 is hereby amended to read as
20 follows: 8-2204. This act shall be known and may be cited as the uniform
21 act regulating traffic on highways. The uniform act regulating traffic on
22 highways includes K.S.A. 8-1560a through 8-1560d; all sections located in
23 articles 10, ~~and~~ 14 through 22 *and* 25 of chapter 8 of *the* Kansas Statutes
24 Annotated; K.S.A. 8-1,129, 8-1,130a, 8-1428a, 8-1742a, 8-2118 and
25 K.S.A. 8-1599, and amendments thereto.

26 Sec. ~~2~~ [5.] K.S.A. 2010 Supp. 8-2503 is hereby amended to read as
27 follows: 8-2503. (a) Except as provided in ~~K.S.A. 8-1344 and 8-1345, and~~
28 ~~amendments thereto, and in subsection (b) or (c) subsection (b);~~

29 (1) Each occupant of a passenger car manufactured with safety belts
30 in compliance with federal motor vehicle safety standard no. 208, who is
31 18 years of age or older, shall have a safety belt properly fastened about
32 such person's body at all times when the passenger car is in motion ~~;~~ *and*

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

38 ~~(e)(b)~~ This section does not apply to:

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

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

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

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

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

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

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

16 Sec. ~~3~~ **[6.]** K.S.A. 2010 Supp. 8-2504 is hereby amended to read as
17 follows: 8-2504. (a) (1) ~~From and after the effective date of this act and~~
18 ~~prior to June 30, 2010, a law enforcement officer shall issue a warning~~
19 ~~citation to anyone violating subsection (a) of K.S.A. 8-2503, and~~
20 ~~amendments thereto;~~

21 ~~(2) from and after June 30, 2010, until July 1, 2011, Persons violating~~
22 ~~subsection (a)(1) of K.S.A. 8-2503, and amendments thereto, shall be fined~~
23 ~~\$5 including and no court costs;~~

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

27 ~~(4)(2) persons violating subsection (b)(a)(2) of K.S.A. 8-2503, and~~
28 ~~amendments thereto, shall be fined \$60 including and no court costs.~~

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

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

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

39 Sec. ~~4~~ **[7.]** K.S.A. 8-2204 and K.S.A. 2010 Supp. **[8-1558, 8-1560c,**
40 **8-1560d,]** 8-2503 and 8-2504 are hereby repealed.

41 Sec. ~~5~~ **[8.]** This act shall take effect and be in force from and after its
42 publication in the Kansas register.