AN ACT relating to motor vehicles; concerning the use of safety belts; establishing the seat belt safety fund; education; boating safety education courses, exceptions therefrom, certain sailboats; amending K.S.A. 32-1139 and K.S.A. 2014 Supp. 8-2504, 12-4120 and 74-7336 and repealing the existing sections.

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

New Section 1. There is hereby established in the state treasury the seat belt safety fund which shall be administered by the secretary of transportation. All expenditures of moneys in the seat belt safety fund shall be used for the purpose of promotion and education of occupant protection among children, including, but not limited to, programs in schools in Kansas and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of transportation or by a person or persons designated by the secretary of transportation. The secretary of transportation may accept all gifts, grants, donations and bequests to the fund. The secretary of transportation shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the seat belt safety fund.

Sec. 2. K.S.A. 2014 Supp. 8-2504 is hereby amended to read as follows: 8-2504. (a) (1) Persons violating subsection (a)(1) of K.S.A. 8-2503(a)(1), and amendments thereto, shall be fined $5 and no court costs and, from and after July 1, 2011, persons violating subsection (a)(1) of K.S.A. 8-2503, and amendments thereto, shall be fined $10 $30 and no court costs; and
(2) persons violating subsection (a)(2) of K.S.A. 8-2503(a)(2), and amendments thereto, shall be fined $60 and no 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.
(d) The provisions of this section shall be applicable and uniform
throughout the state and no city, county, subdivision or local authority
shall enact or enforce any law, ordinance, rule, regulation or resolution in
conflict with, in addition to, or supplemental to, the provisions of this
section.

Sec. 3. K.S.A. 2014 Supp. 12-4120 is hereby amended to read as
follows: 12-4120. (a) On and after July 1, 2012, the amount of $250 from
each fine imposed for a violation of a city ordinance prohibiting the acts
prohibited by K.S.A. 8-1567 or 8-2,144 or K.S.A. 2014 Supp. 8-1025, and
amendments thereto, shall be remitted by the judge or clerk of the
municipal court to the state treasurer in accordance with the provisions of
K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
remittance, the state treasurer shall credit the entire amount to the
75-52,113, and amendments thereto.

(b) On and after July 1, 2013, the amount of $2,500 from each fine
imposed for a violation of a city ordinance prohibiting the acts prohibited
by K.S.A. 2014 Supp. 21-6421, and amendments thereto, shall be remitted
by the judge or clerk of the municipal court to the state treasurer in
accordance with the provisions of K.S.A. 75-4215, and amendments
thereto. Upon receipt of each such remittance, the state treasurer shall
credit the entire amount to the human trafficking victim assistance fund
established by K.S.A. 2014 Supp. 75-758, and amendments thereto.

(c) On and after July 1, 2015, the amount of $20 from each fine
imposed for a violation of a city ordinance requiring the use of safety belts
for those individuals required by K.S.A. 8-2503(a)(1), and amendments
thereto, shall be remitted by the judge or clerk of the municipal court to
the state treasurer in accordance with the provisions of K.S.A. 75-4215,
and amendments thereto. Upon receipt of each such remittance, the state
treasurer shall credit the entire amount to the seat belt safety fund
established by section 1, and amendments thereto.

Sec. 4. K.S.A. 2014 Supp. 74-7336 is hereby amended to read as
follows: 74-7336. (a) Of the remittances of fines, penalties and forfeitures
received from clerks of the district court, at least monthly, the state
treasurer shall credit:

1. 10.94% to the crime victims compensation fund;
2. 2.24% to the crime victims assistance fund;
3. 2.75% to the community alcoholism and intoxication
   programs fund;
4. 7.65% to the department of corrections alcohol and drug
   abuse treatment fund;
5. 0.16% to the boating fee fund;
6. 0.11% to the children's advocacy center fund;
7. 2.28% to the EMS revolving fund;
(8) 2.28% to the trauma fund;
(9) 2.28% to the traffic records enhancement fund;
(10) 2.91% to the criminal justice information system line fund; and

(11) 2.74% to the seat belt safety fund; and
(12) the remainder of the remittances to the state general fund.

(b) The county treasurer shall deposit grant moneys as provided in subsection (a), from the crime victims assistance fund, to the credit of a special fund created for use by the county or district attorney in establishing and maintaining programs to aid witnesses and victims of crime.

{Sec. 5. K.S.A. 32-1139 is hereby amended to read as follows: 32-1139. (a) On and after January 1, 2001:
(1) No person born on or after January 1, 1989, shall operate on public waters of this state any motorboat or sailboat unless the person possesses a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person as provided by this act.

(2) No owner or person in possession of any motorboat or sailboat shall permit another person, who is subject to the requirements in subsection (a)(1), to operate such motorboat or sailboat unless such other person either: (A) Has been lawfully issued a certificate of completion of an approved boater safety education course of instruction as provided by this act; or (B) is legally exempt from the requirements of subsection (a)(1).

(3) The requirement in subsection (a)(1), shall not apply to a person 21 years of age or older.

(4) The requirement in subsection (a)(1) shall not apply to a person operating a sailboat that does not have a motor and has an overall length of 16 feet, seven inches or less, while enrolled in an instructor-led class.

(b) The requirement in subsection (a)(1) shall not apply to a person operating a motorboat or sailboat accompanied by and under the direct and audible supervision of a person over 17 years of age who either: (1) Possesses a certificate of completion of an approved boater safety education course; or (2) is legally exempt from the requirements of subsection (a)(1).

(c) No person who is charged with a violation of subsection (a)(1) shall be convicted of the violation if such person produces in court or in the office of the arresting officer a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person and valid at the time of such person’s arrest.

Sec. 5.} {K.S.A. 32-1139 and} K.S.A. 2014 Supp. 8-2504, 12-4120 and 74-7336 are hereby repealed.
Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.