As Amended by Senate Committee

Session of 2015

SENATE BILL No. 82

By Committee on Transportation

1-27

AN ACT concerning motor vehicles; relating to the use of safety belts; establishing the seat belt safety fund; amending K.S.A. 2014 Supp. 8-2504, 12-4120 and 74-7336 and repealing the existing sections making and concerning appropriations for the fiscal year ending June 30, 2016; authorizing certain transfers.

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, 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 and no court costs; and

(2) persons violating subsection (a)(2) of K.S.A. 8-2503, 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 community corrections supervision fund established by K.S.A. 2014 Supp. 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 $40 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 amount pursuant to K.S.A. 74-7336, 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-

and
(11) 5.26% 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. 2014 Supp. 8-2504, 12-4120 and 74-7336 are hereby-
repealed.

Sec. 2.

DEPARTMENT OF TRANSPORTATION

(a) There is appropriated for the above agency from the following
special revenue fund or funds for the fiscal year ending June 30, 2016,
all moneys now or hereafter lawfully credited to and available in such
fund or funds, except that expenditures shall not exceed the following:

Seat belt safety fund.................................................................$480,000

(b) On July 1, 2015, or as soon thereafter as moneys are available,
the director of accounts and reports shall transfer $480,000 from the
state general fund to the seat belt safety fund of the department of
transportation.

Sec. 6. This act shall take effect and be in force from and after its
publication in the statute book.