

As Amended by House Committee

Session of 2018

SENATE BILL No. 296

By Committee on Judiciary

1-18

1 AN ACT concerning the safety belt use act; relating to evidence of failure
2 to use a safety belt and admissibility in other actions; amending K.S.A.
3 2017 Supp. 8-2504 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2017 Supp. 8-2504 is hereby amended to read as
7 follows: 8-2504. (a) (1) Persons violating K.S.A. 8-2503(a)(1), and
8 amendments thereto, shall be fined \$30 and no court costs; and

9 (2) persons violating K.S.A. 8-2503(a)(2), and amendments thereto,
10 shall be fined \$60 and no court costs.

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

13 (c) (1) Evidence of failure of any person to use a safety belt ~~shall not~~
14 ~~be admissible~~ ~~may be considered by the trier of fact~~ **shall not be**
15 **admissible** in any action for the purpose of determining any aspect of
16 comparative negligence or mitigation of damages.

17 (2) **In any civil action in which the plaintiff has asserted a product**
18 **liability claim, as defined in K.S.A. 60-3302(c), and amendments**
19 **thereto, against an automobile manufacturer alleging harm caused by**
20 **a defective vehicle occupant protection system, evidence of misuse or**
21 **nonuse of a safety belt may be considered by the trier of fact for the**
22 **purpose of determining causation, the absence of a defect or hazard or**
23 **negligent design or construction.**

24 (d) The provisions of this section shall be applicable and uniform
25 throughout the state and no city, county, subdivision or local authority
26 shall enact or enforce any law, ordinance, rule, regulation or resolution in
27 conflict with, in addition to, or supplemental to, the provisions of this
28 section.

29 Sec. 2. K.S.A. 2017 Supp. 8-2504 is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its
31 publication in the statute book.