



Kansas Peace Officers' Association

INCORPORATED

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NEW SEAT BELT LAW IS EFFECTIVE JUNE 10, 2010

HB2130, amending KSA 8-2503, the seat belt statute, became effective on June 10, 2010, when it was published in the Kansas Register. This is the new primary seat belt law. The following are some of the main points of the new law.

1. The new primary enforcement (doesn't require another violation) is applicable only to the front seat adult occupants of the vehicle.
2. Rear seat adult occupants also are required to wear a seat belt, but these are secondary offenses (another violation has to have occurred and a citation issued for that violation). HINT: The "other violation" can be a front seat occupant not wearing a seat belt.
3. Subsection (b) of this statute (KSA 8-2503) pertaining to children age 14 or older and less than age 18 remains unchanged. These are still primary violations regardless of where they are seated in the vehicle and are not subject to the June 2010 warning period.
4. The child restraint laws in KSA 8-1345 remain unchanged. They remain primary violations and fully enforceable.
5. Warnings must be issued (no citations/notices to appear) until June 30, 2010, for adults violating the seat belt statute. Violations by persons under 18 can still be cited. On and after June 30, 2010, citations may be issued to adult violators.
6. These violations remain not reportable to DMV.

IF YOU ARE IN A MUNICIPAL AGENCY this bill does not change your local ordinance. So until the local ordinance is amended it may still contain the secondary violation restriction for adult occupants of the front seat and lack the provision requiring adult occupants of the rear seat to wear a seat belt. It is especially important during this transition period to follow the direction of your local agency on seat belt enforcement.

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Disclaimer: The author is not an attorney. The intent of this document is not to provide legal advice. It is to provide what the author believes to be an accurate summary of the legislative intent of the bill as developed during participation in the legislative process. Always consult your local agency's legal advisor or other attorney for legal interpretation and legal requirements of new statutes. Always follow your agency's direction on enforcement policies and procedures.