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## Transportation

### L-3 Safety Belt Requirements and Fines

Kansas is one of 34 states that allows law enforcement officers to ticket a vehicle occupant for not wearing a seat belt without alleging any other traffic offense. In Kansas, since 2010, primary enforcement is allowed if anyone younger than age 18 or anyone riding in the front seat is not properly restrained. Kansas law includes exceptions for mail and newspaper carriers and for anyone who has a written statement from a licensed physician that such person is unable for medical reasons to wear a seat belt. A violation by an adult in the back seat remains a secondary violation, meaning a citation can be issued only if another law has been violated, but others are primary violations, for which an officer may stop a vehicle.

### Background on Kansas Law

Kansas law has required the wearing of seat belts since 1986 and has required restraint of children in passenger vehicles since 1981. In both cases, a “passenger vehicle” carries ten or fewer passengers and is manufactured or assembled with safety belts.

SB 89 (2017) increased the fine for a seat belt violation by an adult from \$10 to \$30 (KSA 2018 Supp. 8-2504). The bill directs 2.20 percent of all fines, penalties, and forfeitures received from clerks of the district court to the Seat Belt Safety Fund (Fund). (See KSA 2018 Supp. 12-4120.) Of the \$30 fine for violation of a city ordinance requiring seat belt use by those 18 and older, \$20 is directed to the Fund, which is used for the promotion of and education on occupant protection among children, including, but not limited to, programs in schools in Kansas (KSA 2018 Supp. 8-1,181).

KSA 2018 Supp. 8-2504 also prohibits any city, county, subdivision, or local authority from enacting or enforcing any law in conflict with or in addition to the fines for violations by those 14 and older.

A summary of Kansas safety belt requirements can be found in the table on the next page.

### Laws in Surrounding States

Nearby states’ statutes vary regarding safety belt violations of those not covered by mandatory child restraint laws:

- Colorado: 16 and older; secondary offense, class B traffic infraction (Colo. Rev. Stat. Ann. §§ 42-4-236, 42-4-237); \$65 penalty plus \$16 surcharge (Colo. Rev. Stat. Ann. § 42-4-1701);
- Missouri: 16 and older; secondary violation if 16 or older; maximum \$10 fine and no court costs (Mo. Ann. Stat. § 307.178);
- Nebraska: 18 and older, driver and front seat occupants; secondary violation unless 17 or younger and in a portion of the vehicle not intended for passengers; \$25 fine and no court costs (Neb. Rev. Stat. Ann. §§ 60-6,267, 60-6,268, 60-6,270, 60-6,271, 60-6,272); and
- Oklahoma: primary violation; maximum \$20 for fine and court costs; driver or front-seat passenger age 8 or older or meeting height requirements (Okla. Stat. Ann. tit. 47, §§ 11-1112, 12-417).

PASSENGER CAR SAFETY BELT REQUIREMENTS IN KANSAS LAW		
General Requirement	Which person(s) in the vehicle	State Fine
The driver is responsible to protect each child by properly using a child safety restraining system meeting Federal Motor Vehicle Safety Standard No. 213.	Age 7 or younger and who weighs less than 80 pounds or is less than 4 feet 9 inches in height	\$60.00 (fine does not include court costs) <sup>1</sup>
The driver is responsible to protect each child by properly using a safety belt manufactured in compliance with Federal Motor Vehicle Safety Standard No. 208.	Age 8-13 or a younger child who weighs more than 80 pounds or is more than 4 feet 9 inches in height	\$60.00 (fine does not include court costs) <sup>1</sup>
A properly fastened safety belt required at all times when the vehicle is in motion if the car has been manufactured with safety belts meeting Federal Motor Vehicle Safety Standard No. 208.	Age 14-17	\$60.00 (fine includes court costs) <sup>2</sup>
	Age 18 and older	\$30.00 (fine includes court costs) <sup>2</sup>
1 KSA 2018 Supp. 8-1344(a) and 8-1345; the fine may be waived upon proving to the court that an approved restraining system has been acquired. Any conviction is not a moving violation.		
2 KSA 2018 Supp. 8-2503(a) and 8-2504. A conviction is not reported to the Department of Revenue.		

Sources:

Governors Highway Safety Association, "Seat Belts," updated May 2018, <https://www.ghsa.org/state-laws/issues/Seat-Belts>, accessed September 2018.  
 Insurance Institute for Highway Safety, "Safety Belts and Child Safety Seats," September 2018, <http://www.iihs.org/iihs/topics/laws/safetybeltuse/mapbeltenforcement>, accessed September 2018.

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