

SENATE BILL No. 144

By Committee on Transportation

2-2

1 AN ACT regulating traffic; concerning the operation of a motor vehicle in
2 a school zone and a road construction zone; use of a wireless
3 communication device; amending K.S.A. 2016 Supp. 8-2118 and
4 repealing the existing section.

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

7 New Section 1. (a) As used in this section:

8 (1) "Hands-free device" means speakerphone capability or a
9 telephone attachment or other piece of equipment, regardless of whether
10 permanently installed in the motor vehicle, that allows use of the wireless
11 communication device without use of either of the operator's hands.

12 (2) "Wireless communication device" has the same meaning as
13 defined in K.S.A. 2016 Supp. 8-15,111, and amendments thereto.

14 (b) On and after January 1, 2018, no person shall operate a motor
15 vehicle in a school zone established by K.S.A. 8-1560(a) or K.S.A. 2016
16 Supp. 8-1560e, and amendments thereto, or a road construction zone, as
17 that term is defined in K.S.A. 8-1458a, and amendments thereto, while
18 using a wireless communication device.

19 (c) The provisions of subsection (b) shall not apply to:

20 (1) A law enforcement officer or emergency service personnel acting
21 within the course and scope of the law enforcement officer's or emergency
22 service personnel's employment;

23 (2) a motor vehicle that is stopped; or

24 (3) a wireless communication device that is being used with a hands-
25 free device.

26 (d) The provisions of subsection (b) shall not prohibit a person from
27 using a wireless communication device while operating a motor vehicle in
28 a school zone or road construction zone to:

29 (1) Report current or ongoing illegal activity to law enforcement;

30 (2) prevent imminent injury to a person or property; or

31 (3) summon medical or other emergency assistance.

32 (e) Any conviction under the provisions of this section shall not be
33 construed as a moving traffic violation for the purpose of K.S.A. 8-255,
34 and amendments thereto.

35 (f) This section shall be part of and supplemental to the uniform act
36 regulating traffic on highways.

1 Sec. 2. K.S.A. 2016 Supp. 8-2118 is hereby amended to read as
 2 follows: 8-2118. (a) A person charged with a traffic infraction shall, except
 3 as provided in subsection (b), appear at the place and time specified in the
 4 notice to appear. If the person enters an appearance, waives right to trial,
 5 pleads guilty or no contest, the fine shall be no greater than that specified
 6 in the uniform fine schedule in subsection (c) and court costs shall be
 7 taxed as provided by law.

8 (b) Prior to the time specified in the notice to appear, a person
 9 charged with a traffic infraction may enter a written appearance, waive
 10 right to trial, plead guilty or no contest and pay the fine for the violation as
 11 specified in the uniform fine schedule in subsection (c) and court costs
 12 provided by law. Payment may be made in any manner accepted by the
 13 court. The traffic citation shall not have been complied with if the payment
 14 is not honored for any reason, or if the fine and court costs are not paid in
 15 full. When a person charged with a traffic infraction makes payment
 16 without executing a written waiver of right to trial and plea of guilty or no
 17 contest, the payment shall be deemed such an appearance, waiver of right
 18 to trial and plea of no contest.

19 (c) The following uniform fine schedule shall apply uniformly
 20 throughout the state but shall not limit the fine which may be imposed
 21 following a court appearance, except an appearance made for the purpose
 22 of pleading and payment as permitted by subsection (a). The description of
 23 offense contained in the following uniform fine schedule is for reference
 24 only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
25 Refusal to submit to a prelim- 26 inary breath test	8-1012	\$105
27 Unsafe speed for prevailing 28 conditions	8-1557	\$75
29 Exceeding maximum speed 30 limit; or speeding in zone 31 posted by the state depart- 32 ment of transportation; or 33 speeding in locally posted 34 zone	30 8-1558 31 to 32 8-1560 33 8-1560a 34 or 35 8-1560b	30 1-10 mph over the 31 limit, \$45 32 11-20 mph over the 33 limit, \$45 plus \$6 34 per mph over 10 35 mph over the limit; 36 21-30 mph over the 37 limit, \$105 plus \$9 38 per mph over 20 39 mph over the limit; 40 31 and more mph 41 over the limit, \$195 42 plus \$15 per mph 43 over 30 mph over

1			the limit;
2	Disobeying traffic control de-	8-1507	\$75
3	vice		
4	Violating traffic control signal	8-1508	\$75
5	Violating pedestrian control	8-1509	\$45
6	signal		
7	Violating flashing traffic sig-	8-1510	\$75
8	nals		
9	Violating lane-control signal	8-1511	\$75
10	Unauthorized sign, signal,	8-1512	\$45
11	marking or device		
12	Driving on left side of road-	8-1514	\$75
13	way		
14	Failure to keep right to pass	8-1515	\$75
15	oncoming vehicle		
16	Improper passing; increasing	8-1516	\$75
17	speed when passed		
18	Improper passing on right	8-1517	\$75
19	Passing on left with insuffi-	8-1518	\$75
20	cient clearance		
21	Driving on left side where	8-1519	\$75
22	curve, grade, intersec-		
23	tion railroad crossing, or		
24	obstructed view		
25	Driving on left in no-passing	8-1520	\$75
26	zone		
27	Unlawful passing of stopped	8-1520a	\$75
28	emergency vehicle		
29	Driving wrong direction on	8-1521	\$75
30	one-way road		
31	Improper driving on laned	8-1522	\$75
32	roadway		
33	Following too close	8-1523	\$75
34	Improper crossover on di-	8-1524	\$45
35	vided highway		
36	Failure to yield right-of-way	8-1526	\$75
37	at uncontrolled intersection		
38	Failure to yield to approach-	8-1527	\$75
39	ing vehicle when turning		
40	left		
41	Failure to yield at stop or	8-1528	\$75
42	yield sign		
43	Failure to yield from private	8-1529	\$75

1	road or driveway		
2	Failure to yield to emergency	8-1530	\$195
3	vehicle		
4	Failure to yield to pedestrian	8-1531	\$105
5	or vehicle working on		
6	roadway		
7	Failure to comply with re-	8-1531a	\$45
8	strictions in road con-		
9	struction zone		
10	Disobeying pedestrian traffic	8-1532	\$45
11	control device		
12	Failure to yield to pedestrian	8-1533	\$75
13	in crosswalk; pedestrian		
14	suddenly entering road-		
15	way; passing vehicle		
16	stopped for pedestrian at		
17	crosswalk		
18	Improper pedestrian crossing	8-1534	\$45
19	Failure to exercise due care in	8-1535	\$45
20	regard to pedestrian		
21	Improper pedestrian move-	8-1536	\$45
22	ment in crosswalk		
23	Improper use of roadway by	8-1537	\$45
24	pedestrian		
25	Soliciting ride or business	8-1538	\$45
26	on roadway		
27	Driving through safety zone	8-1539	\$45
28	Failure to yield to pedestrian	8-1540	\$45
29	on sidewalk		
30	Failure of pedestrian to yield	8-1541	\$45
31	to emergency vehicle		
32	Failure to yield to blind pe-	8-1542	\$45
33	destrian		
34	Pedestrian disobeying bridge	8-1544	\$45
35	or railroad signal		
36	Improper turn or approach	8-1545	\$75
37	Improper "U" turn	8-1546	\$75
38	Unsafe starting of stopped	8-1547	\$45
39	vehicle		
40	Unsafe turning or stopping,	8-1548	\$75
41	failure to give proper sig-		
42	nal; using turn signal un-		
43	lawfully		

1	Improper method of giving	8-1549	\$45
2	notice of intention to turn		
3	Improper hand signal	8-1550	\$45
4	Failure to stop or obey	8-1551	\$195
5	road crossing signal		
6	Failure to stop at railroad	8-1552	\$135
7	crossing stop sign		
8	Certain hazardous vehicles	8-1553	\$195
9	failure to stop at railroad		
10	crossing		
11	Improper moving of heavy	8-1554	\$75
12	equipment at railroad		
13	crossing		
14	Vehicle emerging from alley,	8-1555	\$75
15	private roadway, building		
16	or driveway		
17	Improper passing of school	8-1556	\$315
18	bus; improper use of		
19	school bus signals		
20	Improper passing of church	8-1556a	\$195
21	or day-care bus; improper		
22	use of signals		
23	Impeding normal traffic	8-1561	\$45
24	by slow speed		
25	Speeding on motor-driven	8-1562	\$75
26	cycle		
27	Speeding in certain vehicles	8-1563	\$45
28	or on posted bridge		
29	Improper stopping, standing	8-1569	\$45
30	or parking on roadway		
31	Parking, standing or stopping	8-1571	\$45
32	in prohibited area		
33	Improper parking	8-1572	\$45
34	Unattended vehicle	8-1573	\$45
35	Improper backing	8-1574	\$45
36	Driving on sidewalk	8-1575	\$45
37	Driving with view or driving	8-1576	\$45
38	mechanism obstructed		
39	Unsafe opening of vehicle	8-1577	\$45
40	door		
41	Riding in house trailer	8-1578	\$45
42	Unlawful riding on vehicle	8-1578a	\$75
43	Improper driving in defiles,	8-1579	\$45

1	canyons, or on grades		
2	Coasting	8-1580	\$45
3	Following fire apparatus too	8-1581	\$75
4	closely		
5	Driving over fire hose	8-1582	\$45
6	Putting glass, etc., on high-	8-1583	\$105
7	way		
8	Driving into intersection,	8-1584	\$45
9	crosswalk, or crossing		
10	without sufficient space		
11	on other side		
12	Improper operation of snow-	8-1585	\$45
13	mobile on highway		
14	Parental responsibility of	8-1586	\$45
15	child riding bicycle		
16	Not riding on bicycle seat;	8-1588	\$45
17	too many persons on		
18	bicycle		
19	Clinging to other vehicle	8-1589	\$45
20	Improper riding of bicycle on	8-1590	\$45
21	roadway		
22	Carrying articles on bicycle;	8-1591	\$45
23	one hand on handlebars		
24	Improper bicycle lamps,	8-1592	\$45
25	brakes or reflectors		
26	Improper operation of mo-	8-1594	\$45
27	torcycle; seats; passen-		
28	gers, bundles		
29	Improper operation of mo-	8-1595	\$75
30	torcycle on laned road		
31	way		
32	Motorcycle clinging to other	8-1596	\$45
33	vehicle		
34	Improper motorcycle handle-	8-1597	\$75
35	bars or passenger		
36	equipment		
37	Motorcycle helmet and eye-	8-1598	\$45
38	protection requirements		
39	Unlawful operation of all-ter-	8-15,100	\$75
40	rain vehicle		
41	Unlawful operation of	8-15,101	\$75
42	low-speed vehicle		
43	Littering	8-15,102	\$115

1	Disobeying school crossing	8-15,103	\$75
2	guard		
3	Unlawful operation of micro	8-15,106	\$75
4	utility truck		
5	Failure to remove vehicles in	8-15,107	\$75
6	accidents		
7	Unlawful operation of golf	8-15,108	\$75
8	cart		
9	Unlawful operation of work-	8-15,109	\$75
10	site utility vehicle		
11	Unlawful display of license	8-15,110	\$60
12	plate		
13	Unlawful text messaging	8-15,111	\$60
14	<i>Unlawful use of a wireless</i>	<i>section 1</i>	<i>\$60</i>
15	<i>communication device in</i>		
16	<i>a school zone or a road con-</i>		
17	<i>struction zone</i>		
18	Equipment offenses that are	8-1701	\$75
19	not misdemeanors		
20	Driving without lights when	8-1703	\$45
21	needed		
22	Defective headlamps	8-1705	\$45
23	Defective tail lamps	8-1706	\$45
24	Defective reflector	8-1707	\$45
25	Improper stop lamp or turn	8-1708	\$45
26	signal		
27	Improper lighting equipment	8-1710	\$45
28	on certain vehicles		
29	Improper lamp color on cer-	8-1711	\$45
30	tain vehicles		
31	Improper mounting of re-	8-1712	\$45
32	flectors and lamps on cer-		
33	tain vehicles		
34	Improper visibility of reflec-	8-1713	\$45
35	tors and lamps on certain		
36	vehicles		
37	No lamp or flag on projecting	8-1715	\$75
38	load		
39	Improper lamps on parked	8-1716	\$45
40	vehicle		
41	Improper lights, lamps, re-	8-1717	\$45
42	flectors and emblems on		
43	farm tractors or slow-		

1	moving vehicles		
2	Improper lamps and equip-	8-1718	\$45
3	ment on implements of		
4	husbandry, road machin-		
5	ery or animal-drawn ve-		
6	hicles		
7	Unlawful use of spot, fog, or	8-1719	\$45
8	auxiliary lamp		
9	Improper lamps or lights on	8-1720	\$45
10	emergency vehicle		
11	Improper stop or turn signal	8-1721	\$45
12	Improper vehicular hazard	8-1722	\$45
13	warning lamp		
14	Unauthorized additional	8-1723	\$45
15	lighting equipment		
16	Improper multiple-beam lights	8-1724	\$45
17	Failure to dim headlights	8-1725	\$75
18	Improper single-beam head-	8-1726	\$45
19	lights		
20	Improper speed with alter-	8-1727	\$45
21	nate lighting		
22	Improper number of driving	8-1728	\$45
23	lamps		
24	Unauthorized lights and sig-	8-1729	\$45
25	nals		
26	Improper school bus lighting	8-1730	\$45
27	equipment and warning		
28	devices		
29	Unauthorized lights and de-	8-1730a	\$45
30	vices on church or day-		
31	care bus		
32	Improper lights on highway	8-1731	\$45
33	construction or maintenance		
34	vehicles		
35	Defective brakes	8-1734	\$45
36	Defective or improper use of	8-1738	\$45
37	horn or warning device		
38	Defective muffler	8-1739	\$45
39	Defective mirror	8-1740	\$45
40	Defective wipers; obstructed	8-1741	\$45
41	windshield or windows		
42	Improper tires	8-1742	\$45
43	Improper flares or warning	8-1744	\$45

1	devices		
2	Improper use of vehicular	8-1745	\$45
3	hazard warning lamps		
4	and devices		
5	Improper air-conditioning	8-1747	\$45
6	equipment		
7	Improper safety belt or	8-1749	\$45
8	shoulder harness		
9	Improper wide-based single	8-1742b	\$75
10	tires		
11	Improper compression re-	8-1761	\$75
12	lease engine braking sys-		
13	tem		
14	Defective motorcycle head-	8-1801	\$45
15	lamp		
16	Defective motorcycle tail	8-1802	\$45
17	lamp		
18	Defective motorcycle reflec-	8-1803	\$45
19	tor		
20	Defective motorcycle stop	8-1804	\$45
21	lamps and turn signals		
22	Defective multiple-beam	8-1805	\$45
23	lighting		
24	Improper road-lighting equip-	8-1806	\$45
25	ment on motor-driven cy-		
26	cles		
27	Defective motorcycle or mo-	8-1807	\$45
28	tor-driven cycle brakes		
29	Improper performance abil-	8-1808	\$45
30	ity of brakes		
31	Operating motorcycle with	8-1809	\$45
32	disapproved braking sys-		
33	tem		
34	Defective horn, muffler, mir-	8-1810	\$45
35	rors or tires		
36	Unlawful statehouse parking	75-4510a	\$30
37	Exceeding gross weight of	8-1909	Pounds Overweight
38	vehicle or combination		up to 1000\$40
39			1001 to 2000.....3¢
40			per pound
41			2001 to 5000.....5¢
42			per pound
43			5001 to 7500.....7¢

1			per pound
2			7501 and over.....10¢
3			per pound
4	Exceeding gross weight on	8-1908	Pounds Overweight
5	any axle or tandem,		up to 1000\$40
6	triple or quad axles		1001 to 2000.....3¢
7			per pound
8			2001 to 5000.....5¢
9			per pound
10			5001 to 7500.....7¢
11			per pound
12			7501 and over.....10¢
13			per pound
14	Failure to obtain proper re-	66-1324	\$287
15	gistration, clearance or		
16	to have current cer-		
17	tification		
18	Insufficient liability insur-	66-1,128	\$137
19	ance for motor carriers	or 66-1314	
20	Failure to obtain interstate	79-34,122	\$137
21	motor fuel tax author-		
22	ization		
23	No authority as private or	66-1,111	\$137
24	common carrier		
25	Violation of motor carrier	66-1,129	\$115
26	safety rules and regula-		
27	tions, except for viola-		
28	tions specified in sub-		
29	section (b)(2) of K.S.A.		
30	66-1,130(b)(2), and amend-		
31	ments thereto		

32 (d) Traffic offenses classified as traffic infractions by this section
 33 shall be classified as ordinance traffic infractions by those cities adopting
 34 ordinances prohibiting the same offenses. A schedule of fines for all
 35 ordinance traffic infractions shall be established by the municipal judge in
 36 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
 37 fines may vary from those contained in the uniform fine schedule
 38 contained in subsection (c).

39 (e) Fines listed in the uniform fine schedule contained in subsection
 40 (c) shall be doubled if a person is convicted of a traffic infraction, which is
 41 defined as a moving violation in accordance with rules and regulations
 42 adopted pursuant to K.S.A. 8-249, and amendments thereto, committed
 43 within any road construction zone as defined in K.S.A. 8-1458a, and

1 amendments thereto.

2 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
3 amendments thereto, within two years after a prior conviction of K.S.A. 8-
4 1908 or 8-1909, and amendments thereto, such person, upon conviction
5 shall be fined 1½ times the applicable amount from one, but not both, of
6 the schedules listed in the uniform fine schedule contained in subsection
7 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments
8 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or
9 8-1909, and amendments thereto, such person, upon conviction shall be
10 fined two times the applicable amount from one, but not both, of the
11 schedules listed in the uniform fine schedule contained in subsection (c).
12 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,
13 and amendments thereto, within two years after three prior convictions of
14 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
15 conviction shall be fined 2½ times the applicable amount from one, but not
16 both, of the schedules listed in the uniform fine schedule contained in
17 subsection (c).

18 (g) Fines listed in the uniform fine schedule contained in subsection
19 (c) relating to exceeding the maximum speed limit, shall be doubled if a
20 person is convicted of exceeding the maximum speed limit in a school
21 zone authorized under ~~subsection (a)(4)~~ of K.S.A. 8-1560(a)(4), and
22 amendments thereto.

23 Sec. 3. K.S.A. 2016 Supp. 8-2118 is hereby repealed.

24 Sec. 4. This act shall take effect and be in force from and after its
25 publication in the statute book.