

**SENATE BILL No. 99**

By Committee on Transportation

1-30

1 AN ACT regulating traffic; concerning the operation of a motor vehicle;  
2 providing penalties for the use of a wireless communication device;  
3 amending K.S.A. 2016 Supp. 8-15,111 and 8-2118 and repealing the  
4 existing sections.

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

7 Section 1. K.S.A. 2016 Supp. 8-15,111 is hereby amended to read as  
8 follows: 8-15,111. (a) As used in this section:

9 (1) "Wireless communication device" means any wireless electronic  
10 communication device that provides for voice or data communication  
11 between two or more parties, including, but not limited to, a mobile or  
12 cellular telephone, a text messaging device, a personal digital assistant that  
13 sends or receives messages, an audio-video player that sends or receives  
14 messages or a laptop computer. "Wireless communication device" does not  
15 include a device which is voice-operated and which allows the user to send  
16 or receive a text based communication without the use of either hand,  
17 except to activate or deactivate a feature or function.

18 (2) "Write, send or read a written communication" means using a  
19 wireless communication device to manually type, send or read a written  
20 communication, including, but not limited to, a text message, instant  
21 message or electronic mail.

22 (b) Except as provided in subsections (c) and (d), no person shall  
23 operate a motor vehicle on a public road or highway while: (1) *Holding a*  
24 *wireless communication device to the person's ear;* or (2) using a wireless  
25 communications device to write, send or read a written communication.

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

27 (1) A law enforcement officer or emergency service personnel acting  
28 within the course and scope of the law enforcement officer's or emergency  
29 service personnel's employment;

30 (2) a motor vehicle stopped off the regular traveled portion of the  
31 roadway;

32 (3) a person who reads, selects or enters a telephone number or name  
33 in a wireless communications device for the purpose of making or  
34 receiving a phone call;

35 (4) a person who receives an emergency, traffic or weather alert  
36 message; or

1 (5) a person receiving a message related to the operation or  
2 navigation of the motor vehicle.

3 (d) The provisions of subsection (b) shall not prohibit a person from  
4 using a wireless communications device while operating a moving motor  
5 vehicle to:

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

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

8 (3) relay information between transit or for-hire operator and the  
9 operator's dispatcher, in which the device is permanently affixed to the  
10 motor vehicle; *or*

11 (4) *summon medical or other emergency assistance.*

12 (e) ~~From and after the effective date of this act and prior to January 1,  
13 2011, a law enforcement officer shall issue a warning citation to anyone  
14 violating subsection (b).~~

15 ~~(f)~~—This section shall be part of and supplemental to the uniform act  
16 regulating traffic on highways.

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

24 (b) Prior to the time specified in the notice to appear, a person  
25 charged with a traffic infraction may enter a written appearance, waive  
26 right to trial, plead guilty or no contest and pay the fine for the violation as  
27 specified in the uniform fine schedule in subsection (c) and court costs  
28 provided by law. Payment may be made in any manner accepted by the  
29 court. The traffic citation shall not have been complied with if the payment  
30 is not honored for any reason, or if the fine and court costs are not paid in  
31 full. When a person charged with a traffic infraction makes payment  
32 without executing a written waiver of right to trial and plea of guilty or no  
33 contest, the payment shall be deemed such an appearance, waiver of right  
34 to trial and plea of no contest.

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
42 Refusal to submit to a prelim- 43 inary breath test	8-1012	\$105

1	Unsafe speed for prevailing	8-1557	\$75
2	conditions		
3	Exceeding maximum speed	8-1558	1-10 mph over the
4	limit; or speeding in zone	to	limit, \$45
5	posted by the state depart-	8-1560	11-20 mph over the
6	ment of transportation; or	8-1560a	limit, \$45 plus \$6
7	speeding in locally posted	or	per mph over 10
8	zone	8-1560b	mph over the limit;
9			21-30 mph over the
10			limit, \$105 plus \$9
11			per mph over 20
12			mph over the limit;
13			31 and more mph
14			over the limit, \$195
15			plus \$15 per mph
16			over 30 mph over
17			the limit;
18	Disobeying traffic control de-	8-1507	\$75
19	vice		
20	Violating traffic control signal	8-1508	\$75
21	Violating pedestrian control	8-1509	\$45
22	signal		
23	Violating flashing traffic sig-	8-1510	\$75
24	nals		
25	Violating lane-control signal	8-1511	\$75
26	Unauthorized sign, signal,	8-1512	\$45
27	marking or device		
28	Driving on left side of road-	8-1514	\$75
29	way		
30	Failure to keep right to pass	8-1515	\$75
31	oncoming vehicle		
32	Improper passing; increasing	8-1516	\$75
33	speed when passed		
34	Improper passing on right	8-1517	\$75
35	Passing on left with insuffi-	8-1518	\$75
36	cient clearance		
37	Driving on left side where	8-1519	\$75
38	curve, grade, intersec-		
39	tion railroad crossing, or		
40	obstructed view		
41	Driving on left in no-passing	8-1520	\$75
42	zone		
43	Unlawful passing of stopped	8-1520a	\$75

1	emergency vehicle		
2	Driving wrong direction on	8-1521	\$75
3	one-way road		
4	Improper driving on laned	8-1522	\$75
5	roadway		
6	Following too close	8-1523	\$75
7	Improper crossover on di-	8-1524	\$45
8	vided highway		
9	Failure to yield right-of-way	8-1526	\$75
10	at uncontrolled intersection		
11	Failure to yield to approach-	8-1527	\$75
12	ing vehicle when turning		
13	left		
14	Failure to yield at stop or	8-1528	\$75
15	yield sign		
16	Failure to yield from private	8-1529	\$75
17	road or driveway		
18	Failure to yield to emergency	8-1530	\$195
19	vehicle		
20	Failure to yield to pedestrian	8-1531	\$105
21	or vehicle working on		
22	roadway		
23	Failure to comply with re-	8-1531a	\$45
24	strictions in road con-		
25	struction zone		
26	Disobeying pedestrian traffic	8-1532	\$45
27	control device		
28	Failure to yield to pedestrian	8-1533	\$75
29	in crosswalk; pedestrian		
30	suddenly entering road-		
31	way; passing vehicle		
32	stopped for pedestrian at		
33	crosswalk		
34	Improper pedestrian crossing	8-1534	\$45
35	Failure to exercise due care in	8-1535	\$45
36	regard to pedestrian		
37	Improper pedestrian move-	8-1536	\$45
38	ment in crosswalk		
39	Improper use of roadway by	8-1537	\$45
40	pedestrian		
41	Soliciting ride or business	8-1538	\$45
42	on roadway		
43	Driving through safety zone	8-1539	\$45

1	Failure to yield to pedestrian	8-1540	\$45
2	on sidewalk		
3	Failure of pedestrian to yield	8-1541	\$45
4	to emergency vehicle		
5	Failure to yield to blind pe-	8-1542	\$45
6	destrian		
7	Pedestrian disobeying bridge	8-1544	\$45
8	or railroad signal		
9	Improper turn or approach	8-1545	\$75
10	Improper "U" turn	8-1546	\$75
11	Unsafe starting of stopped	8-1547	\$45
12	vehicle		
13	Unsafe turning or stopping,	8-1548	\$75
14	failure to give proper sig-		
15	nal; using turn signal un-		
16	lawfully		
17	Improper method of giving	8-1549	\$45
18	notice of intention to turn		
19	Improper hand signal	8-1550	\$45
20	Failure to stop or obey	8-1551	\$195
21	road crossing signal		
22	Failure to stop at railroad	8-1552	\$135
23	crossing stop sign		
24	Certain hazardous vehicles	8-1553	\$195
25	failure to stop at railroad		
26	crossing		
27	Improper moving of heavy	8-1554	\$75
28	equipment at railroad		
29	crossing		
30	Vehicle emerging from alley,	8-1555	\$75
31	private roadway, building		
32	or driveway		
33	Improper passing of school	8-1556	\$315
34	bus; improper use of		
35	school bus signals		
36	Improper passing of church	8-1556a	\$195
37	or day-care bus; improper		
38	use of signals		
39	Impeding normal traffic	8-1561	\$45
40	by slow speed		
41	Speeding on motor-driven	8-1562	\$75
42	cycle		
43	Speeding in certain vehicles	8-1563	\$45

1	or on posted bridge		
2	Improper stopping, standing	8-1569	\$45
3	or parking on roadway		
4	Parking, standing or stopping	8-1571	\$45
5	in prohibited area		
6	Improper parking	8-1572	\$45
7	Unattended vehicle	8-1573	\$45
8	Improper backing	8-1574	\$45
9	Driving on sidewalk	8-1575	\$45
10	Driving with view or driving	8-1576	\$45
11	mechanism obstructed		
12	Unsafe opening of vehicle	8-1577	\$45
13	door		
14	Riding in house trailer	8-1578	\$45
15	Unlawful riding on vehicle	8-1578a	\$75
16	Improper driving in defiles,	8-1579	\$45
17	canyons, or on grades		
18	Coasting	8-1580	\$45
19	Following fire apparatus too	8-1581	\$75
20	closely		
21	Driving over fire hose	8-1582	\$45
22	Putting glass, etc., on high-	8-1583	\$105
23	way		
24	Driving into intersection,	8-1584	\$45
25	crosswalk, or crossing		
26	without sufficient space		
27	on other side		
28	Improper operation of snow-	8-1585	\$45
29	mobile on highway		
30	Parental responsibility of	8-1586	\$45
31	child riding bicycle		
32	Not riding on bicycle seat;	8-1588	\$45
33	too many persons on		
34	bicycle		
35	Clinging to other vehicle	8-1589	\$45
36	Improper riding of bicycle on	8-1590	\$45
37	roadway		
38	Carrying articles on bicycle;	8-1591	\$45
39	one hand on handlebars		
40	Improper bicycle lamps,	8-1592	\$45
41	brakes or reflectors		
42	Improper operation of mo-	8-1594	\$45
43	torcycle; seats; passen-		

1	gers, bundles		
2	Improper operation of mo-	8-1595	\$75
3	torcycle on laned road		
4	way		
5	Motorcycle clinging to other	8-1596	\$45
6	vehicle		
7	Improper motorcycle handle-	8-1597	\$75
8	bars or passenger		
9	equipment		
10	Motorcycle helmet and eye-	8-1598	\$45
11	protection requirements		
12	Unlawful operation of all-ter-	8-15,100	\$75
13	rain vehicle		
14	Unlawful operation of	8-15,101	\$75
15	low-speed vehicle		
16	Littering	8-15,102	\$115
17	Disobeying school crossing	8-15,103	\$75
18	guard		
19	Unlawful operation of micro	8-15,106	\$75
20	utility truck		
21	Failure to remove vehicles in	8-15,107	\$75
22	accidents		
23	Unlawful operation of golf	8-15,108	\$75
24	cart		
25	Unlawful operation of work-	8-15,109	\$75
26	site utility vehicle		
27	Unlawful display of license	8-15,110	\$60
28	plate		
29	Unlawful <del>text messaging use</del>		
30	<i>of a wireless communi-</i>		
31	<i>cation device</i>	8-15,111	\$60
32	Equipment offenses that are	8-1701	\$75
33	not misdemeanors		
34	Driving without lights when	8-1703	\$45
35	needed		
36	Defective headlamps	8-1705	\$45
37	Defective tail lamps	8-1706	\$45
38	Defective reflector	8-1707	\$45
39	Improper stop lamp or turn	8-1708	\$45
40	signal		
41	Improper lighting equipment	8-1710	\$45
42	on certain vehicles		
43	Improper lamp color on cer-	8-1711	\$45

1	tain vehicles		
2	Improper mounting of re-	8-1712	\$45
3	flectors and lamps on cer-		
4	tain vehicles		
5	Improper visibility of reflec-	8-1713	\$45
6	tors and lamps on certain		
7	vehicles		
8	No lamp or flag on projecting	8-1715	\$75
9	load		
10	Improper lamps on parked	8-1716	\$45
11	vehicle		
12	Improper lights, lamps, re-	8-1717	\$45
13	flectors and emblems on		
14	farm tractors or slow-		
15	moving vehicles		
16	Improper lamps and equip-	8-1718	\$45
17	ment on implements of		
18	husbandry, road machin-		
19	ery or animal-drawn ve-		
20	hicles		
21	Unlawful use of spot, fog, or	8-1719	\$45
22	auxiliary lamp		
23	Improper lamps or lights on	8-1720	\$45
24	emergency vehicle		
25	Improper stop or turn signal	8-1721	\$45
26	Improper vehicular hazard	8-1722	\$45
27	warning lamp		
28	Unauthorized additional	8-1723	\$45
29	lighting equipment		
30	Improper multiple-beam lights	8-1724	\$45
31	Failure to dim headlights	8-1725	\$75
32	Improper single-beam head-	8-1726	\$45
33	lights		
34	Improper speed with alter-	8-1727	\$45
35	nate lighting		
36	Improper number of driving	8-1728	\$45
37	lamps		
38	Unauthorized lights and sig-	8-1729	\$45
39	nals		
40	Improper school bus lighting	8-1730	\$45
41	equipment and warning		
42	devices		
43	Unauthorized lights and de-	8-1730a	\$45



1	vices on church or day-		
2	care bus		
3	Improper lights on highway	8-1731	\$45
4	construction or maintenance		
5	vehicles		
6	Defective brakes	8-1734	\$45
7	Defective or improper use of	8-1738	\$45
8	horn or warning device		
9	Defective muffler	8-1739	\$45
10	Defective mirror	8-1740	\$45
11	Defective wipers; obstructed	8-1741	\$45
12	windshield or windows		
13	Improper tires	8-1742	\$45
14	Improper flares or warning	8-1744	\$45
15	devices		
16	Improper use of vehicular	8-1745	\$45
17	hazard warning lamps		
18	and devices		
19	Improper air-conditioning	8-1747	\$45
20	equipment		
21	Improper safety belt or	8-1749	\$45
22	shoulder harness		
23	Improper wide-based single	8-1742b	\$75
24	tires		
25	Improper compression re-	8-1761	\$75
26	lease engine braking sys-		
27	tem		
28	Defective motorcycle head-	8-1801	\$45
29	lamp		
30	Defective motorcycle tail	8-1802	\$45
31	lamp		
32	Defective motorcycle reflec-	8-1803	\$45
33	tor		
34	Defective motorcycle stop	8-1804	\$45
35	lamps and turn signals		
36	Defective multiple-beam	8-1805	\$45
37	lighting		
38	Improper road-lighting equip-	8-1806	\$45
39	ment on motor-driven cy-		
40	cles		
41	Defective motorcycle or mo-	8-1807	\$45
42	tor-driven cycle brakes		
43	Improper performance abil-	8-1808	\$45

1	ity of brakes		
2	Operating motorcycle with	8-1809	\$45
3	disapproved braking sys-		
4	tem		
5	Defective horn, muffler, mir-	8-1810	\$45
6	rors or tires		
7	Unlawful statehouse parking	75-4510a	\$30
8	Exceeding gross weight of	8-1909	Pounds Overweight
9	vehicle or combination		up to 1000\$40
10			1001 to 2000.....3¢
11			per pound
12			2001 to 5000.....5¢
13			per pound
14			5001 to 7500.....7¢
15			per pound
16			7501 and over.....10¢
17			per pound
18	Exceeding gross weight on	8-1908	Pounds Overweight
19	any axle or tandem,		up to 1000\$40
20	triple or quad axles		1001 to 2000.....3¢
21			per pound
22			2001 to 5000.....5¢
23			per pound
24			5001 to 7500.....7¢
25			per pound
26			7501 and over.....10¢
27			per pound
28	Failure to obtain proper re-	66-1324	\$287
29	gistration, clearance or		
30	to have current cer-		
31	tification		
32	Insufficient liability insur-	66-1,128	\$137
33	ance for motor carriers	or 66-1314	
34	Failure to obtain interstate	79-34,122	\$137
35	motor fuel tax author-		
36	ization		
37	No authority as private or	66-1,111	\$137
38	common carrier		
39	Violation of motor carrier	66-1,129	\$115
40	safety rules and regula-		
41	tions, except for viola-		
42	tions specified in sub-		
43	section (b)(2) of K.S.A.		

1 66-1,130, and amend-  
2 ments thereto

3 (d) Traffic offenses classified as traffic infractions by this section  
4 shall be classified as ordinance traffic infractions by those cities adopting  
5 ordinances prohibiting the same offenses. A schedule of fines for all  
6 ordinance traffic infractions shall be established by the municipal judge in  
7 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such  
8 fines may vary from those contained in the uniform fine schedule  
9 contained in subsection (c).

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

16 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and  
17 amendments thereto, within two years after a prior conviction of K.S.A. 8-  
18 1908 or 8-1909, and amendments thereto, such person, upon conviction  
19 shall be fined  $1\frac{1}{2}$  times the applicable amount from one, but not both, of  
20 the schedules listed in the uniform fine schedule contained in subsection  
21 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments  
22 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or  
23 8-1909, and amendments thereto, such person, upon conviction shall be  
24 fined two times the applicable amount from one, but not both, of the  
25 schedules listed in the uniform fine schedule contained in subsection (c).  
26 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,  
27 and amendments thereto, within two years after three prior convictions of  
28 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon  
29 conviction shall be fined  $2\frac{1}{2}$  times the applicable amount from one, but not  
30 both, of the schedules listed in the uniform fine schedule contained in  
31 subsection (c).

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

37 Sec. 3. K.S.A. 2016 Supp. 8-15,111 and 8-2118 are hereby repealed.

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