

SENATE BILL No. 142

By Committee on Transportation

2-2

1 AN ACT concerning traffic regulations; relating to the duty of drivers
2 approaching stationary vehicles; providing a penalty for unlawful
3 passing thereof; amending K.S.A. 8-2118 and repealing the existing
4 section.

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

7 New Section 1. (a) The driver of a motor vehicle, upon approaching a
8 stopped, standing or parked vehicle that is displaying hazard warning
9 signal lamps, road flares or caution signals, including traffic cones, caution
10 signs or reflective triangles, shall do either of the following:

11 (1) If the driver of the motor vehicle is traveling on a highway that
12 consists of at least two lanes that carry traffic in the same direction of
13 travel as that of the driver's motor vehicle, the driver shall proceed with
14 due caution and, if possible and with due regard to the road, weather and
15 traffic conditions, shall change lanes into a lane that is not adjacent to that
16 of the stationary vehicle; or

17 (2) if the driver is not traveling on a highway of a type described in
18 paragraph (1), or if the driver is traveling on a highway of that type but it
19 is not possible to change lanes or if to do so would be unsafe, the driver
20 shall proceed with due caution, reduce the speed of the motor vehicle and
21 maintain a safe speed for the road, weather and traffic conditions.

22 (b) This section shall be a part of and supplemental to the uniform act
23 regulating traffic on highways.

24 Sec. 2. K.S.A. 8-2118 is hereby amended to read as follows: 8-2118.

25 (a) A person charged with a traffic infraction shall, except as provided in
26 subsection (b), appear at the place and time specified in the notice to
27 appear. If the person enters an appearance, waives right to trial, pleads
28 guilty or no contest, the fine shall be no greater than that specified in the
29 uniform fine schedule in subsection (c) and court costs shall be taxed as
30 provided by law.

31 (b) Prior to the time specified in the notice to appear, a person
32 charged with a traffic infraction may enter a written appearance, waive
33 right to trial, plead guilty or no contest and pay the fine for the violation as
34 specified in the uniform fine schedule in subsection (c) and court costs
35 provided by law. Payment may be made in any manner accepted by the
36 court. The traffic citation shall not have been complied with if the payment

1 is not honored for any reason, or if the fine and court costs are not paid in
 2 full. When a person charged with a traffic infraction makes payment
 3 without executing a written waiver of right to trial and plea of guilty or no
 4 contest, the payment shall be deemed such an appearance, waiver of right
 5 to trial and plea of no contest.

6 (c) The following uniform fine schedule shall apply uniformly
 7 throughout the state but shall not limit the fine that may be imposed
 8 following a court appearance, except an appearance made for the purpose
 9 of pleading and payment as permitted by subsection (a). The description of
 10 offense contained in the following uniform fine schedule is for reference
 11 only and is not a legal definition.

12 <i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
13 Unsafe speed for prevailing 14 conditions	8-1557	\$75
15 Exceeding maximum speed 16 limit; or speeding in zone 17 posted by the state depart- 18 ment of transportation; or 19 speeding in locally posted 20 zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$45 11-20 mph over the limit, \$45 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$105 plus \$9 per mph over 20 mph over the limit; 22 31 and more mph 23 over the limit, \$195 24 plus \$15 per mph 25 over 30 mph over 26 the limit;
27 Disobeying traffic control de- 28 vice	8-1507	\$75
29 Violating traffic control signal	8-1508	\$75
30 Violating pedestrian control 31 signal	8-1509	\$45
32 Violating flashing traffic signals	8-1510	\$75
33 Violating lane-control signal	8-1511	\$75
34 Unauthorized sign, signal, 35 marking or device	8-1512	\$45
36 Driving on left side of roadway	8-1514	\$75
37 Failure to keep right to pass 38 oncoming vehicle	8-1515	\$75
39 Improper passing; increasing	8-1516	\$75

1	speed when passed		
2	Improper passing on right	8-1517	\$75
3	Passing on left with insuffi-	8-1518	\$75
4	cient clearance		
5	Driving on left side where	8-1519	\$75
6	curve, grade, intersec-		
7	tion railroad crossing, or		
8	obstructed view		
9	Driving on left in no-passing	8-1520	\$75
10	zone		
11	Unlawful passing of stopped	8-1520a	\$75
12	emergency vehicle		
13	Driving wrong direction on	8-1521	\$75
14	one-way road		
15	Improper driving on laned	8-1522	\$75
16	roadway		
17	Following too close	8-1523	\$75
18	Improper crossover on di-	8-1524	\$45
19	vided highway		
20	Failure to yield right-of-way	8-1526	\$75
21	at uncontrolled intersection		
22	Failure to yield to approach-	8-1527	\$75
23	ing vehicle when turning		
24	left		
25	Failure to yield at stop or	8-1528	\$75
26	yield sign		
27	Failure to yield from private	8-1529	\$75
28	road or driveway		
29	Failure to yield to emergency	8-1530	\$195
30	vehicle		
31	Failure to yield to pedestrian	8-1531	\$105
32	or vehicle working on		
33	roadway		
34	Failure to comply with re-	8-1531a	\$45
35	strictions in road con-		
36	struction zone		
37	Disobeying pedestrian traffic	8-1532	\$45
38	control device		
39	Failure to yield to pedestrian	8-1533	\$75
40	in crosswalk; pedestrian		
41	suddenly entering road-		
42	way; passing vehicle		
43	stopped for pedestrian at		

1	crosswalk		
2	Improper pedestrian crossing	8-1534	\$45
3	Failure to exercise due care in	8-1535	\$45
4	regard to pedestrian		
5	Improper pedestrian move-	8-1536	\$45
6	ment in crosswalk		
7	Improper use of roadway by	8-1537	\$45
8	pedestrian		
9	Soliciting ride or business	8-1538	\$45
10	on roadway		
11	Driving through safety zone	8-1539	\$45
12	Failure to yield to pedestrian	8-1540	\$45
13	on sidewalk		
14	Failure of pedestrian to yield	8-1541	\$45
15	to emergency vehicle		
16	Failure to yield to blind pe-	8-1542	\$45
17	destrian		
18	Pedestrian disobeying bridge	8-1544	\$45
19	or railroad signal		
20	Improper turn or approach	8-1545	\$75
21	Improper "U" turn	8-1546	\$75
22	Unsafe starting of stopped	8-1547	\$45
23	vehicle		
24	Unsafe turning or stopping,	8-1548	\$75
25	failure to give proper sig-		
26	nal; using turn signal un-		
27	lawfully		
28	Improper method of giving	8-1549	\$45
29	notice of intention to turn		
30	Improper hand signal	8-1550	\$45
31	Failure to stop or obey	8-1551	\$195
32	road crossing signal		
33	Failure to stop at railroad	8-1552	\$135
34	crossing stop sign		
35	Certain hazardous vehicles	8-1553	\$195
36	failure to stop at railroad		
37	crossing		
38	Improper moving of heavy	8-1554	\$75
39	equipment at railroad		
40	crossing		
41	Vehicle emerging from alley,	8-1555	\$75
42	private roadway, building		
43	or driveway		

1	Improper passing of school	8-1556	\$315
2	bus; improper use of		
3	school bus signals		
4	Improper passing of church	8-1556a	\$195
5	or day-care bus; improper		
6	use of signals		
7	Impeding normal traffic	8-1561	\$45
8	by slow speed		
9	Speeding on motor-driven	8-1562	\$75
10	cycle		
11	Speeding in certain vehicles	8-1563	\$45
12	or on posted bridge		
13	Improper stopping, standing	8-1569	\$45
14	or parking on roadway		
15	Parking, standing or stopping	8-1571	\$45
16	in prohibited area		
17	Improper parking	8-1572	\$45
18	Unattended vehicle	8-1573	\$45
19	Improper backing	8-1574	\$45
20	Driving on sidewalk	8-1575	\$45
21	Driving with view or driving	8-1576	\$45
22	mechanism obstructed		
23	Unsafe opening of vehicle	8-1577	\$45
24	door		
25	Riding in house trailer	8-1578	\$45
26	Unlawful riding on vehicle	8-1578a	\$75
27	Improper driving in defiles,	8-1579	\$45
28	canyons, or on grades		
29	Coasting	8-1580	\$45
30	Following fire apparatus too	8-1581	\$75
31	closely		
32	Driving over fire hose	8-1582	\$45
33	Putting glass, etc., on high-	8-1583	\$105
34	way		
35	Driving into intersection,	8-1584	\$45
36	crosswalk, or crossing		
37	without sufficient space		
38	on other side		
39	Improper operation of snow-	8-1585	\$45
40	mobile on highway		
41	Parental responsibility of	8-1586	\$45
42	child riding bicycle		
43	Not riding on bicycle seat;	8-1588	\$45

1	too many persons on		
2	bicycle		
3	Clinging to other vehicle	8-1589	\$45
4	Improper riding of bicycle on	8-1590	\$45
5	roadway		
6	Carrying articles on bicycle;	8-1591	\$45
7	one hand on handlebars		
8	Improper bicycle lamps,	8-1592	\$45
9	brakes or reflectors		
10	Improper operation of mo-	8-1594	\$45
11	torcycle; seats; passen-		
12	gers, bundles		
13	Improper operation of motor	8-1595	\$75
14	cycle on laned roadway		
15	Motorcycle clinging to other	8-1596	\$45
16	vehicle		
17	Improper motorcycle handle-	8-1597	\$75
18	bars or passenger		
19	equipment		
20	Motorcycle helmet and eye-	8-1598	\$45
21	protection requirements		
22	Unlawful operation of all-ter-	8-15,100	\$75
23	rain vehicle		
24	Unlawful operation of	8-15,101	\$75
25	low-speed vehicle		
26	Littering	8-15,102	\$115
27	Disobeying school crossing	8-15,103	\$75
28	guard		
29	Unlawful operation of micro	8-15,106	\$75
30	utility truck		
31	Failure to remove vehicles in	8-15,107	\$75
32	accidents		
33	Unlawful operation of golf	8-15,108	\$75
34	cart		
35	Unlawful operation of work-	8-15,109	\$75
36	site utility vehicle		
37	Unlawful display of license	8-15,110	\$60
38	plate		
39	Unlawful text messaging	8-15,111	\$60
40	Unlawful passing of a waste	8-15,112	\$45
41	collection vehicle		
42	Unlawful operation of	8-15,113	\$45
43	electric-assisted scooter		

1	Unlawful passing of a utility or	8-15,114	\$105
2	telecommunications vehicle		
3	<i>Unlawful passing of a</i>	<i>section 1</i>	<i>\$75</i>
4	<i>stationary vehicle</i>		
5	Equipment offenses that are	8-1701	\$75
6	not misdemeanors		
7	Driving without lights when	8-1703	\$45
8	needed		
9	Defective headlamps	8-1705	\$45
10	Defective tail lamps	8-1706	\$45
11	Defective reflector	8-1707	\$45
12	Improper stop lamp or turn	8-1708	\$45
13	signal		
14	Improper lighting equipment	8-1710	\$45
15	on certain vehicles		
16	Improper lamp color on cer-	8-1711	\$45
17	tain vehicles		
18	Improper mounting of re-	8-1712	\$45
19	flectors and lamps on cer-		
20	tain vehicles		
21	Improper visibility of reflec-	8-1713	\$45
22	tors and lamps on certain		
23	vehicles		
24	No lamp or flag on projecting	8-1715	\$75
25	load		
26	Improper lamps on parked	8-1716	\$45
27	vehicle		
28	Improper lights, lamps, re-	8-1717	\$45
29	flectors and emblems on		
30	farm tractors or slow-		
31	moving vehicles		
32	Improper lamps and equip-	8-1718	\$45
33	ment on implements of		
34	husbandry, road machin-		
35	ery or animal-drawn ve-		
36	hicles		
37	Unlawful use of spot, fog, or	8-1719	\$45
38	auxiliary lamp		
39	Improper lamps or lights on	8-1720	\$45
40	emergency vehicle		
41	Improper stop or turn signal	8-1721	\$45
42	Improper vehicular hazard	8-1722	\$45
43	warning lamp		

1	Unauthorized additional	8-1723	\$45
2	lighting equipment		
3	Improper multiple-beam lights	8-1724	\$45
4	Failure to dim headlights	8-1725	\$75
5	Improper single-beam head-	8-1726	\$45
6	lights		
7	Improper speed with alter-	8-1727	\$45
8	nate lighting		
9	Improper number of driving	8-1728	\$45
10	lamps		
11	Unauthorized lights and sig-	8-1729	\$45
12	nals		
13	Improper school bus lighting	8-1730	\$45
14	equipment and warning		
15	devices		
16	Unauthorized lights and de-	8-1730a	\$45
17	vices on church or day-		
18	care bus		
19	Improper lights on highway	8-1731	\$45
20	construction or maintenance		
21	vehicles		
22	Defective brakes	8-1734	\$45
23	Defective or improper use of	8-1738	\$45
24	horn or warning device		
25	Defective muffler	8-1739	\$45
26	Defective mirror	8-1740	\$45
27	Defective wipers; obstructed	8-1741	\$45
28	windshield or windows		
29	Improper tires	8-1742	\$45
30	Improper flares or warning	8-1744	\$45
31	devices		
32	Improper use of vehicular	8-1745	\$45
33	hazard warning lamps		
34	and devices		
35	Improper air-conditioning	8-1747	\$45
36	equipment		
37	Improper safety belt or	8-1749	\$45
38	shoulder harness		
39	Improper wide-based single	8-1742b	\$75
40	tires		
41	Improper compression re-	8-1761	\$75
42	lease engine braking sys-		
43	tem		

1	Defective motorcycle head-	8-1801	\$45
2	lamp		
3	Defective motorcycle tail	8-1802	\$45
4	lamp		
5	Defective motorcycle reflec-	8-1803	\$45
6	tor		
7	Defective motorcycle stop	8-1804	\$45
8	lamps and turn signals		
9	Defective multiple-beam	8-1805	\$45
10	lighting		
11	Improper road-lighting equip-	8-1806	\$45
12	ment on motor-driven cy-		
13	cles		
14	Defective motorcycle or mo-	8-1807	\$45
15	tor-driven cycle brakes		
16	Improper performance abil-	8-1808	\$45
17	ity of brakes		
18	Operating motorcycle with	8-1809	\$45
19	disapproved braking sys-		
20	tem		
21	Defective horn, muffler, mir-	8-1810	\$45
22	rors or tires		
23	Unlawful statehouse parking	75-4510a	\$30
24	Exceeding gross weight of	8-1909	Pounds Overweight
25	vehicle or combination		up to 1000.....\$40
26			1001 to 2000.....3¢
27			per pound
28			2001 to 5000.....5¢
29			per pound
30			5001 to 7500.....7¢
31			per pound
32			7501 and over.....10¢
33			per pound
34	Exceeding gross weight on	8-1908	Pounds Overweight
35	any axle or tandem,		up to 1000.....\$40
36	triple or quad axles		1001 to 2000.....3¢
37			per pound
38			2001 to 5000.....5¢
39			per pound
40			5001 to 7500.....7¢
41			per pound
42			7501 and over.....10¢
43			per pound

1	Failure to obtain proper re-	66-1324	\$287
2	gistration, clearance or		
3	to have current cer-		
4	tification		
5	Insufficient liability insur-	66-1,128	\$137
6	ance for motor carriers	or 66-1314	
7	Failure to obtain interstate	79-34,122	\$137
8	motor fuel tax author-		
9	ization		
10	No authority as private or	66-1,111	\$137
11	common carrier		
12	Violation of motor carrier	66-1,129	\$115
13	safety rules and regula-		
14	tions, except for viola-		
15	tions specified in K.S.A.		
16	66-1,130(b)(2), and		
17	amendments thereto		

18 (d) Traffic offenses classified as traffic infractions by this section
 19 shall be classified as ordinance traffic infractions by those cities adopting
 20 ordinances prohibiting the same offenses. A schedule of fines for all
 21 ordinance traffic infractions shall be established by the municipal judge in
 22 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
 23 fines may vary from those contained in the uniform fine schedule
 24 contained in subsection (c).

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

31 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
 32 amendments thereto, within two years after a prior conviction of K.S.A. 8-
 33 1908 or 8-1909, and amendments thereto, such person, upon conviction
 34 shall be fined 1½ times the applicable amount from one, but not both, of
 35 the schedules listed in the uniform fine schedule contained in subsection
 36 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments
 37 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or
 38 8-1909, and amendments thereto, such person, upon conviction shall be
 39 fined two times the applicable amount from one, but not both, of the
 40 schedules listed in the uniform fine schedule contained in subsection (c).
 41 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,
 42 and amendments thereto, within two years after three prior convictions of
 43 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon

1 conviction shall be fined $2\frac{1}{2}$ times the applicable amount from one, but
2 not both, of the schedules listed in the uniform fine schedule contained in
3 subsection (c).

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

8 (h) For a second violation of K.S.A. 8-1556, and amendments thereto,
9 within five years after a prior conviction of K.S.A. 8-1556, and
10 amendments thereto, such person, upon conviction, shall be fined \$750 for
11 the second violation. For a third and each succeeding violation of K.S.A.
12 8-1556, and amendments thereto, within five years after two prior
13 convictions of K.S.A. 8-1556, and amendments thereto, such person, upon
14 conviction, shall be fined \$1,000 for the third and each succeeding
15 violation.

16 Sec. 3. K.S.A. 8-2118 is hereby repealed.

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