

## HOUSE BILL No. 2680

By Committee on Transportation

Requested by Representative Essex on behalf of Amber Rollins of Kids and Car Safety

2-5

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1 AN ACT concerning traffic regulations; relating to unattended children in  
2 vehicles; creating a traffic infraction for leaving a child eight years of  
3 age or younger unattended in a vehicle and providing penalties  
4 therefor; crediting fines from violations of such traffic infraction to the  
5 family and children trust account of the family and children investment  
6 fund; requiring the division of vehicles to include information  
7 concerning the dangers of leaving unattended children in vehicles in  
8 driving materials and courses; amending K.S.A. 8-2118 and repealing  
9 the existing section.

10

11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. (a) A parent, legal guardian or other person  
13 responsible for a child who is eight years of age or younger shall not  
14 knowingly leave such child inside a motor vehicle without being subject to  
15 the supervision of a person who is 12 years of age or older.

16 (b) Notwithstanding the provisions of K.S.A. 20-350 and 74-7336,  
17 and amendments thereto, any fines collected pursuant to this section shall  
18 be remitted by the clerk of the district court to the state treasurer in  
19 accordance with the provisions of K.S.A. 75-4215, and amendments  
20 thereto. Upon receipt of each such remittance, the state treasurer shall  
21 credit the entire amount to the children and family trust account of the  
22 family and children investment fund established in K.S.A. 38-1808, and  
23 amendments thereto.

24 (c) The division of vehicles shall require information concerning the  
25 dangers of leaving children unattended in motor vehicles, including, but  
26 not limited to, the effect of solar heat on the temperature of motor vehicle  
27 interiors and the penalties for violating this section, to be included in the  
28 following materials or courses:

- 29 (1) The Kansas driving handbook;  
30 (2) drivers' training schools, as defined in K.S.A. 8-273, and  
31 amendments thereto;  
32 (3) driver training courses conducted by any board, as defined in  
33 K.S.A. 72-4005, and amendments thereto;  
34 (4) driver improvement clinics, as described in K.S.A. 8-255, and

1 amendments thereto; and

2 (5) any materials provided to community driving public awareness  
 3 and education programs by the division of vehicles or any other agencies,  
 4 including, but not limited to, the department of transportation, the  
 5 department for children and families and the Kansas highway patrol.

6 (d) A person who violates the provisions of this section may also be  
 7 prosecuted for, convicted of and punished for any offense in chapter 21 of  
 8 the Kansas Statutes Annotated, and amendments thereto, resulting from  
 9 leaving a child unattended in a motor vehicle.

10 (e) This section shall be a part of and supplemental to the uniform act  
 11 regulating traffic on highways.

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

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

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
36 Unsafe speed for prevailing	8-1557	\$75
37 conditions		
39 Exceeding maximum speed	8-1558	1-10 mph over the
40 limit; or speeding in zone	to	limit, \$45
41 posted by the state depart-	8-1560	
42 ment of transportation; or	8-1560a	11-20 mph over the
43 speeding in locally posted	or	limit, \$45 plus \$6

1	zone	8-1560b	per mph over 10
2			mph over the limit;
3			21-30 mph over the
4			limit, \$105 plus \$9
5			per mph over 20
6			mph over the limit;
7			31 and more mph
8			over the limit, \$195
9			plus \$15 per mph
10			over 30 mph over
11			the limit;
12	Disobeying traffic control de-	8-1507	\$75
13	vice		
14	Violating traffic control signal	8-1508	\$75
15	Violating pedestrian control	8-1509	\$45
16	signal		
17	Violating flashing traffic signals	8-1510	\$75
18	Violating lane-control signal	8-1511	\$75
19	Unauthorized sign, signal,	8-1512	\$45
20	marking or device		
21	Driving on left side of roadway	8-1514	\$75
22	Failure to keep right to pass	8-1515	\$75
23	oncoming vehicle		
24	Improper passing; increasing	8-1516	\$75
25	speed when passed		
26	Improper passing on right	8-1517	\$75
27	Passing on left with insuffi-	8-1518	\$75
28	cient clearance		
29	Driving on left side where	8-1519	\$75
30	curve, grade, intersec-		
31	tion railroad crossing, or		
32	obstructed view		
33	Driving on left in no-passing	8-1520	\$75
34	zone		
35	Unlawful passing of stopped	8-1520a	\$75
36	emergency vehicle		
37	Driving wrong direction on	8-1521	\$75
38	one-way road		
39	Improper driving on laned	8-1522	\$75
40	roadway		
41	Following too close	8-1523	\$75
42	Improper crossover on di-	8-1524	\$45
43	vided highway		

1	Failure to yield right-of-way	8-1526	\$75
2	at uncontrolled intersection		
3	Failure to yield to approach-	8-1527	\$75
4	ing vehicle when turning		
5	left		
6	Failure to yield at stop or	8-1528	\$75
7	yield sign		
8	Failure to yield from private	8-1529	\$75
9	road or driveway		
10	Failure to yield to emergency	8-1530	\$195
11	vehicle		
12	Failure to yield to pedestrian	8-1531	\$105
13	or vehicle working on		
14	roadway		
15	Failure to comply with re-	8-1531a	\$45
16	strictions in road con-		
17	struction zone		
18	Disobeying pedestrian traffic	8-1532	\$45
19	control device		
20	Failure to yield to pedestrian	8-1533	\$75
21	in crosswalk; pedestrian		
22	suddenly entering road-		
23	way; passing vehicle		
24	stopped for pedestrian at		
25	crosswalk		
26	Improper pedestrian crossing	8-1534	\$45
27	Failure to exercise due care in	8-1535	\$45
28	regard to pedestrian		
29	Improper pedestrian move-	8-1536	\$45
30	ment in crosswalk		
31	Improper use of roadway by	8-1537	\$45
32	pedestrian		
33	Soliciting ride or business	8-1538	\$45
34	on roadway		
35	Driving through safety zone	8-1539	\$45
36	Failure to yield to pedestrian	8-1540	\$45
37	on sidewalk		
38	Failure of pedestrian to yield	8-1541	\$45
39	to emergency vehicle		
40	Failure to yield to blind pe-	8-1542	\$45
41	destrian		
42	Pedestrian disobeying bridge	8-1544	\$45
43	or railroad signal		

1	Improper turn or approach	8-1545	\$75
2	Improper "U" turn	8-1546	\$75
3	Unsafe starting of stopped	8-1547	\$45
4	vehicle		
5	Unsafe turning or stopping,	8-1548	\$75
6	failure to give proper sig-		
7	nal; using turn signal un-		
8	lawfully		
9	Improper method of giving	8-1549	\$45
10	notice of intention to turn		
11	Improper hand signal	8-1550	\$45
12	Failure to stop or obey	8-1551	\$195
13	road crossing signal		
14	Failure to stop at railroad	8-1552	\$135
15	crossing stop sign		
16	Certain hazardous vehicles	8-1553	\$195
17	failure to stop at railroad		
18	crossing		
19	Improper moving of heavy	8-1554	\$75
20	equipment at railroad		
21	crossing		
22	Vehicle emerging from alley,	8-1555	\$75
23	private roadway, building		
24	or driveway		
25	Improper passing of school	8-1556	\$315
26	bus; improper use of		
27	school bus signals		
28	Improper passing of church	8-1556a	\$195
29	or day-care bus; improper		
30	use of signals		
31	Impeding normal traffic	8-1561	\$45
32	by slow speed		
33	Speeding on motor-driven	8-1562	\$75
34	cycle		
35	Speeding in certain vehicles	8-1563	\$45
36	or on posted bridge		
37	Improper stopping, standing	8-1569	\$45
38	or parking on roadway		
39	Parking, standing or stopping	8-1571	\$45
40	in prohibited area		
41	Improper parking	8-1572	\$45
42	Unattended vehicle	8-1573	\$45
43	Improper backing	8-1574	\$45

1	Driving on sidewalk	8-1575	\$45
2	Driving with view or driving	8-1576	\$45
3	mechanism obstructed		
4	Unsafe opening of vehicle	8-1577	\$45
5	door		
6	Riding in house trailer	8-1578	\$45
7	Unlawful riding on vehicle	8-1578a	\$75
8	Improper driving in defiles,	8-1579	\$45
9	canyons, or on grades		
10	Coasting	8-1580	\$45
11	Following fire apparatus too	8-1581	\$75
12	closely		
13	Driving over fire hose	8-1582	\$45
14	Putting glass, etc., on high-	8-1583	\$105
15	way		
16	Driving into intersection,	8-1584	\$45
17	crosswalk, or crossing		
18	without sufficient space		
19	on other side		
20	Improper operation of snow-	8-1585	\$45
21	mobile on highway		
22	Parental responsibility of	8-1586	\$45
23	child riding bicycle		
24	Not riding on bicycle seat;	8-1588	\$45
25	too many persons on		
26	bicycle		
27	Clinging to other vehicle	8-1589	\$45
28	Improper riding of bicycle on	8-1590	\$45
29	roadway		
30	Carrying articles on bicycle;	8-1591	\$45
31	one hand on handlebars		
32	Improper bicycle lamps,	8-1592	\$45
33	brakes or reflectors		
34	Improper operation of mo-	8-1594	\$45
35	torcycle; seats; passen-		
36	gers, bundles		
37	Improper operation of motor	8-1595	\$75
38	cycle on laned roadway		
39	Motorcycle clinging to other	8-1596	\$45
40	vehicle		
41	Improper motorcycle handle-	8-1597	\$75
42	bars or passenger		
43	equipment		

1	Motorcycle helmet and eye-	8-1598	\$45
2	protection requirements		
3	Unlawful operation of all-ter-	8-15,100	\$75
4	rain vehicle		
5	Unlawful operation of	8-15,101	\$75
6	low-speed vehicle		
7	Littering	8-15,102	\$115
8	Disobeying school crossing	8-15,103	\$75
9	guard		
10	Unlawful operation of micro	8-15,106	\$75
11	utility truck		
12	Failure to remove vehicles in	8-15,107	\$75
13	accidents		
14	Unlawful operation of golf	8-15,108	\$75
15	cart		
16	Unlawful operation of work-	8-15,109	\$75
17	site utility vehicle		
18	Unlawful display of license	8-15,110	\$60
19	plate		
20	Unlawful text messaging	8-15,111	\$60
21	Unlawful passing of a waste	8-15,112	\$45
22	collection vehicle		
23	Unlawful operation of	8-15,113	\$45
24	electric-assisted scooter		
25	Unlawful passing of a utility or	8-15,114	\$105
26	telecommunications vehicle		
27	<i>Leaving a child unattended in a</i>	<i>section 1</i>	<i>\$100</i>
28	<i>motor vehicle</i>		
29	Equipment offenses that are	8-1701	\$75
30	not misdemeanors		
31	Driving without lights when	8-1703	\$45
32	needed		
33	Defective headlamps	8-1705	\$45
34	Defective tail lamps	8-1706	\$45
35	Defective reflector	8-1707	\$45
36	Improper stop lamp or turn	8-1708	\$45
37	signal		
38	Improper lighting equipment	8-1710	\$45
39	on certain vehicles		
40	Improper lamp color on cer-	8-1711	\$45
41	tain vehicles		
42	Improper mounting of re-	8-1712	\$45
43	flectors and lamps on cer-		

1	tain vehicles		
2	Improper visibility of reflec-	8-1713	\$45
3	tors and lamps on certain		
4	vehicles		
5	No lamp or flag on projecting	8-1715	\$75
6	load		
7	Improper lamps on parked	8-1716	\$45
8	vehicle		
9	Improper lights, lamps, re-	8-1717	\$45
10	flectors and emblems on		
11	farm tractors or slow-		
12	moving vehicles		
13	Improper lamps and equip-	8-1718	\$45
14	ment on implements of		
15	husbandry, road machin-		
16	ery or animal-drawn ve-		
17	hicles		
18	Unlawful use of spot, fog, or	8-1719	\$45
19	auxiliary lamp		
20	Improper lamps or lights on	8-1720	\$45
21	emergency vehicle		
22	Improper stop or turn signal	8-1721	\$45
23	Improper vehicular hazard	8-1722	\$45
24	warning lamp		
25	Unauthorized additional	8-1723	\$45
26	lighting equipment		
27	Improper multiple-beam lights	8-1724	\$45
28	Failure to dim headlights	8-1725	\$75
29	Improper single-beam head-	8-1726	\$45
30	lights		
31	Improper speed with alter-	8-1727	\$45
32	nate lighting		
33	Improper number of driving	8-1728	\$45
34	lamps		
35	Unauthorized lights and sig-	8-1729	\$45
36	nals		
37	Improper school bus lighting	8-1730	\$45
38	equipment and warning		
39	devices		
40	Unauthorized lights and de-	8-1730a	\$45
41	vices on church or day-		
42	care bus		
43	Improper lights on highway	8-1731	\$45



1	construction or maintenance		
2	vehicles		
3	Defective brakes	8-1734	\$45
4	Defective or improper use of	8-1738	\$45
5	horn or warning device		
6	Defective muffler	8-1739	\$45
7	Defective mirror	8-1740	\$45
8	Defective wipers; obstructed	8-1741	\$45
9	windshield or windows		
10	Improper tires	8-1742	\$45
11	Improper flares or warning	8-1744	\$45
12	devices		
13	Improper use of vehicular	8-1745	\$45
14	hazard warning lamps		
15	and devices		
16	Improper air-conditioning	8-1747	\$45
17	equipment		
18	Improper safety belt or	8-1749	\$45
19	shoulder harness		
20	Improper wide-based single	8-1742b	\$75
21	tires		
22	Improper compression re-	8-1761	\$75
23	lease engine braking sys-		
24	tem		
25	Defective motorcycle head-	8-1801	\$45
26	lamp		
27	Defective motorcycle tail	8-1802	\$45
28	lamp		
29	Defective motorcycle reflec-	8-1803	\$45
30	tor		
31	Defective motorcycle stop	8-1804	\$45
32	lamps and turn signals		
33	Defective multiple-beam	8-1805	\$45
34	lighting		
35	Improper road-lighting equip-	8-1806	\$45
36	ment on motor-driven cy-		
37	cles		
38	Defective motorcycle or mo-	8-1807	\$45
39	tor-driven cycle brakes		
40	Improper performance abil-	8-1808	\$45
41	ity of brakes		
42	Operating motorcycle with	8-1809	\$45
43	disapproved braking sys-		

1	tem		
2	Defective horn, muffler, mir-	8-1810	\$45
3	rors or tires		
4	Unlawful statehouse parking	75-4510a	\$30
5	Exceeding gross weight of	8-1909	Pounds Overweight
6	vehicle or combination		up to 1000.....\$40
7			1001 to 2000.....3¢
8			per pound
9			2001 to 5000.....5¢
10			per pound
11			5001 to 7500.....7¢
12			per pound
13			7501 and over.....10¢
14			per pound
15	Exceeding gross weight on	8-1908	Pounds Overweight
16	any axle or tandem,		up to 1000.....\$40
17	triple or quad axles		1001 to 2000.....3¢
18			per pound
19			2001 to 5000.....5¢
20			per pound
21			5001 to 7500.....7¢
22			per pound
23			7501 and over.....10¢
24			per pound
25	Failure to obtain proper re-	66-1324	\$287
26	gistration, clearance or		
27	to have current cer-		
28	tification		
29	Insufficient liability insur-	66-1,128	\$137
30	ance for motor carriers	or 66-1314	
31	Failure to obtain interstate	79-34,122	\$137
32	motor fuel tax author-		
33	ization		
34	No authority as private or	66-1,111	\$137
35	common carrier		
36	Violation of motor carrier	66-1,129	\$115
37	safety rules and regula-		
38	tions, except for viola-		
39	tions specified in K.S.A.		
40	66-1,130(b)(2), and		
41	amendments thereto		
42			

43 (d) Traffic offenses classified as traffic infractions by this section

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

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

13 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and  
14 amendments thereto, within two years after a prior conviction of K.S.A. 8-  
15 1908 or 8-1909, and amendments thereto, such person, upon conviction  
16 shall be fined  $1\frac{1}{2}$  times the applicable amount from one, but not both, of  
17 the schedules listed in the uniform fine schedule contained in subsection  
18 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments  
19 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or  
20 8-1909, and amendments thereto, such person, upon conviction shall be  
21 fined two times the applicable amount from one, but not both, of the  
22 schedules listed in the uniform fine schedule contained in subsection (c).  
23 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,  
24 and amendments thereto, within two years after three prior convictions of  
25 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon  
26 conviction shall be fined  $2\frac{1}{2}$  times the applicable amount from one, but  
27 not both, of the schedules listed in the uniform fine schedule contained in  
28 subsection (c).

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

33 (h) For a second violation of K.S.A. 8-1556, and amendments thereto,  
34 within five years after a prior conviction of K.S.A. 8-1556, and  
35 amendments thereto, such person, upon conviction, shall be fined \$750 for  
36 the second violation. For a third and each succeeding violation of K.S.A.  
37 8-1556, and amendments thereto, within five years after two prior  
38 convictions of K.S.A. 8-1556, and amendments thereto, such person, upon  
39 conviction, shall be fined \$1,000 for the third and each succeeding  
40 violation.

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

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