

HOUSE BILL No. 2695

By Committee on Health and Human Services

2-10

1 AN ACT concerning the regulation of traffic; prohibiting smoking when
2 persons under the legal age to purchase cigarettes or tobacco products
3 are present; amending K.S.A. 2021 Supp. 8-2118 and repealing the
4 existing section.

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

7 New Section 1. (a) No individual shall smoke in a motor vehicle
8 where an individual who is under the legal age to purchase cigarettes or
9 tobacco products is present.

10 (b) For a first violation of this section, the fine shall be waived if such
11 individual provides proof to the court that such individual has entered into
12 a smoking cessation program.

13 (c) Law enforcement officers shall not stop a driver for a violation of
14 this section in the absence of another violation of law. A citation for
15 violation of this section shall not be issued without citing the violation that
16 initially caused the officer to effect the enforcement stop.

17 (d) As used in this section:

18 (1) "Cigarette" means the same as defined in K.S.A. 79-3301, and
19 amendments thereto.

20 (2) "Smoke" means possession of a lighted cigarette, electronic
21 cigarette, cigar, pipe or burning tobacco in any other form or device
22 designed for the use of tobacco.

23 (3) "Tobacco products" means the same as defined in K.S.A. 79-
24 3301, and amendments thereto.

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

27 Sec. 2. K.S.A. 2021 Supp. 8-2118 is hereby amended to read as
28 follows: 8-2118. (a)—A ~~person~~ *An individual* charged with a traffic
29 infraction shall, except as provided in subsection (b), appear at the place
30 and time specified in the notice to appear. ~~If the person such individual~~
31 enters an appearance, waives right to trial, pleads guilty or no contest, the
32 fine shall be no greater than that specified in the uniform fine schedule in
33 subsection (c) and court costs shall be taxed as provided by law.

34 (b) Prior to the time specified in the notice to appear, ~~a person an~~
35 *individual* charged with a traffic infraction may enter a written appearance,
36 waive right to trial, plead guilty or no contest and pay the fine for the

1 violation as specified in the uniform fine schedule in subsection (c) and
 2 court costs provided by law. Payment may be made in any manner
 3 accepted by the court. The traffic citation shall not have been complied
 4 with if the payment is not honored for any reason, or if the fine and court
 5 costs are not paid in full. When ~~a person~~ *an individual* charged with a
 6 traffic infraction makes payment without executing a written waiver of
 7 right to trial and plea of guilty or no contest, the payment shall be deemed
 8 such an appearance, waiver of right to trial and plea of no contest.

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

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

1	Failure to keep right to pass	8-1515	\$75
2	oncoming vehicle		
3	Improper passing; increasing	8-1516	\$75
4	speed when passed		
5	Improper passing on right	8-1517	\$75
6	Passing on left with insuffi-	8-1518	\$75
7	cient clearance		
8	Driving on left side where	8-1519	\$75
9	curve, grade, intersec-		
10	tion railroad crossing, or		
11	obstructed view		
12	Driving on left in no-passing	8-1520	\$75
13	zone		
14	Unlawful passing of stopped	8-1520a	\$75
15	emergency vehicle		
16	Driving wrong direction on	8-1521	\$75
17	one-way road		
18	Improper driving on laned	8-1522	\$75
19	roadway		
20	Following too close	8-1523	\$75
21	Improper crossover on di-	8-1524	\$45
22	vided highway		
23	Failure to yield right-of-way	8-1526	\$75
24	at uncontrolled intersection		
25	Failure to yield to approach-	8-1527	\$75
26	ing vehicle when turning		
27	left		
28	Failure to yield at stop or	8-1528	\$75
29	yield sign		
30	Failure to yield from private	8-1529	\$75
31	road or driveway		
32	Failure to yield to emergency	8-1530	\$195
33	vehicle		
34	Failure to yield to pedestrian	8-1531	\$105
35	or vehicle working on		
36	roadway		
37	Failure to comply with re-	8-1531a	\$45
38	strictions in road con-		
39	struction zone		
40	Disobeying pedestrian traffic	8-1532	\$45
41	control device		
42	Failure to yield to pedestrian	8-1533	\$75
43	in crosswalk; pedestrian		

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

1	Vehicle emerging from alley,	8-1555	\$75
2	private roadway, building		
3	or driveway		
4	Improper passing of school	8-1556	\$315
5	bus; improper use of		
6	school bus signals		
7	Improper passing of church	8-1556a	\$195
8	or day-care bus; improper		
9	use of signals		
10	Impeding normal traffic	8-1561	\$45
11	by slow speed		
12	Speeding on motor-driven	8-1562	\$75
13	cycle		
14	Speeding in certain vehicles	8-1563	\$45
15	or on posted bridge		
16	Improper stopping, standing	8-1569	\$45
17	or parking on roadway		
18	Parking, standing or stopping	8-1571	\$45
19	in prohibited area		
20	Improper parking	8-1572	\$45
21	Unattended vehicle	8-1573	\$45
22	Improper backing	8-1574	\$45
23	Driving on sidewalk	8-1575	\$45
24	Driving with view or driving	8-1576	\$45
25	mechanism obstructed		
26	Unsafe opening of vehicle	8-1577	\$45
27	door		
28	Riding in house trailer	8-1578	\$45
29	Unlawful riding on vehicle	8-1578a	\$75
30	Improper driving in defiles,	8-1579	\$45
31	canyons, or on grades		
32	Coasting	8-1580	\$45
33	Following fire apparatus too	8-1581	\$75
34	closely		
35	Driving over fire hose	8-1582	\$45
36	Putting glass, etc., on high-	8-1583	\$105
37	way		
38	Driving into intersection,	8-1584	\$45
39	crosswalk, or crossing		
40	without sufficient space		
41	on other side		
42	Improper operation of snow-	8-1585	\$45
43	mobile on highway		

1	Parental responsibility of	8-1586	\$45
2	child riding bicycle		
3	Not riding on bicycle seat;	8-1588	\$45
4	too many persons on		
5	bicycle		
6	Clinging to other vehicle	8-1589	\$45
7	Improper riding of bicycle on	8-1590	\$45
8	roadway		
9	Carrying articles on bicycle;	8-1591	\$45
10	one hand on handlebars		
11	Improper bicycle lamps,	8-1592	\$45
12	brakes or reflectors		
13	Improper operation of mo-	8-1594	\$45
14	torcycle; seats; passen-		
15	gers, bundles		
16	Improper operation of motor	8-1595	\$75
17	cycle on laned roadway		
18	Motorcycle clinging to other	8-1596	\$45
19	vehicle		
20	Improper motorcycle handle-	8-1597	\$75
21	bars or passenger		
22	equipment		
23	Motorcycle helmet and eye-	8-1598	\$45
24	protection requirements		
25	<i>Unlawful smoking in a vehicle</i>	<i>Section 1</i>	<i>\$50</i>
26	Unlawful operation of all-ter-	8-15,100	\$75
27	rain vehicle		
28	Unlawful operation of	8-15,101	\$75
29	low-speed vehicle		
30	Littering	8-15,102	\$115
31	Disobeying school crossing	8-15,103	\$75
32	guard		
33	Unlawful operation of micro	8-15,106	\$75
34	utility truck		
35	Failure to remove vehicles in	8-15,107	\$75
36	accidents		
37	Unlawful operation of golf	8-15,108	\$75
38	cart		
39	Unlawful operation of work-	8-15,109	\$75
40	site utility vehicle		
41	Unlawful display of license	8-15,110	\$60
42	plate		
43	Unlawful text messaging	8-15,111	\$60

1	Unlawful passing of a waste	8-15,112	\$45
2	collection vehicle		
3	Unlawful operation of	8-15,113	\$45
4	electric-assisted scooter		
5	Unlawful passing of a utility or	8-15,114	\$105
6	telecommunications vehicle		
7	Equipment offenses that are	8-1701	\$75
8	not misdemeanors		
9	Driving without lights when	8-1703	\$45
10	needed		
11	Defective headlamps	8-1705	\$45
12	Defective tail lamps	8-1706	\$45
13	Defective reflector	8-1707	\$45
14	Improper stop lamp or turn	8-1708	\$45
15	signal		
16	Improper lighting equipment	8-1710	\$45
17	on certain vehicles		
18	Improper lamp color on cer-	8-1711	\$45
19	tain vehicles		
20	Improper mounting of re-	8-1712	\$45
21	flectors and lamps on cer-		
22	tain vehicles		
23	Improper visibility of reflec-	8-1713	\$45
24	tors and lamps on certain		
25	vehicles		
26	No lamp or flag on projecting	8-1715	\$75
27	load		
28	Improper lamps on parked	8-1716	\$45
29	vehicle		
30	Improper lights, lamps, re-	8-1717	\$45
31	flectors and emblems on		
32	farm tractors or slow-		
33	moving vehicles		
34	Improper lamps and equip-	8-1718	\$45
35	ment on implements of		
36	husbandry, road machin-		
37	ery or animal-drawn ve-		
38	hicles		
39	Unlawful use of spot, fog, or	8-1719	\$45
40	auxiliary lamp		
41	Improper lamps or lights on	8-1720	\$45
42	emergency vehicle		
43	Improper stop or turn signal	8-1721	\$45

1	Improper vehicular hazard	8-1722	\$45
2	warning lamp		
3	Unauthorized additional	8-1723	\$45
4	lighting equipment		
5	Improper multiple-beam lights	8-1724	\$45
6	Failure to dim headlights	8-1725	\$75
7	Improper single-beam head-	8-1726	\$45
8	lights		
9	Improper speed with alter-	8-1727	\$45
10	nate lighting		
11	Improper number of driving	8-1728	\$45
12	lamps		
13	Unauthorized lights and sig-	8-1729	\$45
14	nals		
15	Improper school bus lighting	8-1730	\$45
16	equipment and warning		
17	devices		
18	Unauthorized lights and de-	8-1730a	\$45
19	vices on church or day-		
20	care bus		
21	Improper lights on highway	8-1731	\$45
22	construction or maintenance		
23	vehicles		
24	Defective brakes	8-1734	\$45
25	Defective or improper use of	8-1738	\$45
26	horn or warning device		
27	Defective muffler	8-1739	\$45
28	Defective mirror	8-1740	\$45
29	Defective wipers; obstructed	8-1741	\$45
30	windshield or windows		
31	Improper tires	8-1742	\$45
32	Improper flares or warning	8-1744	\$45
33	devices		
34	Improper use of vehicular	8-1745	\$45
35	hazard warning lamps		
36	and devices		
37	Improper air-conditioning	8-1747	\$45
38	equipment		
39	Improper safety belt or	8-1749	\$45
40	shoulder harness		
41	Improper wide-based single	8-1742b	\$75
42	tires		
43	Improper compression re-	8-1761	\$75

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

1			7501 and over.....10¢
2			per pound
3	Failure to obtain proper re-	66-1324	\$287
4	gistration, clearance or		
5	to have current cer-		
6	tification		
7	Insufficient liability insur-	66-1,128	\$137
8	ance for motor carriers	or 66-1314	
9	Failure to obtain interstate	79-34,122	\$137
10	motor fuel tax author-		
11	ization		
12	No authority as private or	66-1,111	\$137
13	common carrier		
14	Violation of motor carrier	66-1,129	\$115
15	safety rules and regula-		
16	tions, except for viola-		
17	tions specified in K.S.A.		
18	66-1,130(b)(2), and		
19	amendments thereto		

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

27 (e) Fines listed in the uniform fine schedule contained in subsection
 28 (c) shall be doubled if ~~a person~~ *an individual* is convicted of a traffic
 29 infraction, which is defined as a moving violation in accordance with rules
 30 and regulations adopted pursuant to K.S.A. 8-249, and amendments
 31 thereto, committed within any road construction zone as defined in K.S.A.
 32 8-1458a, and amendments thereto.

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

1 1908 or 8-1909, and amendments thereto, within two years after three
2 prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto,
3 such ~~person~~ *individual*, upon conviction shall be fined 2¹/₂ times the
4 applicable amount from one, but not both, of the schedules listed in the
5 uniform fine schedule contained in subsection (c).

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

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

19 Sec. 3. K.S.A. 2021 Supp. 8-2118 is hereby repealed.

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