

SENATE BILL No. 113

By Committee on Ways and Means

1-28

1 AN ACT concerning the regulation of traffic; relating to distracted driving
2 violation; prohibiting the use of a wireless telecommunications device
3 while operating a motor vehicle; amending K.S.A. 2020 Supp. 8-2118
4 and repealing the existing section; also repealing K.S.A. 2020 Supp. 8-
5 15,111.

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

8 New Section 1. (a) A driver shall exercise due care in operating a
9 motor vehicle on any highway and shall not:

10 (1) Engage in any actions that distract such driver from the safe
11 operation of such vehicle; or

12 (2) physically hold or support, with any part of the individual's body,
13 a wireless telecommunications device.

14 (b) Holding a wireless telecommunications device while operating a
15 motor vehicle shall constitute prima facie evidence of a violation of
16 subsection (a).

17 (c) The provisions of subsection (a)(2) shall not apply to a motor
18 vehicle halted at a location where the vehicle can safely and lawfully
19 remain stationary.

20 (d) The provisions of subsection (a)(2) shall not prohibit a person
21 from using a wireless telecommunications device while operating a
22 moving motor vehicle to:

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

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

25 (3) relay information between a transit or for-hire operator and the
26 operator's dispatcher, in which the device is permanently affixed to the
27 motor vehicle.

28 (e) (1) Any person charged with violating subsection (a)(2) for the
29 first time may produce in court either:

30 (A) A wireless telecommunications device, or proof of purchase of
31 such device, that grants a person the ability to use the wireless
32 telecommunications device without having to physically hold or support
33 the device and such use would comply with this section and not be guilty
34 of such offense; or

35 (B) evidence of completion of a wireless telecommunications device
36 driving safety program approved by the department of transportation.

1 (2) A person who produces such evidence in court shall have the
 2 charge dismissed. In such case, court costs shall be assessed. The court
 3 shall require the person to affirm that they have not previously had an
 4 offense dismissed pursuant to this subsection.

5 (f) As used in this section, "wireless telecommunications device" means
 6 a cellular telephone, a portable telephone, a text-messaging device, a
 7 personal digital assistant, a stand-alone computer, a global positioning
 8 system receiver or substantially similar portable wireless device that is
 9 used to initiate or receive communication, information or data. "Wireless
 10 telecommunications device" does not include a radio, citizens band radio,
 11 citizens band radio hybrid, commercial two-way radio communication
 12 device or its functional equivalent, subscription-based emergency
 13 communication device, prescribed medical device, amateur or ham radio
 14 device or in-vehicle security, navigation or remote diagnostics system.

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

17 Sec. 2. K.S.A. 2020 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), *shall* appear at the place and time specified
 20 in the notice to appear. If the person enters an appearance, waives right to
 21 trial, pleads guilty or no contest, the fine shall be no greater than that
 22 specified in the uniform fine schedule in subsection (c) and court costs
 23 shall be 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 Unsafe speed for prevailing 43 conditions	8-1557	\$75

1	Exceeding maximum speed	8-1558	1-10 mph over the
2	limit; or speeding in zone	to	limit, \$45
3	posted by the state depart-	8-1560	
4	ment of transportation; or	8-1560a	11-20 mph over the
5	speeding in locally posted	or	limit, \$45 plus \$6
6	zone	8-1560b	per mph over 10
7			mph over the limit;
8			21-30 mph over the
9			limit, \$105 plus \$9
10			per mph over 20
11			mph over the limit;
12			31 and more mph
13			over the limit, \$195
14			plus \$15 per mph
15			over 30 mph over
16			the limit;
17	Disobeying traffic control de-	8-1507	\$75
18	vice		
19	Violating traffic control signal	8-1508	\$75
20	Violating pedestrian control	8-1509	\$45
21	signal		
22	Violating flashing traffic signals	8-1510	\$75
23	Violating lane-control signal	8-1511	\$75
24	Unauthorized sign, signal,	8-1512	\$45
25	marking or device		
26	Driving on left side of roadway	8-1514	\$75
27	Failure to keep right to pass	8-1515	\$75
28	oncoming vehicle		
29	Improper passing; increasing	8-1516	\$75
30	speed when passed		
31	Improper passing on right	8-1517	\$75
32	Passing on left with insuffi-	8-1518	\$75
33	cient clearance		
34	Driving on left side where	8-1519	\$75
35	curve, grade, intersec-		
36	tion railroad crossing, or		
37	obstructed view		
38	Driving on left in no-passing	8-1520	\$75
39	zone		
40	Unlawful passing of stopped	8-1520a	\$75
41	emergency vehicle		
42	Driving wrong direction on	8-1521	\$75
43	one-way road		

1	Improper driving on laned	8-1522	\$75
2	roadway		
3	Following too close	8-1523	\$75
4	Improper crossover on di-	8-1524	\$45
5	vided highway		
6	Failure to yield right-of-way	8-1526	\$75
7	at uncontrolled intersection		
8	Failure to yield to approach-	8-1527	\$75
9	ing vehicle when turning		
10	left		
11	Failure to yield at stop or	8-1528	\$75
12	yield sign		
13	Failure to yield from private	8-1529	\$75
14	road or driveway		
15	Failure to yield to emergency	8-1530	\$195
16	vehicle		
17	Failure to yield to pedestrian	8-1531	\$105
18	or vehicle working on		
19	roadway		
20	Failure to comply with re-	8-1531a	\$45
21	strictions in road con-		
22	struction zone		
23	Disobeying pedestrian traffic	8-1532	\$45
24	control device		
25	Failure to yield to pedestrian	8-1533	\$75
26	in crosswalk; pedestrian		
27	suddenly entering road-		
28	way; passing vehicle		
29	stopped for pedestrian at		
30	crosswalk		
31	Improper pedestrian crossing	8-1534	\$45
32	Failure to exercise due care in	8-1535	\$45
33	regard to pedestrian		
34	Improper pedestrian move-	8-1536	\$45
35	ment in crosswalk		
36	Improper use of roadway by	8-1537	\$45
37	pedestrian		
38	Soliciting ride or business	8-1538	\$45
39	on roadway		
40	Driving through safety zone	8-1539	\$45
41	Failure to yield to pedestrian	8-1540	\$45
42	on sidewalk		
43	Failure of pedestrian to yield	8-1541	\$45

1	to emergency vehicle		
2	Failure to yield to blind pe-	8-1542	\$45
3	destrian		
4	Pedestrian disobeying bridge	8-1544	\$45
5	or railroad signal		
6	Improper turn or approach	8-1545	\$75
7	Improper "U" turn	8-1546	\$75
8	Unsafe starting of stopped	8-1547	\$45
9	vehicle		
10	Unsafe turning or stopping,	8-1548	\$75
11	failure to give proper sig-		
12	nal; using turn signal un-		
13	lawfully		
14	Improper method of giving	8-1549	\$45
15	notice of intention to turn		
16	Improper hand signal	8-1550	\$45
17	Failure to stop or obey	8-1551	\$195
18	road crossing signal		
19	Failure to stop at railroad	8-1552	\$135
20	crossing stop sign		
21	Certain hazardous vehicles	8-1553	\$195
22	failure to stop at railroad		
23	crossing		
24	Improper moving of heavy	8-1554	\$75
25	equipment at railroad		
26	crossing		
27	Vehicle emerging from alley,	8-1555	\$75
28	private roadway, building		
29	or driveway		
30	Improper passing of school	8-1556	\$315
31	bus; improper use of		
32	school bus signals		
33	Improper passing of church	8-1556a	\$195
34	or day-care bus; improper		
35	use of signals		
36	Impeding normal traffic	8-1561	\$45
37	by slow speed		
38	Speeding on motor-driven	8-1562	\$75
39	cycle		
40	Speeding in certain vehicles	8-1563	\$45
41	or on posted bridge		
42	Improper stopping, standing	8-1569	\$45
43	or parking on roadway		

1	Parking, standing or stopping	8-1571	\$45
2	in prohibited area		
3	Improper parking	8-1572	\$45
4	Unattended vehicle	8-1573	\$45
5	Improper backing	8-1574	\$45
6	Driving on sidewalk	8-1575	\$45
7	Driving with view or driving	8-1576	\$45
8	mechanism obstructed		
9	Unsafe opening of vehicle	8-1577	\$45
10	door		
11	Riding in house trailer	8-1578	\$45
12	Unlawful riding on vehicle	8-1578a	\$75
13	Improper driving in defiles,	8-1579	\$45
14	canyons, or on grades		
15	Coasting	8-1580	\$45
16	Following fire apparatus too	8-1581	\$75
17	closely		
18	Driving over fire hose	8-1582	\$45
19	Putting glass, etc., on high-	8-1583	\$105
20	way		
21	Driving into intersection,	8-1584	\$45
22	crosswalk, or crossing		
23	without sufficient space		
24	on other side		
25	Improper operation of snow-	8-1585	\$45
26	mobile on highway		
27	Parental responsibility of	8-1586	\$45
28	child riding bicycle		
29	Not riding on bicycle seat;	8-1588	\$45
30	too many persons on		
31	bicycle		
32	Clinging to other vehicle	8-1589	\$45
33	Improper riding of bicycle on	8-1590	\$45
34	roadway		
35	Carrying articles on bicycle;	8-1591	\$45
36	one hand on handlebars		
37	Improper bicycle lamps,	8-1592	\$45
38	brakes or reflectors		
39	Improper operation of mo-	8-1594	\$45
40	torcycle; seats; passen-		
41	gers, bundles		
42	Improper operation of motor	8-1595	\$75
43	cycle on laned roadway		

1	Motorcycle clinging to other	8-1596	\$45
2	vehicle		
3	Improper motorcycle handle-	8-1597	\$75
4	bars or passenger		
5	equipment		
6	Motorcycle helmet and eye-	8-1598	\$45
7	protection requirements		
8	Unlawful operation of all-ter-	8-15,100	\$75
9	rain vehicle		
10	Unlawful operation of	8-15,101	\$75
11	low-speed vehicle		
12	Littering	8-15,102	\$115
13	Disobeying school crossing	8-15,103	\$75
14	guard		
15	Unlawful operation of micro	8-15,106	\$75
16	utility truck		
17	Failure to remove vehicles in	8-15,107	\$75
18	accidents		
19	Unlawful operation of golf	8-15,108	\$75
20	cart		
21	Unlawful operation of work-	8-15,109	\$75
22	site utility vehicle		
23	Unlawful display of license	8-15,110	\$60
24	plate		
25	Unlawful text messaging	8-15,111	\$60
26	Unlawful passing of a waste	8-15,112	\$45
27	collection vehicle		
28	<i>Distracted driving or unlawful</i>	<i>section 1</i>	<i>\$60</i>
29	<i>use of a wireless</i>		
30	<i>telecommunications device</i>		
31	Equipment offenses that are	8-1701	\$75
32	not misdemeanors		
33	Driving without lights when	8-1703	\$45
34	needed		
35	Defective headlamps	8-1705	\$45
36	Defective tail lamps	8-1706	\$45
37	Defective reflector	8-1707	\$45
38	Improper stop lamp or turn	8-1708	\$45
39	signal		
40	Improper lighting equipment	8-1710	\$45
41	on certain vehicles		
42	Improper lamp color on cer-	8-1711	\$45
43	tain vehicles		

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

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

1	Operating motorcycle with	8-1809	\$45
2	disapproved braking sys-		
3	tem		
4	Defective horn, muffler, mir-	8-1810	\$45
5	rors or tires		
6	Unlawful statehouse parking	75-4510a	\$30
7	Exceeding gross weight of	8-1909	Pounds Overweight
8	vehicle or combination		up to 1000.....\$40
9			1001 to 2000.....3¢
10			per pound
11			2001 to 5000.....5¢
12			per pound
13			5001 to 7500.....7¢
14			per pound
15			7501 and over.....10¢
16			per pound
17	Exceeding gross weight on	8-1908	Pounds Overweight
18	any axle or tandem,		up to 1000.....\$40
19	triple or quad axles		1001 to 2000.....3¢
20			per pound
21			2001 to 5000.....5¢
22			per pound
23			5001 to 7500.....7¢
24			per pound
25			7501 and over.....10¢
26			per pound
27	Failure to obtain proper re-	66-1324	\$287
28	gistration, clearance or		
29	to have current cer-		
30	tification		
31	Insufficient liability insur-	66-1,128	\$137
32	ance for motor carriers	or 66-1314	
33	Failure to obtain interstate	79-34,122	\$137
34	motor fuel tax author-		
35	ization		
36	No authority as private or	66-1,111	\$137
37	common carrier		
38	Violation of motor carrier	66-1,129	\$115
39	safety rules and regula-		
40	tions, except for viola-		
41	tions specified in K.S.A.		
42	66-1,130(b)(2), and		
43	amendments thereto		

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

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

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

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

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

42 (i) *For a second violation of section 1, and amendments thereto,*
43 *within five years after a prior conviction of section 1, and amendments*

1 *thereto, such person, upon conviction, shall be fined \$120 for the second*
2 *violation. For a third and each succeeding violation of section 1, and*
3 *amendments thereto, within five years after two prior convictions of*
4 *section 1, and amendments thereto, such person, upon conviction, shall be*
5 *fined \$250 for the third and each succeeding violation.*

6 Sec. 3. K.S.A. 2020 Supp. 8-15,111 and 8-2118 are hereby repealed.

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