

SENATE BILL No. 144

By Committee on Transportation

2-2

1 AN ACT regulating traffic; concerning the operation of a motor vehicle in
2 a school zone and a road construction zone; use of a wireless
3 communication device; amending K.S.A. 2016 Supp. 8-2118 and
4 repealing the existing section.

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

7 New Section 1. (a) As used in this section:

8 (1) "Hands-free device" means speakerphone capability or a
9 telephone attachment or other piece of equipment, regardless of whether
10 permanently installed in the motor vehicle, that allows use of the wireless
11 communication device without use of either of the operator's hands.

12 (2) "Wireless communication device" has the same meaning as
13 defined in K.S.A. 2016 Supp. 8-15,111, and amendments thereto.

14 (b) On and after January 1, 2018, no person shall operate a motor
15 vehicle in a school zone established by K.S.A. 8-1560(a) or K.S.A. 2016
16 Supp. 8-1560e, and amendments thereto, or a road construction zone, as
17 that term is defined in K.S.A. 8-1458a, and amendments thereto, while
18 using a wireless communication device.

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

20 (1) A law enforcement officer or emergency service personnel acting
21 within the course and scope of the law enforcement officer's or emergency
22 service personnel's employment;

23 (2) a motor vehicle that is stopped; or

24 (3) a wireless communication device that is being used with a hands-
25 free device.

26 (d) The provisions of subsection (b) shall not prohibit a person from
27 using a wireless communication device while operating a motor vehicle in
28 a school zone or road construction zone to:

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

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

31 (3) summon medical or other emergency assistance; ~~or~~

32 ***(4) relay information between a transit or for-hire operator and the***
33 ***operator's dispatcher, in which the device is permanently affixed to the***
34 ***motor vehicle.***

35 (e) Any conviction under the provisions of this section shall not be
36 construed as a moving traffic violation for the purpose of K.S.A. 8-255,

1 and amendments thereto.

2 (f) ***Holding a wireless communication device while operating a***
 3 ***motor vehicle in a school zone or a road construction zone shall***
 4 ***constitute prima facie evidence of a violation of subsection (b).***

5 (g) ***From and after the effective date of this act, and prior to***
 6 ***January 1, 2018, a law enforcement officer shall issue a warning***
 7 ***citation to anyone violating subsection (b).***

8 (h) This section shall be part of and supplemental to the uniform act
 9 regulating traffic on highways.

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

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

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

34 <i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
35 Refusal to submit to a prelim- 36 inary breath test	8-1012	\$105
37 Unsafe speed for prevailing 38 conditions	8-1557	\$75
39 Exceeding maximum speed 40 limit; or speeding in zone 41 posted by the state depart- 42 ment of transportation; or 43 speeding in locally posted	8-1558 to 8-1560 8-1560a or	1-10 mph over the limit, \$45 11-20 mph over the limit, \$45 plus \$6 per mph over 10

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

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

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

1	Improper backing	8-1574	\$45
2	Driving on sidewalk	8-1575	\$45
3	Driving with view or driving	8-1576	\$45
4	mechanism obstructed		
5	Unsafe opening of vehicle	8-1577	\$45
6	door		
7	Riding in house trailer	8-1578	\$45
8	Unlawful riding on vehicle	8-1578a	\$75
9	Improper driving in defiles,	8-1579	\$45
10	canyons, or on grades		
11	Coasting	8-1580	\$45
12	Following fire apparatus too	8-1581	\$75
13	closely		
14	Driving over fire hose	8-1582	\$45
15	Putting glass, etc., on high-	8-1583	\$105
16	way		
17	Driving into intersection,	8-1584	\$45
18	crosswalk, or crossing		
19	without sufficient space		
20	on other side		
21	Improper operation of snow-	8-1585	\$45
22	mobile on highway		
23	Parental responsibility of	8-1586	\$45
24	child riding bicycle		
25	Not riding on bicycle seat;	8-1588	\$45
26	too many persons on		
27	bicycle		
28	Clinging to other vehicle	8-1589	\$45
29	Improper riding of bicycle on	8-1590	\$45
30	roadway		
31	Carrying articles on bicycle;	8-1591	\$45
32	one hand on handlebars		
33	Improper bicycle lamps,	8-1592	\$45
34	brakes or reflectors		
35	Improper operation of mo-	8-1594	\$45
36	torcycle; seats; passen-		
37	gers, bundles		
38	Improper operation of mo-	8-1595	\$75
39	torcycle on laned road		
40	way		
41	Motorcycle clinging to other	8-1596	\$45
42	vehicle		
43	Improper motorcycle handle-	8-1597	\$75

1	bars or passenger		
2	equipment		
3	Motorcycle helmet and eye-	8-1598	\$45
4	protection requirements		
5	Unlawful operation of all-ter-	8-15,100	\$75
6	rain vehicle		
7	Unlawful operation of	8-15,101	\$75
8	low-speed vehicle		
9	Littering	8-15,102	\$115
10	Disobeying school crossing	8-15,103	\$75
11	guard		
12	Unlawful operation of micro	8-15,106	\$75
13	utility truck		
14	Failure to remove vehicles in	8-15,107	\$75
15	accidents		
16	Unlawful operation of golf	8-15,108	\$75
17	cart		
18	Unlawful operation of work-	8-15,109	\$75
19	site utility vehicle		
20	Unlawful display of license	8-15,110	\$60
21	plate		
22	Unlawful text messaging	8-15,111	\$60
23	<i>Unlawful use of a wireless</i>	<i>section 1</i>	<i>\$60</i>
24	<i>communication device in</i>		
25	<i>a school zone or a road con-</i>		
26	<i>struction zone</i>		
27	Equipment offenses that are	8-1701	\$75
28	not misdemeanors		
29	Driving without lights when	8-1703	\$45
30	needed		
31	Defective headlamps	8-1705	\$45
32	Defective tail lamps	8-1706	\$45
33	Defective reflector	8-1707	\$45
34	Improper stop lamp or turn	8-1708	\$45
35	signal		
36	Improper lighting equipment	8-1710	\$45
37	on certain vehicles		
38	Improper lamp color on cer-	8-1711	\$45
39	tain vehicles		
40	Improper mounting of re-	8-1712	\$45
41	flectors and lamps on cer-		
42	tain vehicles		
43	Improper visibility of reflec-	8-1713	\$45

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

1	Defective brakes	8-1734	\$45
2	Defective or improper use of	8-1738	\$45
3	horn or warning device		
4	Defective muffler	8-1739	\$45
5	Defective mirror	8-1740	\$45
6	Defective wipers; obstructed	8-1741	\$45
7	windshield or windows		
8	Improper tires	8-1742	\$45
9	Improper flares or warning	8-1744	\$45
10	devices		
11	Improper use of vehicular	8-1745	\$45
12	hazard warning lamps		
13	and devices		
14	Improper air-conditioning	8-1747	\$45
15	equipment		
16	Improper safety belt or	8-1749	\$45
17	shoulder harness		
18	Improper wide-based single	8-1742b	\$75
19	tires		
20	Improper compression re-	8-1761	\$75
21	lease engine braking sys-		
22	tem		
23	Defective motorcycle head-	8-1801	\$45
24	lamp		
25	Defective motorcycle tail	8-1802	\$45
26	lamp		
27	Defective motorcycle reflec-	8-1803	\$45
28	tor		
29	Defective motorcycle stop	8-1804	\$45
30	lamps and turn signals		
31	Defective multiple-beam	8-1805	\$45
32	lighting		
33	Improper road-lighting equip-	8-1806	\$45
34	ment on motor-driven cy-		
35	cles		
36	Defective motorcycle or mo-	8-1807	\$45
37	tor-driven cycle brakes		
38	Improper performance abil-	8-1808	\$45
39	ity of brakes		
40	Operating motorcycle with	8-1809	\$45
41	disapproved braking sys-		
42	tem		
43	Defective horn, muffler, mir-	8-1810	\$45

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

1 ordinance traffic infractions shall be established by the municipal judge in
2 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
3 fines may vary from those contained in the uniform fine schedule
4 contained in subsection (c).

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

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

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

32 Sec. 3. K.S.A. 2016 Supp. 8-2118 is hereby repealed.

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