

HOUSE BILL No. 2596

AN ACT regulating traffic; concerning the uniform fine schedule for traffic infractions; increasing the amount of fines; amending K.S.A. 2000 Supp. 8-1560c, 8-1560d, 8-2118 and 74-7336 and repealing the existing sections.

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

Section 1. K.S.A. 2000 Supp. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Refusal to submit to a preliminary breath test	8-1012	\$30 \$90
Unsafe speed for prevailing conditions	8-1557	\$20 \$60
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$10 \$30 11-20 mph over the limit, \$10 \$30 plus \$2 \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$30 \$90 plus \$3 \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$60 \$180 plus \$5 \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$20 \$60
Violating traffic control signal	8-1508	\$20 \$60
Violating pedestrian control signal	8-1509	\$10 \$30
Violating flashing traffic signals	8-1510	\$20 \$60
Violating lane-control signal	8-1511	\$20 \$60
Unauthorized sign, signal, marking or device	8-1512	\$10 \$30
Driving on left side of roadway	8-1514	\$20 \$60
Failure to keep right to pass oncoming vehicle	8-1515	\$20 \$60
Improper passing; increasing speed when passed	8-1516	\$20 \$60
Improper passing on right	8-1517	\$20 \$60
Passing on left with insufficient clearance	8-1518	\$20 \$60
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$20 \$60
Driving on left in no-passing zone	8-1520	\$20 \$60
Unlawful passing of stopped emergency vehicle	8-1520a	\$20 \$60
Driving wrong direction on one-way road	8-1521	\$20 \$60
Improper driving on laned roadway	8-1522	\$20 \$60
Following too close	8-1523	\$20 \$60
Improper crossover on divided highway	8-1524	\$10 \$30
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$20 \$60
Failure to yield to approaching vehicle when turning left	8-1527	\$20 \$60
Failure to yield at stop or yield sign	8-1528	\$20 \$60
Failure to yield from private road or driveway	8-1529	\$20 \$60
Failure to yield to emergency vehicle	8-1530	\$60 \$180

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Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$10 \$30
Failure to comply with restrictions in road construction zone	8-1531a	\$10 \$30
Disobeying pedestrian traffic control device	8-1532	\$10 \$30
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$20 \$60
Improper pedestrian crossing	8-1534	\$10 \$30
Failure to exercise due care in regard to pedestrian	8-1535	\$10 \$30
Improper pedestrian movement in crosswalk	8-1536	\$10 \$30
Improper use of roadway by pedestrian	8-1537	\$10 \$30
Soliciting ride or business on roadway	8-1538	\$10 \$30
Driving through safety zone	8-1539	\$10 \$30
Failure to yield to pedestrian on sidewalk	8-1540	\$10 \$30
Failure of pedestrian to yield to emergency vehicle	8-1541	\$10 \$30
Failure to yield to blind pedestrian	8-1542	\$10 \$30
Pedestrian disobeying bridge or railroad signal	8-1544	\$10 \$30
Improper turn or approach	8-1545	\$20 \$60
Improper "U" turn	8-1546	\$20 \$60
Unsafe starting of stopped vehicle	8-1547	\$10 \$30
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$20 \$60
Improper method of giving notice of intention to turn	8-1549	\$10 \$30
Improper hand signal	8-1550	\$10 \$30
Failure to stop or obey railroad crossing signal	8-1551	\$60 \$180
Failure to stop at railroad crossing stop sign	8-1552	\$40 \$120
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$60 \$180
Improper moving of heavy equipment at railroad crossing	8-1554	\$20 \$60
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$20 \$60
Improper passing of school bus; improper use of school bus signals	8-1556	\$100 \$300
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$60 \$180
Impeding normal traffic by slow speed	8-1561	\$10 \$30
Speeding on motor-driven cycle	8-1562	\$20 \$60
Speeding in certain vehicles or on posted bridge	8-1563	\$10 \$30
Improper stopping, standing or parking on roadway	8-1569	\$10 \$30
Parking, standing or stopping in prohibited area	8-1571	\$10 \$30
Improper parking	8-1572	\$10 \$30
Unattended vehicle	8-1573	\$10 \$30
Improper backing	8-1574	\$10 \$30
Driving on sidewalk	8-1575	\$10 \$30
Driving with view or driving mechanism obstructed	8-1576	\$10 \$30
Unsafe opening of vehicle door	8-1577	\$10 \$30
Riding in house trailer	8-1578	\$10 \$30
Improper driving in defiles, canyons, or on grades	8-1579	\$10 \$30
Coasting	8-1580	\$10 \$30
Following fire apparatus too closely	8-1581	\$20 \$60
Driving over fire hose	8-1582	\$10 \$30
Putting glass, etc., on highway	8-1583	\$30 \$90
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$10 \$30
Improper operation of snowmobile on highway	8-1585	\$10 \$30
Parental responsibility of child riding bicycle	8-1586	\$10 \$30
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$10 \$30
Clinging to other vehicle	8-1589	\$10 \$30
Improper riding of bicycle on roadway	8-1590	\$10 \$30
Carrying articles on bicycle; one hand on handlebars	8-1591	\$10 \$30
Improper bicycle lamps, brakes or reflectors	8-1592	\$10 \$30
Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$10 \$30
Improper operation of motorcycle on laned roadway	8-1595	\$20 \$60
Motorcycle clinging to other vehicle	8-1596	\$10 \$30
Improper motorcycle handlebars or passenger equipment	8-1597	\$20 \$60
Motorcycle helmet and eye-protection requirements	8-1598	\$10 \$30
Unlawful riding on vehicle	8-1578a	\$20 \$60
Unlawful operation of all-terrain vehicle	8-15,100	\$20 \$60
Unlawful operation of low-speed vehicle	8-15,101	\$20 \$60

Equipment offenses that are not misdemeanors	8-1701	\$20 \$60
Driving without lights when needed	8-1703	\$20 \$30
Defective headlamps	8-1705	\$10 \$30
Defective tail lamps	8-1706	\$10 \$30
Defective reflector	8-1707	\$10 \$30
Improper stop lamp or turn signal	8-1708	\$10 \$30
Improper lighting equipment on certain vehicles	8-1710	\$10 \$30
Improper lamp color on certain vehicles	8-1711	\$10 \$30
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$10 \$30
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$10 \$30
No lamp or flag on projecting load	8-1715	\$20 \$60
Improper lamps on parked vehicle	8-1716	\$10 \$30
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$10 \$30
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$10 \$30
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$10 \$30
Improper lamps or lights on emergency vehicle	8-1720	\$10 \$30
Improper stop or turn signal	8-1721	\$10 \$30
Improper vehicular hazard warning lamp	8-1722	\$10 \$30
Unauthorized additional lighting equipment	8-1723	\$10 \$30
Improper multiple-beam lights	8-1724	\$10 \$30
Failure to dim headlights	8-1725	\$20 \$60
Improper single-beam headlights	8-1726	\$10 \$30
Improper speed with alternate lighting	8-1727	\$10 \$30
Improper number of driving lamps	8-1728	\$10 \$30
Unauthorized lights and signals	8-1729	\$10 \$30
Improper school bus lighting equipment and warning devices	8-1730	\$10 \$30
Unauthorized lights and devices on church or day-care bus	8-1730a	\$10 \$30
Improper lights on highway construction or maintenance vehicles	8-1731	\$10 \$30
Defective brakes	8-1734	\$10 \$30
Defective or improper use of horn or warning device	8-1738	\$10 \$30
Defective muffler	8-1739	\$10 \$30
Defective mirror	8-1740	\$10 \$30
Defective wipers; obstructed windshield or windows	8-1741	\$10 \$30
Improper tires	8-1742	\$10 \$30
Improper flares or warning devices	8-1744	\$10 \$30
Improper use of vehicular hazard warning lamps and devices	8-1745	\$10 \$30
Improper air-conditioning equipment	8-1747	\$10 \$30
TV screen visible to driver	8-1748	\$10 \$30
Improper safety belt or shoulder harness	8-1749	\$10 \$30
Improper wide-based single tires	8-1742b	\$20 \$60
Defective motorcycle headlamp	8-1801	\$10 \$30
Defective motorcycle tail lamp	8-1802	\$10 \$30
Defective motorcycle reflector	8-1803	\$10 \$30
Defective motorcycle stop lamps and turn signals	8-1804	\$10 \$30
Defective multiple-beam lighting	8-1805	\$10 \$30
Improper road-lighting equipment on motor-driven cycles	8-1806	\$10 \$30
Defective motorcycle or motor-driven cycle brakes	8-1807	\$10 \$30
Improper performance ability of brakes	8-1808	\$10 \$30
Operating motorcycle with disapproved braking system	8-1809	\$10 \$30
Defective horn, muffler, mirrors or tires	8-1810	\$10 \$30
Unlawful statehouse parking	75-4510a	\$5 \$15

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

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 2000 Supp. 8-1458a, and amendments thereto.

Sec. 2. K.S.A. 2000 Supp. 8-1560c is hereby amended to read as follows: 8-1560c. ~~(a)~~ Any conviction or forfeiture of bail or bond for violating the maximum posted *or authorized* speed limit of *55 miles per hour or more but not exceeding 70* miles per hour on any highway, by not more than 10 miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

~~(b) Any conviction or forfeiture of bail or bond for violating any maximum posted or authorized speed limit of 55 miles per hour or more but not exceeding 65 miles per hour on any highway, by not more than five miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.~~

Sec. 3. K.S.A. 2000 Supp. 8-1560d is hereby amended to read as follows: 8-1560d. (a) Convictions for violating a maximum posted speed limit of *55 miles per hour or more but not exceeding 70* miles per hour, by not more than 10 miles per hour in excess of such maximum speed limit, shall not be a part of the public record and shall not be considered by any insurance company in determining the rate charged for any automobile liability insurance policy or whether to cancel any such policy under the provisions of subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto.

~~(b) Convictions for violating any maximum posted or authorized speed limit of 55 miles per hour or more but not exceeding 65 miles per hour, by not more than five miles per hour in excess of such maximum speed limit, shall not be a part of the public record and shall not be considered by any insurance company in determining the rate charged for any automobile liability insurance policy or whether to cancel any such policy under the provisions of subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto.~~

Sec. 4. K.S.A. 2000 Supp. 74-7336 is hereby amended to read as follows: 74-7336. (a) Of the remittances of fines, penalties and forfeitures received from clerks of the district court, at least monthly, the state treasurer shall credit ~~22%~~ 7.33% to the crime victims compensation fund and ~~4%~~ 1.33% to the crime victims assistance fund. The remainder of the remittances shall be credited to the state general fund.

(b) The county treasurer shall deposit grant moneys as provided in subsection (a), from the crime victims assistance fund, to the credit of a special fund created for use by the county or district attorney in establishing and maintaining programs to aid witnesses and victims of crime.

Sec. 5. K.S.A. 2000 Supp. 8-1560c, 8-1560d, 8-2118 and 74-7336 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.