

1 *[As Amended by Senate Committee of the Whole]*

2  
3 **As Amended by House Committee**

4 *Session of 2002*

5  
6 **HOUSE BILL No. 2693**

7  
8 By Committee on Transportation

9  
10 1-24

11  
12 AN ACT regulating traffic; ~~prohibiting concerning the use of compression~~  
13 ~~release engine braking system in certain locations systems~~ **[cer-**  
14 **tain equipment]**; amending K.S.A. **[8-1723 and]** 8-2118 and re-  
15 pealing the existing ~~section~~ **[sections]**.

16  
17 *Be it enacted by the Legislature of the State of Kansas:*

18 New Section 1. (a) It shall be unlawful for the driver of any motor  
19 vehicle to use or cause to be used or operated any compression release  
20 engine braking system, ~~within ½ mile of the city limits of any city which~~  
21 ~~has passed an ordinance prohibiting the use of any compression release~~  
22 ~~engine braking system which results in the excessive, loud, unusual or~~  
23 ~~explosive noise from such motor vehicle~~ **without such motor vehicle**  
24 **being equipped with a muffler in accordance with K.S.A. 8-1739,**  
25 **and amendments thereto.**

26 (b) As used in this section, "compression release engine braking sys-  
27 tem" means a hydraulically operated device that converts a power pro-  
28 ducing diesel engine into a power absorbing retarding mechanism.

29 (c) This section shall be part of and supplemental to the uniform act  
30 regulating traffic on highways.

31 **[Sec. 2. K.S.A. 8-1723 is hereby amended to read as follows: 8-**  
32 **1723. (a) Any motor vehicle may be equipped with not more than**  
33 **two side cowl or fender lamps which shall emit an amber or white**  
34 **light without glare.**

35 **[(b) Any motor vehicle may be equipped with not more than one**  
36 **running-board courtesy lamp on each side which shall emit a white**  
37 **or amber light without glare.**

38 **[(c) Any motor vehicle may be equipped with one or more back-**  
39 **up lamps either separately or in combination with other lamps, but**  
40 **any such back-up lamp or lamps shall not be lighted when the motor**  
41 **vehicle is in forward motion.**

42 **[(d) Any vehicle 80 inches or more in overall width, if not oth-**  
43 **erwise required by K.S.A. 8-1710, and amendments thereto, may be**

1 **equipped with not more than three identification lamps showing to**  
 2 **the front which shall emit an amber light without glare and not more**  
 3 **than three identification lamps showing to the rear which shall emit**  
 4 **a red light without glare. Such lamps shall be mounted as specified**  
 5 **in subsection (g) of K.S.A. 8-1710, and amendments thereto.**

6 **[(e) Any vehicle may be equipped with one or more side marker**  
 7 **lamps and any such lamp may be flashed in conjunction with turn**  
 8 **or vehicular hazard warning signals. Side marker lamps located**  
 9 **toward the front of a vehicle shall be amber and side marker lamps**  
 10 **located toward the rear shall be red.**

11 **[(f) Any motor vehicle may be equipped with neon ground effect light-**  
 12 **ing, except that such lighting shall not be any shade of red. "Neon ground**  
 13 **effect lighting" means neon tubes placed underneath the motor vehicle for**  
 14 **the purpose of illuminating the ground below the motor vehicle creating**  
 15 **a halo light effect.]**

16 **Sec. ~~2~~. [3.]** K.S.A. 8-2118 is hereby amended to read as follows: 8-  
 17 2118. (a) A person charged with a traffic infraction shall, except as pro-  
 18 vided in subsection (b), appear at the place and time specified in the  
 19 notice to appear. If the person enters an appearance, waives right to trial,  
 20 pleads guilty or no contest, the fine shall be no greater than that specified  
 21 in the uniform fine schedule in subsection (c) and court costs shall be  
 22 taxed as provided by law.

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

34 (c) The following uniform fine schedule shall apply uniformly  
 35 throughout the state but shall not limit the fine which may be imposed  
 36 following a court appearance, except an appearance made for the purpose  
 37 of pleading and payment as permitted by subsection (a). The description  
 38 of offense contained in the following uniform fine schedule is for refer-  
 39 ence 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	\$90
Unsafe speed for prevailing conditions	8-1557	\$60

1	Exceeding maximum speed limit; or speeding in	8-1558	1-10 mph over
2	zone posted by the state department of	to	the limit, \$30
3	transportation; or speeding in locally posted	8-1560	
4	zone		
5		8-1560a	11-20 mph over
6		or	the limit, \$30
7		8-1560b	plus \$6 per mph
8			over 10 mph over
9			the limit;
10			
11			21-30 mph over
12			the limit, \$90
13			plus \$9 per
14			mph over 20 mph
15			over the limit;
16			
17			31 and more mph
18			over the limit,
19			\$180 plus \$15
20			per mph over 30 mph
21			over the limit;
22	Disobeying traffic control device	8-1507	\$60
23	Violating traffic control signal	8-1508	\$60
24	Violating pedestrian control signal	8-1509	\$30
25	Violating flashing traffic signals	8-1510	\$60
26	Violating lane-control signal	8-1511	\$60
27	Unauthorized sign, signal, marking or device	8-1512	\$30
28	Driving on left side of roadway	8-1514	\$60
29	Failure to keep right to pass oncoming vehicle	8-1515	\$60
30	Improper passing: increasing speed when passed	8-1516	\$60
31	Improper passing on right	8-1517	\$60
32	Passing on left with insufficient clearance	8-1518	\$60
33	Driving on left side where curve, grade,	8-1519	\$60
34	intersection railroad crossing, or obstructed		
35	view		
36	Driving on left in no-passing zone	8-1520	\$60
37	Unlawful passing of stopped emergency vehicle	8-1520a	\$60
38	Driving wrong direction on one-way road	8-1521	\$60
39	Improper driving on laned roadway	8-1522	\$60
40	Following too close	8-1523	\$60
41	Improper crossover on divided highway	8-1524	\$30
42	Failure to yield right-of-way at uncontrolled	8-1526	\$60
43	intersection		

1	Failure to yield to approaching vehicle when	8-1527	\$60
2	turning left		
3	Failure to yield at stop or yield sign	8-1528	\$60
4	Failure to yield from private road or driveway	8-1529	\$60
5	Failure to yield to emergency vehicle	8-1530	\$180
6	Failure to yield to pedestrian or vehicle working	8-1531	\$30
7	on roadway		
8	Failure to comply with restrictions in road	8-1531a	\$30
9	construction zone		
10	Disobeying pedestrian traffic control device	8-1532	\$30
11	Failure to yield to pedestrian in crosswalk;	8-1533	\$60
12	pedestrian suddenly entering roadway;		
13	passing vehicle stopped for pedestrian at		
14	crosswalk		
15	Improper pedestrian crossing	8-1534	\$30
16	Failure to exercise due care in regard to	8-1535	\$30
17	pedestrian		
18	Improper pedestrian movement in crosswalk	8-1536	\$30
19	Improper use of roadway by pedestrian	8-1537	\$30
20	Soliciting ride or business on roadway	8-1538	\$30
21	Driving through safety zone	8-1539	\$30
22	Failure to yield to pedestrian on sidewalk	8-1540	\$30
23	Failure of pedestrian to yield to emergency	8-1541	\$30
24	vehicle		
25	Failure to yield to blind pedestrian	8-1542	\$30
26	Pedestrian disobeying bridge or railroad signal	8-1544	\$30
27	Improper turn or approach	8-1545	\$60
28	Improper "U" turn	8-1546	\$60
29	Unsafe starting of stopped vehicle	8-1547	\$30
30	Unsafe turning or stopping, failure to give proper	8-1548	\$60
31	signal; using turn signal unlawfully		
32	Improper method of giving notice of intention to	8-1549	\$30
33	turn		
34	Improper hand signal	8-1550	\$30
35	Failure to stop or obey railroad crossing signal	8-1551	\$180
36	Failure to stop at railroad crossing stop sign	8-1552	\$120
37	Certain hazardous vehicles failure to stop at	8-1553	\$180
38	railroad crossing		
39	Improper moving of heavy equipment at railroad	8-1554	\$60
40	crossing		
41	Vehicle emerging from alley, private roadway,	8-1555	\$60
42	building or driveway		
43			

1	Improper passing of school bus; improper use of	8-1556	\$300
2	school bus signals		
3	Improper passing of church or day-care bus;	8-1556a	\$180
4	improper use of signals		
5	Impeding normal traffic by slow speed	8-1561	\$30
6	Speeding on motor-driven cycle	8-1562	\$60
7	Speeding in certain vehicles or on posted bridge	8-1563	\$30
8	Improper stopping, standing or parking on	8-1569	\$30
9	roadway		
10	Parking, standing or stopping in prohibited area	8-1571	\$30
11	Improper parking	8-1572	\$30
12	Unattended vehicle	8-1573	\$30
13	Improper backing	8-1574	\$30
14	Driving on sidewalk	8-1575	\$30
15	Driving with view or driving mechanism	8-1576	\$30
16	obstructed		
17	Unsafe opening of vehicle door	8-1577	\$30
18	Riding in house trailer	8-1578	\$30
19	Improper driving in defiles, canyons, or on grades	8-1579	\$30
20	Coasting	8-1580	\$30
21	Following fire apparatus too closely	8-1581	\$60
22	Driving over fire hose	8-1582	\$30
23	Putting glass, etc., on highway	8-1583	\$90
24	Driving into intersection, crosswalk, or crossing	8-1584	\$30
25	without sufficient space on other side		
26	Improper operation of snowmobile on highway	8-1585	\$30
27	Parental responsibility of child riding bicycle	8-1586	\$30
28	Not riding on bicycle seat; too many persons on	8-1588	\$30
29	bicycle		
30	Clinging to other vehicle	8-1589	\$30
31	Improper riding of bicycle on roadway	8-1590	\$30
32	Carrying articles on bicycle; one hand on	8-1591	\$30
33	handlebars		
34	Improper bicycle lamps, brakes or reflectors	8-1592	\$30
35	Improper operation of motorcycle; seats;	8-1594	\$30
36	passengers, bundles		
37	Improper operation of motorcycle on laned	8-1595	\$60
38	roadway		
39	Motorcycle clinging to other vehicle	8-1596	\$30
40	Improper motorcycle handlebars or passenger	8-1597	\$60
41	equipment		
42	Motorcycle helmet and eye-protection	8-1598	\$30
43	requirements		

1	Unlawful riding on vehicle	8-1578a	\$60
2	Unlawful operation of all-terrain vehicle	8-15,100	\$60
3	Unlawful operation of low-speed vehicle	8-15,101	\$60
4	<del>Unlawful use of compression release engine</del>	<del>Section 1</del>	<del>\$60</del>
5	<del>braking system</del>		
6	Equipment offenses that are not misdemeanors	8-1701	\$60
7	Driving without lights when needed	8-1703	\$30
8	Defective headlamps	8-1705	\$30
9	Defective tail lamps	8-1706	\$30
10	Defective reflector	8-1707	\$30
11	Improper stop lamp or turn signal	8-1708	\$30
12	Improper lighting equipment on certain vehicles	8-1710	\$30
13	Improper lamp color on certain vehicles	8-1711	\$30
14	Improper mounting of reflectors and lamps on	8-1712	\$30
15	certain vehicles		
16	Improper visibility of reflectors and lamps on	8-1713	\$30
17	certain vehicles		
18	No lamp or flag on projecting load	8-1715	\$60
19	Improper lamps on parked vehicle	8-1716	\$30
20	Improper lights, lamps, reflectors and emblems	8-1717	\$30
21	on farm tractors or slow-moving vehicles		
22	Improper lamps and equipment on implements	8-1718	\$30
23	of husbandry, road machinery or animal-		
24	drawn vehicles		
25	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
26	Improper lamps or lights on emergency vehicle	8-1720	\$30
27	Improper stop or turn signal	8-1721	\$30
28	Improper vehicular hazard warning lamp	8-1722	\$30
29	Unauthorized additional lighting equipment	8-1723	\$30
30	Improper multiple-beam lights	8-1724	\$30
31	Failure to dim headlights	8-1725	\$60
32	Improper single-beam headlights	8-1726	\$30
33	Improper speed with alternate lighting	8-1727	\$30
34	Improper number of driving lamps	8-1728	\$30
35	Unauthorized lights and signals	8-1729	\$30
36	Improper school bus lighting equipment and	8-1730	\$30
37	warning devices		
38	Unauthorized lights and devices on church or	8-1730a	\$30
39	day-care bus		
40	Improper lights on highway construction or	8-1731	\$30
41	maintenance vehicles		
42	Defective brakes	8-1734	\$30
43			

1	Defective or improper use of horn or warning	8-1738	\$30
2	device		
3	Defective muffler	8-1739	\$30
4	Defective mirror	8-1740	\$30
5	Defective wipers; obstructed windshield or	8-1741	\$30
6	windows		
7	Improper tires	8-1742	\$30
8	Improper flares or warning devices	8-1744	\$30
9	Improper use of vehicular hazard warning lamps	8-1745	\$30
10	and devices		
11	Improper air-conditioning equipment	8-1747	\$30
12	TV screen visible to driver	8-1748	\$30
13	Improper safety belt or shoulder harness	8-1749	\$30
14	Improper wide-based single tires	8-1742b	\$60
15	<b>Improper compression release engine</b>	<b>section 1</b>	<b>\$60</b>
16	<b>braking system</b>		
17	Defective motorcycle headlamp	8-1801	\$30
18	Defective motorcycle tail lamp	8-1802	\$30
19	Defective motorcycle reflector	8-1803	\$30
20	Defective motorcycle stop lamps and turn signals	8-1804	\$30
21	Defective multiple-beam lighting	8-1805	\$30
22	Improper road-lighting equipment on motor-	8-1806	\$30
23	driven cycles		
24	Defective motorcycle or motor-driven cycle	8-1807	\$30
25	brakes		
26	Improper performance ability of brakes	8-1808	\$30
27	Operating motorcycle with disapproved braking	8-1809	\$30
28	system		
29	Defective horn, muffler, mirrors or tires	8-1810	\$30
30	Unlawful statehouse parking	75-4510a	\$15

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

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

1     Sec. ~~3~~ **[4.]** K.S.A. ~~8-2118~~ **is [8-1723 and 8-2118 are]** hereby  
2 repealed.

3     Sec. ~~4~~ **[5.]** This act shall take effect and be in force from and after  
4 its publication in the statute book.

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