

HOUSE BILL No. 2708

By Committee on Transportation

2-4

AN ACT amending the motor vehicle drivers' license act; pertaining to moving violations; amending K.S.A. 8-249, 8-2004 and 8-2118 and K.S.A. 2003 Supp. 28-172a and repealing the existing sections.

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

Section 1. K.S.A. 8-249 is hereby amended to read as follows: 8-249.

(a) The division shall file every application for a driver's license received by it and shall maintain suitable records from which information showing the following may be obtained:

- (1) All applications denied and the reason for such denial;
- (2) all applications granted;
- (3) the name of every licensee whose driver's license has been suspended or revoked by the division and after each such name note the reasons for such action.

(b) The division also shall file all accident reports and abstracts of court records of convictions received by it under the laws of the state and, in connection therewith, maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of moving violations, ~~as defined by rules and regulations adopted by the secretary of revenue,~~ of such licensee and the traffic accidents in which such licensee has been involved shall be readily ascertainable and available for the consideration of the division upon any application for renewal of a driver's license and at other suitable times.

(c) *For the purposes of this section the term "moving violation" means a conviction for violating any of the following:*

- (1) K.S.A. 8-235, and amendments thereto;
- (2) K.S.A. 8-237, and amendments thereto;
- (3) K.S.A. 8-262, and amendments thereto;
- (4) K.S.A. 8-287, and amendments thereto;
- (5) K.S.A. 8-296, and amendments thereto;
- (6) K.S.A. 8-1507 through K.S.A. 8-1511, and amendments thereto;
- (7) K.S.A. 8-1514 through K.S.A. 8-1524, and amendments thereto;
- (8) K.S.A. 8-1526 through K.S.A. 8-1531a, and amendments thereto;
- (9) K.S.A. 8-1535, and amendments thereto;
- (10) K.S.A. 8-1539 through K.S.A. 8-1540, and amendments thereto;

- 1 (11) K.S.A. 8-1545 through K.S.A. 8-1546, and amendments thereto;
- 2 (12) K.S.A. 8-1548 through K.S.A. 8-1560b, and amendments thereto;
- 3 (13) K.S.A. 8-1561 through K.S.A. 8-1563, and amendments thereto;
- 4 (14) K.S.A. 8-1565 through K.S.A. 8-1568, and amendments thereto;
- 5 (15) K.S.A. 8-1574 through K.S.A. 8-1576, and amendments thereto;
- 6 (16) K.S.A. 8-1578a, and amendments thereto;
- 7 (17) K.S.A. 8-1580 through K.S.A. 8-1581, and amendments thereto;
- 8 (18) K.S.A. 8-1584, and amendments thereto;
- 9 (19) K.S.A. 8-1599, and amendments thereto;
- 10 (20) K.S.A. 8-1703, and amendments thereto;
- 11 (21) K.S.A. 8-1725, and amendments thereto;
- 12 (22) K.S.A. 21-3405, and amendments thereto;
- 13 (23) *any other Kansas statute that specifically provides that conviction*
- 14 *for a violation of such statute is a moving violation;*
- 15 (24) *any similar municipal ordinance or county resolution in this*
- 16 *state; or*
- 17 (25) *any similar statute, municipal ordinance or regulation in another*
- 18 *state.*

19 Sec. 2. K.S.A. 8-2004 is hereby amended to read as follows: 8-2004.

20 (a) The secretary of transportation shall place and maintain such traffic-

21 control devices, conforming to the manual and specifications adopted

22 under K.S.A. 8-2003, and amendments thereto, upon all state highways

23 as the secretary shall deem necessary to indicate and to carry out the

24 provisions of this act or to regulate, warn or guide traffic.

25 (b) No local authority shall place or maintain any traffic-control de-

26 vice upon any highway under the jurisdiction of the secretary of trans-

27 portation, except by the latter's permission.

28 (c) The secretary of transportation shall post signs informing motor-

29 ists that conviction of a traffic infraction, which is defined as a moving

30 violation ~~in accordance with rules and regulations adopted pursuant to~~ by

31 K.S.A. 8-249, and amendments thereto, committed within a road con-

32 struction zone, as defined in K.S.A. 8-1458a, shall result in a fine which

33 is double the fine listed in the uniform fine schedule in K.S.A. 8-2118,

34 and amendments thereto.

35 Sec. 3. K.S.A. 8-2118 is hereby amended to read as follows: 8-2118.

36 (a) A person charged with a traffic infraction shall, except as provided in

37 subsection (b), appear at the place and time specified in the notice to

38 appear. If the person enters an appearance, waives right to trial, pleads

39 guilty or no contest, the fine shall be no greater than that specified in the

40 uniform fine schedule in subsection (c) and court costs shall be taxed as

41 provided by law.

42 (b) Prior to the time specified in the notice to appear, a person

43 charged with a traffic infraction may enter a written appearance, waive

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
16 Refusal to submit to a preliminary breath test	8-1012	\$90
17 Unsafe speed for prevailing conditions	8-1557	\$60
18 Exceeding maximum speed limit; or speeding	8-1558	1-10 mph over the limit, \$30
19 in zone posted by the state department of	to	
20 transportation; or speeding in locally	8-1560	11-20 mph over the limit,
21 posted zone	8-1560a	\$30 plus \$6 per mph over
	or	10 mph over the limit;
	8-1560b	
		21-30 mph over the limit,
		\$90 plus \$9 per mph over
		20 mph over the limit;
		31 and more mph over
		the limit, \$180 plus \$15 per
		mph over 30 mph over
		the limit;
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33 Disobeying traffic control device	8-1507	\$60
34 Violating traffic control signal	8-1508	\$60
35 Violating pedestrian control signal	8-1509	\$30
36 Violating flashing traffic signals	8-1510	\$60
37 Violating lane-control signal	8-1511	\$60
38 Unauthorized sign, signal, marking or device	8-1512	\$30
39 Driving on left side of roadway	8-1514	\$60
40 Failure to keep right to pass oncoming vehicle	8-1515	\$60
41 Improper passing; increasing speed when	8-1516	\$60
42 passed		
43 Improper passing on right	8-1517	\$60

1	Passing on left with insufficient clearance	8-1518	\$60
2	Driving on left side where curve, grade, in-	8-1519	\$60
3	tersection railroad crossing, or obstructed		
4	view		
5	Driving on left in no-passing zone	8-1520	\$60
6	Unlawful passing of stopped emergency ve-	8-1520a	\$60
7	hicle		
8	Driving wrong direction on one-way road	8-1521	\$60
9	Improper driving on laned roadway	8-1522	\$60
10	Following too close	8-1523	\$60
11	Improper crossover on divided highway	8-1524	\$30
12	Failure to yield right-of-way at uncontrolled	8-1526	\$60
13	intersection		
14	Failure to yield to approaching vehicle when	8-1527	\$60
15	turning left		
16	Failure to yield at stop or yield sign	8-1528	\$60
17	Failure to yield from private road or driveway	8-1529	\$60
18	Failure to yield to emergency vehicle	8-1530	\$180
19	Failure to yield to pedestrian or vehicle work-	8-1531	\$30
20	ing on roadway		
21	Failure to comply with restrictions in road	8-1531a	\$30
22	construction zone		
23	Disobeying pedestrian traffic control device	8-1532	\$30
24	Failure to yield to pedestrian in crosswalk; pe-	8-1533	\$60
25	destrian suddenly entering roadway; pass-		
26	ing vehicle stopped for pedestrian at cross-		
27	walk		
28	Improper pedestrian crossing	8-1534	\$30
29	Failure to exercise due care in regard to pe-	8-1535	\$30
30	destrian		
31	Improper pedestrian movement in crosswalk	8-1536	\$30
32	Improper use of roadway by pedestrian	8-1537	\$30
33	Soliciting ride or business on roadway	8-1538	\$30
34	Driving through safety zone	8-1539	\$30
35	Failure to yield to pedestrian on sidewalk	8-1540	\$30
36	Failure of pedestrian to yield to emergency	8-1541	\$30
37	vehicle		
38	Failure to yield to blind pedestrian	8-1542	\$30
39	Pedestrian disobeying bridge or railroad signal	8-1544	\$30
40	Improper turn or approach	8-1545	\$60
41	Improper "U" turn	8-1546	\$60
42	Unsafe starting of stopped vehicle	8-1547	\$30
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1	Unsafe turning or stopping, failure to give	8-1548	\$60
2	proper signal; using turn signal unlawfully		
3	Improper method of giving notice of intention	8-1549	\$30
4	to turn		
5	Improper hand signal	8-1550	\$30
6	Failure to stop or obey railroad crossing signal	8-1551	\$180
7	Failure to stop at railroad crossing stop sign	8-1552	\$120
8	Certain hazardous vehicles failure to stop at	8-1553	\$180
9	railroad crossing		
10	Improper moving of heavy equipment at rail-	8-1554	\$60
11	road crossing		
12	Vehicle emerging from alley, private roadway,	8-1555	\$60
13	building or driveway		
14	Improper passing of school bus; improper use	8-1556	\$300
15	of school bus signals		
16	Improper passing of church or day-care bus;	8-1556a	\$180
17	improper use of signals		
18	Impeding normal traffic by slow speed	8-1561	\$30
19	Speeding on motor-driven cycle	8-1562	\$60
20	Speeding in certain vehicles or on posted	8-1563	\$30
21	bridge		
22	Improper stopping, standing or parking on	8-1569	\$30
23	roadway		
24	Parking, standing or stopping in prohibited	8-1571	\$30
25	area		
26	Improper parking	8-1572	\$30
27	Unattended vehicle	8-1573	\$30
28	Improper backing	8-1574	\$30
29	Driving on sidewalk	8-1575	\$30
30	Driving with view or driving mechanism ob-	8-1576	\$30
31	structed		
32	Unsafe opening of vehicle door	8-1577	\$30
33	Riding in house trailer	8-1578	\$30
34	Improper driving in defiles, canyons, or on	8-1579	\$30
35	grades		
36	Coasting	8-1580	\$30
37	Following fire apparatus too closely	8-1581	\$60
38	Driving over fire hose	8-1582	\$30
39	Putting glass, etc., on highway	8-1583	\$90
40	Driving into intersection, crosswalk, or	8-1584	\$30
41	crossing without sufficient space on other		
42	side		
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1	Improper operation of snowmobile on high-	8-1585	\$30
2	way		
3	Parental responsibility of child riding bicycle	8-1586	\$30
4	Not riding on bicycle seat; too many persons	8-1588	\$30
5	on bicycle		
6	Clinging to other vehicle	8-1589	\$30
7	Improper riding of bicycle on roadway	8-1590	\$30
8	Carrying articles on bicycle; one hand on	8-1591	\$30
9	handlebars		
10	Improper bicycle lamps, brakes or reflectors	8-1592	\$30
11	Improper operation of motorcycle; seats; pas-	8-1594	\$30
12	sengers, bundles		
13	Improper operation of motorcycle on laned	8-1595	\$60
14	roadway		
15	Motorcycle clinging to other vehicle	8-1596	\$30
16	Improper motorcycle handlebars or passenger	8-1597	\$60
17	equipment		
18	Motorcycle helmet and eye-protection	8-1598	\$30
19	requirements		
20	Unlawful riding on vehicle	8-1578a	\$60
21	Unlawful operation of all-terrain vehicle	8-15,100	\$60
22	Unlawful operation of low-speed vehicle	8-15,101	\$60
23	Equipment offenses that are not misdemean-	8-1701	\$60
24	ors		
25	Driving without lights when needed	8-1703	\$30
26	Defective headlamps	8-1705	\$30
27	Defective tail lamps	8-1706	\$30
28	Defective reflector	8-1707	\$30
29	Improper stop lamp or turn signal	8-1708	\$30
30	Improper lighting equipment on certain ve-	8-1710	\$30
31	hicles		
32	Improper lamp color on certain vehicles	8-1711	\$30
33	Improper mounting of reflectors and lamps	8-1712	\$30
34	on certain vehicles		
35	Improper visibility of reflectors and lamps on	8-1713	\$30
36	certain vehicles		
37	No lamp or flag on projecting load	8-1715	\$60
38	Improper lamps on parked vehicle	8-1716	\$30
39	Improper lights, lamps, reflectors and em-	8-1717	\$30
40	blems on farm tractors or slow-moving ve-		
41	hicles		
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1	Improper lamps and equipment on imple-	8-1718	\$30
2	ments of husbandry, road machinery or		
3	animal-drawn vehicles		
4	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
5	Improper lamps or lights on emergency ve-	8-1720	\$30
6	hicle		
7	Improper stop or turn signal	8-1721	\$30
8	Improper vehicular hazard warning lamp	8-1722	\$30
9	Unauthorized additional lighting equipment	8-1723	\$30
10	Improper multiple-beam lights	8-1724	\$30
11	Failure to dim headlights	8-1725	\$60
12	Improper single-beam headlights	8-1726	\$30
13	Improper speed with alternate lighting	8-1727	\$30
14	Improper number of driving lamps	8-1728	\$30
15	Unauthorized lights and signals	8-1729	\$30
16	Improper school bus lighting equipment and	8-1730	\$30
17	warning devices		
18	Unauthorized lights and devices on church or	8-1730a	\$30
19	day-care bus		
20	Improper lights on highway construction or	8-1731	\$30
21	maintenance vehicles		
22	Defective brakes	8-1734	\$30
23	Defective or improper use of horn or warning	8-1738	\$30
24	device		
25	Defective muffler	8-1739	\$30
26	Defective mirror	8-1740	\$30
27	Defective wipers; obstructed windshield or	8-1741	\$30
28	windows		
29	Improper tires	8-1742	\$30
30	Improper flares or warning devices	8-1744	\$30
31	Improper use of vehicular hazard warning	8-1745	\$30
32	lamps and devices		
33	Improper air-conditioning equipment	8-1747	\$30
34	TV screen visible to driver	8-1748	\$30
35	Improper safety belt or shoulder harness	8-1749	\$30
36	Improper wide-based single tires	8-1742b	\$60
37	Defective motorcycle headlamp	8-1801	\$30
38	Defective motorcycle tail lamp	8-1802	\$30
39	Defective motorcycle reflector	8-1803	\$30
40	Defective motorcycle stop lamps and turn sig-	8-1804	\$30
41	nals		
42	Defective multiple-beam lighting	8-1805	\$30
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1	Improper road-lighting equipment on motor-	8-1806	\$30
2	driven cycles		
3	Defective motorcycle or motor-driven cycle	8-1807	\$30
4	brakes		
5	Improper performance ability of brakes	8-1808	\$30
6	Operating motorcycle with disapproved brak-	8-1809	\$30
7	ing system		
8	Defective horn, muffler, mirrors or tires	8-1810	\$30
9	Unlawful statehouse parking	75-4510a	\$15
10	(d) Traffic offenses classified as traffic infractions by this section shall		
11	be classified as ordinance traffic infractions by those cities adopting or-		
12	dinances prohibiting the same offenses. A schedule of fines for all ordi-		
13	nance traffic infractions shall be established by the municipal judge in the		
14	manner prescribed by K.S.A. 12-4305, and amendments thereto. Such		
15	fines may vary from those contained in the uniform fine schedule con-		
16	tained in subsection (c).		
17	(e) Fines listed in the uniform fine schedule contained in subsection		
18	(c) shall be doubled if a person is convicted of a traffic infraction, which		
19	is defined as a moving violation in accordance with rules and regulations		
20	adopted pursuant to by K.S.A. 8-249, and amendments thereto, commit-		
21	ted within any road construction zone as defined in K.S.A. 8-1458a, and		
22	amendments thereto.		
23	Sec. 4. K.S.A. 2003 Supp. 28-172a is hereby amended to read as		
24	follows: 28-172a. (a) Except as otherwise provided in this section, when-		
25	ever the prosecuting witness or defendant is adjudged to pay the costs in		
26	a criminal proceeding in any county, a docket fee shall be taxed as follows:		
27	(1) For the period commencing July 1, 2003, and ending June 30,		
28	2005:		
29	Murder or manslaughter.....		\$164.50
30	Other felony		147.00
31	Misdemeanor		112.00
32	Forfeited recognizance.....		62.50
33	Appeals from other courts		62.50
34	(2) On and after July 1, 2005:		
35	Murder or manslaughter.....		\$164.50
36	Other felony		146.00
37	Misdemeanor		111.00
38	Forfeited recognizance.....		62.50
39	Appeals from other courts		62.50
40	(b) (1) Except as provided in paragraph (2), in actions involving the		
41	violation of any of the laws of this state regulating traffic on highways		
42	(including those listed in subsection (c) of K.S.A. 8-2118, and amend-		
43	ments thereto), a cigarette or tobacco infraction, any act declared a crime		

1 pursuant to the statutes contained in chapter 32 of Kansas Statutes An-
2 notated and amendments thereto or any act declared a crime pursuant
3 to the statutes contained in article 8 of chapter 82a of the Kansas Statutes
4 Annotated, and amendments thereto, whenever the prosecuting witness
5 or defendant is adjudged to pay the costs in the action, a docket fee of
6 \$55 shall be charged during the period commencing July 1, 2003, and
7 ending June 30, 2005, and \$54 shall be charged on or after July 1, 2005.
8 When an action is disposed of under subsections (a) and (b) of K.S.A. 8-
9 2118 or subsection (f) of K.S.A. 79-3393, and amendments thereto,
10 whether by mail or in person, the docket fee to be paid as court costs
11 shall be \$55 during the period commencing July 1, 2003, and ending June
12 30, 2005, and \$54 on or after July 1, 2005.

13 (2) In actions involving the violation of a moving traffic violation un-
14 der K.S.A. 8-2118, and amendments thereto, as defined by ~~rules and~~
15 ~~regulations adopted under~~ K.S.A. 8-249, and amendments thereto, when-
16 ever the prosecuting witness or defendant is adjudged to pay the costs in
17 the action, a docket fee of \$55 shall be charged during the period com-
18 mencing July 1, 2003, and ending June 30, 2005, and \$54 shall be charged
19 on or after July 1, 2005. When an action is disposed of under subsection
20 (a) and (b) of K.S.A. 8-2118, and amendments thereto, whether by mail
21 or in person, the docket fee to be paid as court costs shall be \$55 during
22 the period commencing July 1, 2003, and ending June 30, 2005, and \$54
23 on or after July 1, 2005.

24 (c) If a conviction is on more than one count, the docket fee shall be
25 the highest one applicable to any one of the counts. The prosecuting
26 witness or defendant, if assessed the costs, shall pay only one fee. Multiple
27 defendants shall each pay one fee.

28 (d) Statutory charges for law library funds, the law enforcement train-
29 ing center fund, the prosecuting attorneys' training fund, the juvenile
30 detention facilities fund, the judicial branch education fund, the emer-
31 gency medical services operating fund and the judiciary technology fund
32 shall be paid from the docket fee; the family violence and child abuse and
33 neglect assistance and prevention fund fee shall be paid from criminal
34 proceedings docket fees. All other fees and expenses to be assessed as
35 additional court costs shall be approved by the court, unless specifically
36 fixed by statute. Additional fees shall include, but are not limited to, fees
37 for Kansas bureau of investigation forensic or laboratory analyses, fees for
38 detention facility processing pursuant to K.S.A. 12-16,119, and amend-
39 ments thereto, fees for the sexual assault evidence collection kit, fees for
40 conducting an examination of a sexual assault victim, fees for service of
41 process outside the state, witness fees, fees for transcripts and deposi-
42 tions, costs from other courts, doctors' fees and examination and evalu-
43 ation fees. No sheriff in this state shall charge any district court of this

1 state a fee or mileage for serving any paper or process.
2 (e) In each case charging a violation of the laws relating to parking
3 of motor vehicles on the statehouse grounds or other state-owned or
4 operated property in Shawnee county, Kansas, as specified in K.S.A. 75-
5 4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and
6 amendments thereto, the clerk shall tax a fee of \$2 which shall constitute
7 the entire costs in the case, except that witness fees, mileage and expenses
8 incurred in serving a warrant shall be in addition to the fee. Appearance
9 bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amend-
10 ments thereto, shall be \$3, unless a warrant is issued. The judge may
11 order the bond forfeited upon the defendant's failure to appear, and \$2
12 of any bond so forfeited shall be regarded as court costs.
13 Sec. 5. K.S.A. 8-249, 8-2004 and 8-2118 and K.S.A. 2003 Supp. 28-
14 172a are hereby repealed.
15 Sec. 6. This act shall take effect and be in force from and after its
16 publication in the statute book.
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