

SENATE BILL No. 291

By Joint Committee on Administrative Rules and Regulations

12-17

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>
Refusal to submit to a preliminary breath test	8-1012	\$90
Unsafe speed for prevailing conditions	8-1557	\$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, \$30 11-20 mph over the limit, \$30 plus \$6 per mph over 10 mph over the limit; 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;
Disobeying traffic control device	8-1507	\$60
Violating traffic control signal	8-1508	\$60
Violating pedestrian control signal	8-1509	\$30
Violating flashing traffic signals	8-1510	\$60
Violating lane-control signal	8-1511	\$60
Unauthorized sign, signal, marking or device	8-1512	\$30
Driving on left side of roadway	8-1514	\$60
Failure to keep right to pass oncoming vehicle	8-1515	\$60
Improper passing; increasing speed when passed	8-1516	\$60

1	Improper passing on right	8-1517	\$60
2	Passing on left with insufficient	8-1518	\$60
3	clearance		
4	Driving on left side where curve,	8-1519	\$60
5	grade, intersection railroad		
6	crossing, or obstructed view		
7	Driving on left in no-passing	8-1520	\$60
8	zone		
9	Unlawful passing of stopped	8-1520a	\$60
10	emergency vehicle		
11	Driving wrong direction on one-	8-1521	\$60
12	way road		
13	Improper driving on laned road-	8-1522	\$60
14	way		
15	Following too close	8-1523	\$60
16	Improper crossover on divided	8-1524	\$30
17	highway		
18	Failure to yield right-of-way at	8-1526	\$60
19	uncontrolled intersection		
20	Failure to yield to approaching	8-1527	\$60
21	vehicle when turning left		
22	Failure to yield at stop or yield	8-1528	\$60
23	sign		
24	Failure to yield from private road	8-1529	\$60
25	or driveway		
26	Failure to yield to emergency ve-	8-1530	\$180
27	hicle		
28	Failure to yield to pedestrian or	8-1531	\$30
29	vehicle working on roadway		
30	Failure to comply with restric-	8-1531a	\$30
31	tions in road construction		
32	zone		
33	Disobeying pedestrian traffic	8-1532	\$30
34	control device		
35	Failure to yield to pedestrian in	8-1533	\$60
36	crosswalk; pedestrian sud-		
37	denly entering roadway; pass-		
38	ing vehicle stopped for pe-		
39	destrian at crosswalk		
40	Improper pedestrian crossing	8-1534	\$30
41	Failure to exercise due care in re-	8-1535	\$30
42	gard to pedestrian		
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1	Improper pedestrian movement	8-1536	\$30
2	in crosswalk		
3	Improper use of roadway by pe-	8-1537	\$30
4	destrian		
5	Soliciting ride or business on	8-1538	\$30
6	roadway		
7	Driving through safety zone	8-1539	\$30
8	Failure to yield to pedestrian on	8-1540	\$30
9	sidewalk		
10	Failure of pedestrian to yield to	8-1541	\$30
11	emergency vehicle		
12	Failure to yield to blind pedes-	8-1542	\$30
13	trian		
14	Pedestrian disobeying bridge or	8-1544	\$30
15	railroad signal		
16	Improper turn or approach	8-1545	\$60
17	Improper "U" turn	8-1546	\$60
18	Unsafe starting of stopped vehi-	8-1547	\$30
19	cle		
20	Unsafe turning or stopping, fail-	8-1548	\$60
21	ure to give proper signal; us-		
22	ing turn signal unlawfully		
23	Improper method of giving no-	8-1549	\$30
24	tice of intention to turn		
25	Improper hand signal	8-1550	\$30
26	Failure to stop or obey railroad	8-1551	\$180
27	crossing signal		
28	Failure to stop at railroad	8-1552	\$120
29	crossing stop sign		
30	Certain hazardous vehicles fail-	8-1553	\$180
31	ure to stop at railroad		
32	crossing		
33	Improper moving of heavy	8-1554	\$60
34	equipment at railroad		
35	crossing		
36	Vehicle emerging from alley, pri-	8-1555	\$60
37	vate roadway, building or		
38	driveway		
39	Improper passing of school bus;	8-1556	\$300
40	improper use of school bus		
41	signals		
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1	Improper passing of church or	8-1556a	\$180
2	day-care bus; improper use of		
3	signals		
4	Impeding normal traffic by slow	8-1561	\$30
5	speed		
6	Speeding on motor-driven cycle	8-1562	\$60
7	Speeding in certain vehicles or	8-1563	\$30
8	on posted bridge		
9	Improper stopping, standing or	8-1569	\$30
10	parking on roadway		
11	Parking, standing or stopping in	8-1571	\$30
12	prohibited area		
13	Improper parking	8-1572	\$30
14	Unattended vehicle	8-1573	\$30
15	Improper backing	8-1574	\$30
16	Driving on sidewalk	8-1575	\$30
17	Driving with view or driving	8-1576	\$30
18	mechanism obstructed		
19	Unsafe opening of vehicle door	8-1577	\$30
20	Riding in house trailer	8-1578	\$30
21	Improper driving in defiles, can-	8-1579	\$30
22	yons, or on grades		
23	Coasting	8-1580	\$30
24	Following fire apparatus too	8-1581	\$60
25	closely		
26	Driving over fire hose	8-1582	\$30
27	Putting glass, etc., on highway	8-1583	\$90
28	Driving into intersection, cross-	8-1584	\$30
29	walk, or crossing without suf-		
30	ficient space on other side		
31	Improper operation of snowmo-	8-1585	\$30
32	bile on highway		
33	Parental responsibility of child	8-1586	\$30
34	riding bicycle		
35	Not riding on bicycle seat; too	8-1588	\$30
36	many persons on bicycle		
37	Clinging to other vehicle	8-1589	\$30
38	Improper riding of bicycle on	8-1590	\$30
39	roadway		
40	Carrying articles on bicycle; one	8-1591	\$30
41	hand on handlebars		
42	Improper bicycle lamps, brakes	8-1592	\$30
43	or reflectors		

1	Improper operation of motorcy-	8-1594	\$30
2	cle; seats; passengers, bun-		
3	dles		
4	Improper operation of motorcy-	8-1595	\$60
5	cle on laned roadway		
6	Motorcycle clinging to other ve-	8-1596	\$30
7	hicle		
8	Improper motorcycle handlebars	8-1597	\$60
9	or passenger equipment		
10	Motorcycle helmet and eye-pro-	8-1598	\$30
11	tection requirements		
12	Unlawful riding on vehicle	8-1578a	\$60
13	Unlawful operation of all-terrain	8-15,100	\$60
14	vehicle		
15	Unlawful operation of low-speed	8-15,101	\$60
16	vehicle		
17	Equipment offenses that are not	8-1701	\$60
18	misdemeanors		
19	Driving without lights when	8-1703	\$30
20	needed		
21	Defective headlamps	8-1705	\$30
22	Defective tail lamps	8-1706	\$30
23	Defective reflector	8-1707	\$30
24	Improper stop lamp or turn sig-	8-1708	\$30
25	nal		
26	Improper lighting equipment on	8-1710	\$30
27	certain vehicles		
28	Improper lamp color on certain	8-1711	\$30
29	vehicles		
30	Improper mounting of reflectors	8-1712	\$30
31	and lamps on certain vehicles		
32	Improper visibility of reflectors	8-1713	\$30
33	and lamps on certain vehicles		
34	No lamp or flag on projecting	8-1715	\$60
35	load		
36	Improper lamps on parked vehi-	8-1716	\$30
37	cle		
38	Improper lights, lamps, reflec-	8-1717	\$30
39	tors and emblems on farm		
40	tractors or slow-moving ve-		
41	hicles		
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1	Improper lamps and equipment	8-1718	\$30
2	on implements of husbandry,		
3	road machinery or animal-		
4	drawn vehicles		
5	Unlawful use of spot, fog, or aux-	8-1719	\$30
6	iliary lamp		
7	Improper lamps or lights on	8-1720	\$30
8	emergency vehicle		
9	Improper stop or turn signal	8-1721	\$30
10	Improper vehicular hazard warn-	8-1722	\$30
11	ing lamp		
12	Unauthorized additional lighting	8-1723	\$30
13	equipment		
14	Improper multiple-beam lights	8-1724	\$30
15	Failure to dim headlights	8-1725	\$60
16	Improper single-beam head-	8-1726	\$30
17	lights		
18	Improper speed with alternate	8-1727	\$30
19	lighting		
20	Improper number of driving	8-1728	\$30
21	lamps		
22	Unauthorized lights and signals	8-1729	\$30
23	Improper school bus lighting	8-1730	\$30
24	equipment and warning de-		
25	vices		
26	Unauthorized lights and devices	8-1730a	\$30
27	on church or day-care bus		
28	Improper lights on highway con-	8-1731	\$30
29	struction or maintenance ve-		
30	hicles		
31	Defective brakes	8-1734	\$30
32	Defective or improper use of	8-1738	\$30
33	horn or warning device		
34	Defective muffler	8-1739	\$30
35	Defective mirror	8-1740	\$30
36	Defective wipers; obstructed	8-1741	\$30
37	windshield or windows		
38	Improper tires	8-1742	\$30
39	Improper flares or warning de-	8-1744	\$30
40	vices		
41	Improper use of vehicular hazard	8-1745	\$30
42	warning lamps and devices		
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1	Improper air-conditioning	8-1747	\$30
2	equipment		
3	TV screen visible to driver	8-1748	\$30
4	Improper safety belt or shoulder	8-1749	\$30
5	harness		
6	Improper wide-based single tires	8-1742b	\$60
7	Defective motorcycle headlamp	8-1801	\$30
8	Defective motorcycle tail lamp	8-1802	\$30
9	Defective motorcycle reflector	8-1803	\$30
10	Defective motorcycle stop lamps	8-1804	\$30
11	and turn signals		
12	Defective multiple-beam light-	8-1805	\$30
13	ing		
14	Improper road-lighting equip-	8-1806	\$30
15	ment on motor-driven cycles		
16	Defective motorcycle or motor-	8-1807	\$30
17	driven cycle brakes		
18	Improper performance ability of	8-1808	\$30
19	brakes		
20	Operating motorcycle with dis-	8-1809	\$30
21	approved braking system		
22	Defective horn, muffler, mirrors	8-1810	\$30
23	or tires		
24	Unlawful statehouse parking	75-4510a	\$15

25 (d) Traffic offenses classified as traffic infractions by this section shall
 26 be classified as ordinance traffic infractions by those cities adopting or-
 27 dinances prohibiting the same offenses. A schedule of fines for all ordi-
 28 nance traffic infractions shall be established by the municipal judge in the
 29 manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
 30 fines may vary from those contained in the uniform fine schedule con-
 31 tained in subsection (c).

32 (e) Fines listed in the uniform fine schedule contained in subsection
 33 (c) shall be doubled if a person is convicted of a traffic infraction, which
 34 is defined as a moving violation ~~in accordance with rules and regulations~~
 35 ~~adopted pursuant to~~ *by* K.S.A. 8-249, and amendments thereto, commit-
 36 ted within any road construction zone as defined in K.S.A. 8-1458a, and
 37 amendments thereto.

38 Sec. 4. K.S.A. 2003 Supp. 28-172a is hereby amended to read as
 39 follows: 28-172a. (a) Except as otherwise provided in this section, when-
 40 ever the prosecuting witness or defendant is adjudged to pay the costs in
 41 a criminal proceeding in any county, a docket fee shall be taxed as follows:

42 (1) For the period commencing July 1, 2003, and ending June 30,
 43 2005:

1	Murder or manslaughter.....	\$164.50
2	Other felony.....	147.00
3	Misdemeanor.....	112.00
4	Forfeited recognizance	62.50
5	Appeals from other courts.....	62.50
6	(2) On and after July 1, 2005:	
7	Murder or manslaughter.....	\$164.50
8	Other felony.....	146.00
9	Misdemeanor.....	111.00
10	Forfeited recognizance	62.50
11	Appeals from other courts.....	62.50

12 (b) (1) Except as provided in paragraph (2), in actions involving the
 13 violation of any of the laws of this state regulating traffic on highways
 14 (including those listed in subsection (c) of K.S.A. 8-2118, and amend-
 15 ments thereto), a cigarette or tobacco infraction, any act declared a crime
 16 pursuant to the statutes contained in chapter 32 of Kansas Statutes An-
 17 notated and amendments thereto or any act declared a crime pursuant
 18 to the statutes contained in article 8 of chapter 82a of the Kansas Statutes
 19 Annotated, and amendments thereto, whenever the prosecuting witness
 20 or defendant is adjudged to pay the costs in the action, a docket fee of
 21 \$55 shall be charged during the period commencing July 1, 2003, and
 22 ending June 30, 2005, and \$54 shall be charged on or after July 1, 2005.
 23 When an action is disposed of under subsections (a) and (b) of K.S.A. 8-
 24 2118 or subsection (f) of K.S.A. 79-3393, and amendments thereto,
 25 whether by mail or in person, the docket fee to be paid as court costs
 26 shall be \$55 during the period commencing July 1, 2003, and ending June
 27 30, 2005, and \$54 on or after July 1, 2005.

28 (2) In actions involving the violation of a moving traffic violation un-
 29 der K.S.A. 8-2118, and amendments thereto, as defined by ~~rules and~~
 30 ~~regulations adopted under~~ K.S.A. 8-249, and amendments thereto, when-
 31 ever the prosecuting witness or defendant is adjudged to pay the costs in
 32 the action, a docket fee of \$55 shall be charged during the period com-
 33 mencing July 1, 2003, and ending June 30, 2005, and \$54 shall be charged
 34 on or after July 1, 2005. When an action is disposed of under subsection
 35 (a) and (b) of K.S.A. 8-2118, and amendments thereto, whether by mail
 36 or in person, the docket fee to be paid as court costs shall be \$55 during
 37 the period commencing July 1, 2003, and ending June 30, 2005, and \$54
 38 on or after July 1, 2005.

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

43 (d) Statutory charges for law library funds, the law enforcement train-

1 ing center fund, the prosecuting attorneys' training fund, the juvenile
2 detention facilities fund, the judicial branch education fund, the emer-
3 gency medical services operating fund and the judiciary technology fund
4 shall be paid from the docket fee; the family violence and child abuse and
5 neglect assistance and prevention fund fee shall be paid from criminal
6 proceedings docket fees. All other fees and expenses to be assessed as
7 additional court costs shall be approved by the court, unless specifically
8 fixed by statute. Additional fees shall include, but are not limited to, fees
9 for Kansas bureau of investigation forensic or laboratory analyses, fees for
10 detention facility processing pursuant to K.S.A. 12-16,119, and amend-
11 ments thereto, fees for the sexual assault evidence collection kit, fees for
12 conducting an examination of a sexual assault victim, fees for service of
13 process outside the state, witness fees, fees for transcripts and depositions,
14 costs from other courts, doctors' fees and examination and evaluation
15 fees. No sheriff in this state shall charge any district court of this
16 state a fee or mileage for serving any paper or process.

17 (e) In each case charging a violation of the laws relating to parking
18 of motor vehicles on the statehouse grounds or other state-owned or
19 operated property in Shawnee county, Kansas, as specified in K.S.A. 75-
20 4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and
21 amendments thereto, the clerk shall tax a fee of \$2 which shall constitute
22 the entire costs in the case, except that witness fees, mileage and expenses
23 incurred in serving a warrant shall be in addition to the fee. Appearance
24 bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amend-
25 ments thereto, shall be \$3, unless a warrant is issued. The judge may
26 order the bond forfeited upon the defendant's failure to appear, and \$2
27 of any bond so forfeited shall be regarded as court costs.

28 Sec. 5. K.S.A. 8-249, 8-2004 and 8-2118 and K.S.A. 2003 Supp. 28-
29 172a are hereby repealed.

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

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