

SENATE BILL No. 347

By Senator Journey

1-10

9 AN ACT regulating traffic; doubling speeding fines in school zones;
10 amending K.S.A. 2005 Supp. 8-2118 and repealing the existing section.
11

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

13 Section 1. K.S.A. 2005 Supp. 8-2118 is hereby amended to read as
14 follows: 8-2118. (a) A person charged with a traffic infraction shall, except
15 as provided in subsection (b), appear at the place and time specified in
16 the notice to appear. If the person enters an appearance, waives right to
17 trial, pleads guilty or no contest, the fine shall be no greater than that
18 specified in the uniform fine schedule in subsection (c) and court costs
19 shall be taxed as provided by law.

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

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

37 <i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
38 Refusal to submit to a preliminary breath test	8-1012	\$90
39 Unsafe speed for prevailing conditions	8-1557	\$60

1	Exceeding maximum speed limit; or speeding	8-1558	1-10 mph over the limit, \$30
2	in zone posted by the state department of	to	
3	transportation; or speeding in locally posted	8-1560	11-20 mph over the limit,
4	zone	8-1560a	\$30 plus \$6 per mph over
5		or	10 mph over the limit;
6		8-1560b	21-30 mph over the limit,
7			\$90 plus \$9 per mph over
8			20 mph over the limit;
9			31 and more mph over the
10			limit, \$180 plus \$15 per
11			mph over 30 mph over the
12			limit;
13	Disobeying traffic control device	8-1507	\$60
14	Violating traffic control signal	8-1508	\$60
15	Violating pedestrian control signal	8-1509	\$30
16	Violating flashing traffic signals	8-1510	\$60
17	Violating lane-control signal	8-1511	\$60
18	Unauthorized sign, signal, marking or device	8-1512	\$30
19	Driving on left side of roadway	8-1514	\$60
20	Failure to keep right to pass oncoming vehicle	8-1515	\$60
21	Improper passing; increasing speed when	8-1516	\$60
22	passed		
23	Improper passing on right	8-1517	\$60
24	Passing on left with insufficient clearance	8-1518	\$60
25	Driving on left side where curve, grade,	8-1519	\$60
26	intersection railroad crossing, or obstructed		
27	view		
28	Driving on left in no-passing zone	8-1520	\$60
29	Unlawful passing of stopped emergency	8-1520a	\$60
30	vehicle		
31	Driving wrong direction on one-way road	8-1521	\$60
32	Improper driving on laned roadway	8-1522	\$60
33	Following too close	8-1523	\$60
34	Improper crossover on divided highway	8-1524	\$30
35	Failure to yield right-of-way at uncontrolled	8-1526	\$60
36	intersection		
37	Failure to yield to approaching vehicle when	8-1527	\$60
38	turning left		
39	Failure to yield at stop or yield sign	8-1528	\$60
40	Failure to yield from private road or driveway	8-1529	\$60
41	Failure to yield to emergency vehicle	8-1530	\$180
42	Failure to yield to pedestrian or vehicle	8-1531	\$30
43	working on roadway		

1	Failure to comply with restrictions in road	8-1531a	\$30
2	construction zone		
3	Disobeying pedestrian traffic control device	8-1532	\$30
4	Failure to yield to pedestrian in crosswalk;	8-1533	\$60
5	pedestrian suddenly entering roadway;		
6	passing vehicle stopped for pedestrian at		
7	crosswalk		
8	Improper pedestrian crossing	8-1534	\$30
9	Failure to exercise due care in regard to	8-1535	\$30
10	pedestrian		
11	Improper pedestrian movement in crosswalk	8-1536	\$30
12	Improper use of roadway by pedestrian	8-1537	\$30
13	Soliciting ride or business on roadway	8-1538	\$30
14	Driving through safety zone	8-1539	\$30
15	Failure to yield to pedestrian on sidewalk	8-1540	\$30
16	Failure of pedestrian to yield to emergency	8-1541	\$30
17	vehicle		
18	Failure to yield to blind pedestrian	8-1542	\$30
19	Pedestrian disobeying bridge or railroad signal	8-1544	\$30
20	Improper turn or approach	8-1545	\$60
21	Improper "U" turn	8-1546	\$60
22	Unsafe starting of stopped vehicle	8-1547	\$30
23	Unsafe turning or stopping, failure to give	8-1548	\$60
24	proper signal; using turn signal unlawfully		
25	Improper method of giving notice of intention	8-1549	\$30
26	to turn		
27	Improper hand signal	8-1550	\$30
28	Failure to stop or obey railroad crossing signal	8-1551	\$180
29	Failure to stop at railroad crossing stop sign	8-1552	\$120
30	Certain hazardous vehicles failure to stop at	8-1553	\$180
31	railroad crossing		
32	Improper moving of heavy equipment at	8-1554	\$60
33	railroad crossing		
34	Vehicle emerging from alley, private roadway,	8-1555	\$60
35	building or driveway		
36	Improper passing of school bus; improper use	8-1556	\$300
37	of school bus signals		
38	Improper passing of church or day-care bus;	8-1556a	\$180
39	improper use of signals		
40	Impeding normal traffic by slow speed	8-1561	\$30
41	Speeding on motor-driven cycle	8-1562	\$60
42	Speeding in certain vehicles or on posted	8-1563	\$30
43	bridge		

1	Improper stopping, standing or parking on	8-1569	\$30
2	roadway		
3	Parking, standing or stopping in prohibited	8-1571	\$30
4	area		
5	Improper parking	8-1572	\$30
6	Unattended vehicle	8-1573	\$30
7	Improper backing	8-1574	\$30
8	Driving on sidewalk	8-1575	\$30
9	Driving with view or driving mechanism	8-1576	\$30
10	obstructed		
11	Unsafe opening of vehicle door	8-1577	\$30
12	Riding in house trailer	8-1578	\$30
13	Improper driving in defiles, canyons, or on	8-1579	\$30
14	grades		
15	Coasting	8-1580	\$30
16	Following fire apparatus too closely	8-1581	\$60
17	Driving over fire hose	8-1582	\$30
18	Putting glass, etc., on highway	8-1583	\$90
19	Driving into intersection, crosswalk, or	8-1584	\$30
20	crossing without sufficient space on other		
21	side		
22	Improper operation of snowmobile on	8-1585	\$30
23	highway		
24	Parental responsibility of child riding bicycle	8-1586	\$30
25	Not riding on bicycle seat; too many persons	8-1588	\$30
26	on bicycle		
27	Clinging to other vehicle	8-1589	\$30
28	Improper riding of bicycle on roadway	8-1590	\$30
29	Carrying articles on bicycle; one hand on	8-1591	\$30
30	handlebars		
31	Improper bicycle lamps, brakes or reflectors	8-1592	\$30
32	Improper operation of motorcycle; seats;	8-1594	\$30
33	passengers, bundles		
34	Improper operation of motorcycle on laned	8-1595	\$60
35	roadway		
36	Motorcycle clinging to other vehicle	8-1596	\$30
37	Improper motorcycle handlebars or passenger	8-1597	\$60
38	equipment		
39	Motorcycle helmet and eye-protection	8-1598	\$30
40	requirements		
41	Unlawful riding on vehicle	8-1578a	\$60
42	Unlawful operation of all-terrain vehicle	8-15,100	\$60
43	Unlawful operation of low-speed vehicle	8-15,101	\$60

1	Littering	8-15,102	\$100
2	Equipment offenses that are not	8-1701	\$60
3	misdemeanors		
4	Driving without lights when needed	8-1703	\$30
5	Defective headlamps	8-1705	\$30
6	Defective tail lamps	8-1706	\$30
7	Defective reflector	8-1707	\$30
8	Improper stop lamp or turn signal	8-1708	\$30
9	Improper lighting equipment on certain	8-1710	\$30
10	vehicles		
11	Improper lamp color on certain vehicles	8-1711	\$30
12	Improper mounting of reflectors and lamps on	8-1712	\$30
13	certain vehicles		
14	Improper visibility of reflectors and lamps on	8-1713	\$30
15	certain vehicles		
16	No lamp or flag on projecting load	8-1715	\$60
17	Improper lamps on parked vehicle	8-1716	\$30
18	Improper lights, lamps, reflectors and	8-1717	\$30
19	emblems on farm tractors or slow-moving		
20	vehicles		
21	Improper lamps and equipment on	8-1718	\$30
22	implements of husbandry, road machinery		
23	or animal-drawn vehicles		
24	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
25	Improper lamps or lights on emergency	8-1720	\$30
26	vehicle		
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

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	8-1745	\$30
10	lamps 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	Improper compression release engine braking	8-1761	\$60
16	system		
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	8-1804	\$30
21	signals		
22	Defective multiple-beam lighting	8-1805	\$30
23	Improper road-lighting equipment on motor-	8-1806	\$30
24	driven cycles		
25	Defective motorcycle or motor-driven cycle	8-1807	\$30
26	brakes		
27	Improper performance ability of brakes	8-1808	\$30
28	Operating motorcycle with disapproved	8-1809	\$30
29	braking system		
30	Defective horn, muffler, mirrors or tires	8-1810	\$30
31	Unlawful statehouse parking	75-4510a	\$15
32	Exceeding gross weight of vehicle or	8-1909	Pounds Overweight
33	combination		up to 1000 \$25
34			1001 to 2000 3 per pound
35			2001 to 5000 5 per pound
36			5001 to 7500 7 per pound
37			7501 and over 10 per pound
38	Exceeding gross weight on any axle or tandem,	8-1908	Pounds Overweight
39	triple or quad axles		up to 1000 \$25
40			1001 to 2000 3 per pound
41			2001 to 5000 5 per pound
42			5001 to 7500 7 per pound
43			7501 and over 10 per pound

1	Failure to obtain proper registration, clearance	66-1324	\$272
2	or to have current certification		
3	Insufficient liability insurance for motor	66-1,128	\$122
4	carriers	or 66-1314	
5	Failure to obtain interstate motor fuel tax	79-34,122	\$122
6	authorization		
7	No authority as private or common carrier	66-1,111	\$122
8	Improper equipment	66-1,129	\$52
9	No current driver's daily log	66-1,129	\$52
10	Invalid or no physical examination card	66-1,129	\$52

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

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

24 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
 25 amendments thereto, within two years after a prior conviction of K.S.A.
 26 8-1908 or 8-1909, and amendments thereto, such person, upon conviction
 27 shall be fined 1½ times the applicable amount from one, but not both,
 28 of the schedules listed in the uniform fine schedule contained in
 29 subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and
 30 amendments thereto, within two years, after two prior convictions of
 31 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
 32 conviction shall be fined two times the applicable amount from one, but
 33 not both, of the schedules listed in the uniform fine schedule contained
 34 in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-
 35 1908 or 8-1909, and amendments thereto, within two years after three
 36 prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto,
 37 such person, upon conviction shall be fined 2½ times the applicable
 38 amount from one, but not both, of the schedules listed in the uniform
 39 fine schedule contained in subsection (c).

40 (g) *Fines listed in the uniform fine schedule contained in subsection*
 41 *(c) relating to exceeding the maximum speed limit, shall be doubled if a*
 42 *person is convicted of exceeding the maximum speed limit in a school zone*
 43 *authorized under subsection (a)(4) of K.S.A. 8-1560, and amendments*

1 *thereto.*

2 Sec. 2. K.S.A. 2005 Supp. 8-2118 is hereby repealed.

3 Sec. 3. This act shall take effect and be in force from and after its

4 publication in the statute book.