

HOUSE BILL No. 2132

By Committee on Transportation

1-28

9 AN ACT regulating traffic; prohibiting the sending, reading or writing of
10 text messages while operating a motor vehicle; amending K.S.A. 2008
11 Supp. 8-2118 and repealing the existing section.
12

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

14 New Section 1. (a) Except as provided in subsection (b), no person
15 operating a motor vehicle shall send, read or write a text message by
16 means of an electronic wireless communications device. The provisions
17 of this subsection shall not apply to a voice-activated global positioning
18 or navigation system that is permanently affixed to the motor vehicle.

19 (b) Subsection (a) does not apply to a person operating:

20 (1) An authorized emergency vehicle; or

21 (2) a moving motor vehicle while using an electronic wireless com-
22 munications device to:

23 (A) Report illegal activity;

24 (B) summon medical or other emergency help;

25 (C) prevent injury to a person or property; or

26 (D) relay information between a transit or for-hire operator and the
27 operator's dispatcher, in which the device is permanently affixed to the
28 motor vehicle.

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

31 Sec. 2. K.S.A. 2008 Supp. 8-2118 is hereby amended to read as fol-
32 lows: 8-2118. (a) A person charged with a traffic infraction shall, except
33 as provided in subsection (b), appear at the place and time specified in
34 the notice to appear. If the person enters an appearance, waives right to
35 trial, pleads guilty or no contest, the fine shall be no greater than that
36 specified in the uniform fine schedule in subsection (c) and court costs
37 shall be taxed as provided by law.

38 (b) Prior to the time specified in the notice to appear, a person
39 charged with a traffic infraction may enter a written appearance, waive
40 right to trial, plead guilty or no contest and pay the fine for the violation
41 as specified in the uniform fine schedule in subsection (c) and court costs
42 provided by law. Payment may be made by mail or in person and may be
43 by personal check. The traffic citation shall not have been complied with

1 if a check is not honored for any reason, or if the fine and court costs are
 2 not paid in full. When a person charged with a traffic infraction makes
 3 payment without executing a written waiver of right to trial and plea of
 4 guilty or no contest, the payment shall be deemed such an appearance,
 5 waiver of right to trial and plea of no contest.

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
12 Refusal to submit to a preliminary breath test	8-1012	\$90
13 Unsafe speed for prevailing conditions	8-1557	\$60
14 Exceeding maximum speed limit; or speeding	8-1558	1-10 mph over the limit, \$30
15 in zone posted by the state department of	to	11-20 mph over the limit,
16 transportation; or speeding in locally posted	8-1560	\$30 plus \$6 per mph over
17 zone	8-1560a	10 mph over the limit;
18	or	21-30 mph over the limit,
19	8-1560b	\$90 plus \$9 per mph over
20		20 mph over the limit;
21		31 and more mph over the
22		limit, \$180 plus \$15 per
23		mph over 30 mph over the
24		limit;
25		
26 Disobeying traffic control device	8-1507	\$60
27 Violating traffic control signal	8-1508	\$60
28 Violating pedestrian control signal	8-1509	\$30
29 Violating flashing traffic signals	8-1510	\$60
30 Violating lane-control signal	8-1511	\$60
31 Unauthorized sign, signal, marking or device	8-1512	\$30
32 Driving on left side of roadway	8-1514	\$60
33 Failure to keep right to pass oncoming vehicle	8-1515	\$60
34 Improper passing; increasing speed when	8-1516	\$60
35 passed		
36 Improper passing on right	8-1517	\$60
37 Passing on left with insufficient clearance	8-1518	\$60
38 Driving on left side where curve, grade,	8-1519	\$60
39 intersection railroad crossing, or obstructed		
40 view		
41 Driving on left in no-passing zone	8-1520	\$60
42 Unlawful passing of stopped emergency	8-1520a	\$60
43 vehicle		

1	Driving wrong direction on one-way road	8-1521	\$60
2	Improper driving on laned roadway	8-1522	\$60
3	Following too close	8-1523	\$60
4	Improper crossover on divided highway	8-1524	\$30
5	Failure to yield right-of-way at uncontrolled	8-1526	\$60
6	intersection		
7	Failure to yield to approaching vehicle when	8-1527	\$60
8	turning left		
9	Failure to yield at stop or yield sign	8-1528	\$60
10	Failure to yield from private road or driveway	8-1529	\$60
11	Failure to yield to emergency vehicle	8-1530	\$180
12	Failure to yield to pedestrian or vehicle	8-1531	\$90
13	working on roadway		
14	Failure to comply with restrictions in road	8-1531a	\$30
15	construction zone		
16	Disobeying pedestrian traffic control device	8-1532	\$30
17	Failure to yield to pedestrian in crosswalk;	8-1533	\$60
18	pedestrian suddenly entering roadway;		
19	passing vehicle stopped for pedestrian at		
20	crosswalk		
21	Improper pedestrian crossing	8-1534	\$30
22	Failure to exercise due care in regard to	8-1535	\$30
23	pedestrian		
24	Improper pedestrian movement in crosswalk	8-1536	\$30
25	Improper use of roadway by pedestrian	8-1537	\$30
26	Soliciting ride or business on roadway	8-1538	\$30
27	Driving through safety zone	8-1539	\$30
28	Failure to yield to pedestrian on sidewalk	8-1540	\$30
29	Failure of pedestrian to yield to emergency	8-1541	\$30
30	vehicle		
31	Failure to yield to blind pedestrian	8-1542	\$30
32	Pedestrian disobeying bridge or railroad signal	8-1544	\$30
33	Improper turn or approach	8-1545	\$60
34	Improper "U" turn	8-1546	\$60
35	Unsafe starting of stopped vehicle	8-1547	\$30
36	Unsafe turning or stopping, failure to give	8-1548	\$60
37	proper signal; using turn signal unlawfully		
38	Improper method of giving notice of intention	8-1549	\$30
39	to turn		
40	Improper hand signal	8-1550	\$30
41	Failure to stop or obey railroad crossing signal	8-1551	\$180
42	Failure to stop at railroad crossing stop sign	8-1552	\$120

1	Certain hazardous vehicles failure to stop at	8-1553	\$180
2	railroad crossing		
3	Improper moving of heavy equipment at	8-1554	\$60
4	railroad crossing		
5	Vehicle emerging from alley, private roadway,	8-1555	\$60
6	building or driveway		
7	Improper passing of school bus; improper use	8-1556	\$300
8	of school bus signals		
9	Improper passing of church or day-care bus;	8-1556a	\$180
10	improper use of signals		
11	Impeding normal traffic by slow speed	8-1561	\$30
12	Speeding on motor-driven cycle	8-1562	\$60
13	Speeding in certain vehicles or on posted	8-1563	\$30
14	bridge		
15	Improper stopping, standing or parking on	8-1569	\$30
16	roadway		
17	Parking, standing or stopping in prohibited	8-1571	\$30
18	area		
19	Improper parking	8-1572	\$30
20	Unattended vehicle	8-1573	\$30
21	Improper backing	8-1574	\$30
22	Driving on sidewalk	8-1575	\$30
23	Driving with view or driving mechanism	8-1576	\$30
24	obstructed		
25	Unsafe opening of vehicle door	8-1577	\$30
26	Riding in house trailer	8-1578	\$30
27	Improper driving in defiles, canyons, or on	8-1579	\$30
28	grades		
29	Coasting	8-1580	\$30
30	Following fire apparatus too closely	8-1581	\$60
31	Driving over fire hose	8-1582	\$30
32	Putting glass, etc., on highway	8-1583	\$90
33	Driving into intersection, crosswalk, or	8-1584	\$30
34	crossing without sufficient space on other		
35	side		
36	Improper operation of snowmobile on	8-1585	\$30
37	highway		
38	Parental responsibility of child riding bicycle	8-1586	\$30
39	Not riding on bicycle seat; too many persons	8-1588	\$30
40	on bicycle		
41	Clinging to other vehicle	8-1589	\$30
42	Improper riding of bicycle on roadway	8-1590	\$30

1	Carrying articles on bicycle; one hand on	8-1591	\$30
2	handlebars		
3	Improper bicycle lamps, brakes or reflectors	8-1592	\$30
4	Improper operation of motorcycle; seats;	8-1594	\$30
5	passengers, bundles		
6	Improper operation of motorcycle on laned	8-1595	\$60
7	roadway		
8	Motorcycle clinging to other vehicle	8-1596	\$30
9	Improper motorcycle handlebars or passenger	8-1597	\$60
10	equipment		
11	Motorcycle helmet and eye-protection	8-1598	\$30
12	requirements		
13	Unlawful riding on vehicle	8-1578a	\$60
14	Unlawful operation of all-terrain vehicle	8-15,100	\$60
15	Unlawful operation of low-speed vehicle	8-15,101	\$60
16	Littering	8-15,102	\$100
17	Disobeying school crossing guard	8-15,103	\$60
18	Unlawful operation of micro utility truck	8-15,106	\$60
19	<i>Unlawful texting</i>	<i>section 1</i>	\$60
20	Equipment offenses that are not	8-1701	\$60
21	misdemeanors		
22	Driving without lights when needed	8-1703	\$30
23	Defective headlamps	8-1705	\$30
24	Defective tail lamps	8-1706	\$30
25	Defective reflector	8-1707	\$30
26	Improper stop lamp or turn signal	8-1708	\$30
27	Improper lighting equipment on certain	8-1710	\$30
28	vehicles		
29	Improper lamp color on certain vehicles	8-1711	\$30
30	Improper mounting of reflectors and lamps on	8-1712	\$30
31	certain vehicles		
32	Improper visibility of reflectors and lamps on	8-1713	\$30
33	certain vehicles		
34	No lamp or flag on projecting load	8-1715	\$60
35	Improper lamps on parked vehicle	8-1716	\$30
36	Improper lights, lamps, reflectors and	8-1717	\$30
37	emblems on farm tractors or slow-moving		
38	vehicles		
39	Improper lamps and equipment on	8-1718	\$30
40	implements of husbandry, road machinery		
41	or animal-drawn vehicles		
42	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30

1	Improper lamps or lights on emergency	8-1720	\$30
2	vehicle		
3	Improper stop or turn signal	8-1721	\$30
4	Improper vehicular hazard warning lamp	8-1722	\$30
5	Unauthorized additional lighting equipment	8-1723	\$30
6	Improper multiple-beam lights	8-1724	\$30
7	Failure to dim headlights	8-1725	\$60
8	Improper single-beam headlights	8-1726	\$30
9	Improper speed with alternate lighting	8-1727	\$30
10	Improper number of driving lamps	8-1728	\$30
11	Unauthorized lights and signals	8-1729	\$30
12	Improper school bus lighting equipment and	8-1730	\$30
13	warning devices		
14	Unauthorized lights and devices on church or	8-1730a	\$30
15	day-care bus		
16	Improper lights on highway construction or	8-1731	\$30
17	maintenance vehicles		
18	Defective brakes	8-1734	\$30
19	Defective or improper use of horn or warning	8-1738	\$30
20	device		
21	Defective muffler	8-1739	\$30
22	Defective mirror	8-1740	\$30
23	Defective wipers; obstructed windshield or	8-1741	\$30
24	windows		
25	Improper tires	8-1742	\$30
26	Improper flares or warning devices	8-1744	\$30
27	Improper use of vehicular hazard warning	8-1745	\$30
28	lamps and devices		
29	Improper air-conditioning equipment	8-1747	\$30
30	Improper safety belt or shoulder harness	8-1749	\$30
31	Improper wide-based single tires	8-1742b	\$60
32	Improper compression release engine braking	8-1761	\$60
33	system		
34	Defective motorcycle headlamp	8-1801	\$30
35	Defective motorcycle tail lamp	8-1802	\$30
36	Defective motorcycle reflector	8-1803	\$30
37	Defective motorcycle stop lamps and turn	8-1804	\$30
38	signals		
39	Defective multiple-beam lighting	8-1805	\$30
40	Improper road-lighting equipment on motor-	8-1806	\$30
41	driven cycles		
42	Defective motorcycle or motor-driven cycle	8-1807	\$30
43	brakes		

1	Improper performance ability of brakes	8-1808	\$30
2	Operating motorcycle with disapproved	8-1809	\$30
3	braking system		
4	Defective horn, muffler, mirrors or tires	8-1810	\$30
5	Unlawful statehouse parking	75-4510a	\$15
6	Exceeding gross weight of vehicle or	8-1909	Pounds Overweight
7	combination		up to 1000 \$25
8			1001 to 2000 3c per pound
9			2001 to 5000 5c per pound
10			5001 to 7500 7c per pound
11			7501 and over 10c per pound
12	Exceeding gross weight on any axle or tandem,	8-1908	Pounds Overweight
13	triple or quad axles		up to 1000 \$25
14			1001 to 2000 3c per pound
15			2001 to 5000 5c per pound
16			5001 to 7500 7c per pound
17			7501 and over 10c per pound
18	Failure to obtain proper registration, clearance	66-1324	\$272
19	or to have current certification		
20	Insufficient liability insurance for motor	66-1,128	\$122
21	carriers	or 66-1314	
22	Failure to obtain interstate motor fuel tax	79-34,122	\$122
23	authorization		
24	No authority as private or common carrier	66-1,111	\$122
25	Violation of motor carrier safety rules and	66-1,129	\$100
26	regulations, except for violations specified in		
27	subsection (b)(2) of K.S.A. 66-1,130, and		
28	amendments thereto		
29	(d) Traffic offenses classified as traffic infractions by this section shall		
30	be classified as ordinance traffic infractions by those cities adopting		
31	ordinances prohibiting the same offenses. A schedule of fines for all		
32	ordinance traffic infractions shall be established by the municipal judge		
33	in the manner prescribed by K.S.A. 12-4305, and amendments thereto.		
34	Such fines may vary from those contained in the uniform fine schedule		
35	contained in subsection (c).		
36	(e) Fines listed in the uniform fine schedule contained in subsection		
37	(c) shall be doubled if a person is convicted of a traffic infraction, which		
38	is defined as a moving violation in accordance with rules and regulations		
39	adopted pursuant to K.S.A. 8-249, and amendments thereto, committed		
40	within any road construction zone as defined in K.S.A. 8-1458a, and		
41	amendments thereto.		
42	(f) For a second violation of K.S.A. 8-1908 or 8-1909, and		
43	amendments thereto, within two years after a prior conviction of K.S.A.		

1 8-1908 or 8-1909, and amendments thereto, such person, upon conviction
2 shall be fined 1 ½ times the applicable amount from one, but not both,
3 of the schedules listed in the uniform fine schedule contained in
4 subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and
5 amendments thereto, within two years, after two prior convictions of
6 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
7 conviction shall be fined two times the applicable amount from one, but
8 not both, of the schedules listed in the uniform fine schedule contained
9 in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-
10 1908 or 8-1909, and amendments thereto, within two years after three
11 prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto,
12 such person, upon conviction shall be fined 2½ times the applicable
13 amount from one, but not both, of the schedules listed in the uniform
14 fine schedule contained in subsection (c).

15 (g) Fines listed in the uniform fine schedule contained in subsection
16 (c) relating to exceeding the maximum speed limit, shall be doubled if a
17 person is convicted of exceeding the maximum speed limit in a school
18 zone authorized under subsection (a)(4) of K.S.A. 8-1560, and
19 amendments thereto.

20 Sec. 3. K.S.A. 2008 Supp. 8-2118 is hereby repealed.

21 Sec. 4. This act shall take effect and be in force from and after its
22 publication in the statute book.