

HOUSE Substitute for SENATE BILL No. 26

By Committee on Corrections and Juvenile Justice

3-10

9 AN ACT concerning district court fines, penalties and forfeitures; relat-
10 ing to traffic fines; relating to funding of the alcohol and drug abuse
11 treatment fund; amending K.S.A. 2009 Supp. 8-2118 and 74-7336 and
12 repealing the existing sections.
13

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

15 Section 1. K.S.A. 2009 Supp. 8-2118 is hereby amended to read as
16 follows: 8-2118. (a) A person charged with a traffic infraction shall, except
17 as provided in subsection (b), appear at the place and time specified in
18 the notice to appear. If the person enters an appearance, waives right to
19 trial, pleads guilty or no contest, the fine shall be no greater than that
20 specified in the uniform fine schedule in subsection (c) and court costs
21 shall be taxed as provided by law.

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

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

39 <i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
40 Refusal to submit to a preliminary breath test	8-1012	\$90 \$100
41 Unsafe speed for prevailing conditions	8-1557	\$60 \$70

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	\$40
3	transportation; or speeding in locally posted	8-1560	
4	zone	8-1560a	11-20 mph over the limit,
5		or	\$30 \$40 plus \$6 per mph
6		8-1560b	over 10 mph over the limit;
7			
8			21-30 mph over the limit,
9			\$90 \$100 plus \$9 per mph
10			over 20 mph over the limit;
11			
12			31 and more mph over the
13			limit, \$180 \$190 plus \$15
14			per mph over 30 mph over
15			the limit;
16	Disobeying traffic control device	8-1507	\$60 \$70
17	Violating traffic control signal	8-1508	\$60 \$70
18	Violating pedestrian control signal	8-1509	\$30 \$40
19	Violating flashing traffic signals	8-1510	\$60 \$70
20	Violating lane-control signal	8-1511	\$60 \$70
21	Unauthorized sign, signal, marking or device	8-1512	\$30 \$40
22	Driving on left side of roadway	8-1514	\$60 \$70
23	Failure to keep right to pass oncoming vehicle	8-1515	\$60 \$70
24	Improper passing; increasing speed when	8-1516	\$60 \$70
25	passed		
26	Improper passing on right	8-1517	\$60 \$70
27	Passing on left with insufficient clearance	8-1518	\$60 \$70
28	Driving on left side where curve, grade,	8-1519	\$60 \$70
29	intersection railroad crossing, or obstructed		
30	view		
31	Driving on left in no-passing zone	8-1520	\$60 \$70
32	Unlawful passing of stopped emergency	8-1520a	\$60 \$70
33	vehicle		
34	Driving wrong direction on one-way road	8-1521	\$60 \$70
35	Improper driving on laned roadway	8-1522	\$60 \$70
36	Following too close	8-1523	\$60 \$70
37	Improper crossover on divided highway	8-1524	\$30 \$40
38	Failure to yield right-of-way at uncontrolled	8-1526	\$60 \$70
39	intersection		
40	Failure to yield to approaching vehicle when	8-1527	\$60 \$70
41	turning left		
42	Failure to yield at stop or yield sign	8-1528	\$60 \$70
43	Failure to yield from private road or driveway	8-1529	\$60 \$70

1	Failure to yield to emergency vehicle	8-1530	\$160 \$190
2	Failure to yield to pedestrian or vehicle	8-1531	\$90 \$100
3	working on roadway		
4	Failure to comply with restrictions in road	8-1531a	\$30 \$40
5	construction zone		
6	Disobeying pedestrian traffic control device	8-1532	\$30 \$40
7	Failure to yield to pedestrian in crosswalk;	8-1533	\$60 \$70
8	pedestrian suddenly entering roadway;		
9	passing vehicle stopped for pedestrian at		
10	crosswalk		
11	Improper pedestrian crossing	8-1534	\$30 \$40
12	Failure to exercise due care in regard to	8-1535	\$30 \$40
13	pedestrian		
14	Improper pedestrian movement in crosswalk	8-1536	\$30 \$40
15	Improper use of roadway by pedestrian	8-1537	\$30 \$40
16	Soliciting ride or business on roadway	8-1538	\$30 \$40
17	Driving through safety zone	8-1539	\$30 \$40
18	Failure to yield to pedestrian on sidewalk	8-1540	\$30 \$40
19	Failure of pedestrian to yield to emergency	8-1541	\$30 \$40
20	vehicle		
21	Failure to yield to blind pedestrian	8-1542	\$30 \$40
22	Pedestrian disobeying bridge or railroad signal	8-1544	\$30 \$40
23	Improper turn or approach	8-1545	\$60 \$70
24	Improper "U" turn	8-1546	\$60 \$70
25	Unsafe starting of stopped vehicle	8-1547	\$30 \$40
26	Unsafe turning or stopping, failure to give	8-1548	\$60 \$70
27	proper signal; using turn signal unlawfully		
28	Improper method of giving notice of intention	8-1549	\$30 \$40
29	to turn		
30	Improper hand signal	8-1550	\$30 \$40
31	Failure to stop or obey railroad crossing signal	8-1551	\$160 \$190
32	Failure to stop at railroad crossing stop sign	8-1552	\$120 \$130
33	Certain hazardous vehicles failure to stop at	8-1553	\$160 \$190
34	railroad crossing		
35	Improper moving of heavy equipment at	8-1554	\$60 \$70
36	railroad crossing		
37	Vehicle emerging from alley, private roadway,	8-1555	\$60 \$70
38	building or driveway		
39	Improper passing of school bus; improper use	8-1556	\$300 \$310
40	of school bus signals		
41	Improper passing of church or day-care bus;	8-1556a	\$160 \$190
42	improper use of signals		
43	Impeding normal traffic by slow speed	8-1561	\$30 \$40

1	Speeding on motor-driven cycle	8-1562	\$60 \$70
2	Speeding in certain vehicles or on posted	8-1563	\$30 \$40
3	bridge		
4	Improper stopping, standing or parking on	8-1569	\$30 \$40
5	roadway		
6	Parking, standing or stopping in prohibited	8-1571	\$30 \$40
7	area		
8	Improper parking	8-1572	\$30 \$40
9	Unattended vehicle	8-1573	\$30 \$40
10	Improper backing	8-1574	\$30 \$40
11	Driving on sidewalk	8-1575	\$30 \$40
12	Driving with view or driving mechanism	8-1576	\$30 \$40
13	obstructed		
14	Unsafe opening of vehicle door	8-1577	\$30 \$40
15	Riding in house trailer	8-1578	\$30 \$40
16	Improper driving in defiles, canyons, or on	8-1579	\$30 \$40
17	grades		
18	Coasting	8-1580	\$30 \$40
19	Following fire apparatus too closely	8-1581	\$60 \$70
20	Driving over fire hose	8-1582	\$30 \$40
21	Putting glass, etc., on highway	8-1583	\$90 \$100
22	Driving into intersection, crosswalk, or	8-1584	\$30 \$40
23	crossing without sufficient space on other		
24	side		
25	Improper operation of snowmobile on	8-1585	\$30 \$40
26	highway		
27	Parental responsibility of child riding bicycle	8-1586	\$30 \$40
28	Not riding on bicycle seat; too many persons	8-1588	\$30 \$40
29	on bicycle		
30	Clinging to other vehicle	8-1589	\$30 \$40
31	Improper riding of bicycle on roadway	8-1590	\$30 \$40
32	Carrying articles on bicycle; one hand on	8-1591	\$30 \$40
33	handlebars		
34	Improper bicycle lamps, brakes or reflectors	8-1592	\$30 \$40
35	Improper operation of motorcycle; seats;	8-1594	\$30 \$40
36	passengers, bundles		
37	Improper operation of motorcycle on laned	8-1595	\$60 \$70
38	roadway		
39	Motorcycle clinging to other vehicle	8-1596	\$30 \$40
40	Improper motorcycle handlebars or passenger	8-1597	\$60 \$70
41	equipment		
42	Motorcycle helmet and eye-protection	8-1598	\$30 \$40
43	requirements		

1	Unlawful riding on vehicle	8-1578a	\$60 \$70
2	Unlawful operation of all-terrain vehicle	8-15,100	\$60 \$70
3	Unlawful operation of low-speed vehicle	8-15,101	\$60 \$70
4	Littering	8-15,102	\$100 \$110
5	Disobeying school crossing guard	8-15,103	\$60 \$70
6	Unlawful operation of micro utility truck	8-15,106	\$60 \$70
7	Failure to remove vehicles in accidents	8-15,107	\$60 \$70
8	Unlawful operation of golf cart	8-15,108	\$60 \$70
9	Unlawful operation of work-site utility vehicle	8-15,109	\$60 \$70
10	Equipment offenses that are not	8-1701	\$60 \$70
11	misdemeanors		
12	Driving without lights when needed	8-1703	\$30 \$40
13	Defective headlamps	8-1705	\$30 \$40
14	Defective tail lamps	8-1706	\$30 \$40
15	Defective reflector	8-1707	\$30 \$40
16	Improper stop lamp or turn signal	8-1708	\$30 \$40
17	Improper lighting equipment on certain	8-1710	\$30 \$40
18	vehicles		
19	Improper lamp color on certain vehicles	8-1711	\$30 \$40
20	Improper mounting of reflectors and lamps on	8-1712	\$30 \$40
21	certain vehicles		
22	Improper visibility of reflectors and lamps on	8-1713	\$30 \$40
23	certain vehicles		
24	No lamp or flag on projecting load	8-1715	\$60 \$70
25	Improper lamps on parked vehicle	8-1716	\$30 \$40
26	Improper lights, lamps, reflectors and	8-1717	\$30 \$40
27	emblems on farm tractors or slow-moving		
28	vehicles		
29	Improper lamps and equipment on	8-1718	\$30 \$40
30	implements of husbandry, road machinery		
31	or animal-drawn vehicles		
32	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30 \$40
33	Improper lamps or lights on emergency	8-1720	\$30 \$40
34	vehicle		
35	Improper stop or turn signal	8-1721	\$30 \$40
36	Improper vehicular hazard warning lamp	8-1722	\$30 \$40
37	Unauthorized additional lighting equipment	8-1723	\$30 \$40
38	Improper multiple-beam lights	8-1724	\$30 \$40
39	Failure to dim headlights	8-1725	\$60 \$70
40	Improper single-beam headlights	8-1726	\$30 \$40
41	Improper speed with alternate lighting	8-1727	\$30 \$40
42	Improper number of driving lamps	8-1728	\$30 \$40
43	Unauthorized lights and signals	8-1729	\$30 \$40

1	Improper school bus lighting equipment and	8-1730	30 \$40
2	warning devices		
3	Unauthorized lights and devices on church or	8-1730a	30 \$40
4	day-care bus		
5	Improper lights on highway construction or	8-1731	30 \$40
6	maintenance vehicles		
7	Defective brakes	8-1734	30 \$40
8	Defective or improper use of horn or warning	8-1738	30 \$40
9	device		
10	Defective muffler	8-1739	30 \$40
11	Defective mirror	8-1740	30 \$40
12	Defective wipers; obstructed windshield or	8-1741	30 \$40
13	windows		
14	Improper tires	8-1742	30 \$40
15	Improper flares or warning devices	8-1744	30 \$40
16	Improper use of vehicular hazard warning	8-1745	30 \$40
17	lamps and devices		
18	Improper air-conditioning equipment	8-1747	30 \$40
19	Improper safety belt or shoulder harness	8-1749	30 \$40
20	Improper wide-based single tires	8-1742b	60 \$70
21	Improper compression release engine braking	8-1761	60 \$70
22	system		
23	Defective motorcycle headlamp	8-1801	30 \$40
24	Defective motorcycle tail lamp	8-1802	30 \$40
25	Defective motorcycle reflector	8-1803	30 \$40
26	Defective motorcycle stop lamps and turn	8-1804	30 \$40
27	signals		
28	Defective multiple-beam lighting	8-1805	30 \$40
29	Improper road-lighting equipment on motor-	8-1806	30 \$40
30	driven cycles		
31	Defective motorcycle or motor-driven cycle	8-1807	30 \$40
32	brakes		
33	Improper performance ability of brakes	8-1808	30 \$40
34	Operating motorcycle with disapproved	8-1809	30 \$40
35	braking system		
36	Defective horn, muffler, mirrors or tires	8-1810	30 \$40
37	Unlawful statehouse parking	75-4510a	15 \$25
38	Exceeding gross weight of vehicle or	8-1909	Pounds Overweight
39	combination		up to 1000 25 \$35
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	Exceeding gross weight on any axle or tandem,	8-1908	Pounds Overweight
2	triple or quad axles		up to 1000 \$25 \$35
3			1001 to 2000 3¢ per pound
4			2001 to 5000 5¢ per pound
5			5001 to 7500 7¢ per pound
6			7501 and over .. 10¢ per pound
7	Failure to obtain proper registration, clearance	66-1324	\$272 \$282
8	or to have current certification		
9	Insufficient liability insurance for motor	66-1,128	\$122 \$132
10	carriers	or 66-1314	
11	Failure to obtain interstate motor fuel tax	79-34,122	\$122 \$132
12	authorization		
13	No authority as private or common carrier	66-1,111	\$122 \$132
14	Violation of motor carrier safety rules and	66-1,129	\$100 \$110
15	regulations, except for violations specified in		
16	subsection (b)(2) of K.S.A. 66-1,130, and		
17	amendments thereto		

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

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

31 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
32 amendments thereto, within two years after a prior conviction of K.S.A.
33 8-1908 or 8-1909, and amendments thereto, such person, upon conviction
34 shall be fined 1½ times the applicable amount from one, but not both,
35 of the schedules listed in the uniform fine schedule contained in
36 subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and
37 amendments thereto, within two years, after two prior convictions of
38 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
39 conviction shall be fined two times the applicable amount from one, but
40 not both, of the schedules listed in the uniform fine schedule contained
41 in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-
42 1908 or 8-1909, and amendments thereto, within two years after three
43 prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto,

1 such person, upon conviction shall be fined 2½ times the applicable
2 amount from one, but not both, of the schedules listed in the uniform
3 fine schedule contained in subsection (c).

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

9 Sec. 2. K.S.A. 2009 Supp. 74-7336 is hereby amended to read as
10 follows: 74-7336. (a) Of the remittances of fines, penalties and forfeitures
11 received from clerks of the district court, at least monthly, the state
12 treasurer shall credit:

- 13 (1) ~~11.99%~~ 11.27% to the crime victims compensation fund;
- 14 (2) ~~2.45%~~ 2.30% to the crime victims assistance fund;
- 15 (3) ~~3.01%~~ 2.83% to the community alcoholism and intoxication
16 programs fund;
- 17 (4) ~~2.01%~~ 7.89% to the department of corrections alcohol and drug
18 abuse treatment fund;
- 19 (5) ~~0.17%~~ 0.16% to the boating fee fund;
- 20 (6) ~~0.12%~~ 0.11% to the children's advocacy center fund;
- 21 (7) ~~2.50%~~ 2.35% to the EMS revolving fund;
- 22 (8) ~~2.50%~~ 2.35% to the trauma fund;
- 23 (9) ~~2.50%~~ 2.35% to the traffic records enhancement fund; and
- 24 (10) the remainder of the remittances to the state general fund.

25 (b) The county treasurer shall deposit grant moneys as provided in
26 subsection (a), from the crime victims assistance fund, to the credit of a
27 special fund created for use by the county or district attorney in
28 establishing and maintaining programs to aid witnesses and victims of
29 crime.

30 Sec. 3. K.S.A. 2009 Supp. 8-2118 and 74-7336 are hereby repealed.

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