

HOUSE BILL No. 2653

By Committee on Federal and State Affairs

2-4

9 AN ACT regulating traffic; concerning United States postal service ve-
10 hicles; amending K.S.A. 2009 Supp. 8-1520a and 8-2118 and repealing
11 the existing sections.
12

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

14 New Section 1. (a) The driver of a vehicle shall yield the right-of-
15 way to any United States postal service vehicle which is obviously and
16 actually engaged in the delivery or collection of mail upon a highway.

17 (b) The driver of a motor vehicle upon approaching a stationary
18 United States postal service vehicle which is obviously and actually en-
19 gaged in the delivery or collection of mail upon a highway, shall do either
20 of the following:

21 (1) If the driver of the motor vehicle is traveling on a highway that
22 consists of at least two lanes that carry traffic in the same direction of
23 travel as that of the driver's motor vehicle, the driver shall proceed with
24 due caution and, if possible and with due regard to the road, weather and
25 traffic conditions, shall change lanes into a lane that is not adjacent to
26 that of the stationary United States postal service vehicle; or

27 (2) if the driver is not traveling on a highway of a type described in
28 paragraph (1), or if the driver is traveling on a highway of that type but
29 it is not possible to change lanes or if to do so would be unsafe, the driver
30 shall proceed with due caution, reduce the speed of the motor vehicle
31 and maintain a safe speed for the road, weather and traffic conditions.

32 (d) From and after the effective date of this act and prior to July 1,
33 2011, a law enforcement officer shall issue a warning citation to anyone
34 violating the provisions of this section.

35 (e) This section shall not operate to relieve the driver of an United
36 States postal service vehicle from the duty to drive with due regard for
37 the safety of all persons using the highway.

38 (f) This section shall be part of and supplemental to the uniform act
39 regulating traffic on highways.

40 Sec. 2. K.S.A. 2009 Supp. 8-1520a is hereby amended to read as
41 follows: 8-1520a. (a) The driver of a vehicle shall not overtake and pass
42 another vehicle when approaching within 100 feet of:

43 (1) A stationary authorized emergency vehicle on a highway that con-

1 sists of two lanes carrying traffic in opposite directions, when the author-
 2 ized emergency vehicle is making use of visual signals meeting the
 3 requirements of K.S.A. 8-1720, and amendments thereto, or subsection
 4 (d) of K.S.A. 8-1722, and amendments thereto; ~~or~~

5 (2) a stationary authorized vehicle which is obviously and actually en-
 6 gaged in work on a highway that consists of two lanes carrying traffic in
 7 opposite directions, when such vehicle displays flashing lights meeting
 8 the requirements of K.S.A. 8-1731, and amendments thereto; *or*

9 (3) *a stationary United States postal service vehicle which is obviously*
 10 *and actually engaged in the delivery or collection of mail on a highway.*

11 (b) From and after the effective date of this act, and prior to July 1,
 12 ~~2007~~ 2011, a law enforcement officer shall issue a warning citation to
 13 anyone violating the provisions of paragraph ~~(2)~~ (3) of subsection (a).

14 (c) This section shall be part of and supplemental to the uniform act
 15 regulating traffic on highways.

16 Sec. 3. K.S.A. 2009 Supp. 8-2118 is hereby amended to read as fol-
 17 lows: 8-2118. (a) A person charged with a traffic infraction shall, except
 18 as provided in subsection (b), appear at the place and time specified in
 19 the notice to appear. If the person enters an appearance, waives right to
 20 trial, pleads guilty or no contest, the fine shall be no greater than that
 21 specified in the uniform fine schedule in subsection (c) and court costs
 22 shall be taxed as provided by law.

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
41 Refusal to submit to a preliminary breath test	8-1012	\$90
42 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	
7			21-30 mph over the limit,
8			\$90 plus \$9 per mph over
9			20 mph over the limit;
10			
11			31 and more mph over the
12			limit, \$180 plus \$15 per
13			mph over 30 mph over the
14			limit;
15	Disobeying traffic control device	8-1507	\$60
16	Violating traffic control signal	8-1508	\$60
17	Violating pedestrian control signal	8-1509	\$30
18	Violating flashing traffic signals	8-1510	\$60
19	Violating lane-control signal	8-1511	\$60
20	Unauthorized sign, signal, marking or device	8-1512	\$30
21	Driving on left side of roadway	8-1514	\$60
22	Failure to keep right to pass oncoming vehicle	8-1515	\$60
23	Improper passing; increasing speed when	8-1516	\$60
24	passed		
25	Improper passing on right	8-1517	\$60
26	Passing on left with insufficient clearance	8-1518	\$60
27	Driving on left side where curve, grade,	8-1519	\$60
28	intersection railroad crossing, or obstructed		
29	view		
30	Driving on left in no-passing zone	8-1520	\$60
31	Unlawful passing of stopped emergency	8-1520a	\$60
32	vehicle		
33	Driving wrong direction on one-way road	8-1521	\$60
34	Improper driving on laned roadway	8-1522	\$60
35	Following too close	8-1523	\$60
36	Improper crossover on divided highway	8-1524	\$30
37	Failure to yield right-of-way at uncontrolled	8-1526	\$60
38	intersection		
39	Failure to yield to approaching vehicle when	8-1527	\$60
40	turning left		
41	Failure to yield at stop or yield sign	8-1528	\$60
42	Failure to yield from private road or driveway	8-1529	\$60
43	Failure to yield to emergency vehicle	8-1530	\$180

1	Failure to yield to pedestrian or vehicle	8-1531	\$90
2	working on roadway		
3	Failure to comply with restrictions in road	8-1531a	\$30
4	construction zone		
5	<i>Failure to yield to United State postal service</i>	<i>section 1</i>	<i>\$50</i>
6	<i>vehicle</i>		
7	Disobeying pedestrian traffic control device	8-1532	\$30
8	Failure to yield to pedestrian in crosswalk;	8-1533	\$60
9	pedestrian suddenly entering roadway;		
10	passing vehicle stopped for pedestrian at		
11	crosswalk		
12	Improper pedestrian crossing	8-1534	\$30
13	Failure to exercise due care in regard to	8-1535	\$30
14	pedestrian		
15	Improper pedestrian movement in crosswalk	8-1536	\$30
16	Improper use of roadway by pedestrian	8-1537	\$30
17	Soliciting ride or business on roadway	8-1538	\$30
18	Driving through safety zone	8-1539	\$30
19	Failure to yield to pedestrian on sidewalk	8-1540	\$30
20	Failure of pedestrian to yield to emergency	8-1541	\$30
21	vehicle		
22	Failure to yield to blind pedestrian	8-1542	\$30
23	Pedestrian disobeying bridge or railroad signal	8-1544	\$30
24	Improper turn or approach	8-1545	\$60
25	Improper "U" turn	8-1546	\$60
26	Unsafe starting of stopped vehicle	8-1547	\$30
27	Unsafe turning or stopping, failure to give	8-1548	\$60
28	proper signal; using turn signal unlawfully		
29	Improper method of giving notice of intention	8-1549	\$30
30	to turn		
31	Improper hand signal	8-1550	\$30
32	Failure to stop or obey railroad crossing signal	8-1551	\$180
33	Failure to stop at railroad crossing stop sign	8-1552	\$120
34	Certain hazardous vehicles failure to stop at	8-1553	\$180
35	railroad crossing		
36	Improper moving of heavy equipment at	8-1554	\$60
37	railroad crossing		
38	Vehicle emerging from alley, private roadway,	8-1555	\$60
39	building or driveway		
40	Improper passing of school bus; improper use	8-1556	\$300
41	of school bus signals		
42	Improper passing of church or day-care bus;	8-1556a	\$180
43	improper use of signals		

1	Impeding normal traffic by slow speed	8-1561	\$30
2	Speeding on motor-driven cycle	8-1562	\$60
3	Speeding in certain vehicles or on posted	8-1563	\$30
4	bridge		
5	Improper stopping, standing or parking on	8-1569	\$30
6	roadway		
7	Parking, standing or stopping in prohibited	8-1571	\$30
8	area		
9	Improper parking	8-1572	\$30
10	Unattended vehicle	8-1573	\$30
11	Improper backing	8-1574	\$30
12	Driving on sidewalk	8-1575	\$30
13	Driving with view or driving mechanism	8-1576	\$30
14	obstructed		
15	Unsafe opening of vehicle door	8-1577	\$30
16	Riding in house trailer	8-1578	\$30
17	Improper driving in defiles, canyons, or on	8-1579	\$30
18	grades		
19	Coasting	8-1580	\$30
20	Following fire apparatus too closely	8-1581	\$60
21	Driving over fire hose	8-1582	\$30
22	Putting glass, etc., on highway	8-1583	\$90
23	Driving into intersection, crosswalk, or	8-1584	\$30
24	crossing without sufficient space on other		
25	side		
26	Improper operation of snowmobile on	8-1585	\$30
27	highway		
28	Parental responsibility of child riding bicycle	8-1586	\$30
29	Not riding on bicycle seat; too many persons	8-1588	\$30
30	on bicycle		
31	Clinging to other vehicle	8-1589	\$30
32	Improper riding of bicycle on roadway	8-1590	\$30
33	Carrying articles on bicycle; one hand on	8-1591	\$30
34	handlebars		
35	Improper bicycle lamps, brakes or reflectors	8-1592	\$30
36	Improper operation of motorcycle; seats;	8-1594	\$30
37	passengers, bundles		
38	Improper operation of motorcycle on laned	8-1595	\$60
39	roadway		
40	Motorcycle clinging to other vehicle	8-1596	\$30
41	Improper motorcycle handlebars or passenger	8-1597	\$60
42	equipment		
43			

1	Motorcycle helmet and eye-protection	8-1598	\$30
2	requirements		
3	Unlawful riding on vehicle	8-1578a	\$60
4	Unlawful operation of all-terrain vehicle	8-15,100	\$60
5	Unlawful operation of low-speed vehicle	8-15,101	\$60
6	Littering	8-15,102	\$100
7	Disobeying school crossing guard	8-15,103	\$60
8	Unlawful operation of micro utility truck	8-15,106	\$60
9	Failure to remove vehicles in accidents	8-15,107	\$60
10	Unlawful operation of golf cart	8-15,108	\$60
11	Unlawful operation of work-site utility vehicle	8-15,109	\$60
12	Equipment offenses that are not	8-1701	\$60
13	misdemeanors		
14	Driving without lights when needed	8-1703	\$30
15	Defective headlamps	8-1705	\$30
16	Defective tail lamps	8-1706	\$30
17	Defective reflector	8-1707	\$30
18	Improper stop lamp or turn signal	8-1708	\$30
19	Improper lighting equipment on certain	8-1710	\$30
20	vehicles		
21	Improper lamp color on certain vehicles	8-1711	\$30
22	Improper mounting of reflectors and lamps on	8-1712	\$30
23	certain vehicles		
24	Improper visibility of reflectors and lamps on	8-1713	\$30
25	certain vehicles		
26	No lamp or flag on projecting load	8-1715	\$60
27	Improper lamps on parked vehicle	8-1716	\$30
28	Improper lights, lamps, reflectors and	8-1717	\$30
29	emblems on farm tractors or slow-moving		
30	vehicles		
31	Improper lamps and equipment on	8-1718	\$30
32	implements of husbandry, road machinery		
33	or animal-drawn vehicles		
34	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
35	Improper lamps or lights on emergency	8-1720	\$30
36	vehicle		
37	Improper stop or turn signal	8-1721	\$30
38	Improper vehicular hazard warning lamp	8-1722	\$30
39	Unauthorized additional lighting equipment	8-1723	\$30
40	Improper multiple-beam lights	8-1724	\$30
41	Failure to dim headlights	8-1725	\$60
42	Improper single-beam headlights	8-1726	\$30
43	Improper speed with alternate lighting	8-1727	\$30

1	Improper number of driving lamps	8-1728	\$30
2	Unauthorized lights and signals	8-1729	\$30
3	Improper school bus lighting equipment and	8-1730	\$30
4	warning devices		
5	Unauthorized lights and devices on church or	8-1730a	\$30
6	day-care bus		
7	Improper lights on highway construction or	8-1731	\$30
8	maintenance vehicles		
9	Defective brakes	8-1734	\$30
10	Defective or improper use of horn or warning	8-1738	\$30
11	device		
12	Defective muffler	8-1739	\$30
13	Defective mirror	8-1740	\$30
14	Defective wipers; obstructed windshield or	8-1741	\$30
15	windows		
16	Improper tires	8-1742	\$30
17	Improper flares or warning devices	8-1744	\$30
18	Improper use of vehicular hazard warning	8-1745	\$30
19	lamps and devices		
20	Improper air-conditioning equipment	8-1747	\$30
21	Improper safety belt or shoulder harness	8-1749	\$30
22	Improper wide-based single tires	8-1742b	\$60
23	Improper compression release engine braking	8-1761	\$60
24	system		
25	Defective motorcycle headlamp	8-1801	\$30
26	Defective motorcycle tail lamp	8-1802	\$30
27	Defective motorcycle reflector	8-1803	\$30
28	Defective motorcycle stop lamps and turn	8-1804	\$30
29	signals		
30	Defective multiple-beam lighting	8-1805	\$30
31	Improper road-lighting equipment on motor-	8-1806	\$30
32	driven cycles		
33	Defective motorcycle or motor-driven cycle	8-1807	\$30
34	brakes		
35	Improper performance ability of brakes	8-1808	\$30
36	Operating motorcycle with disapproved	8-1809	\$30
37	braking system		
38	Defective horn, muffler, mirrors or tires	8-1810	\$30
39	Unlawful statehouse parking	75-4510a	\$15
40	Exceeding gross weight of vehicle or	8-1909	Pounds Overweight
41	combination		up to 1000 \$25
42			1001 to 2000 3¢ per pound
43			2001 to 5000 5¢ per pound

1			5001 to 7500 7¢ per pound
2			7501 and over . . . 10¢ per pound
3	Exceeding gross weight on any axle or tandem,	8-1908	Pounds Overweight
4	triple or quad axles		up to 1000 \$25
5			1001 to 2000 3¢ per pound
6			2001 to 5000 5¢ per pound
7			5001 to 7500 7¢ per pound
8			7501 and over . . . 10¢ per pound
9	Failure to obtain proper registration, clearance	66-1324	\$272
10	or to have current certification		
11	Insufficient liability insurance for motor	66-1,128	\$122
12	carriers	or 66-1314	
13	Failure to obtain interstate motor fuel tax	79-34,122	\$122
14	authorization		
15	No authority as private or common carrier	66-1,111	\$122
16	Violation of motor carrier safety rules and	66-1,129	\$100
17	regulations, except for violations specified in		
18	subsection (b)(2) of K.S.A. 66-1,130, and		
19	amendments thereto		

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

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

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

1 1908 or 8-1909, and amendments thereto, within two years after three
2 prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto,
3 such person, upon conviction shall be fined $2\frac{1}{2}$ times the applicable
4 amount from one, but not both, of the schedules listed in the uniform
5 fine schedule contained in subsection (c).

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

11 Sec. 4. K.S.A. 2009 Supp. 8-1520a and 8-2118 are hereby repealed.

12 Sec. 5. This act shall take effect and be in force from and after its
13 publication in the statute book.