

MINUTES OF THE House COMMITTEE ON TransportationThe meeting was called to order by Representative Rex Crowell at
Chairperson1:30 ~~xxx~~ p.m. on March 4, 1985 in room 519-S of the Capitol.

All members were present except: Representative Brown, excused.

Committee staff present:

Hank Avila, Legislative Research Department
Fred Carman, Office of the Revisor of Statutes
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

Representative Leroy Fry
Mr. John Smith, Kansas Department of Revenue
Mr. Chris McKenzie, League of Kansas Municipalities
Mr. Mike Santos, City of Shawnee, Kansas
Representative Mike O'Neal
Mr. Robert Costure, Sheriff's Association
Mr. Randy Martin, Olathe Chamber of Commerce
Mrs. Mary Turkington, Kansas Motor Carriers Association
Mr. Bill Edds, Kansas Department of Revenue

Chairman Rex Crowell called the meeting to order and the first order of business was a hearing on HB-2420 concerning requirements for obtaining a drivers' license.

Representative Leroy Fry, sponsor of the bill, briefed the Committee on its contents. (See Attachment 1)

Mr. John Smith of the Kansas Department of Revenue, testified in support of HB-2420 and requested four amendments. (See Attachment 2) Mr. Smith said at the present time a learners permit is good for six (6) months, and the Department of Revenue would like the time extended to one year. He said they would also like to see the fee raised from \$.50 to \$2 for the learners permit, have the authority to suspend the learners permit the same as a drivers' license, and see the word adult changed to a specific age.

The hearing on HB-2420 was concluded.

The next order of business was a hearing on HB-2451 relating to municipal ordinance traffic infractions, and enforcement of municipal traffic laws.

Mr. John Smith of the Kansas Department of Revenue, testified in favor of HB-2451. (See Attachment 3) Mr. Smith told the Committee HB-2451 will have a fiscal impact on the Division of Vehicles because it will increase the number of suspensions by a minimum of 20,000 per year.

Mr. Chris McKenzie of the League of Kansas Municipalities, testified in support of HB-2451. He distributed booklets to the Committee listing traffic ordinances for cities in Kansas. (See Attachment 4)

Mr. Mike Santos, of the City of Shawnee, Kansas presented testimony in favor of HB-2451. He said in Shawnee a large percent of those cited fail to appear in municipal court.

Chairman Crowell appointed a subcommittee on HB-2451 consisting of Representatives Snowbarger as Chairman, Ott, and Lacey.

The hearing on HB-2451 ended.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~am~~/p.m. on March 4, 19 85

The next business taken up was a hearing on HB-2414 concerning traffic regulations, including procedure when someone fails to appear in a traffic citation and making certain offenses misdemeanors.

Representative Mike O'Neal, sponsor of the bill, briefed the Committee on its contents.

Mr. Robert Costure, Kansas Sheriff's Association, was the next conferee and testified favorably concerning HB-2414.

Mr. John Smith, of the Motor Vehicle Division, Department of Revenue, testified in support of HB-2414. (See Attachment 5) He described some problems with the bill and said their biggest concern is, to be effective, the court would have to obtain the driver's record. He noted there are approximately 600,000 traffic convictions per year, and if the division is required to furnish a driving record for every arrest, the additional workload could not be handled with present staffing and funding.

The Chairman appointed a subcommittee on HB-2414 consisting of Representatives Snowbarger, Ott and Lacey.

The next business was a hearing on HB-2524 concerning areas designated commercial zones by the Interstate Commerce Commission.

Representative Vince Snowbarger briefed the Committee on the bill and introduced Mr. Randy Martin.

Mr. Randy Martin, Olathe, Kansas, testified in favor of HB-2524.

Ms. Mary Turkington of the Kansas Motor Carriers Association, testified in support of HB-2524. (See Attachment 6)

Ms. Turkington stated the Kansas Motor Carriers Association supports amendments to the bill to permit shippers and carriers based in Kansas to be exempt from certain requirements so long as traffic moves from a point in Missouri to a point in Kansas in the Commercial Zone, or from a point in Kansas to a point in Missouri.

The next order of business was a hearing on HB-2552, concerning interstate reciprocal agreements regarding handicapped parking.

Mr. Bill Edds of the Kansas Department of Revenue testified in support of HB-2552.

The hearing on HB-2552 was concluded.

The next hearing was on HB-2523 concerning administration of certain vehicle registration and titling provisions by the Division of Vehicles.

Mr. Bill Edds of the Kansas Department of Revenue testified in support of HB-2523. (See Attachment 7)

Discussion was held among Committee members and Mr. Edds concerning the issuance of two tags for "personalized" license plates and the placement of decals on license plates.

The hearing on HB-2523 ended.

The next business was a hearing on HB-2516, concerning repealing issuance of foreign consular officer license plates and identification cards.

Mr. Bill Edds of the Kansas Department of Revenue spoke in support of HB-2516.

The hearing on HB-2516 ended.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~am~~ p.m. on March 4, 1985

HB-2516 was then taken up for Committee discussion and action.

A motion was made by Representative Erne to recommend HB-2516 favorable for passage and it be placed on the Consent Calendar. The motion was seconded by Representative Justice. Motion passed.

The next bill taken up for Committee discussion and action was HB-2552 concerning interstate reciprocal agreements regarding handicapped parking. A motion was made by Representative Erne to recommend HB-2552 favorable for passage and it be placed on the Consent Calendar. The motion was seconded by Representative Dillon. Motion passed.

The next bill taken up for discussion and action was HB-2437. Representative Spaniol reported on findings of the subcommittee and distributed copies of a balloon to the Committee. (See Attachment 8)

Discussion ensued among Committee members concerning the amendments presented by the subcommittee.

A motion was made by Representative Spaniol to adopt the amendments of the subcommittee on HB-2437. The motion was seconded by Representative Justice. Motion passed.

The motion was made by Representative Spaniol to recommend HB-2437 as amended favorable for passage. The motion was seconded by Representative Justice.

Discussion on the motion was held.

A vote was taken on the motion to recommend HB-2437 favorable for passage as amended. The motion failed.

The motion was made by Representative Erne to report HB-2437 adversely. The motion was seconded by Representative Knopp. Representative Erne withdrew his motion with the consent of his second.

A substitute motion was made by Representative Moomaw to table HB-2437 as amended. The motion was seconded by Representative Snowbarger. Motion passed.

Chairman Crowell appointed a subcommittee consisting of Representatives Smith as chairman, Moomaw and Schmidt to study HB-2420 and HB-2370.

Being no further business, the meeting was adjourned at 3:25 p.m.


Rex Crowell, Chairman

GUEST LIST

COMMITTEE: Transportation

DATE: 3-4-85

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
Christopher R Clarke	RR3 Lyons, Ks	Lyons High School
Karon Miller	Lyons, Ks	" " "
Ron Calbert	NEWTON	U.J.C.
Jeannine Chain	Lyons	LHS
John Jordison	Council Bluffs IA	Peoples Natl Gas
Karen Langland	Eagan, Mn.	" " "
Patricia Henshall	TOPEKA	OJA
Trent Kelley	Lyons KS	Lyons High School
Cynthia Colberg	Lyons, Ks	Lyons High School
Staci Williams	Lyons, Mo.	Lyons High School
Jennifer Barker	Lyons	LHS
Andy Miller	Lyons	
Raul R. Guerrero	Topeka	KDOT
John W Smith	Topeka	Dept of Revenue
W.W. Mooked	"	" " "
W.W. Winkler	TI	KHP
Bob Chester	"	K.S.A.
Rep. Mike Owens	Helix	legislature
Raf Mart	Olathe	Chamber of Commerce
BILL GREEN	TOPEKA	SCC
BILL EADS	"	REVENUE
Harold B. TURNER	"	"
Chris McKenzie	"	League of Ks. Man.
Frank A. Brien	"	"
James Cunningham	Topeka	SRS

TESTIMONY ON HB 2420
REP. LE ROY F. FRY
TRANSPORTATION COMMITTEE
MARCH 4, 1985

Mr. Chairman and Members of the Committee:

HB 2420 would amend K.S.A. 8-237, which deals with issuance of drivers' licenses. The bill would add a section specifying circumstances under which the Division of Vehicles shall not issue an original driver's license to an applicant. The new provisions would not permit issuance of a first-time driver's license unless the applicant had fulfilled at least one of the following conditions:

1. held an instruction permit for six months;
2. passed an approved driver education course; or
3. been issued a driver's license by another state, country, or military establishment.

The bill would not affect renewals of currently valid licenses.

The intent of the bill is to assure that an original driver's license be issued under those circumstances most likely to guarantee adequate training, supervised driving experience, and some degree of maturity on the part of the applicant.

Attachment 1
3/4/85



Kansas
DEPARTMENT OF REVENUE

State Office Building
TOPEKA, KANSAS 66626

20 FEBRUARY 1985

REPRESENTATIVE LEROY F FRY
HOUSE OF REPRESENTATIVES
STATE CAPITAL

RE: RESTRICTED DRIVERS LICENSES

As of December 31, 1984, our records show we have 4401 restricted licenses issued to persons 14 years of age and 15,271 restricted licenses issued to persons 15 years of age.

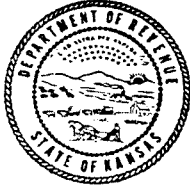
January through December, 1984, we issued 24,960 instruction permits. These permits do not include the permits issued through Drivers Education.

Instruction permits are issued for six (6) months and the fee is 50 cents. Instruction permits are obtained by passing a vision and written examination.

A handwritten signature in cursive script, reading "W.W. Moorhead".

WW Moorhead, Chief
Driver License Examining
Division of Vehicles

lmh



Kansas
DEPARTMENT OF REVENUE

State Office Building
TOPEKA, KANSAS 66626

AMENDMENT TO HOUSE BILL #2420

1. Extend the life of a learners permit to one (1) year.
A. Should applicant fail the driving after six (6) months the permit would still be valid for additional practice driving.
2. Raise the fee from 50 cents to 2 dollars.
A. Must pass a vision and written exam to obtain a learners permit.
3. The Division should have the authority to suspend the permit the same as a drivers license.

K.S.A. 8-240 would have to be amended for the extension of the permit and the fee.

4. Change the word "adult" to a specific age.
Since the word "adult" is subject to interpretation.

A handwritten signature in black ink, appearing to read "John W. Smith", is written over the typed name.

John W. Smith
Chief Administrator
Driver Licensing & Control

3/4/85
Attachment 2



Kansas
DEPARTMENT OF REVENUE

State Office Building
TOPEKA, KANSAS 66626

HOUSE BILL NO. 2451

House Bill No. 2451 will have a fiscal impact on the Division of Vehicles because it will increase the number of suspensions by a minimum of 20,000 per year.

Prior to the 1982 amendment to K.S.A. 8-2110 which became effective July 1, 1982 the Division processed approximately 1,500 suspensions per year for failing to comply with the terms of a traffic citation.

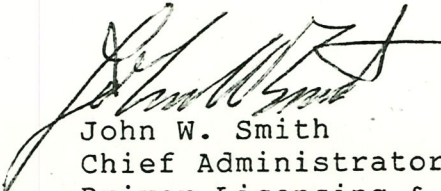
In fiscal year 1984 the Division processed 30,000 such suspensions. This compares to 40,000 suspensions for all other reasons for the same period.

Due to Attorney General Opinion 84-43, the Division stopped suspending for failing to comply with a municipal traffic violation. This reduced the number of suspensions for this cause by 10,000 in the first half of FY 1985. House Bill No. 2451, if enacted, will again require the Division to suspend for municipal court violations.

The additional cost to the Division is as follows:

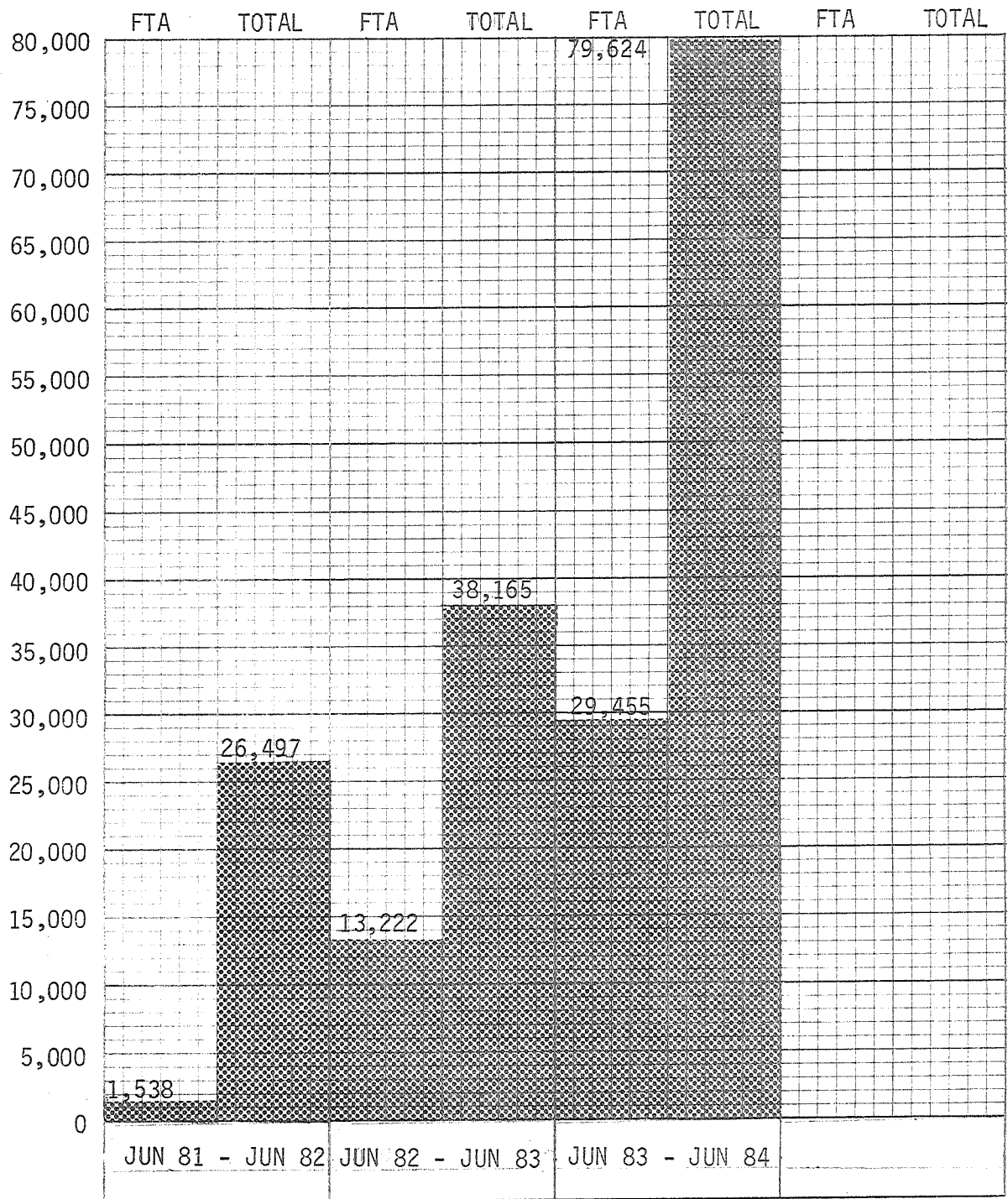
RECURRING COSTS

20,000 suspension orders	
.22¢ ea. for postage	\$ 4,400.00
.45¢ ea. for Certificate of Mailing	\$ <u>9,000.00</u>
TOTAL	\$ 13,400.00


John W. Smith
Chief Administrator
Driver Licensing & Control

Attachment 3
3/4/85

DRIVER CONTROL SUSPENSIONS



McKenzie

STANDARD

TRAFFIC ORDINANCE

FOR

KANSAS CITIES

Ordinance Incorporated by Reference Under
The Provisions of K.S.A. 12-3009
through 12-3012, and K.S.A.
12-3301 and 12-3302

By

Ordinance No. _____

City of

_____, Kansas

Prepared and Published

By

The League of Kansas Municipalities

112 West 7th Street

Topeka, Kansas 66603

Edition of 1985

3/4/85
Attachment 4

**STANDARD TRAFFIC ORDINANCE
FOR
KANSAS CITIES**

Edition of 1985

**The League of Kansas Municipalities
112 West Seventh Street, Topeka, Kansas
66603**

STANDARD TRAFFIC ORDINANCE
FOR
KANSAS CITIES

This standard traffic ordinance is designed to provide a comprehensive traffic code for Kansas cities. It does not take effect in a city until the governing body has passed and published an ordinance incorporating it by reference under the authority of and by the procedure prescribed by K.S.A. 12-3009 through 12-3012 and K.S.A. 12-3301 and 12-3302.

It is not necessary to publish this standard traffic ordinance in a newspaper if it is properly incorporated by reference. It is only necessary to publish the incorporating ordinance. The incorporating ordinance may delete articles or sections which the governing body considers unnecessary for the city. The incorporating ordinance may also change sections, but where there is a statutory citation at the end of any section care should be exercised not to change the language in such a manner as to conflict with the language of the statute. (K.S.A. 8-2001)

The standard traffic ordinance, in large part, parallels the state traffic act. Additional provisions for local regulations, if any, may be included in the incorporating ordinance. Previous ordinances relating to traffic in conflict with provisions of this standard traffic ordinance and ordinances incorporating earlier editions of the standard traffic ordinance should be repealed by the incorporating ordinance.

There must be at least three official copies of this standard ordinance on file with the city clerk. Enforcing officers should have copies. The blanks on the cover should be filled in on all copies.

There are several blank pages at the end of this book. Newspaper clippings of the incorporating ordinance and subsequent ordinances on traffic may be pasted on these pages. Extra copies of the newspaper should be procured or reprints arranged for so that copies may be pasted in all copies of the standard ordinance.

Standard Traffic Ordinance

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STANDARD TRAFFIC ORDINANCE
FOR
KANSAS CITIES

Edition of 1984

Article 1. Definitions

Section 1. Definitions. The following words and phrases when used in this ordinance shall, for the purpose of this ordinance and other traffic ordinances, have the meanings respectively ascribed to them in this section except when the context otherwise requires.

Alley or Alleyway. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

All-Terrain Vehicle. Any motorized off-highway vehicle 45 inches or less in width, having a dry weight of 500 pounds or less, traveling on three or more low-pressure tires, and having a seat to be straddled by the operator. As used in this subsection, low pressure tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 12 inches or less, and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

Arterial Street. Any U.S. or state numbered route, controlled access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

Authorized Emergency Vehicle. Such fire department vehicles, police vehicles and ambulances as are publicly owned and such other publicly or privately owned vehicles as are designated by the Secretary of Transportation pursuant to K.S.A. 8-2010.

Bicycle. Every device propelled by human power upon which any person may ride, having two (2) tandem wheels, either of which is more than fourteen (14) inches in diameter.

Bus. Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Business District. The territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

Chief of Police. The Chief of Police of the City, or any member of the police department of the city designated by the chief of police to act in his place.

City or This City. A city incorporating this ordinance by reference and whose name is stated in the incorporating ordinance.

Commission. The Secretary of Transportation.

Controlled-Access Highway. Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Crosswalk. (a) That part of a roadway at an intersection included within the connections of the lateral lines of sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Department. Department of Transportation.

Director. The director of vehicles.

Division. The division of vehicles of the department of revenue.

Divided Highway. A highway divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

Double Parking. The standing or stopping of a vehicle in the line of traffic and (a) to the rear of a vehicle angle parked, or to the rear of a space where a vehicle may be parked at any angle to the curb or edge of the roadway, or (b) to the roadway side of a vehicle parked parallel with the curb or edge of the roadway or the roadway side of the space in which a vehicle may be parked parallel to the curb or edge of the roadway.

Drawbar. Drawbar means a bar across the rear of a motor vehicle, or a device securely attached to the motor vehicle, which maintains a fixed position and to which a towbar may be coupled.

Driveaway-Towaway Operations. Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.

Driver. Every person who drives or is in actual physical control of a vehicle.

Driver's License. Any license to operate a motor vehicle issued under the laws of this state.

Essential Parts. All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

Explosives. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

Farm Tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry and such term shall include every self-propelled implement of husbandry.

Flammable Liquid. Any liquid which has a flash point of 70 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.

Governing Body. The Mayor and Council, Mayor and Commissioners or Board of Commissioners of this city.

Gross Weight. The weight of a vehicle without load plus the weight of any load thereon.

Highway. See Street or Highway.

House Trailer. (a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

(b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

Identifying Numbers. The numbers, and letters, if any, on a vehicle designated by the division for the purpose of identifying the vehicle.

Implement of Husbandry. Every vehicle designed or adapted and used exclusively for agricultural operations, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to, a fertilizer spreader except as otherwise provided in this section or any "nurse tank" used in connection therewith, regardless of ownership. A truck mounted fertilizer spreader used or manufactured principally to spread animal dung is not an implement of husbandry for the purpose of this section or for the purpose of the ordinance of which this section is a part.

Intersection. (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or

(b) Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

The junction of an alley with a street or highway shall not constitute an intersection.

Laned Roadway. A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

License or License to Operate a Motor Vehicle. Any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

(a) Any temporary license or instruction permit;

(b) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

(c) any nonresident's operating privilege.

Low Power Cycle. Low power cycle means every vehicle and every bicycle and tricycle with not to exceed one brake horsepower provided by battery in addition to human power.

Mail. To deposit in the United States mail properly addressed and with postage prepaid.

Metal Tire. Every tire the surface of which, in contact with the highway, is wholly or partly of metal or other hard nonresilient material.

Motorcycle. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on

not more than three (3) wheels in contact with the ground, but excluding a tractor.

Motor-Driven Cycle. Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, and every bicycle with motor attached except a motorized bicycle or a low power cycle.

Motorized Bicycle. Every device having two (2) tandem wheels which may be propelled by either human power or helper motor, or by both, and which has: A motor which produces not more than 3.5 brake horsepower; a cylinder capacity of not more than fifty (50) cubic centimeters; an automatic transmission; and the capability of a maximum design speed of no more than thirty (30) miles per hour except a low power cycle.

Motor Vehicle. Every vehicle, other than a motorized bicycle, which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Nonresident. Every person who is not a resident of this state.

Nonresident's Operating Privilege. The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.

Official Time Standard. Whenever certain hours are specified they shall mean standard time or daylight-saving time as may be in current use in this city.

Official Traffic-Control Devices. All signs, signals, markings, and devices, not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

Official Traffic-Control Signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Ordinance Traffic Infraction. Is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic

infraction in Section 1 of Chapter 39, of the 1984 session laws of Kansas.

Owner. A person, other than a lienholder, having the property in or title to a vehicle; and such term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

Park or Parking. Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

Passenger Car. Every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

Pedestrian. Any person afoot.

Person. Every natural person, firm, association, partnership or corporation.

Pneumatic Tire. Every tire in which compressed air is designed to support the load.

Pole Trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Police Officer. Every law enforcement officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private Road or Driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Railroad. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

Railroad Sign or Signal. Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Railroad Train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

Registration. The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

Residence District. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

Revocation of Driver's License. The termination by formal action of the division of a person's license or privilege to operate a motor vehicle on the highways, which termination shall not be subject to renewal except that an application for a new license may be presented and acted upon by the division after the expiration of the applicable period of time prescribed by state law.

Right-of-Way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Safety Hitch. A chain, cable, or other material of sufficient weight which will prevent the towed vehicle from breaking loose in the event the towbar or drawbar fails or becomes disconnected.

Safety Zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Secretary. The Secretary of Transportation.

School Bus. Every motor vehicle defined and designated as a school bus in Subsection (g) (1) of K.S.A. Supp. 72-8301 as amended.

Semitrailer. Every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Solid Rubber Tire. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Specially Constructed Vehicle. Every vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

Special Mobile Equipment. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Stand or Standing. Means the halting of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

State. The State of Kansas.

Stop. When required means complete cessation from movement.

Stop or Stopping. When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Where the word "highway" or the word "street" is used in this ordinance, it shall mean street, avenue, boulevard, thoroughfare, trafficway, alley and other public way for vehicular travel by whatever name unless the context clearly indicates otherwise.

Suspension of a Driver's License. The temporary withdrawal by formal action of the division of a person's license or privilege to operate a motor vehicle on the highways, which temporary withdrawal shall be for a period specifically designated by the division.

Through Highway. Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such highway in obedience to either a stop sign, yield sign or other traffic-control device, when such signs or devices are erected as provided in this ordinance.

Tow Bar. A rigid piece of material which is structurally adequate to hold any weight vehicle towed and which is properly and securely mounted to the towed vehicle without excessive slack but with sufficient play to allow for universal action of the connection and which is equipped with a suitable locking device to prevent accidental separation of the towing vehicle and the towed vehicle.

Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

Traffic-Control Signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Trailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle.

Truck. Every motor vehicle designed, used, or maintained primarily for the transportation of property.

Truck-Camper. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

Truck Tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Urban District. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.

Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Ref.: K.S.A. 8-1402 to 8-1485 as amended.

Article 2. Scope of Ordinance

Sec. 2. Provisions of Ordinance Refer to Vehicles Upon the Streets and Highways; Exceptions. The provisions of this ordinance relating to the operation of vehicles refer exclusively to the operation of vehicles upon streets and highways within this city except: (a) Where a different place is specifically referred to in a given section. (b) The provisions of Sections 29 to 31, inclusive, of this ordinance, and the provisions of article 10 of chapter 8 of the Kansas Statutes Annotated, and any acts amendatory thereof, shall apply upon streets and highways and elsewhere throughout the city. (K.S.A. 8-1501)

Sec. 3. Emergency, Temporary and Experimental Regulations. The Chief of Police or city traffic engineer is hereby empowered to make regulations necessary to make effective the provisions of this and other traffic

ordinances of the city, to establish no parking zones on special occasions to expedite traffic or for safety purposes, signs being properly posted, to make and enforce temporary or experimental regulations to cover emergencies or special conditions or to determine the advisability of permanent regulations for recommendation to the governing body, and test traffic-control devices under actual conditions of traffic. No temporary or experimental regulation shall remain in force for more than ninety (90) days. (K.S.A. 8-2002)

Sec. 4. Authority of Police. Police officers of the city shall at all times be empowered to enforce the provisions of this and other traffic ordinances of this city and temporary and emergency rules and regulations of the Chief of Police, and may at any time direct and control traffic in person or by visible or audible signals: Provided, That in the event of fire, temporary traffic congestion or other emergency, or to expedite the flow of traffic or to safeguard pedestrians, officers may direct traffic as conditions require notwithstanding the provisions of this ordinance and other traffic ordinances. (K.S.A. 8-2001 and 8-2002)

Article 3. Obedience to and Effect of Traffic Laws

Sec. 5. Required Obedience to Traffic Laws. It is unlawful for any person to do any act forbidden or fail to perform any act required in this ordinance. (K.S.A. 8-1502)

Sec. 6. Obedience to Authorized Persons Directing Traffic. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer or fireman of this city invested by law with authority to direct, control or regulate traffic. (K.S.A. 8-1503)

Sec. 7. Persons Riding Animals or Driving Animal-Drawn Vehicles. Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except those provisions of this ordinance which by their very nature can have no application. (K.S.A. 8-1504)

Sec. 8. Persons Working On Highways; Exceptions. Unless specifically made applicable, the provisions of this ordinance, except those contained in Sections 29 to

31, inclusive, of this ordinance, shall not apply to persons, motor vehicles and equipment while actually engaged in work upon a highway, but shall apply to such persons and vehicles when traveling to or from such work. (K.S.A. 8-1505)

Sec. 9. Public Officers and Employees to Obey Ordinance; Exceptions. The provisions of this ordinance applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city or any other political subdivision of the state, subject to such specific exceptions as are set forth in this ordinance. (K.S.A. 8-2103)

Sec. 10. Authorized Emergency Vehicles. (a) The driver of any authorized emergency vehicle when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this ordinance.

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(3) Exceed the maximum speed limits so long as he does not endanger life or property.

(4) Disregard regulations governing direction of movement or turning in specified directions.

(5) Proceed through toll booths on roads or bridges without stopping for payment of tolls, but only after slowing down as may be necessary for safe operation and the picking up or returning of toll cards.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal meeting the requirements of Section 174 and visual signals meeting the requirements of Section 160 of this ordinance, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (K.S.A. 8-1506)

Ref.: Sec. 61

Article 4. Traffic Signs, Signals and Markings

Sec. 11. Manual and Specifications for Traffic Control Devices. All traffic control devices shall conform to the manual and specifications as adopted by the state highway commission. (K.S.A. 8-2005a)

Sec. 12. Obedience to and Required Traffic-Control Devices; Presumption of Legality. (a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance.

(b) No provision of this ordinance for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this ordinance, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence,

(d) Any official traffic-control device placed pursuant to the provisions of this ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance, unless the contrary shall be established by competent evidence. (K.S.A. 8-1507)

Sec. 13. Traffic-Control Signal Legend. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green Indication. (1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at such place prohibits either such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection cautiously only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless otherwise provided by a pedestrian-control signal, as provided in Section 14, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady Yellow Indication. (1) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(2) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 14, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(c) Steady Red Indication. (1) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none,

then before entering the intersection, and shall remain standing until an indication to proceed is shown, except as provided in paragraphs (2) and (3) of this subsection. Any turn provided for in said paragraph (2) and (3) shall be governed by the applicable provisions of section 49 of this ordinance.

(2) Unless a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by paragraph (1) of this subsection. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) When appropriate signs are posted vehicular traffic upon a roadway restricted to one-way traffic facing a steady red signal at the intersection of such roadway with another roadway restricted to one-way traffic which is proceeding to the left of such vehicular traffic, may cautiously enter the intersection to make a left turn after stopping as required by paragraph (1) of this subsection. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other-traffic lawfully using the intersection.

(4) Unless otherwise directed by a pedestrian-control signal as provided in section 14, pedestrians facing a steady red signal alone shall not enter the roadway.

(d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. (K.S.A. 8-1508)

Sec. 14. Pedestrian-Control Signals. Whenever special pedestrian-control signals exhibiting the words "walk" or "don't walk" are in place, such signals shall indicate as follows:

(a) **Walk.** Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(b) **Don't Walk.** No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing. (K.S.A. 8-1509)

Sec. 15. Flashing Signals. Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign it shall require obedience by vehicular traffic as follows:

(1) **Flashing Red (Stop Signal).** (a) When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) **Flashing Yellow (Caution Signal).** When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossing shall be governed by the rules as set forth in Section 76 of this ordinance. (K.S.A. 8-1510)

Sec. 16. Lane-Direction-Control Signals. When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown. (K.S.A. 8-1511)

Sec. 17. Display of Unauthorized Signs, Signals or Markings. (a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful useful directional information and of a type that cannot be mistaken for official signs.

(d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the governing body is hereby empowered to remove the same or cause it to be removed without notice. (K.S.A. 8-1512)

Sec. 18. Interference With Official Traffic-Control Devices or Railroad Signs or Signals. No person, without lawful authority, shall attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof. (K.S.A. 8-1513)

Sec. 19. Designation of Crosswalks and Safety Zones. The Chief of Police, subject to the approval of the governing body, may designate and maintain by appropriate devices, marks or lines on the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway and at such other places as may be deemed necessary. He may also, subject to such approval, establish and mark safety zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians. (K.S.A. 8-2001 and 2006)

Ref.: Driving Through Safety Zones, see Sec. 70.

Sec. 20. Play Streets. (a) The Chief of Police shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

(b) Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

Sec. 21. Traffic Lanes. The Chief of Police is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is deemed necessary.

**Article 5. Accidents and Accident Reports;
Duties**

Sec. 22. Provisions of Article Apply Throughout City. The provisions of this article shall apply upon streets and highways and elsewhere throughout the city. (K.S.A. 8-1601)

Ref.: Sec. 2

Sec. 23. Accident Involving Death or Personal Injuries; Penalties. (a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 25 of this ordinance. Each such stop shall be made without obstructing traffic more than is necessary.

(b) Any person failing to stop or to comply with the requirements of subsection (a) of this section shall upon conviction be punished by imprisonment for not more than six (6) months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment. (K.S.A. 8-1602)

Sec. 24. Accident Involving Damage to Vehicle or Other Property. The driver of any vehicle involved in any accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 25 of this ordinance. Every such stop shall be made without obstructing traffic more than is necessary. (K.S.A. 8-1603)

Sec. 25. Duty to Give Information and Render Aid. (a) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give such person's name, address, and the registration number of the vehicle such person is

driving and shall upon request exhibit such person's license or permit to drive, the name of the company with which there is in effect a policy of motor vehicle liability insurance covering the vehicle involved in the accident and the policy number of such policy to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident and shall give such information and upon request exhibit such license or permit and, the name of the insurer and policy number to any police officer at the scene of the accident who is investigating the accident and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

(b) In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (a) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of Section 23 and subsection (a) of this section, insofar as possible on such person's part to be performed, shall forthwith report such accident to the police department and submit thereto the information specified in subsection (a) of this section.

(c) No person charged with failing to provide the name of such person's insurance company and policy number as required in subsection (a), shall be convicted if such person produces in court or in the office of the arresting officer, within 20 days of the date of arrest, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer and the policy number, a certificate of self-insurance signed by the commissioner of insurance or the completion of a form prescribed by the secretary of revenue signed by the insurer or an agent of the insurer certifying that at time of arrest the motor vehicle was covered by motor vehicle liability insurance.

When the evidence of financial security provided by the owner is an insurance policy, an identification card

or certificate of insurance or a certificate of self-insurance, the information will be recorded by the office of the arresting officer or the court on the form prescribed by the secretary of revenue as authorized by this subsection and forwarded immediately to the department of revenue. When evidence of insurance is provided by the owner on the form prescribed by this subsection such form will also be forwarded immediately to the department of revenue. (K.S.A. 8-1604)

Sec. 26. Duty Upon Striking Unattended Vehicle or Other Property. The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of such person's name, address and the registration number of the vehicle such person was driving, or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving such person's name, address and the registration number of the vehicle such person was driving, and without unnecessary delay shall notify the police department. Every such stop shall be made without obstructing traffic more than is necessary. (K.S.A. 8-1605)

Sec. 27. Duty to Report Accidents. (a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total damage to all property to an apparent extent of \$300 or more shall give notice immediately of such accident by the quickest means of communication to the police department.

(b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection (a), and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver. (K.S.A. 8-1606)

Sec. 28. False Reports. A person shall not give information in oral or written reports, as required in this article, known or having reason to believe that such information is false. (K.S.A. 8-1608)

Article 6. Serious Traffic Offenses

Sec. 29. Reckless Driving; Penalties. (a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) Upon a first conviction of a violation of this section a person shall be sentenced to not less than five days nor more than 90 days' imprisonment or by a fine of not less than \$25 nor more than \$500, or by both such fine and imprisonment. On a second or subsequent conviction of a violation of this section, a person shall be sentenced to not less than 10 days nor more than six months' imprisonment, or fined not less than \$50 nor more than \$500 or both such fine and imprisonment. (K.S.A. 8-1566)

Sec. 30. Drivers Under the Influence of Intoxicating Liquor or Drugs; Penalties. (a) No person shall operate any vehicle within this city while under the influence of alcohol.

(b) No person shall operate any vehicle within this city if the person is a habitual user of or under the influence of any narcotic, hypnotic, somnifacient or stimulating drug or is under the influence of any other drug to a degree which renders such person incapable of safely driving a vehicle. The fact that any person charged with a violation of this subsection is or has been entitled to use the drug under the laws of this state shall not constitute a defense against any charge of violating this subsection.

(c) Upon a first conviction of a violation of this section, a person shall be sentenced to not less than 48 hours' nor more than 6 months' imprisonment, or in the court's discretion 100 hours of public service and fined not less than \$200 nor more than \$500. The person convicted must serve at least 48 hour's imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. In addition, the court shall enter an order which (1) restricts the person convicted to operating a motor vehicle on the highways of this state only in going to or returning from the person's place of employment or schooling; in the course of the person's employment; during a medical emergency; in going to or returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go to attend an alcohol and drug

safety action program as provided in K.S.A. 8-1008 at such times of the day as may be specified by the order and to such places as may be specified by the order. Such restrictions shall be for a period of not less than 90 days not more than one year, as specified by the court order; (2) requires that the person enroll in and successfully complete an alcohol and drug safety action program or a treatment program as provided by K.S.A. 8-1008 or both the education and treatment programs. If the person convicted has a suspended or revoked driver's license, the court shall not make the restricted license, provided under this subsection, applicable until the suspension or revocation is terminated.

(d) On a second conviction of a violation of this section, a person shall be sentenced to not less than 90 days' nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000. The person convicted must serve at least five days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for alcohol and drug abuse as provided in K.S.A. 8-1008 and amendments thereto. In addition, the court shall suspend the driver's license of the convicted person for one year or until the person completes the treatment program approved by the court, whichever is directed by the court.

(e) On the third or subsequent conviction of a violation of this section, a person shall be sentenced to not less than 90 days' nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The court may also require as a condition of parole that such person enter into and complete a treatment program for alcohol and drug abuse as provided by K.S.A. 8-1008 and amendments thereto. In addition, the court shall revoke the driver's license of the convicted person for the period of time specified for the revocation of a driver's license under subsection (k) and in accordance with the procedure for revoking a driver's license under subsection (l).

(f) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a

person charged with a violation of this section to avoid the mandatory penalties established by subsections (c), (d) and (e). For the purpose of subsection (c) entering into a diversion agreement shall not constitute plea bargaining.

(g) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(h) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(i) The court shall report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings or a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor-vehicle laws of this state.

(j) For the purpose of determining whether a conviction is a first, second or third or subsequent conviction in sentencing under this section, the term "conviction" includes being convicted of a violation of this section or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section. For such purpose "conviction" also includes being convicted of a violation of a law of another state or ordinance of any municipality which prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings in a case alleging

violation of such a law or ordinance. For the purpose of determining whether a conviction is a first, second, or third or subsequent conviction in sentencing under this section, only convictions occurring in the immediately preceding five years, including prior to the effective date of this section, shall be taken into account but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable.

(k) In addition to any fine or imprisonment imposed under this section and in lieu of any restrictions on or suspension of a driver's license under this section, the municipal judge may revoke the person's driver's license or privilege to operate a motor vehicle on the public highways of this state. Whenever a license or privilege to operate a motor vehicle is revoked pursuant to this section, the person whose license or privilege has been revoked shall not be entitled to have such license or privilege restored until the expiration of one year from the date of revocation. On conviction of a third or subsequent violation of this section, revocation pursuant to this subsection shall be mandatory for a period set by the court at not less than one year.

(l) Upon suspending or revoking any license pursuant to this section, the court shall require that such license be surrendered to the court. The court shall transmit the license to the division to be retained by the division until further order of the court. Whenever the court restores the privilege to operate a motor vehicle on the public highways of this state to any person whose license was suspended or revoked pursuant to this section, the court shall notify the division.

(m) Upon entering an order restricting a person's license under subsection (c), the court shall require that the license be surrendered to the court. The court shall transmit the license to the division of vehicles of the department of revenue, together with a copy of the order. If the person convicted pursuant to this section is a nonresident, the court shall transmit a copy of the order to the division. The judge shall furnish to any person whose driver's license has had restrictions imposed on it under this section a copy of the order, which for a period of 30 days only shall be recognized as a valid Kansas driver's license pending issuance of a restricted license by the division of vehicles.

(n) Upon expiration of the period of time for which conditions are imposed pursuant to subsection (m), the licensee may apply to the division for the return of the license previously surrendered by the licensee. In the event the license has expired, the person may apply to the division for a new license. If any person violates any of the conditions imposed, the person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked by the court for a period of not less than 60 days nor more than one year. (K.S.A. Supp. 8-1567 as amended and Ch. 37, Sec. 1, L. 1984.

Sec. 31. Fleeing or Attempting to Elude a Police Officer. (a) Any driver of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop, or otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop shall be guilty as provided by subsection (b). The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform, prominently displaying such officer's badge of office, and such officer's vehicle shall be appropriately marked showing it to be an official police vehicle.

(b) Every person convicted of violating subsection (a), shall upon first conviction be imprisoned for not more than six months or fined not to exceed \$1,000, or both. Every person convicted of violating this section shall upon a second conviction be punished by imprisonment not to exceed one year or fined not to exceed \$2,500 or both. Every person convicted of violating this section shall upon a third or subsequent conviction be punished by imprisonment of not less than one year and a maximum which shall be fixed by the court at not less than two years nor more than five years or fined not to exceed \$5,000, or both. For the purpose of this section "conviction" means a final conviction and without regard whether sentence was suspended or probation granted after such conviction; also forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. (K.S.A. 8-1568)

Article 7. Speed Regulations

Sec. 32. Speed Limitations; Basic Rule. No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual hazards then existing. Consistent

with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. (K.S.A. 8-1335)

Sec. 33. Maximum Speed Limits. (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:

(1) Twenty (20) miles per hour in any business district;

(2) Thirty (30) miles per hour in any residence district;

(3) Twenty (20) miles per hour in any park; and

(4) Fifty-five (55) miles per hour in all other locations. The maximum speed limit established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof and notwithstanding any signs giving notice of maximum speed limits in excess thereof, and any sign giving notice of a maximum speed limit in excess of the limits established by or pursuant to this paragraph shall not be of any force or effect.

(b) No person shall drive a school bus to or from school or interschool or intraschool functions or activities at a speed greater than forty-five (45) miles per hour on any roadway having dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school or activities in excess of fifty-five (55) miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection shall apply to buses used for the transportation of students enrolled in community junior colleges or area vocational schools when such buses are transporting students to or from school functions or activities. (K.S.A. 8-1336)

Ref.: Power to change speed limits generally and regulate speed in parks and school zones. (K.S.A. 8-2002 and K.S.A. 8-1338)

Sec. 34. Minimum Speed Regulation. (a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic

except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the governing body determines on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway consistently impede the normal and reasonable movement of traffic, the governing body may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs. (K.S.A. 8-1561)

Sec. 35. Special Speed Limitation on Motor-Driven Cycle. No person shall operate any motor-driven cycle at any time mentioned in Section 144 at a speed greater than thirty-five (35) miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred (300) feet ahead. (K.S.A. 8-1562)

Ref.: Sec. 182

Sec. 36. Charging Speed Violations. In every charge of violation of any speed regulation in this article, except charges of violations of Section 32, the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed limit applicable within the district or at the location. (K.S.A. 8-1564)

Sec. 37. Racing on Highways; "Drag Race" and "Racing" Defined. (a) No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a record, and no person shall in any manner participate in any such race, competition, contest, test or exhibition.

(b) As used in this section drag race means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other, or the operation of one or more vehicles over a common selected course from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(c) As used in this section racing means the use of one or more vehicles in an attempt to outgain, outdistance or prevent another vehicle from passing to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

(d) "Exhibition of speed or acceleration" is defined to include, but is not limited to, those acts which cause or create unnecessary rapid acceleration, unnecessary tire squeal, skid, smoke, or slide upon acceleration or stopping including the casting of tread, gravel, dirt or other road surface materials from the tires; acts that simulate a temporary race; acts that cause the vehicle to unnecessarily turn abruptly, sway or lose traction with the road surface. (K.S.A. Supp. 8-1565)

Article 8. Driving on Right Side of Roadway; Overtaking and Passing; Use of Roadway

Sec. 38. Driving on Right Side of Roadway; Exceptions. (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movements;

(2) When an obstruction exists making it necessary to drive to the left of center of the highway; except that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(3) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or

(4) Upon a roadway restricted to one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction, or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon any roadway having four (4) or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices, designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a) (2) hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway. (K.S.A. 8-1514)

Ref.: Sec. 46

Sec. 39. Passing Vehicles Proceeding in Opposite Directions. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible. (K.S.A. 8-1515)

Sec. 40. Overtaking a Vehicle on the Left. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle. (K.S.A. 8-1516)

Ref.: For limitation see Sec. 42

Sec. 41. When Passing on the Right is Permitted. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon a roadway with unobstructed pavement of sufficient width for two (2) or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(3) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway. (K.S.A. 8-1517)

Sec. 42. Limitations on Overtaking on the Left.

Except as otherwise provided in this article no vehicle shall be driven to the left of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred (200) feet of any approaching vehicle. (K.S.A. 8-1518)

Ref.: Sec. 40

Sec. 43. Further Limitations on Driving on Left of Center of Roadway. (a) No vehicle shall be driven to the left side of the roadway under the following conditions:

(1) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(2) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing; or

(3) When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway nor under the conditions described in subsection (a) (2) of Section 38, nor to the driver of a

vehicle turning into or from an alley, private road or driveway. (K.S.A. 8-1519)

Sec. 44. No-passing Zones. (a) Whenever signs or markings are in place to define a no-passing zone and clearly visible to an ordinarily observant person no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(b) This section shall not apply under the conditions described in subsection (a) (2) of Section 38, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. (K.S.A. 8-1520)

Sec. 45. One-Way Roadways and Rotary Traffic Islands. (a) When official traffic control devices indicate that vehicular traffic shall proceed in one direction upon any highway, roadway, part of a roadway or specific lanes a vehicle shall be driven only in the direction designated at all or such time as shall be indicated by such device.

(b) A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (K.S.A. 8-1521)

Sec. 46. Driving on Roadways Laned for Traffic. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three (3) lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(c) Official traffic-control devices may be erected directing specified traffic to use a designated lane or

designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the direction of every such device. (K.S.A. 8-1522)

Ref.: Sec. 38

Sec. 47. Following Too Closely. (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway.

(b) The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall leave sufficient space, whenever conditions permit, so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions. (K.S.A. 8-1523)

Sec. 48. Driving on Divided Highways; left and U turns; controlled-access highways. No person shall:

(a) Drive a vehicle over, upon or across any intervening space, physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic between roadways on divided highways;

(b) make a left turn or a semicircular or "U" turn on the interstate system;

(c) make a left turn or a semicircular or "U" turn over, across or within any intervening space, physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic between roadways on a divided highway, except this subsection (c)

does not prohibit making a left turn or a semicircular or "U" turn through an opening provided and surfaced for the purpose of public use for such turning movements;

(d) make a left turn or a semicircular or "U" turn on a divided highway wherever such turn is specifically prohibited by a sign or signs placed by the authority having jurisdiction over that highway;

(e) drive any vehicle on a divided highway except on the proper roadway provided for that purpose and in the proper direction and to the right of the intervening space, physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic between roadways unless directed or permitted to use another roadway by official traffic-control devices or police officers;

(f) drive any vehicle onto or from any controlled-access highway except at such entrances and exists as are established by the authority having jurisdiction over such highway;

(g) use controlled-access highway right of way for parking vehicles or mobile equipment, or stacking of materials or equipment, for the purpose of servicing adjacent property; or

(h) stop, stand or park vehicles on the right of way of controlled-access highway except for:

(1) Stopping of disabled vehicles

(2) stopping to give aid in an emergency;

(3) stopping in compliance with directions of a police officer or other emergency or safety official;

(4) stopping due to illness or incapacity of driver; or

(5) parking in designated parking or rest areas.

K.S.A. Supp. 8-1524.

Ref.: Sec. 50, 51.

Article 9. Turning and Starting and Signals on Stopping and Turning

Sec. 49. Turning. (a) The driver of a vehicle intending to turn shall do so as follows:

(1) **Right Turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) **Left Turns.** The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable a left turn at an intersection shall be made to the

left of the center of the intersection, and any left turn shall be made so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(b) When official traffic-control devices are placed within or adjacent to intersections requiring and directing that a different course from that specified in this section be traveled by vehicles turning at an intersection, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices. (K.S.A. 8-1545)

Sec. 50. Right, Left and U Turns at Intersections: Obedience To. (a) The Chief of Police is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and shall place or cause to be placed proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or the signs may be removed when such turns are permitted.

(b) Whenever authorized signs are erected or temporarily displayed on a movable standard indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Ref.: Sec. 48, 51.

Sec. 51. U Turns, When No Signs; Where Prohibited. The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district, nor upon any other street unless such movement can be made in safety without interfering with other traffic. (K.S.A. 8-1546)

Ref.: Sec. 48, 50.

Sec. 52. Turning on Curve or Crest of Grade Prohibited. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet. (K.S.A. 8-1546)

Sec. 53. Starting Parked Vehicle. No person shall start a vehicle which is stopped, standing or parked

unless and until such movement can be made with reasonable safety. (K.S.A. 8-1547)

Sec. 54. Turning Movements and Required Signals.

(a) No person shall turn a vehicle or move right or left upon a highway unless and until such movement can be made with reasonable safety, nor without giving an appropriate signal in the manner hereinafter provided.

(b) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(d) The signals required on vehicles by subsection (b) of Section 149 shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section. (K.S.A. 8-1548)

Sec. 55. Signals by Hand and Arm or Signal Lamps.

The driver of any motor vehicle or combination of vehicles which is required to be equipped with electric turn signal lamps by Section 149 shall give any required notice of intention to turn by means of electric turn signals meeting the requirements of subsection (b) of Section 161. The driver of any other motor vehicle or combination of vehicles shall give such notice by means of hand and arm signals, as provided in Section 56, or by such electric turn signals. (K.S.A. 8-1549)

Sec. 56. Methods of Giving Signals. All signals herein required to be given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(1) Left turn -- hand and arm extended horizontally.

(2) Right turn -- hand and arm extended upward.

(3) Stop or decrease of speed -- hand and arm extended downward. (K.S.A. 8-1550)

Article 10. Right-of-Way

Sec. 57. Vehicles Approaching or Entering Intersection. (a) When two (2) vehicles enter an intersection from different highways at approximately the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) The right-of-way rule declared in subsection (a) is modified at through highways and otherwise as hereinafter stated in this ordinance. (K.S.A. 8-1526)

Sec. 58. Vehicle Turning Left. The driver of a vehicle intending to turn to the left within an intersection or into any alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. (K.S.A. 8-1527)

Sec. 59. Stop Signs and Yield Signs. (a) Preferential right-of-way may be indicated by stop signs or yield signs.

(b) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the

intersection or junction of roadways: Provided, however, That if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way. (K.S.A. 8-1528)

Sec. 60. Vehicle Entering Roadway. The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed. (K.S.A. 8-1529)

Ref.: See Sec. 80.

Sec. 61. Operation of Vehicles on Approach of Authorized Emergency Vehicles. (a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of subsection (d) of Section 174 and visual signals meeting the requirements of Section 160 of this ordinance or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way, and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (K.S.A. 8-1530)

Ref.: Sec. 10

Sec. 62. Highway Construction and Maintenance. (a) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices.

(b) The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of Section 172. (K.S.A. 8-1531)

Article 11. Pedestrians

Sec. 63. Pedestrians; Obedience to Traffic-Control Devices and Traffic Regulations. (a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.

(b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in Section 13 and 14.

(c) At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this ordinance. (K.S.A. 8-1532)

Sec. 64. Pedestrians' Right-of-Way in Crosswalks; Control Signals. (a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian entering or crossing the roadway within a crosswalk.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Subsection (a) of this section shall not apply under the conditions stated in subsection (b) of Section 65.

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (K.S.A. 8-1533)

Sec. 65. Crossing at Other Than Crosswalks; Jay-walking. (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements. (K.S.A. 8-1534)

Sec. 66. Drivers to Exercise Due Care.

Notwithstanding other provisions of this article every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian, and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person. (K.S.A. 8-1535)

Sec. 67. Pedestrians to Use Right Half of Crosswalks. Pedestrians shall move, whenever practicable upon the right half of crosswalks. (K.S.A. 8-1536)

Sec. 68. Pedestrians on Highways. (a) Where a sidewalk is provided and its use is practicable it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in this article, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway. (K.S.A. 8-1537)

Sec. 69. Pedestrians Soliciting Rides or Business. (a)

No person shall stand upon or along a street or highway for the purpose of soliciting a ride.

(b) No person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. (K.S.A. 8-1538)

Sec. 70. Driving Through Safety Zone Prohibited. No vehicle shall at any time be driven through or within a safety zone. (K.S.A. 8-1539)

Sec. 71. Pedestrians Right-of-Way on Sidewalks. The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk. (K.S.A. 8-1540)

Sec. 72. Pedestrians Yield to Authorized Emergency Vehicles. (a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of subsection (d) of Section 174 and visual signals meeting the requirements of Section 160 of this ordinance, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.

(b) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian. (K.S.A. 8-1541)

Sec. 73. Blind Pedestrian Right-of-Way. The driver of a vehicle shall yield the right-of-way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog. (K.S.A. 8-1542)

Sec. 74. Pedestrian Under Influence of Alcohol or Drugs. A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall not walk or be upon a highway except on a sidewalk. (K.S.A. 8-1543)

Sec. 75. Bridge or Railroad Signals. (a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed. (K.S.A. 8-1544)

Article 12. Special Stops Required

Sec. 76. Obedience to Signal Indicating Approach of Train. (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(2) a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(3) a railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

(4) an approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. (K.S.A. 8-1551)

Sec. 77. All Vehicles Must Stop at Certain Railroad Grade Crossings. When the Secretary of Transportation, or governing body of this city with the approval of the commission, has designated a particularly dangerous highway-grade crossing of a railroad and erected a stop sign thereat, the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall proceed only upon exercising due care. (K.S.A. 8-1552)

Sec. 78. Certain Vehicles Must Stop at All Railroad Grade Crossings. (a) Except as provided in subsection (b), the driver of any vehicle described in regulations issued by the Secretary of Transportation before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along

such track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossings and the driver shall not manually shift gears while crossing the track or tracks.

(b) This section shall not apply at:

(1) Any railroad grade crossing at which traffic is controlled by a police officer or human flagman;

(2) Any railroad grade crossing at which traffic is regulated by a traffic-control signal;

(3) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(4) Any railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply. (K.S.A. 8-1553)

Sec. 79. Moving Heavy Equipment at Railroad Grade Crossing. (a) No person shall operate or move any crawler type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of ten (10) or less miles per hour, or a vertical body or load clearance of less than one-half ($\frac{1}{2}$) inch per foot of the distance between any two (2) adjacent axles or in any event of less than nine (9) inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along such track for any approaching

train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction. (K.S.A. 8-1554)

Sec. 80. Emerging from Alley or Private Driveway or Building. The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon. (K.S.A. 8-1555)

Ref.: Sec. 60

Sec. 81. Overtaking and Passing School Bus. (a) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching such school bus when there is in operation on said school bus the flashing red lights specified in subsection (a) of Section 170, and said driver shall not proceed until such school bus resumes motion or he is signaled by the school bus driver to proceed or the flashing red lights and the stop signal arm are no longer actuated.

(b) Every school bus shall be equipped with red visual signals meeting the requirements of subsection (a) of Section 170 of this ordinance, which may be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate said special visual signals:

(1) At intersections or other places where traffic is controlled by traffic-control signals or police officers or;

(2) In designated school bus loading areas where the bus is entirely off the roadway.

(c) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or to or from interschool or intraschool functions or activities, or for maintenance, repair or storage purposes, all markings thereon indicating "school bus" shall be covered or concealed.

(d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway, and where pedestrians are not permitted to cross the roadway.

(e) The provisions of this section shall be subject to the provisions contained in K.S.A. Supp. 8-2009a. (K.S.A. Supp. 8-1556)

Sec. 82. Overtaking and Passing Church Bus or Day Program Bus. (a) The driver of a vehicle meeting or overtaking from either direction any church bus or day program bus stopped on the highway shall stop before reaching such church bus or day program bus when there is in operation on said church bus or day program bus the flashing red lights specified in subsection (a) of Sec. 170, and said driver shall not proceed until such church bus or day program bus resumes motion or said driver is signalled by the church bus or day program bus driver to proceed or the flashing red lights and stop signal arm, if any, are no longer actuated.

(b) If a church bus or day program bus is equipped with visual signals permitted by subsection (c) of Sec. 171, such signals may be actuated by the driver of said church bus or day program bus only when such vehicle is stopped on the highway for the purpose of receiving or discharging passengers. A church bus or day program bus driver shall not actuate said special visual signals: (1) At intersections or other places where traffic is controlled by traffic-control signals or police officers; or (2) in designated loading areas where the bus is entirely off the roadway.

(c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus or day program bus which is on a separate

roadway or when upon a controlled-access highway and the church bus or day program bus is stopped in a loading zone which is part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. (K.S.A. 8-1556a)

Article 13. Stopping, Standing and Parking

Sec. 83. Stopping, Standing or Parking Outside Business or Residence Districts. (a) Outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or so leave such vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon such highway.

(b) This section, Section 85 and Section 86 shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. (K.S.A. 8-1569)

Sec. 84. Officers Authorized to Remove Vehicles.

(a) Whenever any police officer finds a vehicle in violation of any of the provisions of Section 83, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the roadway.

(b) Any police officer is hereby authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway or in any tunnel in such position, or under such circumstances as to obstruct the normal movement of traffic.

(c) Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

(1) Report has been made that such vehicle has been stolen or taken without the consent of its owner,

(2) the person or persons in charge of such vehicle are unable to provide for its custody or removal, or

(3) when the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before the municipal judge without unnecessary delay. (K.S.A. Supp. 8-1570)

Sec. 85. Stopping, Standing or Parking Prohibited in Specified Places. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

(a) Stop, stand or park a vehicle:

(1) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(2) on a sidewalk;

(3) within an intersection;

(4) on a crosswalk;

(5) between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

(6) alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(7) upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(8) on any railroad tracks;

(9) on any controlled-access highway;

(10) in the area between roadways of a divided highway, including crossovers; or

(11) at any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not except momentarily to pick up or discharge a passenger or passengers:

(1) In front of a public or private driveway;

(2) within fifteen (15) feet of a fire hydrant;

(3) within twenty (20) feet of a crosswalk at an intersection;

(4) within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway;

(5) within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance, when properly sign-posted;

(6) at any place when official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers:

(1) within fifty (50) feet of the nearest rail of a railroad crossing;

(2) at any place where official signs prohibit parking.

(d) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

(e) No person shall stand or park a vehicle in areas designated as fire lanes upon public or private property. K.S.A. 8-1571

Sec. 86. Stopping or Parking on Roadways. (a) Except where angle parking is permitted by ordinance every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or as close as practicable to the right-hand edge of the right-hand shoulder.

(b) Except when otherwise provided by ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder

or with its left-hand wheels within twelve (12) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(c) The governing body may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the commission has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. (K.S.A. 8-1572)

Sec. 87. Handicapped Parking. (a) No person shall park any vehicle in a parking space whether on public or private property which is clearly marked as being reserved for the use of handicapped persons or persons responsible for the transportation of handicapped persons unless such vehicle bears a special license plate or identification card issued pursuant to K.S.A. Supp. 8-161 or K.S.A. Supp. 8-132a and is being operated by or used for the transportation of a handicapped person or disabled veteran. If a parking space on private property is clearly marked as being reserved for the use of a specified handicapped person it shall be unlawful for any other person to park in such space.

(b) Notwithstanding instruction of Section 11 to the contrary, signs to indicate spaces for handicapped parking shall be displayed with the bottom of the sign not less than 32 inches above the surface of the roadway. (K.S.A. 8-132a as amended).

Sec. 88. Parking for Certain Purposes Prohibited. No person shall park a vehicle upon any roadway for the principal purpose of:

(a) Displaying such vehicle for sale.

(b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

Sec. 89. Stall Parking. Where parking stalls or spaces are marked or designated on the pavement or curb, vehicles shall be parked or stopped within such stalls or spaces in the direction of the flow of traffic or at the angle indicated by the markings.

Sec. 90. Blocking Traffic; Narrow Streets; Stopping; When. No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten

(10) feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals by a police officer.

Sec. 91. Parking On Narrow Streets; Signs. When signs prohibiting parking are erected on narrow streets, no person shall park or stand a vehicle in any such designated place. The Chief of Police is authorized to erect signs indicating "no parking" upon both sides of any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street when the width of the roadway does not exceed thirty (30) feet.

Sec. 92. Parking in Alley. (a) No person shall park any vehicle in any alley except for the purpose of loading or unloading.

(b) No person shall park any vehicle in any alley for any time of greater duration than reasonably necessary for the expeditious loading or unloading of materials.

Sec. 93. Parking Disabled and Other Vehicles. No person, firm or corporation shall park or store any dead, damaged or disabled automobile or vehicle or farm machinery, trailer or semitrailer of any kind, or parts of the same, or any junk automobiles or vehicles or farm machinery or trailers, or semitrailers, in the roadway of any highway, or between the property line or sidewalk and the curb line of any street.

Sec. 94. Parking Adjacent to Schools; Signs. When official signs or markings are placed indicating no parking upon any street adjacent to any school property, no person shall park a vehicle in any such designated place. The Chief of Police is hereby authorized to erect signs indicating "no parking" upon either or both sides of any street adjacent to any school property when such parking would unreasonably interfere with traffic or create a hazard to traffic in such places.

Sec. 95. Stopping or Parking in Hazardous or Congested Places; Signs. When signs are erected upon approach to hazardous or congested places, no person shall stop, stand or park a vehicle in any such designated place. The Chief of Police is authorized to determine and designate by proper signs those places where the stopping or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

Sec. 96. Parking Prohibited at All Times in Designated Places. When authorized signs are erected giving notice thereof, no person shall park a vehicle at any time upon that portion of any of the streets so posted or signed for "no parking."

Sec. 97. Limited Time Parking Zones. Whenever any appropriate sign shall be placed and maintained in any block by lawful authority of the city giving notice that the street or highway or city owned parking lot may be used for parking or standing vehicles for a limited time only, it shall be unlawful for any person to fail or refuse to comply with such sign.

Sec. 98. Commerical and Delivery Vehicles: Loading and Unloading; Blocking Traffic; Removal of Vehicle; Duty of Police Department. Subject to any provision prohibiting parking at all times or during specified hours, vehicles used for the transportation of merchandise or materials may stand or be parked at the curb to take on or discharge loads on any street marked for parallel parking: Provided, That such vehicles may be backed into any curb at such times and places when and where the same may not interfere with or become a hazard to vehicular traffic on such street within the block: Provided further, That traffic may be temporarily blocked by any such vehicle backed into any curb to load or unload when the same may be necessary during such times as loading or unloading shall be undertaken in an expeditious manner without any delay, upon prior notice to and under the direction and supervision of the Police Department: Provided further, That the driver on some person in charge of such vehicle shall constantly be present or available to remove such vehicle in an emergency and the vehicle shall be removed immediately upon the same being loaded or unloaded as the case may be. The Chief of Police may place suitable warning signs to direct or control traffic during the time any street may be blocked or traffic restricted from its normal flow or course.

Sec. 99. Loading, Unloading or Special Zones. Whenever any appropriate sign shall be placed or marked along any street or highway by lawful authority of the city giving notice of any special use of the roadway adjacent thereto for the loading or unloading of merchandise or passengers or the standing of taxicabs, buses or for other authorized purposes, it shall be unlawful for any person to refuse or fail to comply with such sign.

Sec. 100. Citation on Illegally Parked Vehicles. Whenever any motor vehicle without driver is found parked, standing or stopped in violation of this ordinance, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation. (K.S.A. 8-2112)

Sec. 101. Failure to Comply With Traffic Citation Attached to Parked Vehicle. If a violator of restrictions on stopping, standing or parking does not appear in response to a traffic citation affixed to such motor vehicle within a period of five (5) days, the clerk of the court, shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five (5) days a warrant of arrest will be issued. (K.S.A. 8-2113)

Sec. 102. Presumption in Reference to Illegal Parking. (a) In any prosecution charging a violation of any law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of the violation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(b) The foregoing stated presumption shall apply only when the procedure as prescribed in Sections 100 and 101 has been followed. (K.S.A. 8-2114)

Article 14. Miscellaneous Rules

Sec. 103. Using Headphones or Television Receivers in Vehicles. (a) No person shall operate any motor vehicle on the streets, alleys, or roadways of the city while wearing headphones which in any way interfere with hearing of traffic noise, or warning devices or signals.

(b) No motor vehicles operated on the streets of this city shall be equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat. This section does not prohibit the use of television-type receiving equipment used

exclusively for safety or law enforcement purposes, if such use is approved by the superintendent of the Kansas highway patrol. (K.S.A. 8-1748)

Sec. 104. Inattentive Driving. Every driver whose vehicle, because of his or her driving error or negligent inattention, collides with another vehicle, a person or fixed object, shall be guilty of inattentive driving and in violation of this section.

Sec. 105. Consumption of Alcoholic Liquor or Cereal Malt Beverages. (a) No person shall consume any alcoholic liquor or cereal malt beverage while operating any vehicle upon any street or highway.

(b) Violation of this section is punishable by a fine of not less than \$50 nor more than \$200 or by imprisonment for six months, or both. (K.S.A. 41-2720 and K.S.A. 41-719a).

Sec. 106. Transportation of Alcoholic Liquor or Cereal Malt Beverages. (a) No person shall transport in any vehicle upon a highway or street any alcoholic liquor or cereal malt beverage unless such liquor or such beverage is:

(1) In the original unopened container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed;

(2) In the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or

(3) In the exclusive possession of a passenger in a vehicle which is a recreational vehicle, as defined by K.S.A. Supp. 75-1212, or a bus, as defined by K.S.A. 8-1406, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.

(b) Violation of this section is punishable by a fine of not more than \$200 or by imprisonment for not more than six months, or both.

(c) Subject to the provisions of subsection (e) in addition to any other penalty or disposition ordered the court upon conviction or adjudication of a violation of subsection (a) of this section shall suspend the person's driver's license or privilege to operate a motor vehicle

on the streets and highways of this state pursuant to and in the manner prescribed by subsection (d) of K.S.A. Supp. 41-804 (alcoholic liquor) or subsection (c) of K.S.A. Supp. 41-2719 (cereal malt beverages). Upon conviction or adjudication of the first violation by such person, the suspension shall be for three months. Upon conviction or adjudication of a second or subsequent violation, the suspension shall be for one year.

(e) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person convicted of violating this section, as provided in subsection (c), the court may pursuant to and in the manner prescribed by subsection (f) of K.S.A. Supp. 41-804 or subsection (f) of K.S.A. Supp. 41-2719, enter an order which places conditions on such persons privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of less than three months for a first violation nor more than one year for a second violation. If any person shall violate any of the conditions imposed under this subsection, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked by the court for a period of not less than 60 days nor more than one year. (K.S.A. Supp. 41-804; K.S.A. Supp. 41-2719)

Sec. 107. Unattended Motor Vehicle; Ignition; Key and Brakes. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway. (K.S.A. 8-1573)

Sec. 108. Obstruction of Driver's View or Driving Mechanism. (a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle. (K.S.A. 8-1576)



Sec. 109. Coasting. (a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(b) The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged. (K.S.A. 8-1580)

Sec. 110. Following Fire Apparatus Prohibited. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or stop such vehicle within five hundred (500) feet of any fire apparatus stopped in answer to a fire alarm. (K.S.A. 8-1581)

Sec. 111. Crossing Fire Hose. No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command. (K.S.A. 8-1582)

Sec. 112. Putting Glass, Etc., on Highway Prohibited. (a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. (K.S.A. 8-1583)

Sec. 113. Stop When Traffic Obstructed. No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed. (K.S.A. 8-1584)

Sec. 114. Snowmobile Operation Limited. No person shall operate a snowmobile on any controlled-access

highway. No person shall operate a snowmobile on any other highway, except when crossing the highway at a right angle, or when use of the highway by other motor vehicles is impossible because of snow, or when such operation is authorized by the governing body. (K.S.A. 8-1585)

Sec. 115. Unlawful Riding. (a) It shall be unlawful for any person to ride on any vehicle or upon any portion thereof not designed or intended for use of passenger when the vehicle is in motion.

(b) It shall be unlawful for the operator of any vehicle to allow any person to ride on any vehicle or upon any portion thereof not designated or intended for the use of passengers when the vehicle is in motion.

(c) This section shall not apply to an employee engaged in the necessary discharge of the employee's duty within truck bodies in space intended for merchandise.

Sec. 116. Driving Upon Sidewalk. No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. (K.S.A. 8-1575)

Sec. 117. Limitations on Backing. (a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway. (K.S.A. 8-1574)

Sec. 118. Driving Through or On Private Property to Avoid Traffic Control Devices. No person shall drive through the property of a gasoline service station or the service entrance of any public or private property adjacent to any street intersection to avoid any official traffic control device or short cut from one street to another.

Sec. 119. Parades and Processions. No funeral procession or parade of persons or vehicles, excepting the military forces of the United States, the military forces of the State of Kansas, or the forces of the city Police and Fire Departments, shall occupy, march or proceed along any highway until the Chief of Police shall have been notified by the person or persons in charge

thereof and until the Chief shall have made provision for such purpose together with a police escort if he deems such escort necessary.

Sec. 120. Driving through Procession. It shall be unlawful for the driver of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion provided such vehicles are conspicuously so designated. This section shall not apply at intersections where traffic is controlled by traffic-control devices or police officers.

Sec. 121. Military Forces. The military forces of the United States and the State of Kansas, while on any authorized duty involving controlled movement of military convoys, critical supplies or equipment, or during any national or state emergency, shall not be restricted by traffic regulations, and shall have the right-of-way on any street or highway through which they may pass against all except carriers of the United States mail and other emergency vehicles. (K.S.A. 48-252a)

Sec. 122. Street Barriers. Whenever any street or alley or part thereof is closed for repair, rebuilding, construction or reconstruction and suitable warning signs and barricades, which so advise the public, are erected at all intersections of the closed street or alley with all other streets and alleys, it shall be unlawful for any person or operator without authority from the proper official to:

(1) Destroy or remove any barricade, warning sign, light or torch used to close the street or alley or warn the public of the closing.

(2) Drive on that portion of the street or alley that is closed: Provided, however, That nothing in this section shall be construed as prohibiting the regular authorities of the city, state or federal government from having free access to the work at all times.

Sec. 123. Opening and Closing Vehicle Doors. No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (K.S.A. 8-1577)

Sec. 124. Riding in House Trailer Prohibited. No person or persons shall occupy a house trailer while it is being moved upon a public street or highway. (K.S.A. 8-1578)

Sec. 125. Driving Across Lawns, Sidewalks, Yards, Crops, Etc. It shall be unlawful for any person to drive a motor vehicle upon, across or onto the lawn, sidewalk, yard, farmland, crops or fences or other real or personal property of another person, intentionally damaging the same. K.S.A. 8-1348

Note: State statute also provides for district court action for damages and suspension of vehicle registration.

Sec. 126. Removal of Traffic Hazards. (a) It shall be the duty of the owner of real property to remove from such property any tree, plant, shrub or other obstruction, or part thereof, which, by obstructing the view of any driver, constitutes a traffic hazard.

(b) When the governing body determines upon the basis of an engineering and traffic investigation that such a traffic hazard exists, it shall notify the owner and order that the hazard be removed within ten (10) days.

(c) The failure of the owner to remove such traffic hazard within ten (10) days shall constitute an offense punishable by a penalty of ten dollars (\$10) and every day said owner shall fail to remove it shall be a separate and distinct offense. (K.S.A. 8-2011)

Article 15. Operation of Bicycles, Motorized Bicycles, Low Power Cycles and Play Vehicles

Sec. 127. Effect of Regulations. (a) It is unlawful for any person to do any act forbidden or fail to perform any act required in Sections 128 to 133, inclusive, of this article.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of Sections 128 to 133, inclusive.

(c) The provisions of Sections 128 to 133, inclusive, which are applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein. (K.S.A. 8-1586)

Sec. 128. Traffic Laws Apply to Persons Riding Bicycles. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except as otherwise provided in Sections 127 to 133, inclusive, of this article and except as to those provisions of this ordinance which by their nature can have no application. (K.S.A. 8-1587)

Sec. 129. Riding on Bicycles; Seats; Riders Limited.
(a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (K.S.A. 8-1588)

Sec. 130. Clinging to Vehicles. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. (K.S.A. 8-1589)

Sec. 131. Riding on Roadways and Bicycle Paths. (a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. (K.S.A. 8-1590)

Sec. 132. Carrying Articles. No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars. (K.S.A. 8-1591)

Sec. 133. Lamps and Other Equipment on Bicycles.
(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the division which shall be visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps on a motor

vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(c) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflector of a type approved by the commission, on each pedal of such bicycle which is visible from the front and rear of the bicycle during darkness from a distance of two hundred (200) feet. (K.S.A. 8-1592)

Sec. 134. Application of Sec. 127 to Sec. 133 to Motorized Bicycles. The provisions of Sec. 127 to Sec. 133, inclusive, shall be applicable to motorized bicycles, and every person operating a motorized bicycle shall be subject to the provisions thereof. (K.S.A. 8-1592(a))

Sec. 135. Low Power Cycles, Traffic Law Application. Traffic regulations applicable to bicycles shall apply to low power cycles except tricycles with no brake horse power. (K.S.A. 8-1592(b))

Sec. 136. Use of Coasters, Roller Skates and Similar Devices Restricted. No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street at a crosswalk and except upon streets set aside as play streets.

Ref.: Sec. 20. Play Streets

Article 16. Special Rules For Motorcycles

Sec. 137. Traffic Laws Apply to Persons Operating Motorcycles. Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this ordinance, except as provided in Section 138 to 142, inclusive, and except as to those provisions of this ordinance which by their nature can have no application. (K.S.A. 8-1593)

Sec. 138. Riding on Motorcycles. (a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such mo-

motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

(d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator. (K.S.A. 8-1594)

Sec. 139. Operating Motorcycles on Roadways Laned for Traffic. (a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Motorcycles shall not be operated more than two abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties. (K.S.A. 8-1595)

Sec. 140. Clinging to Other Vehicles. No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway. (K.S.A. 8-1596)

Sec. 141. Motorcycle Footrests and Handlebars. (a) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with a seat and footrests for such passenger.

(b) No person shall operate any motorcycle with handlebars so positioned that the hands of the operator, when upon the grips are at or above his shoulder height when sitting astride the seat, with the vehicle in an upright position. (K.S.A. 8-1597)

Sec. 142. Equipment for Motorcycle Operator or Rider. (a) No person under the age of eighteen years shall operate or ride upon a motorcycle or a motorized bicycle unless wearing a helmet which complies with minimum performance requirements established by the National Highway Traffic Safety Administration pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.

(b) No person shall operate a motorcycle unless he is wearing an eye-protective device of a type which complies with standards established by the Secretary of Transportation except when the motorcycle is equipped with a windscreen which has a minimum height of 10 inches measured from the center of the handlebars.

(c) This section shall not apply to persons riding within an enclosed cab or on a golf cart, nor shall it apply to any person operating or riding any industrial or cargo-type vehicle having three (3) wheels and commonly known as a truckster. (K.S.A. Supp. 8-1598)

Ref.: Motorcycle Equipment, Article 18

Article 17. Lights, Brakes, Horns and Other Equipment

Sec. 143. Scope and Effect of Regulations. (a) It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved on any highway, any vehicle or combination of vehicles which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this article, or which is equipped in any manner in violation of any section of this article, or for any person to do any act forbidden or fail to perform any act required by any provision of any section of this article.

(b) Nothing contained in this article shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this article.

(c) The provisions of this article with respect to equipment required on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as specifically made applicable in this article.

(d) The provisions of this article with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles, except as specifically made applicable by law. (K.S.A. 8-1701)

Sec. 144. When Lighted Lamps Required; Visibility Distance and Mounted Height of Lamps. Every vehicle except motorcycles, motor-driven cycles and motorized bicycles upon a highway within this state, at any time from a half hour after sunset to a half hour before sunrise and at any other time, when due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet ahead, shall display lighted head and other lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices. Motorcycles, motor-driven cycles and motorized bicycles shall display lighted head and tail lights at all times that such vehicles are operated on any highway.

Notwithstanding the other provisions of this section, motorcycles, motor-driven cycles and motorized bicycles manufactured prior to January 1, 1978, shall display lamps as provided for other vehicles in the first sentence of this section, and the provisions of the second sentence of this section shall not apply to motorcycles, motor-driven cycles and motorized bicycles manufactured prior to January 1, 1978. (K.S.A. 8-1703)

Sec. 145. Visibility Distance and Mounted Height of Lamps. (a) Whenever any requirement is declared in this article as to the distance from which certain lamps and devices shall render objects visible or within such lamps or devices shall be visible, said provisions shall apply, during the times stated in Section 144 in respect to a vehicle without load upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(b) Whenever any requirement is declared in this article as to the mounted height of lamps or devices, it

shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load. (K.S.A. 8-1704)

Ref.: Vehicles Parked at Night, see Sec. 157

Sec. 146. Head Lamps on Motor Vehicles. (a) Every motor vehicle shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this article.

(b) Every head lamp upon every motor vehicle manufactured or assembled after July 1, 1959, shall be located at a height of not more than fifty-four (54) inches nor less than twenty-four (24) inches to be measured as set forth in subsection (b) of Section 145. (K.S.A. 8-1705)

Sec. 147. Tail Lamps. (a) Every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two (2) tail lamps mounted on the rear, which, when lighted as required in Section 144, shall emit a red light plainly visible from a distance of one thousand (1,000) feet to the rear, except that passenger cars manufactured or assembled prior to July 1, 1959, shall have at least one (1) tail lamp. On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one (1) tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(b) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches.

(c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render is clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever head lamps or auxiliary driving lamps are lighted. (K.S.A. 8-1706)

Sec. 148. Reflectors. Every motor vehicle, trailer, semitrailer and pole trailer shall carry on the rear,

either as a part of the tail lamps or separately, two (2) or more red reflectors meeting the requirements of this section: Provided, That vehicles of the types mentioned in Section 151 shall be equipped with reflectors meeting the requirements of subsection (a) of Section 153 and subsection (a) of Section 154.

(b) Every such reflector shall be mounted on the vehicle at a height not less than fifteen (15) inches nor more than sixty (60) inches measured as set forth in subsection (b) of Section 145 and shall be of such size and characteristics and so mounted as to be visible at night from all distances within six hundred (600) feet to one hundred (100) feet from such vehicle when directly in front of lawful lower beams of head lamps, except that reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be visible at night from all distances within three hundred fifty (350) feet to one hundred (100) feet when directly in front of lawful upper beams of head lamps. (K.S.A. 8-1707)

Sec. 149. Stop Lamps and Turn Signals. (a) Every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two (2) or more stop lamps meeting the requirements of subsection (a) of Section 161, except that passenger cars manufactured or assembled prior to January 1, 1953, shall be equipped with at least one stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in subsection (a) of Section 161.

(b) Every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of subsection (b) of Section 161, except that passenger cars and trucks less than eighty (80) inches in width, manufactured or assembled prior to January 1, 1953 and vehicles registered under K.S.A. 8-194, need not be equipped with electric turn signal lamps. (K.S.A. 8-1708)

Sec. 150. Application of Succeeding Sections. Sections 151 to 155, inclusive, relating to clearance lamps, marker lamps and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated, namely buses, trucks, truck-tractors, motor homes, motor vehicles with mounted truck-campers, and trailers, semitrailers and pole trailers, respectively, when operated upon any highway, and said vehicle shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in Section 144. For purposes of the sections enumerated above, a truck-

camper, when mounted upon a motor vehicle, shall be considered part of the permanent structure of that motor vehicle. (K.S.A. 8-1709)

Sec. 151. Additional Equipment Required on Certain Vehicles. In addition to other equipment required by this ordinance, the following vehicles shall be equipped as herein stated.

(a) Buses, trucks, motor homes, and motor vehicles with mounted truck-camper, eighty (80) inches or more over-all width:

(1) On the front, two (2) clearance lamps, one (1) at each side, and on vehicles manufactured or assembled after July 1, 1959, three (3) identification lamps meeting the specifications of subsection (f).

(2) On the rear, two (2) clearance lamps, one (1) at each side, and on vehicles manufactured or assembled after July 1, 1959, three (3) identification lamps meeting the specifications of subsection (f).

(3) On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.

(4) On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

(b) Trailers and semitrailers eighty (80) inches or more in over-all width, except boat trailers and house trailers for which special permits are required for movement:

(1) On the front, two (2) clearance lamps, one (1) at each side.

(2) On the rear, two (2) clearance lamps, one (1) at each side, and on vehicles manufactured or assembled after July 1, 1959, three (3) identification lamps meeting the specifications of subsection (f).

(3) On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.

(4) On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

(c) Truck-tractors:

On the front, two (2) cab clearance lamps, one (1) at each side, and on vehicles manufactured or assembled after July 1, 1959, three (3) identification lamps meeting the specifications of subsection (f).

(d) Trailers, semitrailers and pole trailers thirty (30) feet or more in over-all length:

On each side, one (1) amber side marker lamp and one (1) amber reflector, centrally located with respect to the length of the vehicle.

(e) Pole trailers:

(1) On each side, one (1) amber marker lamp at or near the front of the load.

(2) One (1) amber reflector at or near the front of the load.

(3) On the rearmost support for the load, one (1) combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

(f) Whenever required or permitted by this article, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six (6) nor more than twelve (12) inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical center line: Provided, That where the cab of a vehicle is not more than forty-two (42) inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps.

(g) Boat trailers eighty (80) inches or more in over-all width:

(1) On each side, at or near the midpoint, one (1) clearance lamp performing the function of both a front and rear clearance lamp.

(2) On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.

(3) On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear. (K.S.A. 8-1710)

Ref.: Sec. 153, 154

Sec. 152. Color of Clearance Lamps, Identification Lamps, Side Marker Lamps, Backup Lamps and Reflectors. (a) Front clearance lamps, identification lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(b) Rear clearance lamps, identification lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color. (K.S.A. 8-1711)

Sec. 153. Mounting of Reflectors, Clearance Lamps and Side Marker Lamps. (a) Reflectors when required by Section 151 shall be mounted at a height not less than twenty-four (24) inches and not more than sixty (60) inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four (24) inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet the other reflector requirements of this article.

(b) Clearance lamps, so far as is practicable, shall be mounted on the permanent structure of the vehicle in such a manner as to indicate the extreme height and width of the vehicle, except that when rear identification lamps are required and are mounted as high as is practicable, rear clearance lamps may be mounted at optional height and when the mounting of front clearance lamps results in such lamps failing to indicate the extreme width of the trailer, such lamps may be mounted at optional height but must indicate, as near as practicable, the extreme width of the trailer. Clearance lamps on truck-tractors shall be located so as to indicate the extreme width of the truck-tractor cab. Clearance lamps and side marker lamps may be mounted in combination if illumination is given as required herein with reference to both. (K.S.A. 8-1712)

Ref.: Sec. 151

Sec. 154. Visibility of Reflectors, Clearance Lamps, and Marker Lamps. (a) Every reflector upon any vehicle

referred to in Section 151 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred (600) feet to one hundred (100) feet from the vehicle when directly in front of lawful lower beams of head lamps, except that the visibility of reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be measured in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(b) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the time lights are required at all distances between five hundred (500) feet and fifty (50) feet from the front and rear, respectively, of the vehicle.

(c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred (500) feet and fifty (50) feet from the side of the vehicle on which mounted. (K.S.A. 8-1713)

Sec. 155. Obstructed Lights Not Required. Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicles required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted. (K.S.A. 8-1714)

Sec. 156. Lamps or Flags on Projecting Loads. (a) Whenever the load upon any vehicle extends more than six inches beyond the sides or four (4) feet or more beyond the rear of the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in Section 144, two (2) red lamps visible from a distance of at least five hundred (500) feet to the rear, two (2) red reflectors visible at night from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful lower beams of head lamps and located so as to indicate maximum width, and on each side one (1) red lamp visible from a distance of at least five hundred (500) feet

to the side and located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four (4) feet beyond its rear, red flags, not less than twelve (12) inches square, marking the extremities of such load, at each point where a lamp would otherwise be required by this section. (K.S.A. 8-1715)

(b) No passenger type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders of the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

Sec. 157. Lamps on Parked Vehicles. (a) Every vehicle shall be equipped with one (1) or more lamps which, when lighted, shall display a white or amber light visible from a distance of one thousand (1,000) feet to the front of the vehicle, and a red light visible from a distance of one thousand (1,000) feet to the rear of the vehicle. The location of said lamp or lamps always shall be such that at least one (1) lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic.

(b) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise, and in the event there is sufficient light to reveal persons and vehicles within a distance of one thousand (1,000) feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(c) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object with a distance of one thousand (1,000) feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (a).

(d) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. (K.S.A. 8-1716)

Sec. 158. Lamps on Other Vehicles and Equipment. Every vehicle, including animal-drawn vehicles and vehicles referred to in subsection (c) of Section 143, not

specifically required by the provisions of other sections in this article to be equipped with lamps or other lighting devices, shall be equipped, at all times specified in Section 144, with at least one (1) lamp displaying a white light visible from a distance of not less than one thousand (1,000) feet to the front of said vehicle, and also shall be equipped with two (2) lamps displaying red lights visible from a distance of not less than one thousand (1,000) feet to the rear, or as an alternative, one (1) lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet to the rear and two (2) red reflectors visible from all distances of six hundred (600) to one hundred (100) feet to the rear when illuminated by the lawful lower beams of head lamps. (K.S.A. 8-1718)

Sec. 159. Spot Lamps and Auxiliary Lamps. (a) **Spot Lamps.** Any motor vehicle may be equipped with not to exceed two (2) spot lamps. Every lighted spot lamp emitting a white light shall be so aimed and used that no part of the high-intensity portion of the beam will strike the windshield or any windows, mirror or occupant of another vehicle in motion. The limitations of this subsection shall not apply to a police vehicle used as an authorized emergency vehicle.

(b) **Fog Lamps.** Any motor vehicle may be equipped with not to exceed two (2) fog lamps mounted on the front at a height not less than twelve (12) inches nor more than thirty (30) inches above the level surface upon which the vehicle stands, and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of four (4) inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head-lamp beams as specified in subsection (a) (2) of Section 164 of this ordinance.

(c) **Auxiliary Passing Lamps.** Any motor vehicle may be equipped with not to exceed two (2) auxiliary passing lamps mounted on the front at a height not less than twenty-four (24) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. The provisions of Section 164 shall apply to any combination of head lamps and auxiliary passing lamps.

(d) **Auxiliary Driving Lamps.** Any motor vehicle may be equipped with not to exceed two (2) auxiliary

driving lamps mounted on the front at a height not less than sixteen (16) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. The provisions of Section 164 shall apply to any combination of head lamps and auxiliary driving lamps. (K.S.A. 8-1719)

Sec. 160. Authorized Emergency Vehicles. (a) Every authorized emergency vehicle, in addition to any other equipment required by this ordinance, shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level, or in lieu thereof, any such authorized emergency vehicle shall be equipped with at least one rotating or oscillating light, which shall be mounted as high as practicable on such vehicle and which shall display to the front and rear of such vehicle a flashing red light or alternate flashes of red and white lights in combination. All lights required or authorized by the subsection shall have sufficient intensity to be visible at five hundred (500) feet in normal sunlight.

(b) A police vehicle when used as an authorized emergency vehicle may, but need not, be equipped with flashing red lights specified herein, but any flashing lights, including rotating or oscillating lights, used on a police vehicle, other than the flashing lights specified in Section 162, shall be red in color. (K.S.A. 8-1720)

Sec. 161. Signal Lamps and Signal Devices. (a) Any vehicle may be equipped and when required under this ordinance shall be equipped with a stop lamp or stop lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than three hundred (300) feet to the rear in normal sunlight, and which shall be actuated upon application of the service or foot brake, and which may but need not be incorporated with one (1) or more other rear lamps.

(b) Any vehicle may be equipped and when required under this ordinance shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and,

when signaling, shall emit amber light: Provided, That on any vehicle manufactured prior to July 1, 1973, the lamps showing to the front may emit white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a red or amber light or any shade of color between red and amber. Turn signal lamps shall be visible from a distance of not less than five hundred (500) feet to the front and rear in normal sunlight. Turn signal lamps may but need not be incorporated in other lamps on the vehicle. (K.S.A. 8-1721)

Sec. 162. Vehicular Hazard Warning Lights. (a) Any vehicle may be equipped with lamps for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing.

(b) Every bus, truck, truck-tractor, trailer, semi-trailer or pole trailer eighty (80) inches or more in overall width or thirty (30) feet or more in overall length shall be equipped with lamps meeting the requirements of this section.

(c) Vehicular hazard warning signal lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing amber light. On any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. Such warning lights shall be visible from a distance of not less than five hundred (500) feet in normal sunlight.

(d) Any police vehicle, when used as an authorized emergency vehicle, may be equipped with warning lamps mounted as widely spaced laterally as practicable either inside such vehicle in front of the rear window or on the roof of such vehicle and capable of displaying two alternately flashing amber lights to the rear of such vehicle. Such warning lamps may be used in lieu of or in combination with any other vehicular hazard warning signal lamps used to display such warning to the rear, and shall be visible from a distance of not less than five hundred (500) feet in normal sunlight. (K.S.A. 8-1722)

(e) Every truck designed and used for collection and disposal of domestic or commercial waste or trash shall be equipped as provided in subsection (c) and shall operate such lamps when collecting or transporting waste or trash and traveling 15 miles per hour or less. (K.S.A. Supp. 8-1722)

Sec. 163. Additional Lighting Equipment. (a) Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof, which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with one (1) or more back-up lamps, either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(d) Any vehicle eighty (80) inches or more in overall width, if not otherwise required by Section 151 may be equipped with not more than three (3) identification lamps showing to the front which shall emit an amber light without glare, and not more than three (3) identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in subsection (f) of Section 151.

(e) Any vehicle may be equipped with one (1) or more side marker lamps and any such lamp may be flashing in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber and side marker lamps located toward the rear shall be red. (K.S.A. 8-1723)

Sec. 164. Multiple-Beam Road-Lighting Equipment. (a) Except as hereinafter provided, the head lamps, or the auxiliary driving lamps or the auxiliary passing lamp or combination thereof, on motor vehicles other than motorcycles shall be so arranged that the driver may select at will between distribution of light projected to different elevations, and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

(1) There shall be an uppermost distribution of light or composite beam, so aimed and of such intensity as to

reveal persons and vehicles at a distance of at least four hundred fifty (450) feet ahead for all conditions of loading.

(2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred fifty (150) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(b) Every new motor vehicle registered in this state which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. (K.S.A. 8-1724)

Sec. 165. Use of Multiple-Beam Road-Lighting Equipment. When a motor vehicle is being operated on a highway or shoulder adjacent thereto during the times specified in Section 144 of this ordinance the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations.

(a) When the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in subsection (a) (2) of Section 164 or subsection (b) of Section 187, shall be dimmed to avoid glare at all times, regardless of road contour and loading.

(b) When the driver of a vehicle approaches another vehicle from the rear, within 300 feet, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this article other than the uppermost distribution of light specified in subsection (a) (1) of Section 164 or subsection (b) of Section 187. (K.S.A. 8-1725)

Sec. 166. Single-beam Road-lighting Equipment Permitted on Certain Vehicles. Head lamp systems which provide only a single distribution of light shall be

permitted on all farm tractors, regardless of date of manufacture, and on other motor vehicles manufactured and sold prior to July 1, 1938, in lieu of multiple-beam road-lighting equipment herein specified, if the single distribution of light complies with the following requirements and limitations:

(1) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light at a distance of twenty-five (25) feet ahead shall project higher than a level of five (5) inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred (200) feet. (K.S.A. 8-1726)

Sec. 167. Alternate Road-lighting Equipment on Certain Vehicles; Limitations on Speed. Any motor vehicle may be operated under the conditions specified in Sec. 144 when equipped with two (2) lighted lamps upon the front thereof capable of revealing persons and vehicles one hundred (100) feet ahead in lieu of lamps required in Sec. 164 or Sec. 166: Provided, That at no time shall it be operated at a speed in excess of twenty-five (25) miles per hour. (K.S.A. 8-1727)

Sec. 168. Number of Driving Lamps Required or Permitted. (a) At all times specified in Section 144 of this ordinance, at least two (2) lighted head lamps shall be displayed, one on each side at the front of every motor vehicle except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway. (K.S.A. 8-1728)

Sec. 169. Special Restrictions on Lamps. (a) During the time specified in Section 144 any lighted lamps or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, flashing turn signals,

and school bus warning lamps which project a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

(b) Except as required or permitted in Sections 160 and 170, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device capable of displaying a red light visible from directly in front of the center thereof, nor shall any vehicle or equipment upon any highway have any lamp or device displaying any color of light visible from directly in front of the center thereof except white or amber or any shade of color between white and amber.

(c) Flashing lights are prohibited except as authorized or required in Sections 160, 161, 163(e), 170 and 172.

(d) The flashing lights described in Sections 160 and 170 shall not be used on any vehicle other than a school bus, church bus or day program bus as defined in Section 171, or an authorized emergency vehicle.

(e) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber. (K.S.A. 8-1729)

Sec. 170. School Buses. (a) Every school bus, in addition to any other equipment and distinctive markings required by this ordinance, shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level, and these lights shall be visible at five hundred (500) feet in normal sunlight.

(b) Any school bus, in addition to the lights required by subsection (a), may be equipped with yellow signal lamps mounted near each of the four (4) red lamps and at the same level but closer to the vertical centerline of the bus, which shall display two (2) alternately flashing yellow lights to the front and two (2) alternately flashing yellow lights to the rear, and these lights shall be visible

at five hundred (500) feet in normal sunlight. These lights shall be displayed by the school bus driver at least two hundred (200) feet, but not more than one thousand (1,000) feet, before every stop at which the alternately flashing red lights required by subsection (a) will be actuated. (K.S.A. 8-1730)

(c) The provisions of this section shall be subject to the provisions contained in K.S.A. Supp. 8-2009a.

Sec. 171. Lighting Equipment and Warning Devices on Church Buses and Day Program Buses. (a) As used in this ordinance "church bus" means every motor vehicle owned by a religious organization, and operated for the transportation of persons to or from services or activities of such religious organization. "Religious organization" means any organization, church, body of communicants or group, gathered in common membership for mutual edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place.

(b) As used in this ordinance "day program" means the same as is described thereto in K.S.A. 39-1006, and "day program bus" means every motor vehicle used primarily to carry out functions of a day care program.

(c) Any church bus, or day program bus in addition to any other equipment and distinctive markings required by law, may be equipped with: (1) Signal lamps which conform to the requirements of Sec. 168, and rules and regulations adopted pursuant thereto; and (2) a stop signal arm which conforms to requirements therefor applicable to school buses which have been adopted by rules and regulations of the Secretary of Transportation. (K.S.A. 8-1730a)

Sec. 172. Highway Construction and Maintenance Vehicles. It shall be unlawful to operate any snow removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted by the Secretary of Transportation. (K.S.A. 8-1731)

Sec. 173. Brakes; Performance Requirements.

(a) Every motor vehicle and every combination of vehicles shall have a service braking system which will stop such vehicle or combination within forty (40) feet from an initial speed of twenty (20) miles per hour on a level, dry, smooth, hard surface.

(b) Every motor vehicle and combination of vehicles shall have a parking brake system adequate to hold such vehicle or combination on any grade on which it is operated under all conditions of loading, on a surface free from snow, ice or loose material.

(c) The provisions of this section shall not apply to vehicles registered pursuant to K.S.A. 8-166 et seq. (K.S.A. 8-1734)

Sec. 174. Horns and Warning Devices. (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation shall give audible warning with his horn, but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren or bell, except as otherwise permitted in this section.

(c) Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal may use a whistle, bell, horn or other audible signal but shall not use a siren.

(d) Every authorized emergency vehicle shall be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the commission, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof. (K.S.A. 8-1738)

Sec. 175. Noise Prevention; Mufflers. (a) Every vehicle shall be equipped, maintained and operated so as to prevent excessive or unusual noise. Every motor vehicle at all times shall be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation, and no person shall use a muffler cutout, bypass or similar device.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. (K.S.A. 8-1739)

Sec. 176. Mirrors. (a) After January 1, 1975, every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so located as to reflect to the driver a view of the highway to the rear of the vehicle.

(b) Every motor vehicle, except a motorcycle, shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so located as to reflect to the driver a view of the highway to the rear of the vehicle.

(c) All mirrors required by regulations of the United States department of transportation shall be maintained in good condition. (K.S.A. 8-1740)

Sec. 177. Windshields Must Be Unobstructed and Equipped With Wipers; Eye Protection. (a) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle which materially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

(d) The driver of a motor vehicle which is not equipped with a windshield shall wear an eye-protective device. K.S.A. 8-1741

Sec. 178. Restrictions as to Tire Equipment. (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(b) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.

(c) No tire on a vehicle moved on a highway shall have on its periphery any protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire except that it shall be permissible to use:

(1) Farm machinery with tires having protuberances which will not injure the highway;

(2) Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid; or

(3) Pneumatic tires having metallic or nonmetallic studs designed to improve traction without materially injuring the surface of the highway. To qualify under this Subsection (3) such tires must be approved by the secretary of transportation by adoption of rules and regulations, and their use may be limited to certain months or types of vehicles by such rules and regulations.

(d) The governing body may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this ordinance.

(e) It is unlawful for any person to operate a motor vehicle having one or more tires in an unsafe condition. A solid rubber tire is in an unsafe condition if it does not comply with the provisions of subsection (a). A pneumatic tire is in an unsafe condition if it has:

(1) Any part of the ply or cord exposed;

(2) any bump, bulge or separation;

(3) a tread design depth of less than $(1/16)$ inch measured in any two or more adjacent tread grooves, exclusive of tie bars, or, for those tires with tread wear indicators worn to the level of the tread wear indicators in any two tread grooves;

(4) a marking "not for highway use" or "for racing purposes only" or "unsafe for highway use;"

(5) tread or sidewall cracks, cuts or snags deep enough to expose the body cord;

(6) been regrooved or recut below the original tread design depth, excepting special taxi tires which have extra undertread rubber and are identified as such; or

(7) such other conditions as may be reasonably demonstrated to render it unsafe.

(f) No person in the business of selling tires shall sell or offer for sale for highway use any tire which is in unsafe condition or which has tread depth of less than 1/16 inch measured as specified in subsection (e). (K.S.A. 8-1742)

Sec. 179. Spilling Loads on Highways Prohibited. (a) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that this section shall not prohibit necessary spreading of any substance in highway maintenance or construction operations.

(b) No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. (K.S.A. 8-1906)

Sec. 180. Trailers and Towed Vehicles; Drawbar Connections and Safety Hitch. (a) When one vehicle is towing another, the drawbar, towbar or other connections shall be of sufficient strength to pull, stop and hold all weight towed thereby, and so designed, constructed and installed as to insure that any vehicle or motor vehicle towed on a level, smooth, paved surface will follow in the path of the towing vehicle when it is moving in a straight line. In addition to the drawbar connections between any two (2) such vehicles, there shall be provided an adequate safety hitch.

(b) When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve (12) inches square.

(c) Motor vehicles in transit may be transported in combination by means of towbar, saddlemount or

fullmount mechanisms, utilizing the motive power of one (1) of the motor vehicles in such combination, except that not more than two (2) vehicles in any such combination of motor vehicles in transit may be connected by means of a towbar mechanism. Whenever motor vehicles are transported as authorized in this subsection, such motor vehicles shall be connected securely in combination in accordance with rules and regulations adopted by the secretary of transportation, and any combination of such motor vehicles shall comply with the limitations prescribed by K.S.A. Supp. 8-1904.

(d) Except as otherwise provided in subsection (c), not more than three (3) vehicles, including the towing vehicle, in any combination of vehicles may be connected by means of a towbar mechanism, and if the three (3) such vehicles are connected by towbar mechanisms, the towbar mechanism between the towing vehicle and the first towed vehicle shall be equipped with an anti-sway mechanism. In addition, the second towed vehicle of every combination of vehicles so connected shall be equipped with service brakes acting on the wheels of at least one (1) axle, and which are of a type approved by the safety department of the department of transportation and of such character as to be applied automatically and promptly. (K.S.A. 8-1907)

Sec. 181. One-Way Glass and Other Applications Prohibited on Windshields, Certain Windows and Headlamps. (a) No motor vehicle required to be registered in this state and which is operated on the streets of this city shall be equipped with one-way glass or any adhesive film or other glaze or application on or in the front windshield, side wings or side windows on either side forward of or adjacent to the operator's seat, which prohibits or substantially impairs the ability to see into such motor vehicle from the outside.

(b) No motor vehicle required to be registered in this state which is operated on the streets of this city shall be equipped with one-way glass or any adhesive film or other glaze or application on or in the rear window, which prohibits or substantially impairs the ability to see into such motor vehicle from the outside but does not prohibit the ability to see out from the inside of such motor vehicle. Nothing in this subsection shall be deemed to prohibit rear window glass which is tinted or smoked.

(c) No motor vehicle required to be registered in this state which is operated on the highways of this city

shall be equipped with head lamps which are covered with any adhesive film or other glaze or application which, when such lamps are not in operation, is highly reflective or otherwise nontransparent. (K.S.A. 8-1749a)

Sec. 182. Child Passenger Safety Restraining System. (a) Every parent or legal guardian of a child under the age of four years who resides in this state, and who is transporting such child in the front seat area of a passenger car on a highway shall provide for the protection of such child by properly using a child passenger safety restraining system of a type approved by the secretary of transportation of Kansas. This act shall not apply to transportation of children in vehicles registered in another state, nor to transportation in a temporary substitute vehicle.

(b) Violation of this section shall upon conviction be punishable by a fine of \$10 per occurrence. Such fine and court costs shall be waived if the parent or legal guardian provides proof prior to trial that such parent or legal guardian has purchased or acquired an approved child restraining system.

(c) No parent or legal guardian charged with violating the provisions of this section shall be convicted if such parent or legal guardian produces in the office of the arresting officer or in court proof that the child is four years of age or older. (K.S.A. 8-1344 et seq.)

Article 18. Equipment on Motorcycles and Motor-Driven Cycles

Sec. 183. Head Lamps. (a) Every motorcycle and every motor-driven cycle shall be equipped with at least one (1) head lamp which shall comply with the requirements and limitations of this article.

(b) Every head lamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-four (24) inches to be measured as set forth in subsection (b) of Section 145. (K.S.A. 8-1801)

Ref.: Sec. 35

Sec. 184. Tail Lamps. (a) Every motorcycle and motor-driven cycle shall have at least one (1) tail lamp which shall be located at a height of not more than seventy-two (72) nor less than fifteen (15) inches.

(b) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted. (K.S.A. 8-1802)

Sec. 185. Reflectors. Every motorcycle and motor-driven cycle shall carry on the rear, either as part of the tail lamp or separately, at least one (1) red reflector meeting the requirements of subsection (b) of Section 140. (K.S.A. 8-1803)

Sec. 186. Stop Lamps. (a) Every motorcycle and motor-driven cycle shall be equipped with at least one (1) stop lamp meeting the requirements of subsection (a) of Section 161.

(b) Every motorcycle manufactured after January 1, 1973, shall be equipped with electric turn signals meeting the requirements of subsection (b) of Section 161. Motor-driven cycles may, but need not, be equipped with electric turn signals. (K.S.A. 8-1804)

Sec. 187. Multiple-Beam Road-Lighting Equipment. Every motorcycle, other than a motor-driven cycle, shall be equipped with multiple beam road-lighting equipment. Such equipment shall:

(a) Reveal persons and vehicles at a distance of at least three hundred (300) feet ahead when the uppermost distribution of light is selected; and

(b) reveal persons and vehicles at a distance of at least one hundred fifty (150) feet ahead when the lowermost distribution of light is selected, and on a straight, level road under any condition of loading, none of the high intensity portions of the beam shall be directed to strike the eyes of an approaching driver. (K.S.A. 8-1805)

Sec. 188. Lighting Equipment for Motor-Driven Cycles. The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type, but in either event shall comply with the requirements and limitations as follows:

(a) Every such head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal persons and vehicles at a distance of not less than one hundred (100) feet when the motor-driven cycle is operated at any speed less than twenty-five (25) miles per hour, and at a distance of not less than two hundred (200) feet when the motor-driven cycle is operated at a speed of twenty-five (25) or more miles per hour, and at a distance of not less than three hundred (300) feet when the motor-driven cycle is operated at a speed of thirty-five (35) or more miles per hour.

(b) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps, such equipment shall comply with the requirements of Section 186.

(c) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, such lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five (25) feet ahead, shall project higher than the level of the center of the lamp from which it comes. (K.S.A. 8-1806)

Ref.: Sec. 35

Sec. 189. Brake Equipment Required. Every motorcycle and motor-driven cycle shall comply with the provisions of subsection (a) of Section 173, except that the wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, and the front wheel of a motor-driven cycle need not be equipped with brakes: Provided, That such motorcycle or motor-driven cycle is capable of complying with the performance requirements of this article. (K.S.A. 1976 8-1807)

Sec. 190. Performance Ability of Brakes. Upon application of the service brake, every motorcycle and motor-driven cycle, at all times and under all conditions of loading, shall be capable of stopping from a speed of twenty (20) miles per hour in not more than thirty (30) feet, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for stopping distance shall be made on a dry smooth, hard and substantially level surface, not to exceed one percent (1%) grade, that is free from loose material. (K.S.A. 8-1808)

Sec. 191. Other Equipment. (a) Every motorcycle and every motor-driven cycle shall comply with the requirements and limitations of Section 174 on horns and warning devices, Section 175 on noise prevention and mufflers, Section 176 on mirrors and Section 178 on tires.

(b) Every motorcycle and every motor-driven cycle shall comply with the requirements and limitations contained in this article, and unless otherwise specifically made applicable, motorcycles and motor-driven cycles shall not be subject to the requirements and limitations imposed elsewhere in this ordinance with respect to equipment on vehicles. (K.S.A. 8-1810)

Article 19. Driver's License and Vehicle Tags

Sec. 192. Driver's License. No person, except one expressly exempt by law, shall drive or operate any motor vehicle or motorized bicycle upon any highway in this city unless such person has a valid driver's license. (K.S.A. Supp. 8-235)

Sec. 193. Driver's License in Possession. Every licensee shall have his or her driver's license in his or her immediate possession at all times when operating a motor vehicle, and shall display the same upon demand of any law enforcement officer. However, no person charged with violating this section shall be convicted if such person produces in court a driver's license theretofore issued to such person and valid at the time of arrest. (K.S.A. 8-244)

Sec. 194. Driving While License Canceled, Suspended or Revoked; Penalty. Any person who drives a motor vehicle on any public street or highway of this city at a time when his or her privilege so to do is canceled, suspended or revoked shall upon conviction be punished by imprisonment for not more than six (6) months or fined not to exceed \$500, or both. No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257 to the return of such person's license or was, at the time of arrest, eligible under K.S.A. Supp. 8-256 to apply for a new license to operate a motor vehicle. Every person convicted under this section shall be sentenced to at least 5 days imprisonment and fined at least \$100 and upon a second or subsequent conviction shall not be eligible for parole until completion of at least five days imprisonment. (K.S.A. Supp. 8-262)

Sec. 195. Driving in Violation of Restrictions. (a) No person shall operate a motor vehicle in violation of the restrictions on any driver's license or permit.

(b) (1) Any person guilty of violating this section, upon the first conviction, shall be fined not to exceed \$250, and the court shall suspend such person's privilege to operate a motor vehicle for not less than 30 days and not more than two years.

(2) Any person guilty of violating this section, upon a second or subsequent conviction, shall be fined not to exceed \$500; and the court shall suspend such person's privilege to operate a motor vehicle for not less than 90 days and not more than two years.

(c) Nothing in this section shall limit the court in imposing penalties, conditions, restrictions authorized by any other ordinance arising from the same occurrence in addition to penalties and suspensions imposed under this section. (K.S.A. Supp. 8-291)

Ref.: Procedure for imposing restrictions, Section 1, chapter 37, L. 1984.

Sec. 196. Unauthorized Operator. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who has no legal right to do so, or who does not have a valid driver's license. (K.S.A. 8-264)

Sec. 197. Unauthorized Minors. No person shall cause or knowingly permit his child or ward under the age of eighteen (18) years to drive a motor vehicle upon any highway when such minor person is not authorized under the laws of Kansas to drive a vehicle. (K.S.A. 8-263)

Sec. 198. Vehicle License; Illegal Tag. (a) No person shall operate or drive any motor vehicle or a motorized bicycle upon a street or highway within this city unless such vehicle carries the currently effective license or registered number plate or plates including any registration decal required by the laws of Kansas and issued to the owner of any such vehicle to be displayed on the vehicles registered.

(b) No person or persons shall remove, conceal, alter, mark or deface the license number plate or plates or any other mark of identification upon any vehicle. License plates shall be kept clean and they shall be

placed on all vehicles within the city as required by law so as to be plainly legible.

(c) No person shall carry or display a registered number plate or plates or registration decal upon any vehicle not lawfully issued for such vehicle. (K.S.A. Supp. 8-142)

Sec. 199. Unlawful Use of License. It shall be unlawful for any person for any purpose to:

1. Display or cause or permit to be displayed or have in possession any canceled, revoked, suspended, fictitious or fraudulently altered driver's license;

2. Lend any driver's license to any other person or knowingly permit the use thereof by another;

3. Display or represent as the person's own, any driver's license not issued to the person;

4. Fail or refuse to surrender to any police officer upon lawful demand any driver's license which has been suspended, revoked or canceled;

5. Permit any unlawful use of driver's license issued to the person;

6. Lend any driver's license to or knowingly permit the use of any driver's license by any person under twenty-one (21) years old for use in the purchase of any alcoholic liquor;

7. Lend any driver's license to or knowingly permit the use of any driver's license by a person under eighteen (18) years old for use in the purchase of any cereal malt beverage.

8. Operate a motor vehicle in violation of the restrictions on his or her driver's license or permit.

9. Display or possess any photograph, photostat, duplicate or facsimile of a driver's license unless authorized by law. (K.S.A. 8-260 as amended)

Sec. 200. Motor Vehicle Liability Insurance. (a) Every owner of a motor vehicle shall provide motor vehicle liability insurance coverage in accordance with the Kansas Automobile Injury Reparations Act. K.S.A. 40-3101 et. seq., for every motor vehicle owned by such person, unless such motor vehicle is included under an

approved self-insurance plan as provided in K.S.A. 40-3104 (f) or is otherwise expressly exempted under the laws of this state.

(b) An owner of an uninsured motor vehicle shall not operate or permit the operation of said motor vehicle upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from said requirement pursuant to the laws of this state.

(c) No person shall knowingly drive an uninsured motor vehicle upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from said requirements pursuant to the laws of this state.

(d) Any person operating a motor vehicle upon a highway or upon property open to use by the public shall display, upon demand, evidence of financial security to a law enforcement officer.

(e) No person charged with violating subsections (b), (c) or (d) shall be convicted if such person produces in court or in the office of the arresting officer, within 20 days of the date of arrest, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest. For the purpose of this subsection evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policy-holder by the insurer which provides the name of the insurer and the policy number, a certificate of self-insurance signed by the commissioner of insurance or the completion of a form prescribed by the secretary of revenue signed by the insurer or an agent of the insurer certifying that at the time of arrest the motor vehicle was covered by motor vehicle liability insurance. (K.S.A. 41-3104 et. seq.)

Article 20. Penalties Generally

Sec. 201. Penalties. (a) It is unlawful for any person to violate any of the provisions of this ordinance.

(b) The judge of the Municipal Court shall in the manner prescribed by K.S.A. 12-4305 and amendments thereto establish a schedule of fines for violation of any section of this ordinance classified as an ordinance traffic infraction by Section 1, chapter 39, of the 1984 session laws of Kansas. Such fines shall be imposed upon

a voluntary entry of appearance and upon a plea of guilty or no contest to a complaint alleging such violation and payment of the fine and any court costs.

(c) Every person convicted of a violation of any of the provisions of this ordinance for which another penalty is not provided by this ordinance or by the schedule of fines established by the judge of the municipal court shall be punished for first conviction thereof by a fine of not more than \$100 or by imprisonment for not more than ten days; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than \$200 or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than \$500 or by imprisonment for not more than six (6) months or by both such fine and imprisonment. (K.S.A. 8-2116)

Sec. 202. Parties to a Violation. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein to be unlawful, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this ordinance is likewise guilty of such offense. (K.S.A. 8-2101)

Sec. 203. Offenses by Persons Owning or Controlling Vehicles. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle, to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to this ordinance. (K.S.A. 8-2102)

Article 21. Separability

Sec. 204. Separability. If any part or parts of this ordinance shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this ordinance. The governing body hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts thereof would be declared invalid.

APPENDIX

A. Statutes Affecting or Limiting Powers of Cities

K.S.A. Supp. 8-235.

Licenses Required; City License, When. Provides that cities may require licenses of persons driving taxicabs or municipally franchised transit systems.

K.S.A. Supp. 8-237.

Persons to Whom License Not Issued. City may by ordinance request division of vehicles not to issue license to minor under age 16 except upon showing of necessity.

K.S.A. 8-253.

Duty of Municipal Court to Report Convictions; Forms to Be Used; Conviction Defined; Notice of Disposition of Appeals.

K.S.A. Supp. 8-284 et seq. as amended.

Habitual Traffic Violator.

K.S.A. Supp. 8-1102.

Abandoned Vehicles; Removal, Storage; Notice; Sale at Auction.

K.S.A. 8-2001.

Provisions of Traffic Act Uniform. Provides that no city shall enact or enforce any rule or regulation in conflict with provisions of the State Act.

K.S.A. 8-2002.

Powers of Cities Generally. Section lists a number of specific areas in which cities may regulate traffic and vehicles.

K.S.A. 8-2005.

Traffic Control Devices--Placing and Maintenance. Provides for the placing and maintenance of traffic control devices on city streets. Approval of State Highway Commission required upon highway connecting links.

K.S.A. Supp. 8-1338.

Speed Limits--Change from Statutory Limits. City may on basis of engineering and traffic investigation decrease speed limit at intersections, increase limit within an urban district not to exceed 55 m.p.h., decrease limit outside an urban district and in school zones within an urban district but not to less than 20 m.p.h. and declare maximum speed for arterial streets.

K.S.A. 8-1911.

Permits for Excess Size and Weight. City may in its discretion upon proper application issue permit to operate or move vehicle over city streets of a size or weight exceeding maximum specified in state act. State connecting link not included.

K.S.A. 8-1912.

Use of Street or Bridge--City Authority to Restrict. City authorized by ordinance to prohibit operation of vehicles or impose restrictions as to weight of vehicles upon designated street for not to exceed 90 days. City may by ordinance prohibit operation of trucks or other commercial vehicles or limit weight on designated streets (except connecting link unless approved alternate route provided). City may fix limit on weight of vehicles which may use bridges.

K.S.A. 8-1525.

Restrictions on Use of Controlled Access Facilities. Cities may by ordinance prohibit the use of such facilities by class or kind of traffic found to be incompatible with normal and safe flow of traffic.

K.S.A. 8-1750 et seq.

Motor Vehicle Inspection.

K.S.A. 8-2115.

Duty to Report Conviction or Forfeiture of Bail or Appearance Bond; Forms To Be Used.

K.S.A. 8-2117.

Prosecution of Certain Juvenile Traffic Offenses; Disposition.

K.S.A. 8-2117

Juvenile--Traffic Offenses.

K.S.A. Supp. 72-9101 et seq.

Regulation of Traffic on School Grounds.

Chapter 25, L. 1984

Wrecker or Tow Trucks, Licensing

Chapter 37, L. 1984

Drivers' Licenses; Restrictions and Suspensions; Penalties for Violation

Chapter 39, L. 1984

Traffic Infractions

B. ORDINANCE TRAFFIC INFRACTIONS

The following sections of the Standard Traffic Ordinance (STO) are classified as Ordinance Traffic Infractions by state law (Sec. 1, ch. 39, L. 1984). The fine for violation of these sections must be established by the municipal judge in a schedule of fines. (K.S.A. 12-4305 as amended by Sec. 30, ch. 39, L. 1984) The sections of the STO shown prohibit the same offense prohibited by State Statute. The description of offense is for reference only and is not a legal description.

<u>STO</u> <u>Section</u>	<u>Statute</u>	<u>Description of Offense</u>
32	8-1335	Unsafe speed for prevailing conditions
33	8-1336	Exceeding maximum speed limit; or speeding in posted zone.
12	8-1507	Disobeying traffic control device
13	8-1508	Violating traffic control signal
14	8-1509	Violating pedestrian control signals
15	8-1510	Violating flashing traffic signals
16	8-1511	Violating lane-control signal
17	8-1512	Unauthorized sign, signal, marking or device
38	8-1514	Driving on left side of roadway
39	8-1515	Failure to keep right to pass oncoming vehicle
40	8-1516	Improper passing; increasing speed when passed
41	8-1517	Improper passing on right
42	8-1518	Passing on left with insufficient clearance
43	8-1519	Driving on left side where curve, grade, intersection railroad crossing, or obstructed view
44	8-1520	Driving on left in nopassing zone
45	8-1521	Driving wrong direction on one-way road
46	8-1522	Improper driving on laned roadway
47	8-1523	Following too close
48	8-1524	Improper crossover on divided highway
57	8-1526	Failure to yield right-of-way at uncontrolled intersection
58	8-1527	Failure to yield to approaching vehicle when turning left

<u>STO</u> <u>Section</u>	<u>Statute</u>	<u>Description of Offense</u>
59	8-1528	Failure to yield at stop or yield sign
60	8-1529	Failure to yield from private road or driveway
61	8-1530	Failure to yield to emergency vehicle
62	8-1531	Failure to yield to pedestrian or vehicle working on roadway
63	8-1532	Disobeying pedestrian traffic control device
64	8-1533	Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk
65	8-1534	Improper pedestrian crossing
66	8-1535	Failure to exercise due care in regard to pedestrian
67	8-1536	Improper pedestrian movement in crosswalk
68	8-1537	Improper use of roadway by pedestrian
69	8-1538	Soliciting ride or business on roadway
70	8-1539	Driving through safety zone
71	8-1540	Failure to yield to pedestrian on sidewalk
72	8-1541	Failure of pedestrian to yield to emergency vehicle
73	8-1542	Failure to yield to blind pedestrian
75	8-1544	Pedestrian disobeying bridge or railroad signal
49	8-1545	Improper turn or approach
51	8-1546	Improper "U" turn
53	8-1547	Unsafe starting of stopped vehicle
54	8-1548	Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully
55	8-1549	Improper method of giving notice of intention to turn
56	8-1550	Improper hand signal
76	8-1551	Failure to stop or obey railroad crossing signal
77	8-1552	Failure to stop at railroad crossing stop sign
78	8-1553	Certain hazardous vehicles failure to stop at railroad crossing

<u>STO</u> <u>Section</u>	<u>Statute</u>	<u>Description of Offense</u>
79	8-1554	Improper moving of heavy equipment at railroad crossing
80	8-1555	Vehicle emerging from alley, private roadway, building or driveway
81	8-1556	Improper passing of school bus; improper use of school bus signals
82	8-1556a	Improper passing of church or day-care bus; improper use of signals
34	8-1561	Impeding normal traffic by slow speed
35	8-1562	Speeding on motor-driven cycle
83	8-1569	Improper stopping, standing or parking on roadway
85	8-1571	Parking, standing or stopping in prohibited area
86	8-1572	Improper parking
107	8-1573	Unattended vehicle
117	8-1574	Improper backing
116	8-1575	Driving on Sidewalk
108	8-1576	Driving with view or driving mechanism obstructed
123	8-1577	Unsafe opening of vehicle door
124	8-1578	Riding in house trailer
109	8-1580	Coasting
110	8-1581	Following fire apparatus too closely
111	8-1582	Driving over fire hose
112	8-1583	Putting glass, etc., on highway
113	8-1584	Driving into intersection, crosswalk, or crossing without sufficient space on other side
114	8-1585	Improper operation of snowmobile on highway
127	8-1586	Parental responsibility of child riding bicycle
129	8-1588	Not riding on bicycle seat; too many persons on bicycle
130	8-1589	Clinging to other vehicle
131	8-1590	Improper riding on bicycle on roadway
132	8-1591	Carrying articles on bicycle; one hand on handlebars
133	8-1592	Improper bicycle lamps, brakes or reflectors
138	8-1594	Improper operation of motor-

<u>STO Section</u>	<u>Statute</u>	<u>Description of Offense</u>
		cycle; seats; passengers, bundles
139	8-1595	Improper operation of motorcycle on landed roadway
140	8-1596	Motorcycle clinging to other vehicle
141	8-1597	Improper motorcycle handlebars or passenger equipment
142	8-1598	Motorcycle helmet and eye- protection requirements
143	8-1701	Equipment offenses that are not misdemeanors
144	8-1703	Driving without lights when needed
146	8-1705	Defective headlamps
147	8-1706	Defective tail lamp
148	8-1707	Defective reflector
149	8-1708	Improper stop lamp or turn signal
151	8-1710	Improper lighting equipment on certain vehicles
152	8-1711	Improper lamp color on certain vehicles
153	8-1712	Improper mounting of reflectors and lamps on certain vehicles
154	8-1713	Improper visibility of reflectors and lamps on certain vehicles
156	8-1715	No lamp or flag on projecting load
157	8-1716	Improper lamps on parked vehicle
158	8-1718	Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles
159	8-1719	Unlawful use of spot, fog, or auxiliary lamp
160	8-1720	Improper lamps or lights on emergency vehicle
161	8-1721	Improper stop or turn signal
162	8-1722	Improper vehicular hazard warning lamp
163	8-1723	Unauthorized additional lighting equipment
164	8-1724	Improper multiple-beam lights
165	8-1725	Failure to dim headlights
166	8-1726	Improper single-beam headlights
167	8-1727	Improper speed with alternate lighting
168	8-1728	Improper number of driving lamps

<u>STO</u> <u>Section</u>	<u>Statute</u>	<u>Description of Offense</u>
169	8-1729	Unauthorized lights and signals
170	8-1730	Improper school bus lighting equipment and warning devices
171	8-1730a	Unauthorized lights and devices on church or day-care bus
172	8-1731	Improper lights on highway construction or maintenance vehicles
173	8-1734	Defective brakes
174	8-1738	Defective or improper use of horn or warning device
175	8-1739	Defective muffler
176	8-1740	Defective mirror
177	8-1741	Defective wipers; obstructed windshield or windows
178	8-1742	Improper tires
103	8-1748	TV screen visible to driver
181	8-1749a	Use of one-way glass on wind- shields, windows or headlamps
183	8-1801	Defective motorcycle headlamps
184	8-1802	Defective motorcycle tail lamp
185	8-1803	Defective motorcycle reflector
186	8-1804	Defective motorcycle stop lamps and turn signals
187	8-1805	Defective multiple-beam lighting
188	8-1806	Improper road-lighting equipment on motor-driven cycles
189	8-1807	Defective motorcycle or motor- driven cycle brakes
190	8-1808	Improper performance ability of brakes
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To

Standard Traffic Ordinance for Kansas Cities

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Kansas
DEPARTMENT OF REVENUE

State Office Building
TOPEKA, KANSAS 66626

HOUSE BILL NO. 2414

The amendment to K.S.A. 8-2116 makes a third or subsequent traffic infraction of a moving violation a misdemeanor. There are several problems with this amendment.

First, the arresting officer will not necessarily be aware of the driver's prior record and, if not, would cite the driver for a traffic infraction.

Second, although K.A.R. 92-52-9 defines by statute, those offenses which are considered to be moving violations, not all police officers and courts are familiar with that regulation.

Third, to be effective, the court would have to obtain the driver's record. There are approximately 600,000 traffic convictions per year. Obviously, more citations than that are issued since not everyone is found guilty. If the division is required to furnish a driving record for every arrest, the additional workload could not be handled with present staffing and funding.

This bill also makes exceeding the speed limit by more than 15 M.P.H. a misdemeanor. It is felt that most drivers would contest the citation and further clog the courts. It is also probable that many prosecutors would reduce the charge to less than 15 M.P.H. over the limit.

A handwritten signature in black ink, appearing to read "John W. Smith", is written over the typed name.

John W. Smith
Chief Administrator
Driver Licensing & Control

3/4/85
Attachment 5

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Concerning H.B. 2524 relating to the territory defined by the interstate commerce commission as the commercial zone.

Presented to the House Transportation Committee, Rep. Rex Crowell, Chairman; Statehouse, Topeka, Monday, March 4, 1985.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. I am here representing our member-firms and the highway transportation industry concerning the provisions of House Bill 2524.

At the outset, I believe it is important for the committee to understand that vehicles operating in and through Kansas must qualify in three major areas:

1. Registration (pro-rate, trip permit, limited reciprocity or full registration).
2. Fuel tax responsibility through fuel use permit, a trip permit or the purchase of fuel with full tax payment at the pump.
3. Regulatory requirements if applicable.

The problems we understand this bill wishes to address involve the movement of vehicles from one state to another within the territory defined as the commercial zone by the interstate commerce commission.

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The map of the commercial zone (last determined by the interstate commerce commission in 1976 to the best of our knowledge) indicates that a large area of geography is involved.

The Kansas Motor Carriers Association supports amendments to the bill to permit shippers and carriers based in Kansas to be "exempt" from certain requirements so long as the traffic moves from a point in Missouri in the commercial zone to a point in Kansas within the commercial zone OR from a point in Kansas in the commercial zone to another point in Missouri within the commercial zone.

The amendments we have reviewed relating to the bill would provide:

1. An exemption from KCC regulation for transportation by motor carriers only between cities and villages in this state and cities and villages in another state which are within territory designated as a commercial zone by the interstate commerce commission.
2. Private motor carriers would be granted this same exemption.
3. Vehicles operating between a city or village in this state and a city or village in another state within territory designated as a commercial zone would not be required to secure a fuel permit nor an importer for use fuel license.
4. A temporary registration now may be required for a truck or truck tractor not prorated with Kansas but fully licensed in some other state. The cost is \$20.

Under amendments proposed to this bill, such vehicles would not be required to secure this temporary registration if the movement of such vehicles is only between cities and villages in this state and in another state which are within territory designated as a commercial zone by the interstate commerce commission.

With these amendments, we understand those seeking enactment of H.B. 2524 would have their problem resolved. We support the bill with these amendments and would be happy to work with the Committee to attempt to answer any further questions or suggestions.

Thank you for the opportunity to testify on this proposal.

#####

M E M O R A N D U M

To: Members of the House
Transportation Committee

Date: February 7, 1985

From: Kansas Department of Revenue

Re: Request for Legislation

The Kansas Department of Revenue requests one bill which will contain a number of amended statutory provisions necessitated by VIPS and other housekeeping matters. Statutes to be amended are:

1) K.S.A. 8-127 - change would include (1) a change from 15 to 30 days for the time period in which to register a vehicle which has been acquired by a new owner and (2) to clarify the 30 day time period in which to register the acquired vehicle to indicate that the 30 days include weekends and holidays.

2) K.S.A. 8-130 - would be amended to clarify that the register of title applications required to be maintained by the Division of Vehicles may be maintained on computer rather than on manual files or paper documents.

3) K.S.A. 8-133 - would be amended (1) to provide two personalized plates will be issued for passenger vehicles and trucks under 16,000 pounds and (2) provide that only one registration decal will be issued and that it will be displayed on the rear plate.

4) K.S.A. 1984 Supp. 8-135 - would be amended to provide that the present 30 day period for registering a new vehicle and for transferring a manufacturers certificate of origin or title upon sale of a vehicle would include weekends and holidays.

5) K.S.A. 8-141 - would be amended to provide that registration may be suspended when fees required by law have not been fully paid.

6) K.S.A. 8-142 - would be amended to make it unlawful to affix registration decals on a license plate in a position other than that prescribed by the director of vehicles.

7) K.S.A. 1984 Supp. 8-143 - would be amended to increase the transfer fee for corporations from \$1.00 to \$1.50 to make the same consistent with other transfer fees.

8) K.S.A. 8-143a - would be amended to eliminate the 10-day grace period for quarter payment truck registration. With this change all quarter pay registrations would be due on the first day of April, July and October.

9) K.S.A. 8-163 - would be amended to enable the Division of Vehicles to prescribe the manner in which applications for license plates with amateur radio call letters will be received. Change would enable processing to occur in the county.

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10) K.S.A. 8-170 - would be amended (1) to change the transfer fee for antique vehicles from 50¢ to \$1.50 to make it consistent with other vehicle transfer fees and (2) to revise other provisions relating to registration and titling of antique vehicles.

11) K.S.A. 1984 Supp. 8-172 - would be amended to allow processing of an application for registration of an antique vehicle to be made in the county treasurer's office.

12) K.S.A. 8-177a - would be amended to allow processing of an application for a Kansas national guard member license plate to be made in the county.

13) K.S.A. 1984 Supp. 8-177c - would be amended to allow processing of an application for an ex-prisoner of war license plate to be made in the county.

14) K.S.A. 74-2013 - would be amended to change the fee for a ~~reregistration~~ of a certificate of title from \$1.00 to \$3.50.

15) K.S.A. 74-2014 - statute allowing director of vehicles to destroy certain records would be amended to eliminate reference to (1) fee receipts which will be discontinued under VIPS, (2) all correspondence which will be maintained on computer files, (3) applications for reregistrations which will be maintained on computer files, and (4) engine file cards, registration name cards and title name cards which have all been discontinued. Change will also allow destruction of microfilmed applications of reregistration over three years old and destruction of applications for title and registration after they are microfilmed.

16) K.S.A. 79-5108 - would be amended to delete the reference in the statute pertaining to the registration renewal application having a detachable portion. The detachable part of the form has served no substantial benefit to vehicle owners. The form becomes separated on its own resulting in the loss of the data which the motor vehicle owner must have to receive a tax refund.

Representative Spaniol
Representative Brown
Representative Justice

HOUSE BILL No. 2437

By Committee on Public Health and Welfare

2-18

0017 AN ACT relating to the display of goods on state highway right of
0018 way; concerning sale of products by blind persons; amending
0019 K.S.A. 68-432 and repealing the existing section.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. ~~K.S.A. 68-432 is hereby amended to read as fol-~~
0022 ~~lows: 68-432. It shall be unlawful for any person or persons to~~
0023 ~~display to the public within the right of way of any state highway~~
0024 ~~outside the limits of any city, any goods, wares or merchandise~~
0025 ~~for sale, gift, barter or exchange. Provided, This act shall not~~
0026 ~~apply to the sale of products of farm or garden sold at the~~
0027 ~~entrance to any farm or garden where produced or to the sale of~~
0028 ~~products by a vendor licensed under K.S.A. 75-3339 and~~
0029 ~~amendments thereto~~ so long as such sales are conducted at a sale
0030 distance from the traveled way.

(a)

0031 Sec. 2. K.S.A. 68-432 is hereby repealed.

0032 Sec. 3. This act shall take effect and be in force from and
0033 after its publication in the statute book.

(b) Notwithstanding the other provisions of this section, a vendor licensed under K.S.A. 75-3339 and amendments thereto may sell products at locations within a rest area of a highway which is part of the national system of interstate and defense highways subject to the following: (1) The specific location of such sales is approved by the secretary of transportation, (2) the period of time and other details of the sales arrangement are approved by the secretary of transportation and are subject to change or revocation at any time by the secretary, and (3) if such sales are made through a contract by such a license with any person, firm or corporation, such contract shall contain an agreement to save harmless the state and all its agencies from any liability arising from such contract or sales, and the contract shall be subject to termination on direction of the secretary.

Attachment 8

Atch.
3/4/85