

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND TOURISM

The meeting was called to order by Chairman Ben Vidricksen at 9:05 a.m. on February 17, 1997 in Room 254-E of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department
Emalene Correll, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Marian Holeman, Committee Secretary

Conferees appearing before the committee: Barbara Pringle
Linda Russell
E. Dean Carlson
Detective Dennis Plumby
Colonel Lonnie McCollum
Tom Palace
C. J. Bush
Norman Wilks
Betty McBride

Others attending: See attached list.

SB 139: MOTOR VEHICLE REGULATIONS - SCHOOL BUSES

Mr. Kinzie, Revisor's Office, reviewed the provisions of the Bill, explaining that this issue in some form has been around for a long time. The Chair attended the State meeting of the School Bus Drivers Association this past year in which this issue was discussed. From those meetings it became apparent that there is a serious problem with school buses and children's safety, especially when they are picking up and discharging passengers. This legislation is designed to deal with those problems. The provisions in **SB 139** are their recommendations.

Barbara Pringle, Executive Secretary, Kansas State Pupil Transportation System, urged passage of this bill in order to improve child safety in the State of Kansas - providing additional information and statistics related to the problem (Attachment 1). Ms. Pringle also presented several letters from others who addressed the problem (Attachment 2). Of special note was her plea for two license plates on Kansas vehicles as well as the need for educating drivers regarding school bus safety and laws.

Linda Russell, School bus driver, Gypsum, KS, spoke to school bus drivers' concern for the safety of the children. She provided a packet of information which included a summary of other state statutes, Kansas traffic infractions and further explanation of the need for **SB 139** (Attachment 3).

Dean Carlson, Secretary, Department of Transportation addressed the issue of two license plates for Kansas vehicles and the Department's concern with funding - requesting consideration of an alternative funding source (Attachment 4).

Detective Dennis Plumby, Overland Park, Kansas discussed the City's ordinance related to overtaking and passing school buses which was taken almost word for word from Missouri State Statute. Attached to his testimony is a copy of their "School Bus Stop Sign Violation Report" (Attachment 5). Detective Plumby in his training of school bus drivers is very aware of the need for this bill.

Highway Patrol Superintendent, Lonnie McCollum supported the improved method of prosecuting persons violating stopped school buses. The Patrol favored drivers being provided the ability to forward complaints directly to prosecuting attorneys for further action. The Patrol also favors the two license plates as an enhancement of public safety. His testimony (Attachment 6) includes data on number of license plates required by the States.

Tom Palace, Executive Director, Kansas Oil Marketers Association and Convenience Store Association of Kansas (Attachment 7) and C. J. Bush, Trustee, Kansas State Lodge, Fraternal Order of Police (Attachment 8) appeared in support of **SB 139**, especially the two license plate provision.

Norm Wilks, Director of Labor Relations, Kansas Association of School Boards, advised that he was not opposed to the bill, but expressed concern regarding new Section 1 and Section 35 because of driver liability and cost to school districts (Attachment 9).

Betty McBride, Director, Kansas Division of Vehicles, requested that if **SB-139** is passed, the two tag requirement be timed to correspond with the next tag re-issuance cycle, probably in 2001. An additional problem is exemption of certain vehicles from the two plate requirement. The Division requested an amendment changing this (Attachment 10). The Committee had requested information on "generic" tags and Ms. McBride displayed what the Division is looking at for the future. Samples of Georgia tags were provided together with potential Kansas generic tags and accompanying decals (Attachment 11).

Discussed cost of two tags vs one tag, cost of issuance of new tags, and cost of needed equipment to produce the tags. See Fiscal Note (Attachment 12). Ms. McBride, emphasized the need for replacement of current antiquated equipment used for the manufacture of tags. There is a need to begin the equipment replacement process at this time in order to have it available for the new tag issue in 2001. The interim committee had indicated they would make a recommendation for purchase of new equipment and that is why this item is not in the Division's current budget. Apparently the interim committee recommendation has not been processed at this time.

Gene Neely, Chairman, Executive Committee Kansas Safe Kids Coalition, furnished written testimony in support of **SB 139** (Attachment 13).

The Committee will return to consideration of **SB 139** as soon as possible.

The meeting adjourned at 10:10 a.m.

The next meeting is scheduled for February 18, 1997.

SENATE TRANSPORTATION AND TOURISM COMMITTEE GUEST LIST

DATE: FEBRUARY 17, 1997

NAME	REPRESENTING
CONNIE R McCollum	KHP
T. MAPLE	KHP
Pats A. Fein	Central Policy Research Center Industries Corp. Found.
DENIS Plumly	OVERLAND PARK POLICE DEPT.
Jean Rosetta	K.S.P.T.A. - USD# 437
JACK GENNETTE	KSPTA USD# 333
Gene Russell	KSPTA USD# 306
Audrey A. Agin	Bus driver at Emporia #253
Debbie Torrey	KSD E
Martha Gaska	KSPTA USD# 437
STEVE KEARNEY	KOMA - FOP
Dean Marmie	GREAT BEND CHAMBER
Sandra M. Murry	Great Bend Chamber
Jill Meyer	K's Gov. Consulting
Gamma Wilson	Great Bend Chamber
Gene Hall	" "
Donald Craig	" "
Ken Vito	KS St. Dept. of Ed
Judy Murphy	Great Bend Chamber

Betty Chlunsky

Great Bend Chamber

JOINT COMMITTEE ON STATE BUILDING
CONSTRUCTION COMMITTEE GUEST LIST

DATE: FEBRUARY 17, 1997

NAME	REPRESENTING
Jim Schwinn	3M
John Federico	Pete McGill + Assoc
Fred Cama	Revision
Norm Wilks	KASB
Sheryl Cheely	GB Chamber
Joel D. McMullen	Great Bend Chamber of Comm.
Bill Berryman	" " " "
Doug Barrett	" " " "
Joel Stephenson	" " " "
Rick Scheibe	KDOR
Beth McBride	KDOR
Ken Clark	KDOR
Bill Watts	KDOT
Nancy Bogina	KDOT
Dean Carlson	KDOT
Karen Lowrey	KARB
JOHN C. BOTTEKIBERGER	3M
Whitney Dawson	KS. Automobile Dealers Assn.
Tom Whitaker	KS MOTOR CARRIERS ASSN.

Kansas Senate Transportation Committee

**Chairman
Senator Ben Vidricksen**

Senate Bill # 139

February 17, 1997

Presented By

**Barbara Pringle
Executive Secretary
Kansas State Pupil
Transportation Association
P. O. Box 1504
Emporia Kansas 66801
Wk 316-341-2218
Hm 316-342-4009**

SENATE TRANSPORTATION & TOURISM
2/17/97
ATTACHMENT 1

On behalf of the Kansas State Pupil Transportation Association I would like to express our support to Senate Bill 139. This bill would strengthen the laws concerning school bus stop sign violations.

Everyday throughout Kansas many children are endangered by motorist who fail to stop for a school bus loading or unloading children. This is not just a local concern, it is a national problem

The Kansas Department of Education conducts a national survey annually. This past school year the national survey reported 10 children were killed by passing motorist during the loading and unloading process.

This is the most dangerous part of a child's trip to or from school.

We need to help the school bus drivers provide the safest environment possible. School bus drivers are not even reporting all of the pass-bys, they have become discouraged because seldom is anything done about the report.

I have included in your packet statements from a school bus driver and parents concerning a recent school bus stop sign violation. Two children were almost hit by a speeding car. The school bus driver identified the vehicle and signed a complaint but no action has been taken. The statements from the school bus driver and sparent ask for your help in making the laws more stringent and in helping the driver catch the violators.

We believe empowering the school bus driver to file a complaint with an officer investigating and following up with a citation would result in more violators being caught and hopefully make that person more aware of the dangerous situation that exist when a motorist fails to stop for the school bus stop sign.

Twenty -four states have similar legislation that empowers the school bus driver to file a complaint with a follow up investigation, including three of our neighboring states, Oklahoma, Colorado and Missouri.

So far this school year bus drivers in Emporia have reported 97 pass-bys, only about 25% included the vehicle tag number. The addition of a front license plate would help in identifying the vehicle and owner.

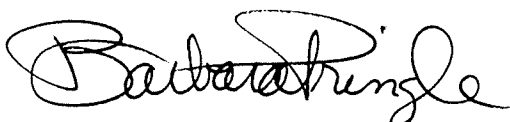
The Kansas State Pupil Transportation Association conducted a state wide survey on Feb 13, 1997 the results of that survey are not available yet. I have only received results form 21 school districts. Twelve of those district have reported a total of 56 violations. That is less that 10% of the district reporting so far.

We also believe it is important to increase the penalty/fine to \$100. Nationally the fines range from \$100 to \$750 for a first offense.

Included in the packet is a summary of state statutes prepared for the Florida Department of Education for a recent survey they conducted.

We urge you to vote for Senate Bill # 139 for the safety of the children.

Thank you for your time and allowing me to speak to you today.



Barbara Pringle
February 17, 1997

I am very concerned with School Bus Stop sign runners.

On Tuesday February 4, 1997 at approximately 3:00 pm I was eastbound on 24th Street headed to my first stop on EHS/EMS take home route. As I approached the stop I activated the warning lights and stop sign system. The students unloaded and waited at the side of the road for my signal, I checked my mirrors and traffic. All vehicles behind were stopped and there was not any oncoming traffic. I then signaled to the students that it was safe for them to cross the road.

As the students crossed in front of the bus I made a quick second look in the mirror and could see a white car in the left lane about 1 car length behind the bus. It was passing the bus at a very high rate of speed. I honked the horn and the students looked up at me I was motioning for them to move back to the curb. The students stopped only 1 step away from being in the path of the car as it sped by.

At my next stop I got the tag number. The car tailgated me the rest of my city route. When I returned from my route my supervisor and I went to the Police Dept. and filed a complaint. Eight days later nothing has been done about the situation.

In closing I would like to say that the passing of Bill #139 would be beneficial to the safety of our children. "I now know how drastically the situation can change in seconds and how important that second look is".



Tami Webb
School Bus Driver for USD #253

Ms. Pringle,

Our family supports the changing
of the bus transportation Bill.

We were recently involved in a near
disaster with our 14 year old boy.
A 16 year old boy, with a history of driving
violations, passed several stopped cars
behind the bus with its flashing lights
and stop sign out.

He almost ran my son over. We were
lucky my son stopped with help from
the bus driver. The next time, my son
or someone else, won't be so lucky.

We hope the bill change can
assist in the arrest of violators that
endanger our youth.

Fred & Sally Linkart
2216 W. 24th
Empire, Ks 66801
316-343-3889

MIKE HIBBARD
TRANSPORTATION SUPERVISOR

HOME: (316) 848-3444

OFFICE: (316) 848-3314

School bus tragedy narrowly averted

By John Hacker
Citizen Staff

A driver and 13 students on board a Riverton school bus narrowly missed being the victims in a highway disaster last Wednesday.

According to Cherokee County Sheriff's Investigator Earney Donaldson, a Riverton school bus was unloading four children on Kansas Highway 66 west of Galena when a fuel truck came up and almost hit the line of cars stopped behind the bus.

The driver slammed on his brakes and slid past the line of cars and the bus in the ditch on the right.

"I truly think the (bus) driver and one little boy saved himself and a number of children getting off the bus," Donaldson said. "The driver screamed and the boy stopped on the steps. If he hadn't stopped, he and maybe his sister behind him would have been run over by the truck."

See Tragedy, page 12

At this time we still have no results from this near accident. There needs to be stiffer penalties against these offenders. All bus drivers the state of Kansas are needing support.

Tragedy/from front

He said officials were considering giving the boy, a first grader at Riverton Elementary School, a commendation.

Donaldson said wreckless driving charges are pending against the driver of the fuel truck.

He said the problem of people passing stopped school busses has been worse this year than in past years.

"Most people's excuse is 'I didn't see it,' — and that's not a good excuse," Donaldson said.

"People don't seem to realize that when the yellow goes on on a school bus it means slow down."

He said the problem seems to be especially serious on K-66 between Riverton and Galena, and on U.S. 166 east of Baxter Springs.

The last accident involving a school bus on a county road happened two years ago, Donaldson said.

He said a tractor-trailer rig rear-ended a bus two years ago, but no one was injured in the accident.

Donaldson said he tries to go out with the school busses in the mornings and afternoons when he is not busy.

"This year already I've given out two or three warnings to people who were trying to beat the yellow lights," he said.

"Last year I wrote four or five tickets to people who flat out ran the red lights."

Donaldson said some people he has stopped have tried to blame the bus drivers.

"They try to say the driver just jerked the red light on without the warning yellow," he said. "I've watched these drivers and they are not jerking the lights on. These are experienced drivers and they are allowing enough time."

Donaldson said a little patience on the part of motorists could prevent a tragedy.

"It only takes a little bit of time," Donaldson said. "Everybody is in such a hurry, but it could cause a disaster some day."

**SAMPLE WARNING DECAL TO BE DISPLAYED ON THE FRONT AND
REAR OF EACH SCHOOL BUS. APPROXIMATE SIZE OF DECAL WOULD
BE 8 INCHES HIGH**

WARNING

**\$100 Fine for Passing
Stopped School Bus with
Red Lights Flashing and
Stop Sign Activated.**

**Table 22
Summary of State Statutes**

State	Statute No.	Penalties for Violation of Statute							School Bus Operator Exempted by Statute to Report Violator
		1st Offense	2nd Offense	3rd Offense	Points Against License	Community Service Hours/Days	License Suspension	Incarceration Time	
Alabama	§32-5A-154	--	--	--	5 Points	--	--	--	NO
Alaska	§28.35.145	Class B Misdemeanor	--	--	6 Points	--	--	--	NO
Arizona	§28-857	Class 3 Misdemeanor	Class 2 Misdemeanor	Class 1 Misdemeanor	--	--	--	--	YES
Arkansas	§27-51-1004	Between \$35-\$500	--	--	--	--	--	90 Days	YES
California	§22454	Between \$150-\$250	Between \$500-\$1,000	--	--	--	Up to 1 Year	--	YES
Colorado	§42-4-1903	Class 2 Misdemeanor	Class 1 Misdemeanor	--	--	--	--	--	YES
Connecticut	§14-279	Between \$100-\$500	Between \$500-\$1,000	Between \$500-\$1,000	--	--	--	30 Days	YES
Delaware	§4166	Between \$115-\$230	Between \$115-\$575	--	--	--	30 Days to 1 Year	30 Days to 6 Months	YES
Florida	§316.172	\$100	--	--	--	--	90 Days to 6 Months	--	NO
Georgia	§40-6-163	--	--	--	6 Points	--	--	--	YES
Hawaii	§291C-95	Not more than \$100	Not more than \$200	Not more than \$500	--	--	--	--	NO
Idaho	§49-1422	Between \$100-\$500	--	--	--	--	--	--	YES
Illinois	§11-1414	\$150	\$500	--	--	--	3 Months to 1 Year	--	NO
Indiana	§9-21-12-1	Up to \$10,000 (Class A Infraction)	Up to \$10,000 (Class A Infraction)	Up to \$10,000 (Class A Infraction)	--	--	--	--	NO
Iowa	§321.372	\$25	--	--	--	--	--	--	YES
Kansas	§8-1556	\$80	--	--	--	--	--	--	NO
Kentucky	§189.370	Between \$100-\$200	Between \$300-\$500	--	6 Points	--	--	30 Days to 6 Months	YES
Louisiana	§32:80	Between \$100-\$500	--	--	--	--	--	Up to 6 Months	YES
Maine	§2019	\$250	--	--	--	--	30 Days	--	YES

1-7

State	Statute No.	Penalties for Violation of Statute							School Bus Operator Empowered by Statute to Report Violator
		1st Offense	2nd Offense	3rd Offense	Points Against License	Community Service Hours/Days	License Suspension	Incarceration Time	
Maryland	§21-706	\$265	--	--	2 Points	--	--	--	YES
Massachusetts	Ch. 90 §14	Between \$100-\$200	Between \$300-\$400	Between \$500-\$1,000	--	--	--	--	NO
Michigan	§9.2382	Costs under Section 907	--	--	--	Up to 100 Hours	--	--	NO
Minnesota	§169.444	Misdemeanor	--	--	--	--	--	--	NO
Mississippi	§63-3-615	Between \$200-\$500	--	--	--	--	--	Up to 1 Year	NO
Missouri	§304.050	Class A Misdemeanor	--	--	--	--	--	--	YES
Montana	§61-8-351	Up to \$500	--	--	--	--	--	--	NO
Nebraska	§60-6, 175	Class IV Misdemeanor	--	--	--	--	--	--	NO
Nevada	§484.357	Misdemeanor	--	--	--	--	--	--	NO
New Hampshire	§265:54	Between \$100-\$250	Between \$200-\$500	--	--	--	--	--	YES
New Jersey	§39:4-128.1	Not Less than \$100	Not Less than \$250	--	--	Up to 15 Days	--	Up to 15 days	NO
New Mexico	§66-7-347	\$100	--	--	--	--	--	--	NO
New York	§1174	Between \$150-\$250	Between \$600-\$750	Between \$750-\$850	--	--	--	Up to 180 Days	NO
North Carolina	§20-217	Class 2 Misdemeanor	--	--	--	--	--	--	NO
North Dakota	§39-10-46	\$50	--	--	6 Points	--	--	--	NO
Ohio	§4511.75	--	--	--	--	--	Up to 1 Year	--	YES
Oklahoma	§11-705	Between \$60-\$112	--	--	--	--	--	--	YES
Oregon	§811.155	Class A Infraction	--	--	--	--	--	--	YES
Pennsylvania	§3345	\$100	--	--	5 Points	--	60 Days	--	YES
Rhode Island	§31-20-12	Up to \$300	Between \$300-\$500	--	--	--	Up to 12 Months	--	YES
South Carolina	§56-5-2770	Not less than \$500	Between \$2,000-\$5,000	--	--	Not less than 10 Days	--	Up to 60 Days	NO

B-1

State	Statute No.	Penalties for Violation of Statute							School Bus Operator Empowered by Statute to Report Violator
		1st Offense	2nd Offense	3rd Offense	Points Against License	Community Service Hours/Days	License Suspension	Incarceration Time	
South Dakota	§32-32-6	\$250	--	--	--	--	--	--	YES
Tennessee	§55-8-151	Class C Misdemeanor	--	--	--	--	--	--	NO
Texas	§545.066	Between \$200-\$1,000	--	--	--	--	Up to 6 Months	--	NO
Utah	§41-6-100.10	\$750	--	--	--	--	--	Up to 90 Days	NO
Vermont	§1075	--	--	--	5 Points	--	--	--	NO
Virginia	§46.2-859	\$50	--	--	--	--	--	--	NO
Washington	§46.61.370	\$250	--	--	--	--	--	Up to 90 Days	YES
West Virginia	§17C-12-7	Between \$50-\$200	--	--	--	--	--	Up to 6 Months	YES
Wisconsin	§346.48	Between \$30-\$300	--	--	--	--	--	--	YES
Wyoming	§31-5-507	Between \$100-\$750	Between \$200-\$1,000	--	--	--	--	--	NO

b-1

SCHOOL BUS ILLEGAL PASSING DATA COLLECTION

The Kansas State Pupil Transportation Association is conducting a research project to obtain information about the vehicles that illegally pass your stopped school bus while you are loading or discharging students. Please observe the vehicles that illegally pass your stopped school bus today, and put a (✓) in the appropriate blank on the form that best characterizes the illegal pass. Each row on the form represents one vehicle that illegally passes your stopped school bus.

**REMEMBER: PLEASE TAKE EXTREME CAUTION WHEN COMPLETING THE FORM.
YOUR MAIN RESPONSIBILITY IS THE SAFETY OF YOUR STUDENTS.**

Please complete as much information as possible on the form. Thank you for your cooperation

Time Of Illegal Pass	Number Of Students At Bus Stop	Vehicle Passed From	Vehicle Passed On Which Side Of The Bus	Type Of Vehicle That Illegally Passed	Type Of Roadway	Location Of Pass	Roadway Surface	Red Light And Stop Arm In Use	Student Information
	1 to 5 ___ 6 to 10 ___ 11 or more ___	Front ___ Rear ___	Left ___ Right ___	Car ___ Light Truck ___ Heavy Truck ___	2 Lanes ___ 4 Lanes, No Median ___ 4 Lanes, W/ Median ___ More than 4 Lanes W/ Median ___	Urban ___ Rural ___	Paved ___ Unpaved ___	Yes ___ No ___	Loading ___ Unloading ___ Students were Crossing road ___
	1 to 5 ___ 6 to 10 ___ 11 or more ___	Front ___ Rear ___	Left ___ Right ___	Car ___ Light Truck ___ Heavy Truck ___	2 Lanes ___ 4 Lanes, No Median ___ 4 Lanes, W/ Median ___ More than 4 Lanes W/ Median ___	Urban ___ Rural ___	Paved ___ Unpaved ___	Yes ___ No ___	Loading ___ Unloading ___ Students were Crossing road ___
	1 to 5 ___ 6 to 10 ___ 11 or more ___	Front ___ Rear ___	Left ___ Right ___	Car ___ Light Truck ___ Heavy Truck ___	2 Lanes ___ 4 Lanes, No Median ___ 4 Lanes, W/ Median ___ More than 4 Lanes W/ Median ___	Urban ___ Rural ___	Paved ___ Unpaved ___	Yes ___ No ___	Loading ___ Unloading ___ Students were Crossing road ___
	1 to 5 ___ 6 to 10 ___ 11 or more ___	Front ___ Rear ___	Left ___ Right ___	Car ___ Light Truck ___ Heavy Truck ___	2 Lanes ___ 4 Lanes, No Median ___ 4 Lanes, W/ Median ___ More than 4 Lanes W/ Median ___	Urban ___ Rural ___	Paved ___ Unpaved ___	Yes ___ No ___	Loading ___ Unloading ___ Students were Crossing road ___
	1 to 5 ___ 6 to 10 ___ 11 or more ___	Front ___ Rear ___	Left ___ Right ___	Car ___ Light Truck ___ Heavy Truck ___	2 Lanes ___ 4 Lanes, No Median ___ 4 Lanes, W/ Median ___ More than 4 Lanes W/ Median ___	Urban ___ Rural ___	Paved ___ Unpaved ___	Yes ___ No ___	Loading ___ Unloading ___ Students were Crossing road ___

District Name _____ Driver Name _____ Route/Bus # _____ Date _____

1-10

February 9, 1997

Mr. Greg Packer
Kansas State Representative, 51st District
State Capitol
Room 115
Topeka, KS 66612

Dear Mr. Packer,

I am writing this letter to inform you of a major concern that I have about the safety of our school children.

The problem is "Stop Sign Violations of School Buses". This is my first year driving a school bus and I am appalled at how big a problem this is. The majority of the people that run my stop sign are high school age drivers, but there are also quite a few adults that run through it. On the morning of August 21, 1996, directly in front of Washburn Rural High School parking lot, a female high school student went right through my stop sign and pulled into the parking lot. I was able to turn and get a tag number and a description of the vehicle. I filled out the proper form supplied by my school district and turned it into my supervisor. I was later contacted by the Shawnee County Sheriffs Department. The officer informed me that the tag number was registered in another county and that possibly I had written the wrong number. I then returned to the high school parking lot to verify the number. It was correct. I was then told by the Shawnee County Sheriffs Officer that unless I could go to court and positively identify the driver of the vehicle that it would do no good to pursue this further. I had the tag number (HZE 652) and description (old red chevy), but I could not positively identify the driver. That is only one such incident. I have had days with up to ten different vehicles that have ran my stop sign. Someone must be fined in these cases and I believe it should be the owner of the vehicle because it is so difficult to always see the driver clearly.

Mr. Packer, **please** help me with this growing problem before a child is hit and killed by a driver believing that the law will not be enforced if they go through the stop sign of a school bus.

Sincerely,



Roxanne L. Huhs
Parent/School Bus Driver
Auburn-Washburn USD #437

cc: Susan Rosetta
Sheriff Dave Meneley
News Source 49

SENATE TRANSPORTATION & TOURISM
2/17/97
ATTACHMENT 2

2-1

The Honorable Alicia Salsbury
Kansas Sente
Kansas Capitol Building
Topeka, Kansas 66612

February 12, 1997

Dear Senator Salsbury,

I would like to express my support for Senate Bill # 139 concerning school bus stop sign violations.

Everyday throughout Kansas, children are endangered by motor vehicles driven past the stopped school bus while the bus is stopped to load or unload children. This is a very dangerous situation, the safety of the children is being compromised, and needs to be corrected.

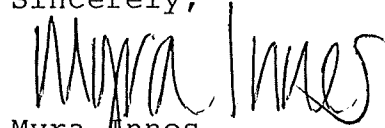
Bill # 139 would allow school bus drivers to identify the vehicle resulting in the driver or owner of the vehicle being issued a citation for the violation.

As a bus driver I urge you to support Bill # 139, the change in Kansas motor vehicle laws.

Thank you for your assistance.

Please feel free to contact me at home 256-2362, if you would like to discuss this further.

Sincerely,



Myra Innes
8040 Wanamaker Road
Auburn, Kansas 66402

February 12, 1997

The Honorable Alicia Salsbury
Kansas Senate
Kansas Capitol Building
Topeka, Kansas 66612

Dear Senator Salsbury,

I am writing to ask you to support SB 139. As a school bus driver, I am first and foremost concerned about the safety of the children I transport back and forth to school on a regular basis. Quite simply, SB 139 will help school bus operators catch school bus stop sign violators more easily by making the reporting procedure easier and by making the vehicle involved in the violation more easily identifiable.

Since many of those traveling on a school bus in Kansas may be your own children, your grandchildren, or children of people you know, I am hopeful you will help! On behalf of the 5,500 school bus operators across the State, and the 400 members of the Kansas State Pupil Transportation Association, we thank you for supporting SB 139!

Respectfully,


Myra Innes

The Honorable Alicia Salsbury
Kansas Senate
Kansas Capitol Building
Topeka, Kansas 66612

February 12, 1997

Dear Senator Salsbury,

I would like to express my opposition to Senate Bill # 180, the proposed mandatory seat belts on school buses.

The National Highway Traffic Safety Administration (NHTSA) states school buses are the safest form of transportation.

School buses have stringent design specifications to protect students inside the bus. This is called compartmentalization.

I believe this is the safest system available for school buses.

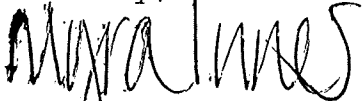
Pupil transportation safety experts across the nation do not recommend the use of seat belts on school buses.

As a bus driver I urge you to vote against Senate Bill # 180, for the safety of the children.

Thank you for your attention,

Please feel free to contact me at home 256-2362, if you would like to discuss this further.

Sincerely,



Myra Innes
8040 Wanamaker Road
Auburn, Kansas 66402

February 9, 1997

Senator Ben Vidricksen, Chairman
Senate Transportation and Tourism Committee
State Capital Building
Topeka, Kansas

Dear Senator Vidricksen:

My name is Peggy Caton. I am a school bus driver for Auburn-Washburn USD 437 in Southwest Shawnee County. I transport children from kindergarten age to senior high schoolers to school each day and accept the responsibility for their safety, which sometimes can be a harrowing experience when an irresponsible driver disregards the flashing stop sign extended from the bus and puts the exiting or entering child's life at risk.

I support amendments to Senate Bill 139 which would make it easier to identify motorists who violate the current statutes relating to passing a stopped school bus from either direction. Please don't wait until a child is killed to recognize the need to strengthen the enforceability of current laws designed to protect our school children.

I sincerely appreciate your consideration in this matter.

Respectfully yours,

A handwritten signature in cursive script that reads "Peggy Caton". The signature is written in dark ink and is positioned above the printed name.

Peggy Caton

Kansas Senate Transportation Committee

**Chairman
Senator Ben Vidricksen**

SENATE BILL #139

February 17, 1997

Presented by:

**Mrs. Linda Russell
School Bus Driver
22 Spring, Box 26
Gypsum, Kansas 67448
Home Phone: 913-536-4649
Work Phone: 913-536-4346, Ext. 458**

SENATE TRANSPORTATION & TOURISM
2/17/97
ATTACHMENT 3

3-1

February 17, 19997

On behalf of myself and other school bus drivers in the State of Kansas, I would like to request that Senate Bill #139 be passed.

As a school bus driver, I transport children back and forth to school four times a day on a regular basis, and I am very concerned about the **safety** of someone else's child that I transport on my bus. I personally consider every stop that I make to be a very dangerous situation. I am always worried if a motorist is going to **ILLEGALLY** pass my stop sign and possibly kill one of the students with their vehicle. I have grown to love the children as if they were my own.

All school bus drivers strive to avoid fatalities. The number one priority of a school bus driver is the **CHILDREN'S SAFETY** while transporting them back and forth to their destinations. We would like to get something done about the violator's before there is a fatality in Kansas.

The way the current school bus stop sign law is now, the law enforcement officers must witness the violation and the **SAFETY OF OUR CHILDREN ARE BEING COMPROMISED** because of this. The current law **DOES** need to be corrected. We do need **STRONGER AND MORE SEVERE** laws in Kansas for the motorist's who are **ILLEGALLY** passing our school bus stop signs, for **PUTTING THE CHILDREN'S LIVES IN DANGER.**

NO ONE CAN REPLACE THE LIFE OF A CHILD! You can help us by correcting the current law and passing Senate Bill #139.

In your packets there is information that is beneficial to Senate Bill #139 that I believe will help in your decision to support this bill. I will not be going through the entire packet information, but I would like to briefly explain what I included. (Please bear with my coloring technics. It is the easiest way to explain things.)

First: Summary of other State Statutes showing penalties for violation of Statute and states that have empowered the bus drivers. There is a variety of penalties, some of which are misdemeanors.

Second: Kansas State Traffic Infraction's - The improper passing of school bus categories have been marked in yellow according to what is equal to; more severe is marked in red and less severe is marked in blue. Interestingly, there is one that is more severe, six equal, and 129 less severe than the improper passing of a school bus.

Third: The front page is Kansas Infractions which could be considered in violation of Kansas State Laws when motorists **ILLEGALLY** run school bus stop signs. I have included those laws which are marked in yellow.

On the second page are some Kansas Vehicle Misdemeanors. Those marked in pink are the laws that I am making reference too. While I do agree that they should be laws, I question if **these laws** are as severe as **PUTTING A CHILD'S LIFE IN DANGER.**

For the **SAFETY OF OUR SCHOOL CHILDREN** and the public that we all serve. I both request and urge that you pass Senate Bill #139. If Senate Bill #139 would help save even one child's life I am all for it 110%. I would like to see Kansas become the next state to pass such a bill.

I would like to thank you for your time and consideration concerning this very important issue and allowing me to speak to you today.

Sincerely,

Linda Russell

Linda Russell
Bus Driver for Southeast of Saline School, U.S.D. 306

Listed on the following pages are Kansas State Traffic Infractions. These infractions have been marked accordingly to what is equal to the improper passing of a school bus, and what is more severe and less severe. As you will notice red is more severe, yellow is equal to the improper passing of a school bus and blue is less severe. Interestingly, there is one (1) that is more severe, six (6) that are equal and one hundred twenty nine (129) that is less than the improper passing of a school bus.

8-2118. UNIFORM FINE SCHEDULE FOR TRAFFIC INFRACTION VIOLATIONS; PAYMENT BY MAIL WITH PLEA, WHEN; FULL PAYMENT REQUIRED; ORDINANCE TRAFFIC INFRACTIONS; DOUBLING OF FINE IN ROAD CONSTRUCTION ZONE. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made by mail or in person and may be by personal check. The traffic citation shall not have been complied with if a check is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without

executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

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

Description of Offense	Statute	
Refusal to submit to a preliminary breath test	8-1012	
Unsafe speed for prevailing conditions	8-1335 or 8-1557	
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1336	1 - 10 MPH OVER THE LIMIT
	to	11 - 20 " "
	8-1338	21 - 30 " "
	or	31 - and more " "
	8-1558 to 8-1560	
Disobeying traffic control device	8-1507	
Violating traffic control signal	8-1508	
Violating pedestrian control signal	8-1509	
Violating flashing traffic signals	8-1510	
Violating lane-control signal	8-1511	
Unauthorized sign, signal, marking or device	8-1512	
Driving on left side of roadway	8-1514	
Failure to keep right to pass oncoming vehicle	8-1515	
Improper passing; increasing speed when passed	8-1516	
Improper passing on right	8-1517	
Passing on left with insufficient clearance	8-1518	
Driving on left side where curve, grade, intersection, railroad crossing, or obstructed view	8-1519	
Driving on left in no-passing zone	8-1520	
Driving wrong direction on	8-1521	

3-5

Chapter 8

one-way road	
Improper driving on laned roadway	8-1522
Following too close	8-1523
Improper crossover on divided highway	8-1524
Failure to yield right-of-way at uncontrolled intersection	8-1526
Failure to yield to approaching vehicle when turning left	8-1527
Failure to yield at stop or yield sign	8-1528
Failure to yield from private road or driveway	8-1529
Failure to yield to emergency vehicle	8-1530
Failure to yield to pedestrian or vehicle working on roadway	8-1531
Failure to comply with restrictions in road construction zones	8-1531a
Disobeying pedestrian traffic control device	8-1532
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533
Improper pedestrian crossing	8-1534
Failure to exercise due care in regard to pedestrian	8-1535
Improper pedestrian movement in crosswalk	8-1536
Improper use of roadway by pedestrian	8-1537
Soliciting ride or business on roadway	8-1538
Driving through safety zone	8-1539
Failure to yield to pedestrian on sidewalk	8-1540
Failure of pedestrian to yield to emergency vehicle	8-1541
Failure to yield to blind pedestrian	8-1542
Pedestrian disobeying bridge or railroad signal	8-1544
Improper turn or approach	8-1545
Improper "U" turn	8-1546
Unsafe starting of stopped vehicle	8-1547
Unsafe turning or stopping, failure to give proper	8-1548

3-6

(Rev. August 1994)

Chapter 8

signal; using turn signal unlawfully	
Improper method of giving notice of intention to turn	8-1549
Improper hand signal	8-1550
Failure to stop or obey railroad crossing signal	8-1551
Failure to stop at railroad crossing stop sign	8-1552
Certain hazardous vehicles failure to stop at railroad crossing	8-1553
Improper moving of heavy equipment at railroad crossing	8-1554
Vehicle emerging from alley, private roadway, building or driveway	8-1555
Improper passing of school bus; improper use of school bus signals	8-1556
Improper passing of church or day-care bus; improper use of signals	8-1556a
Impeding normal traffic by slow speed	8-1561
Speeding on motor-driven cycle	8-1562
Speeding in certain vehicles or on posted bridge	8-1563
Improper stopping, standing or parking on roadway	8-1569
Parking, standing or stopping in prohibited area	8-1571
Improper parking	8-1572
Unattended vehicle	8-1573
Improper backing	8-1574
Driving on sidewalk	8-1575
Driving with view or driving mechanism obstructed	8-1576
Unsafe opening of vehicle door	8-1577
Riding in house trailer	8-1578
Improper driving in defiles, canyons, or on grades	8-1579
Coasting	8-1580
Following fire apparatus too closely	8-1581
Driving over fire hose	8-1582
Putting glass, etc., on highway	8-1583
Driving into intersection, crosswalk, or crossing without sufficient space	8-1584

3-7

Chapter 8

on other side	
Improper operation of snow- mobile on highway	8-1585
Parental responsibility of child riding bicycle	8-1586
Not riding on bicycle seat; too many persons on bicycle	8-1588
Clinging to other vehicle	8-1589
Improper riding of bicycle on roadway	8-1590
Carrying articles on bicycle; one hand on handlebars	8-1591
Improper bicycle lamps, brakes or reflectors	8-1592
Improper operation of motor- cycle; seats; passengers, bundles	8-1594
Improper operation of motor- cycle on laned roadway	8-1595
Motorcycle clinging to other vehicle	8-1596
Improper motorcycle handlebars or passenger equipment	8-1597
Motorcycle helmet and eye- protection requirements	8-1598
Unlawful riding on vehicle	8-1578a
Equipment offenses that are not misdemeanors	8-1701
Driving without lights when needed	8-1703
Defective headlamps	8-1705
Defective tail lamps	8-1706
Defective reflector	8-1707
Improper stop lamp or turn signal	8-1708
Improper lighting equipment on certain vehicles	8-1710
Improper lamp color on certain vehicles	8-1711
Improper mounting of re- flectors and lamps on certain vehicles	8-1712
Improper visibility of re- flectors and lamps on certain vehicles	8-1713
No lamp or flag on project- ing load	8-1715
Improper lamps on parked vehicle	8-1716
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving	8-1717

3-8

Chapter 8

vehicles	
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718
Unlawful use of spot, fog, or auxiliary lamp	8-1719
Improper lamps or lights on emergency vehicle	8-1720
Improper stop or turn signal	8-1721
Improper vehicular hazard warning lamp	8-1722
Unauthorized additional lighting equipment	8-1723
Improper multiple-beam lights	8-1724
Failure to dim headlights	8-1725
Improper single-beam headlights	8-1726
Improper speed with alternate lighting	8-1727
Improper number of driving lamps	8-1728
Unauthorized lights and signals	8-1729
Improper school bus lighting equipment and warning devices	8-1730
Unauthorized lights and devices on church or day-care bus	8-1730a
Improper lights on highway construction or maintenance vehicles	8-1731
Defective brakes	8-1734
Defective or improper use of horn or warning device	8-1738
Defective muffler	8-1739
Defective mirror	8-1740
Defective wipers; obstructed windshield or windows	8-1741
Improper tires	8-1742
Improper flares or warning devices	8-1744
Improper use of vehicular hazard warning lamps and devices	8-1745
Improper air-conditioning equipment	8-1747
TV screen visible to driver	8-1748
Improper safety belt or shoulder harness	8-1749
Improper wide-based	8-1742b

3-9

single tires	
Defective motorcycle headlamp	8-1801
Defective motorcycle tail lamp	8-1802
Defective motorcycle reflector	8-1803
Defective motorcycle stop lamps and turn signals	8-1804
Defective multiple-beam lighting	8-1805
Improper road-lighting equipment on motor-driven cycles	8-1806
Defective motorcycle or motor-driven cycle brakes	8-1807
Improper performance ability of brakes	8-1808
Operating motorcycle with disapproved braking system	8-1809
Defective horn, muffler, mirrors or tires	8-1810
Unlawful statehouse parking	75-4510a

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

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a. (effective 4-21-94)

Listed below are some Kansas Infractions from the Kansas State Vehicle Law book that could be considered in VIOLATION of the Kansas State Law's when, MOTORIST'S ILLEGALLY RUN SCHOOL BUS STOP SIGNS. (All infraction's were taken from Chapter 8 Article's 1 thru 25.) Please remember that Federal Law does override any State Law.

- #8-1507 Disobeying Traffic Control Device - Page 182
- #8-1508 Traffic Control Signal Legend - Pages 182 - 183
- #8-1510 Violating Flashing Traffic Signal's - Page 184
- #8-1514 Driving on Right Side Of Roadway Required - Page 185
- #8-1516 Improper Passing - Page 185
- #8-1517 Improper Passing On Right - Page 186
- #8-1520 Driving On Left in No Passing Zone - Page 186
- #8-1522 Improper Driving on Landed Roadway - Page 187
- #8-1528 Failure To Yeild At Stop Sign Or Yeild Sign - Page 189
- #8-1533 Failure To Yeild To Pedestrian In Crosswalk;Pedestrian Suddenly Entering Roadway;Passing Vehicle For Pedestrian At Crosswalk - Page's 190 & 191
- #8-1535 Drivers To Exercise Due Care - Page 191
- #8-1539 Driving Through Safety Zone - Page 192
- #8-1548 Turning Movements And Required Signals - Page 193
- #8-1556 Improper Passing Of School Bus - Pages 195 & 196
- #8-1557 Unsafe Speed For Prevailing Conditions - Page 197
- #8-1584 Restrictions On Driving Into Intersection Or Crosswalk Or Railroad Grade Crossings - Page 208
- #8-1335 Basic Rule Governing Speed Of Vehicles - 164
- #8-1566 Reckless Driving - Page 200

This listing consists of 18 KANSAS STATE VEHICLE LAW'S that could be taken into consideration when MOTORISTS ILLEGALLY RUN THE SCHOOL BUS STOP SIGNS.

Although, we are not allowed to list the individual fines we can tell you that if these infractions were taken into consideration when a motorist illegally runs the school bus stop sign and is caught, the total would be in excess of \$340.00 in the State Of Kansas. Currently the fine is \$60.00 in the State Of Kansas when the motorist is issued a ticket.

KANSAS STATE VEHICLE LAW'S

(Misdemeanor's)

Chapter 8 Article 1

#8-113a -Unclaimed Vehicle
#8-116-(b)
#8-119
#8-149 & # 8-126-Defacing V.I.N. numbers
#8-177
#8-199- Nonhighway title
#8-1,117
#8-1,125
#8-1,129
#8-1,130
#8-1,130
#8-1,130a
#8-1,130a

Chapter 8 Article 2

#8-235
#8-245
#8-260
#8-262
#8-268
#8-281
#8-291
#8-292
#8-2,132
#8-2,144

Chapter 8 Article 3

#8-307

Chapter 8 Article 13

#8-1327

Chapter 8 Article 15

#8-1503
#8-1513
#8-1525
#8-1543- Under Influence
#8-1565 -Drag racing
#8-1566

Chapter 8 Article 16

#8-1602
#8-1603
#8-1605- Unattended Damage
#8-1606
#8-1608
#8-1609

Chapter 8 Article 17

#8-1742a-Selling of unsafe tires
#8-1743
#8-1746
#8-1749a-one way glass-sunscreen
#8-1749c-sunscreen instalation
#8-1759
#8-1759a

Chapter 8 Article 19

#8-1910

Chapter 8 Article 21

#8-2110 Classification of Violations
#8-2110 Failure to comply

Chapter 21 Article 34

#21-3409
#21-3412
#21-3722-Littering
#21-3724-Tampering with a Landmark
#21-3725
#21-3726
#21-3743-Sales of tires
#21-3729-Finanical card
#21-3738-Masterkey violation
#21-3739-Political Posters
#21-3742-Throwing rocks

Chapter 8

AUTOMOBILES AND OTHER VEHICLES

Article 1.--GENERAL PROVISIONS

8-113. IDENTITY OF VEHICLES; UNLAWFUL ACTS; PENALTY. Any person who shall destroy or cause to be destroyed, remove or cause to be removed, alter or deface, or cause to be altered or defaced, the engine number, identification number, or serial number of any motor vehicle in this state, or who shall change any identification number from one motor vehicle to another, or who shall give a wrong description in an application for the registration of any motor vehicle in this state, for the purpose of concealing or hiding the identity of such motor vehicle, or any person who shall copy, print, photostat or cause to be copied, printed or photostated for a fraudulent purpose or for the purpose of producing a fictitious title, alter or deface or cause to be altered or defaced or knowingly have in possession any fictitious, fraudulent, or counterfeit certificates of title, ownership certificates or registration receipts shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the custody of the secretary of correction for a term of not less than one year nor more than five years. (effective 5-24-90)

8-113a REPORTING STORED, UNCLAIMED VEHICLES TO DEPARTMENT, WHEN; PENALTY FOR FAILURE. An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which a vehicle remains unclaimed for a period of thirty (30) days, shall within five (5) days after the expiration of that period, report the vehicle as unclaimed to the department. A vehicle left by its owner whose name and address are known to the operator or an employee of the operator is not considered unclaimed. A person who fails to report a vehicle as unclaimed in accordance with this section is guilty of a misdemeanor and upon conviction, shall be punished by a fine of not more than ten dollars (\$10) for each day such failure to report continues. (effective 7-1-59)

8-116. VEHICLE IDENTIFICATION NUMBER OFFENSES; POSSESSION OR SALE OF VEHICLE WITHOUT ORIGINAL VIN; REMOVING OR ALTERING VIN; PENALTIES; VEHICLE SEIZURE AND DISPOSITION. (a) It is unlawful to sell, barter or exchange any motor vehicle, trailer or semitrailer, the original vehicle identification number of which has been destroyed, removed, altered or defaced, except as contemplated by K.S.A. 1988 Supp. 8-116a, and amendments thereto, when no part of the motor vehicle, trailer or semitrailer has been stolen and a vehicle identification number has been assigned to the motor vehicle according to law. Violation of this subsection (a) is a severity level 10, nonperson felony.

(b) It is unlawful to knowingly own or have the custody or possession of a motor vehicle, trailer or semitrailer, the original vehicle identification number of which has been destroyed, removed, altered or defaced, except as contemplated by K.S.A. 1988 Supp. 8-116a, and amendments thereto, when no part of the motor vehicle, trailer or semitrailer has been stolen and a vehicle identification number has been assigned to the motor vehicle according to law. Violation of this subsection (b) is a class C misdemeanor.

(c) Any person who shall destroy, remove, alter or deface any vehicle identification number, except as contemplated by K.S.A. 1988 Supp. 8-116a, and amendments thereto, when no part of the motor vehicle, trailer or semitrailer has been stolen, is guilty of a severity level 10, nonperson felony.

(d) Every law enforcement officer in this state having knowledge of a motor vehicle, trailer or semitrailer the vehicle identification number of which has been destroyed, removed, altered or defaced shall seize and take possession of such motor vehicle, trailer or semitrailer, arrest the owner or custodian thereof and cause prosecution to be brought in a court of competent jurisdiction. The provisions of K.S.A. 22-2512, and amendments thereto, shall apply to any motor vehicle, trailer or semitrailer seized under this section. (effective 7-1-93)

8-116a. VEHICLE IDENTIFICATION NUMBER; CHECK OF ASSEMBLED VEHICLES BY HIGHWAY PATROL; ORIGINAL KANSAS CERTIFICATES OF TITLE ON OUT-OF-STATE VEHICLES; CHECK BY DESIGNEE, WHEN; FEES AND DISPOSITION THEREOF. (a) When an application is made for a vehicle which has been assembled, reconstructed, reconstituted or restored from one or more vehicles, or the proper identification number of a vehicle is in doubt, the procedure in this section shall be followed. The owner of the vehicle shall request the Kansas highway patrol to check the vehicle. At the time of such check the owner shall supply the highway patrol with information concerning the history of the various parts of the vehicle. Such information shall be supplied by affidavit of the owner, if so requested by the highway patrol. If the highway patrol is satisfied that the vehicle contains no stolen parts, it shall assign an existing or new identification number to the vehicle and direct the places and manner in which the identification number is to be located and affixed or implanted. A charge of \$10 per hour or part thereof, with a minimum charge of \$10, shall be made to the owner of a vehicle requesting check under this subsection, and such charge shall be paid prior to the check under this section. When a check has been made under subsection (b), not more than 60 days prior to a check of the same vehicle identification number, requested by the owner of the vehicle to obtain a regular certificate of title in lieu of a nonhighway certificate of title, no charge shall be made for such second check.

(b) From and after the effective date of this act, any person making application for any original Kansas title for a used vehicle which, at the time of making application, is titled in another jurisdiction, as a condition precedent to obtaining any Kansas title, shall have such vehicle checked by the Kansas highway patrol for verification that the vehicle identification number shown on the foreign title is genuine and agrees with the identification number on the vehicle. Checks under this section may include inspection for possible violation of K.S.A. 8-611 and amendments thereto or other evidence of possible fraud. The verification shall be made upon forms prescribed by the division of vehicles which shall contain such information as the secretary of revenue shall require by rules and regulations. A charge of \$10 per hour or part thereof, with a minimum charge of \$10, shall be made for checks under this subsection. When a vehicle is registered in another state, but is financed by a Kansas financial institution and is repossessed in another state and such vehicle will not be returned to Kansas, the check required by this subsection (b) shall not be required to obtain a valid Kansas title or registration.

(c) As used in this act, "identification number" or "vehicle identification number" means an identifying number, serial number, engine number, transmission number or other distinguishing number or mark, placed on a vehicle, engine, transmission or other essential part by its manufacturer or by authority of the division of vehicles or the Kansas highway patrol or in accordance with the laws of another state or country.

(d) The checks made under subsection (b) may be made by a designee of the superintendent of the Kansas highway patrol. For checks made by a designee, \$1 of each charge shall be remitted to the Kansas highway patrol and the balance of such charges shall be retained by such designee. When a check is made under either subsection (a) or (b) by personnel of the Kansas highway patrol, the entire amount of the charge therefor shall be paid to the highway patrol.

(e) There is hereby created the vehicle identification number fee fund. The Kansas highway patrol shall remit all moneys received by the Kansas highway patrol from fees collected under subsection (d) to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the vehicle identification number fee fund. All expenditures from the vehicle identification number fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the Kansas highway patrol or by a person or persons designated by the superintendent. (effective July 7-1-87)

8-119. PENALTY FOR VIOLATING 8-113 AND 8-116. The violation of any of the provisions of this act, except as otherwise herein provided, shall be deemed a misdemeanor, and shall be punishable by a fine not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than ninety days. (effective 1923)

8-120. VALIDITY OF 8-113, 8-116 AND 8-119. If any section or provision of this act shall be found invalid by any court, it shall be conclusively presumed that this act would have been passed by the legislature without such invalid section or provision and the act as a whole shall not be declared invalid by reason of the fact that one or more sections or provisions may be found invalid by any court. (effective 1923)

8-126 DEFINITIONS. The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

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

(b) "Motor vehicle." Every vehicle, other than a motorized bicycle, or a motorized wheelchair, which is self-propelled.

(c) "Truck." A motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(d) "Motorcycle." Every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such

vehicle as may be included within the term "tractor" as herein defined.

(e) "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 or load so drawn.

(f) "Farm tractor." Every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

(g) "Road tractor." Every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

(h) "Trailer." Every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(i) "Semitrailer." Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(j) "Pole trailer." Any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

(k) "Specially constructed vehicle." Any vehicle which shall not have been originally constructed under a distinctive name, make, model or type, or which, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(l) "Foreign vehicle." Every motor vehicle, trailer or semitrailer which shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(m) "Person." Every natural person, firm, partnership, association or corporation.

(n) "Owner." A person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

(o) "Nonresident." Every person who is not a resident of this state.

(p) "Manufacturer." Every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

(q) "New vehicle dealer." Every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles and who holds a dealer's contract therefor from a manufacturer or distributor and who has an established place of business in this state.

(r) "Used vehicle dealer." Every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold

a dealer's contract for the sale of new motor vehicles, travel trailers, trailers or vehicles.

(s) "Highway." Every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

(t) "Department" or "motor vehicle department" or "vehicle department." The division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents.

(u) "Commission" or "state highway commission." The director of vehicles of the department of revenue.

(v) "Division." The division of vehicles of the department of revenue.

(w) "Travel trailer." Every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes and measuring eight feet or less in width.

(x) "Passenger vehicle." Every motor vehicle, as herein defined, which is designed primarily to carry 10 or fewer passengers, and which is not used as a truck.

(y) "Self-propelled farm implement." Every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(z) "Farm trailer." Every trailer as defined in subsection (h) of this section and every semitrailer as defined in subsection (i) of this section, designed and used primarily as a farm vehicle.

(aa) "Motorized bicycle." Every device having two tandem wheels or three 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 50 cubic centimeters; an automatic transmission; and the capability of a maximum design speed of no more than 30 miles per hour.

(bb) "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 designed 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.

(cc) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to:

(1) A farm tractor;

(2) a self-propelled farm implement;

(3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership.

(4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;

(5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

(dd) "Motorized wheelchair." Any self-propelled vehicle designed specifically for use by a physically disabled person that is

8-148. ISSUANCE AND RECORD OF LICENSE PLATES; RECORDS OPEN TO PUBLIC. When application is made to any county treasurer for a motor-vehicle license, as provided in K.S.A. 8-130, the county treasurer shall designate upon such application and a receipt therefor the number of the tag issued, and shall deliver the tag at the time application is made. The names of registered owners of motor vehicles and the records in the office of the county treasurer shall at all times be open to inspection by the public. (effective 6-5-33)

8-149. VIOLATION OF ACT; PENALTY. It shall be unlawful and constitute a misdemeanor, punishable by a fine not exceeding \$2,500, or by imprisonment in the county jail for not less than 30 days nor more than six months, or both such fine and imprisonment, for any person to violate any of the provisions of K.S.A. 8-126 et seq. and amendments thereto, unless a different penalty is by this act otherwise prescribed. (effective 7-1-90)

8-151. CONSTITUTIONALITY. If any section, subsection, paragraph or provision of this act /*/ shall be held to be invalid by any court for any reason, it shall be presumed that this act would have been passed by the legislature without such invalid section, subsection, paragraph or provision, and such finding or construction shall not in any way affect the remainder of this act. (effective 12-1-29)

8-152. EFFECT OF NONCOMPLIANCE. The operation of a vehicle in this state without complying with the provisions of this act /*/ shall not be considered as operating the same unlawfully or in violation of law so as to affect the validity of any contract or policy of liability insurance or indemnity against liability for personal injuries or damages to property, fire, theft or collision insurance carried on such vehicle. (effective 3-31-37)

8-153. PROOF OF PAYMENT OF SALES TAX REQUIRED. No certificate of registration or ownership of any motor vehicle or trailer shall hereafter be issued by the county treasurer of any county of this state or the division of vehicles, unless and until the applicant for such certificate shall produce evidence satisfactory to the county treasurer or division that the state sales tax, or, in the event the said motor vehicle was purchased outside this state, the tax provided for by the provisions of K.S.A. 79-3701 to 79-3711, and acts amendatory thereto, has been paid by said applicant, or that said motor vehicle is exempt from the payment thereof: Provided, That no certificate of registration or ownership shall be issued for a vehicle which was last titled or titled and registered in a foreign state or registered only if such foreign state has no title law, until satisfactory proof, by affidavit of the applicant has been made, that sales tax on such vehicle has been paid in a foreign state or compensating tax has been paid in Kansas, except in such instances where the applicant for registration or title shall prove by affidavit, that he or she was a bona fide resident of such foreign state at the time of the registration. (effective 5-1-55)

8-156. MANUFACTURE OF HIGHWAY MARKERS AND SIGNS; POWERS AND DUTIES OF SECRETARY OF TRANSPORTATION AND SECRETARY OF CORRECTIONS. Prior to November first of each year, the secretary of transportation shall furnish the secretary of corrections complete and detailed specifications, with an estimate of the number required, for the

incapable of a speed in excess of 15 miles per hour. (effective 7-1-94)

8-126a. NUMBER PLATES OR TAGS; DEFINITIONS. Whenever in this act or in any other law of this state relating to registration of motor vehicles any of the following words or terms are used: 1. Number plate or plates. 2. License number plates. 3. License number plate. 4. Number plate. 5. Number plates. 6. Registration number plate. 7. License tags. 8. Tags; or any other word, term or phrase of similar import or meaning is used in any such law, the same shall be construed to mean and include any plate, tag, token, marker or sign issued under the provisions of this act for the purpose of identifying vehicles registered under the provisions of the motor-vehicle registration laws of this state or otherwise carrying out the provisions of such laws. (effective 3-30-51)

8-127. REGISTRATION OF VEHICLES OPERATED IN THIS STATE; EXCEPTIONS; TEMPORARY OPERATION OF CERTAIN VEHICLES WITHOUT REGISTRATION, WHEN. (a) Every owner of a motor vehicle, motorized bicycle, trailer or semitrailer intended to be operated upon any highway in this state, whether such owner is a resident of this state or another state, or such motor vehicle, motorized bicycle, trailer or semitrailer is based in this state or another state shall, before any such vehicle is operated in this state, apply for and obtain registration in this state under the provisions of K.S.A. 8-126 to 8-149, inclusive, and acts amendatory thereof or supplemental thereto, except as otherwise provided by law or by any interstate contract, agreement, arrangement or declaration made by the director of vehicles.

(b) Any truck or truck tractor bearing registration of a state other than Kansas which is engaged in intrastate movements within this state shall have Kansas registration, except such vehicles which are registered under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, and amendments thereto, and except such vehicles as are entitled to engage in intrastate movements within this state under any interstate contract, agreement, consent, arrangement or declaration made by the director of vehicles.

(c) Whenever any person has a current motorcycle, motorized bicycle, passenger vehicle, truck or truck tractor registration and license plate for a vehicle which has been sold, traded or otherwise disposed of not later than 30 days, inclusive of weekends and holidays, after acquiring another motorcycle, motorized bicycle, passenger vehicle, truck or truck tractor to which the registration and license plate will be transferred and such person has complied with all of the conditions precedent to the transfer of the registration except having the registration transferred in the office of the county treasurer, such person may operate the motorcycle, motorized bicycle, passenger vehicle, truck or truck tractor acquired for a period of not to exceed 30 days, inclusive of weekends and holidays, after acquiring the same and pending transferal of registration and license plate in the office of the county treasurer by displaying the motorcycle license plate on the motorcycle acquired, the motorized bicycle license plate on the motorized bicycle acquired, the passenger vehicle license plate on the passenger vehicle acquired, or the truck or truck tractor license plate on the truck or truck tractor acquired. If the acquired vehicle is a new vehicle, such person also must carry and have in possession the assigned certificate of title or bill of sale when

manufacturer of all highway markers or signs to be delivered during the ensuing year for use the following year. The secretary of corrections shall cause the same to be manufactured on the basis of said specifications and estimate and shall cause the same to be packed in suitable containers and shipped, prepaid, to the designated destination as they are finished, which shall not be later than December fifteenth of the year of manufacture: Provided, That all additional orders for extra markers or signs and "miss-outs" shall be manufactured and shipped as soon as convenient after the order is received. Annually, on June 1, the secretary of corrections shall file a verified statement with the secretary of transportation showing the total number of highway markers and signs manufactured and delivered during the preceding twelve (12) months. (effective 8-15-75)

8-159. PURCHASE OF MATERIALS FOR MANUFACTURE; APPROVAL OF SECRETARY OF TRANSPORTATION. The secretary of corrections shall purchase all materials necessary for the manufacture of all items contemplated in K.S.A. 8-156, including steel, background paint, numeral paint and necessary dies. All such materials shall be purchased subject to inspection and approval by the secretary of transportation and upon specifications written and provided by the secretary of transportation. (effective 7-1-77)

8-160. FREE LICENSE PLATES FOR DISABLED VETERANS; DEFINITION. As used in this act, the term "disabled veteran" means a person who has served in the armed forces of the United States and who is entitled to compensation for a one hundred percent (100%) disability under laws administered by the veterans administration or who is entitled to compensation for the loss, or permanent loss of use, of one or both feet or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree. (effective 7-1-70)

8-161. DISABLED VETERANS REGISTRATION AND LICENSE PLATES; FREE; PARKING PRIVILEGES; PENALTIES. (a) Any disabled veteran as defined in K.S.A. 8-160 and amendments thereto who resides in Kansas and who makes application to the director of vehicles on a form furnished by the director for registration of a motor vehicle that is a passenger vehicle or a truck with a gross weight of not more than 12,000 pounds and is owned and used by such veteran may have such motor vehicle registered, and the director shall issue a distinctive license plate for it. Such license plate shall be issued for the same period of time as other license plates are issued. Such registration shall be made and such license plates issued free of charge to the disabled veteran. The director of vehicles shall also issue to the disabled veteran an individual identification card which must be carried by the disabled veteran when the motor vehicle being operated by the disabled veteran or used for the transportation of such disabled veteran is parked in a designated accessible parking space.

(b) Any Kansas resident who owns a motor vehicle and who is responsible for the transportation of a disabled veteran or any resident disabled veteran desiring a distinctive license plate for a vehicle other than a motor vehicle owned by the veteran may make application to the director of vehicles for such a license plate. Such license plate shall be issued for the same period of time as other license plates are issued. There shall be no fee for such license plates in addition to the regular registration fee.

(c) The director of vehicles shall design a special license plate to be issued as provided in this act. No registration or license plates issued under this act shall be transferable to any other person. No registration under this act shall be made until the applicant has filed with the director acceptable proof that the applicant is a disabled veteran as defined by K.S.A. 8-160, and amendments thereto, or is responsible for the transportation of such veteran. Motor vehicles displaying the distinctive license plates provided for in this act shall be permitted to park in any parking space on public or private property which is clearly marked as being reserved for the use of persons with a disability or persons responsible for the transportation of a person with a disability, except a parking space on private property which is clearly marked as being reserved for the use of a specified person with a disability, or park without charge in any metered zone and shall be exempt from any time limitation imposed on parking in any zone designated for parking, during the hours in which parking is permitted in any city.

Any person who willfully and falsely represents that such person has the qualifications to obtain the distinctive license plates provided for by this section, or who falsely utilizes the parking privilege accorded by this section, shall be guilty of an unclassified misdemeanor punishable by a fine of not more than \$250. (effective 7-1-90)

8-161a. FREE LICENSE PLATES FOR DISABLED CITIZENS ORGANIZATIONS; DEFINITION. As used in this act, the term "disabled citizens organization" means any non-profit corporation duly authorized to operate in this state for the purpose of training the physically handicapped citizens to become self-supporting and which assists such persons by conducting drivers training courses for the operation of motor vehicles. (effective 4-8-63)

8-161b. SAME; APPLICATION; ISSUANCE; NONTRANSFERABLE; PROOF OF ELIGIBILITY. Any such disabled citizens organization which makes application to the division of vehicles of the Kansas department of revenue on a form prescribed and furnished by said division of registration of passenger motor vehicles and trucks owned and used by said organization shall be entitled to have two (2) such passenger vehicles and two (2) trucks registered, and the division shall issue distinctive license plates or tags for such motor vehicles. Such license plates or tags shall be issued for the same period of time as other license plates or tags are issued. Such registration shall be made and such license plates or tags issued free of charge to such disabled citizens organization. Said division of vehicles shall design a special license plate or tag, and no plate or tag issued under authority of this act shall be transferable to any other person, firm or corporation. Before such registration or issuance of plates or tags shall be made, such disabled citizens organization shall have filed acceptable proof that it is duly authorized to operate in the state of Kansas as a nonprofit organization and that it has actually established and is operating such motor vehicle drivers training courses for disabled citizens who are residents of this state. (effective 4-8-63)

8-162. LICENSE PLATES WITH AMATEUR RADIO CALL LETTERS; FEE. Owners of private passenger motor vehicles or trucks licensed for a gross weight of not more than sixteen thousand (16,000) pounds who are residents of the state of Kansas, and who hold an unrevoked and

operated pursuant to subsection (f). Any person who knowingly makes a false statement concerning financial security in obtaining a permit pursuant to subsection (f), or who fails to obtain a permit when required by law to do so is guilty of a class C misdemeanor. (effective 7-1-93)

8-199. UNLAWFUL ACTS; VIOLATIONS CLASSIFIED; SALES TAX ACT UNAFFECTED. (a) Except as provided in subsection (b), it shall be unlawful for any person to sell or transfer the ownership of any non-highway vehicle, unless such person shall give to the purchaser thereof an assigned non-highway certificate of title.

(b) The sale or transfer of ownership of a non-highway vehicle shall include the acquisition of any such vehicle by an insurer, as defined by K.S.A. 40-3103, from any person upon payment of consideration therefor in satisfaction of such insurer's obligation under a policy of motor vehicle insurance but the transferor of a vehicle for which a title has been issued under K.S.A. 8-135 shall not be required to obtain a non-highway certificate of title for such vehicle and may assign to the insurer the certificate of title issued pursuant to K.S.A. 8-135. It shall be unlawful for any insurer to sell or attempt to sell any nonhighway vehicle, through power of attorney or otherwise, unless such insurer shall obtain a nonhighway certificate of title issued in the name of the insurer.

(c) Any person, firm, company, corporation, partnership, association or other legal entity who violates the provisions of this section shall be guilty of a class C misdemeanor.

(d) Nothing in this act shall be construed as relieving any person of the payment of the tax imposed on the sale of a motor vehicle pursuant to K.S.A. 79-3603. (effective 3-30-75)

8-1,100. APPORTIONED REGISTRATION OF FLEET VEHICLES ENGAGED IN INTERSTATE COMMERCE; DEFINITIONS. As used in this act, the following words and phrases shall have the meanings respectively ascribed to them herein: (a) The words "vehicle," "motor vehicle," "truck," "truck tractor," "trailer," "semitrailer," "pole trailer," "specially constructed vehicle" and "passenger vehicle" shall have the meanings respectively ascribed to them by K.S.A. 8-126, and amendments thereto;

(b) "division" means the division of vehicles of the department of revenue;

(c) "director" means the director of vehicles of the division of vehicles within the department of revenue;

(d) "commercial vehicle" means any motor vehicle, other than a passenger vehicle, and any trailer, semitrailer or pole trailer drawn by such motor vehicle, which vehicle is designed, used and maintained for the transportation of persons or property for hire, compensation, profit, or in the furtherance of a commercial enterprise;

(e) "fleet" means one or more commercial vehicles, at least one of which is a motor vehicle;

(f) "jurisdiction" means the states and territories of the United States, the District of Columbia, the provinces of Canada, the states and territories of the Federal District of Mexico, and the states, provinces and territories of any foreign country;

(g) "person" means an individual, firm, partnership, association, corporation, estate or trust;

(h) "owner" means any person who is lawfully entitled to possession of a commercial vehicle and who has the right to control the operation of such vehicle, and in the event more than one person

thereto, all designated accessible parking spaces shall be clearly marked by vertically mounted signs bearing the international symbol of access. Such signs shall be displayed with the bottom of the sign between 36 and 60 inches above the surface of the parking space.

(b) All parking shall conform to Title II or Title III, as required by the Americans with disabilities act of 1990, 42 USCA 12101 et seq. and 28 CFR Parts 35 and 36. (effective 7-1-94)

8-1,129. UNLAWFUL PARKING IN ACCESSIBLE PARKING; BLOCKING ACCESS RAMP; PENALTIES. (a) Except when necessary to avoid conflict with other traffic, or in compliance with the law or the directions of a law enforcement officer or official traffic-control device, no person shall:

(1) Stop, stand or park a vehicle in any parking space designated as accessible parking without having a special license plate, permanent placard or disabled veteran license plate and an individual identification card, or a valid temporary placard;

(2) stop, stand or park a vehicle so that it blocks an access entrance adjacent to a designated accessible parking space.

(3) stop, stand or park a vehicle in an access aisle between or beside a designated accessible parking space.

(b) Violation of subsection (a) is an unclassified misdemeanor punishable by a fine of not less than \$25 nor more than \$100.

(c) The provisions of subsection (a) shall be enforced by law enforcement officers on public and private property. (effective 7-1-92)

8-1,130. FALSELY OBTAINING ACCESSIBLE PARKING IDENTIFICATION; PENALTIES. (a) Any person who willfully and falsely represents that such person has the qualifications to obtain a special license plate, a permanent placard and an individual identification card or temporary placard pursuant to this act shall be guilty of a class C misdemeanor.

(b) Any licensee of the healing arts or Christian Science practitioner who willfully and falsely certifies that a person has the qualifications to obtain a special license plate, a permanent placard and an individual identification card or temporary placard pursuant to this act shall be guilty of a class C misdemeanor. (effective 7-1-91)

8-1,130a. UNLAWFULLY UTILIZING ACCESSIBLE PARKING IDENTIFICATION DEVICE; PENALTIES. (a) Any person who utilizes any accessible parking identification device which has expired or has been revoked or suspended by the secretary of revenue pursuant to subsection (c) of K.S.A. 1990 Supp. 8-1,125, and amendments thereto, or K.S.A. 1990 Supp. 8-1,130b, and amendments thereto, shall be guilty of an unclassified misdemeanor punishable by a fine not to exceed \$100.

(b) Any person who utilizes any accessible parking identification device issued to another person, an agency or a business, to park in any parking space specified in K.S.A. 8-1,126, and amendments thereto, which could be utilized by a person with a disability, except when transporting or arriving to transport a person with a disability to whom or for whom the identification device was issued shall be guilty of an unclassified misdemeanor punishable by a fine not to exceed \$100. (effective 7-1-92)

8-1,130b. REISSUANCE, SUSPENSION OR REVOCATION OF ACCESSIBLE PARKING PRIVILEGES; RULES AND REGULATIONS. (a) The secretary of

(b) This act is remedial law and shall be liberally construed to promote public health, safety and welfare. To the extent that this act conflicts with general driver licensing provisions, this act prevails. Where this act is silent, the general driver licensing provisions apply. (effective 7-1-89)

8-2,127. SAME; VEHICLES EXEMPT FROM ACT. Vehicles that are exempt from this act include:

- (a) Farm vehicles, defined as follows:
 - (1) Registered as a farm truck or truck tractor under K.S.A. 8-143, and amendments thereto;
 - (2) used to transport either agricultural products, farm machinery, farm supplies, or both, to or from a farm;
 - (3) not used in the operations of a common or contract motor carrier;
 - (4) used within 150 air miles of any farm or farms owned or leased by the registered owner of such farm vehicle;
- (b) operators of firefighting equipment;
- (c) military vehicles which are operated by military personnel in pursuit of military purposes and all noncivilian operators of equipment owned or operated by the United States department of defense. This applies to any active duty military personnel and members of the reserves and national guard on active duty, including personnel on full-time national guard duty, personnel on part-time training and national guard military technicians, civilians who are required to wear military uniforms and are subject to the code of military justice; and
- (d) motor vehicles, which would otherwise be considered commercial motor vehicles, if such vehicles are used solely and exclusively for private noncommercial use and any operator of such vehicles. (effective 5-30-91)

8-2,128. SAME; DEFINITIONS. (a) "Alcohol" means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol and isopropanol;

- (b) "alcohol concentration" means:
 - (1) The number of grams of alcohol per 100 milliliters of blood;
 or
 - (2) the number of grams of alcohol per 210 liters of breath;
- (c) "commercial driver's license" means a license issued pursuant to K.S.A. 8-234b, and amendments thereto;
- (d) "commercial driver license system" means the information system established pursuant to the commercial motor vehicle safety act of 1986 to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;
- (e) "instruction permit" means a permit issued pursuant to K.S.A. 1990 Supp. 8-294, and amendments thereto;
- (f) "commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property, if:
 - (1) The vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating, as determined by rules and regulations adopted by the secretary, but shall not be more restrictive than the federal regulation;
 - (2) the vehicle is designed to transport 16 or more passengers, including the driver; or

(3) the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. 172, subpart F, effective January 1, 1991;

(g) "controlled substance" means any substance so classified under K.S.A. 65-4101, and amendments thereto;

(h) "conviction" means an unvacated, adjudication of guilt or a determination that a person has violated or failed to comply with the law and in a court of original jurisdiction or an administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated;

(i) "disqualification" means a prohibition against driving a commercial motor vehicle, including the suspension, revocation or cancellation of the privilege to drive a commercial motor vehicle;

(j) "drive" means to drive, operate or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of sections 1 and 2 of this act and K.S.A. 1990 Supp. 8-2,137, 8-2,138 and 8-2,142, and amendments thereto, "drive" includes operation or physical control of a motor vehicle anywhere in the state;

(k) "driver" means any person who drives, operates or is in physical control of a commercial motor vehicle, in any place open to the general public for purposes of vehicular traffic, or who is required to hold a commercial driver's license;

(l) "driver's license" means 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:

(1) Any temporary license or instruction;

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

(3) any nonresident's operating privilege;

(m) "employer" means any person, including the United States, a state or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle;

(n) "endorsement" means an authorization to an individual's commercial driver's license required to permit the individual to operate certain types of commercial motor vehicles;

(o) "felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year;

(p) "gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle, or registered gross weight, whichever is greater. The gross vehicle weight rating of a combination (articulated) vehicle (commonly referred to as the "gross combination weight rating" is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of the towed unit or units;

(q) "hazardous materials" has the meaning as that found in section 103 of the hazardous materials transportation act, 49 U.S.C. 1801 et seq;

(r) "motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs;

(s) "out of service order" means a temporary prohibition against driving a commercial motor vehicle, which is imposed when a driver has any measured or detected alcohol concentration while on duty, or operating, or in physical control of a commercial motor vehicle;

(t) "residence" means the place which is adopted by a person as the person's place of habitation and to which, whenever the person is absent, the person has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be considered the person's residence;

(u) "secretary" means the secretary of the Kansas department of revenue;

(v) "serious traffic violation" means:

(1) Excessive speeding is defined as 15 miles per hour or more over the posted speed limit;

(2) reckless driving, as defined under K.S.A. 8-1566, and amendments thereto;

(3) a violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person;

(4) changing lanes of traffic illegally or erratically, as defined under K.S.A. 8-1548, and amendments thereto;

(5) following another vehicle too closely, as defined under K.S.A. 8-1523, and amendments thereto; or

(6) any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, which the secretary determines by rule and regulation to be serious;

(w) "state" means a state of the United States and the District of Columbia;

(x) "state of domicile" means that state where a person has such person's true, fixed and permanent home and principal residence and to which such person has the intention of returning whenever such person is absent;

(y) "tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks, as defined in 49 C.F.R. 171 in effect on January 1, 1991. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons;

(z) "United States" means the 50 states and the District of Columbia;

(aa) "division" means the division of vehicles of the Kansas department of revenue.

(bb) "director" means the director of the division of vehicles of the Kansas department of revenue;

(cc) "foreign country" means any jurisdiction other than the United States;

(dd) "nonresident commercial driver's license" means a license issued pursuant to K.S.A. 8-2,148. (effective 4-21-94)

8-2,129. SAME; ONE DRIVER'S LICENSE RESTRICTION. No person who drives a commercial motor vehicle may have more than one driver's license, except during the ten-day period beginning on the date the person is issued a driver's license. (effective 7-1-89)

been issued through error or when voluntarily surrendered to the division. (effective 7-1-73)

8-1333. SAME; DISPOSITION OF MONEYS; STATE HIGHWAY FUND. All moneys received pursuant to K.S.A. 8-1324 to 8-1332, inclusive, shall be paid over by the director of the division of vehicles to the state treasurer who shall credit all moneys received under this act to the state highway fund. (effective 7-1-73)

8-1334. ACT SUPPLEMENTAL TO UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS; DEFINITIONS APPLICABLE. This act shall be a part of and supplemental to the uniform act regulating traffic on highways, as said uniform act is now contained in article 5 of chapter 8 of the Kansas Statutes Annotated, including acts amendatory thereof or supplemental thereto, or as said uniform act subsequently may be revised and reenacted by the legislature of this state. Except as otherwise provided in this act, the words and phrases used in this act shall have the meanings ascribed to such words and phrases in the uniform act regulating traffic on highways. (effective 3-6-74)

8-1335. BASIC RULE GOVERNING SPEED OF VEHICLES. 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. (effective 3-6-74)

8-1336. MAXIMUM SPEED LIMITS. (a) Except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1335, and amendments thereto, 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) In any business district, 20 miles per hour;
- (2) in any residence district, 30 miles per hour;
- (3) on those portions of rural interstate highways located outside of urbanized areas as defined by 23 USC 101, 65 miles per hour; and
- (4) in all other locations, 55 miles per hour. In the event that the Congress of the United States establishes a maximum speed limit greater or less than the limit prescribed by this paragraph, the secretary of transportation may adopt a resolution, subject to the approval of the governor, establishing such speed limit as the maximum speed limit of this state. After the governor has approved any such resolution, the speed limit stated therein shall be the maximum speed limit of this state in all locations other than business and residence districts. 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 limit established by or pursuant to this paragraph shall not be of any force and effect.

Article 15.--RULES OF THE ROAD

8-1501. APPLICATION OF SECTIONS IN ARTICLE 15. The provisions of this article relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(a) Where a different place is specifically referred to in a given section; and

(b) The provisions of K.S.A. 8-1566 to 8-1568, inclusive, and the provisions of article 10 of chapter 8 of the Kansas Statutes Annotated, and any acts amendatory thereof, shall apply upon highways and elsewhere throughout the state. (effective 7-1-74)

8-1503. REQUIRED OBEDIENCE TO LAWFUL ORDER OF POLICE OFFICER OR FIREMAN; MISDEMEANOR. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer or fireman invested by law with authority to direct, control or regulate traffic. Violation of this section is a misdemeanor. (effective 1-1-85)

8-1504. RIGHTS AND DUTIES OF PERSON RIDING ANIMAL OR DRIVING ANIMAL-DRAWN VEHICLE. 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 article, except those provisions of this article which by their very nature can have no application. (effective 7-1-74)

8-1505. APPLICATION OF TRAFFIC LAWS TO HIGHWAY CONSTRUCTION OR MAINTENANCE OPERATIONS. Unless specifically made applicable, the provisions of this article except those contained in K.S.A. 8-1566 to 8-1568, inclusive, 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. (effective 7-1-74)

8-1506. AUTHORIZED EMERGENCY VEHICLES; RIGHTS, DUTIES AND LIABILITY OF DRIVERS THEREOF. (a) The driver of an 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 article;

(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 such driver does not endanger life or property;

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

(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 K.S.A. 8-1738 and visual

signals meeting the requirements of K.S.A. 8-1720, 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 reckless disregard for the safety of others. (effective 7-1-77)

8-1507. OFFICIAL TRAFFIC-CONTROL DEVICES; REQUIRED OBEDIENCE; PLACEMENT; PRESUMPTIONS. (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 act, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this act.

(b) No provision of this act 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 act, 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 act and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this act, unless the contrary shall be established by competent evidence. (effective 7-1-74)

8-1508. 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 directed by a pedestrian-control signal, as provided in K.S.A. 8-1509 and amendments thereto, 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 K.S.A. 8-1509, and amendments thereto, 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 paragraphs (2) and (3) shall be governed by the applicable provisions of K.S.A. 8-1545 and amendments thereto.

(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) Unless a sign is in place prohibiting a turn, 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 K.S.A. 8-1509 and amendments thereto, 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. (effective 4-21-94)

8-1509. 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 crossing on the "walk" signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing: Provided, That any "wait" signal which has been installed by the secretary of

transportation or local authorities within their respective jurisdictions prior to the effective date of this act shall convey the same message and require the same obedience as a "don't walk" signal until July 1, 1975, but after the effective date of this act no "wait" signal shall be installed or replaced; and after July 1, 1975, a "wait" signal shall not be a lawful pedestrian-control signal. (effective 7-1-74)

8-1510. FLASHING TRAFFIC SIGNALS. (a) 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). 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 crossings shall be governed by the rules as set forth in K.S.A. 8-1558 /*/. (effective 7-1-74) /*/ Reference apparently should be to 8-1551.

8-1511. 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. (effective 7-1-74)

8-1512. PLACEMENT, MAINTENANCE OR DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, MARKINGS OR DEVICES. (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 an 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 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 authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice. (effective 7-1-74)

8-1513. INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS; MISDEMEANOR. 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. Violation of this section is a misdemeanor. (effective 1-1-85)

8-1514. DRIVING ON RIGHT SIDE OF ROADWAY REQUIRED; 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 movement;
- (2) When an obstruction exists making it necessary to drive to the left of the center of the highway, except that any persons 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 side 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. (effective 7-1-74)

8-1515. OVERTAKING AND 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 (1) line of traffic in each direction, each driver shall give to the other at least one-half (1/2) of the main-traveled portion of the roadway as nearly as possible. (effective 7-1-74)

8-1516. SAME; VEHICLES PROCEEDING IN SAME DIRECTION. 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. (effective 7-1-74)

8-1517. SAME; WHEN PASSING ON THE RIGHT PERMITTED. (a) 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; or

(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.

(b) 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. (effective 7-1-74)

8-1518. SAME; LIMITATIONS ON PASSING ON THE LEFT. Except as otherwise provided in this article, no vehicle shall be driven to the left side 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 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. (effective 7-1-74)

8-1519. DRIVING ON LEFT SIDE OF ROADWAY PROHIBITED; EXCEPTIONS. (a) No vehicle shall be driven on 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 100 feet of or traversing any intersection or railroad grade crossing, except that this section shall not apply to any intersection on a state or county maintained highway located outside city limits unless such intersection is marked by an official department of transportation or county road department traffic control device or pavement marking or both indicating that passing is prohibited and such marking is placed at least 100 feet before the intersection; or

(3) When the view is obstructed upon approaching within 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 K.S.A. 8-1514 and amendments thereto, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. (effective 7-1-87)

8-1520. NO-PASSING ZONES; DESIGNATION BY SECRETARY OF TRANSPORTATION OR LOCAL AUTHORITIES; DUTIES OF DRIVERS. (a) The secretary of transportation and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and by appropriate signs or markings on the roadway may indicate the beginning and end of such zones and when such signs or markings are

in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in subsection (a), no driver at any time shall 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.

(c) This section does not apply under the conditions described in subsection (a) (2) of K.S.A. 8-1514, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. (effective 8-15-75)

8-1521. ONE-WAY HIGHWAYS, ROADWAYS OR TRAFFIC LANES; DESIGNATION BY SECRETARY OF TRANSPORTATION OR LOCAL AUTHORITIES; DUTIES OF DRIVERS; ROTARY TRAFFIC ISLANDS. (a) The secretary of transportation and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one (1) direction at all or such times as shall be indicated by official traffic-control devices.

(b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

(c) A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (effective 8-15-75)

8-1522. 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 directions of every such device. (effective 7-1-74)

8-1523. FOLLOWING ANOTHER VEHICLE 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 vehicles 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. (effective 7-1-74)

8-1524. DRIVING LIMITATIONS ON DIVIDED HIGHWAYS AND CONTROLLED-ACCESS HIGHWAYS; CERTAIN TURNS PROHIBITED; PARKING PROHIBITED, WHEN. 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 semicircular or "U" turn through an opening provided and surfaced for the purpose of public use for such turning movement;

(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 exits as are established by the authority having jurisdiction over such highway;

(g) used 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 highways 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. (effective 4-14-83)

8-1525. REGULATION AND RESTRICTIONS ON USE OF CONTROLLED-ACCESS HIGHWAYS AND FACILITIES; MISDEMEANOR. (a) The secretary of transportation, by duly adopted resolution or order, and local authorities by ordinance or resolution, may regulate or prohibit the use of any controlled-access highway or facility within their respective jurisdictions by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) The secretary or the local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access highway or facility on which such prohibitions are applicable, and when in place no person shall disobey the restrictions stated on such devices. Violation of this subsection (b) is a misdemeanor. (effective 1-1-85)

8-1526. RIGHT-OF-WAY; APPROACHING OR ENTERING INTERSECTION.

(a) When two (2) vehicles approach or 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 stated in this article. (effective 7-1-74)

8-1527. SAME; TURNING LEFT. The driver of a vehicle intending to turn to the left within an intersection or into an 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. (effective 7-1-74)

8-1528. STOP SIGNS AND YIELD SIGNS; DUTIES OF DRIVERS. (a) Preferential right-of-way may be indicated by stop signs or yield signs as authorized in K.S.A. 8-2008.

(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 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 or her failure to yield right-of-way. (effective 7-1-74)

8-1529. VEHICLE ENTERING OR CROSSING 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. (effective 7-1-74)

8-1530. DUTY OF DRIVER UPON APPROACH OF AUTHORIZED EMERGENCY VEHICLE. (a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of subsection (d) of K.S.A. 8-1738 and visual signals meeting the requirements of K.S.A. 8-1720, 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 drive immediately to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway 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. (effective 7-1-74)

8-1531. HIGHWAY CONSTRUCTION OR MAINTENANCE OPERATIONS; DUTY OF DRIVER. (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 road construction zone, as defined in 8-1458a, 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 K.S.A. 8-1731, and amendments thereto. (effective 4-21-94)

8-1531a. ROAD CONSTRUCTION ZONE, FAILING TO COMPLY WITH TRAFFIC REGULATIONS IN. It shall be unlawful for any person to fail, neglect or refuse to comply with restrictions or traffic regulations in a road construction zone or fail to comply with traffic orders or traffic directions by a flagman in a road construction zone. (effective 7-1-94)

8-1532. PEDESTRIANS; OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL DEVICES REQUIRED. (a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to such pedestrian, unless otherwise directed by a police officer.

(b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in K.S.A. 8-1508 and 8-1509.

(c) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter /*/. (effective 7-1-74)

8-1533. SAME; RIGHT-OF-WAY AT CROSSWALKS; INTERFERENCE WITH VEHICULAR TRAFFIC; DUTIES OF DRIVERS. (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 crossing the roadway within a crosswalk

when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(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) shall not apply under the conditions stated in subsection (b) of K.S.A. 8-1534.

(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. (effective 7-1-74)

8-1534. SAME; CROSSING ROADWAY AT LOCATION OTHER THAN CROSSWALK. (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. (effective 7-1-74)

8-1535. SAME; DRIVERS TO EXERCISE DUE CARE. Notwithstanding other provisions of this article or the provisions of any local ordinance, 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. (effective 7-1-74)

8-1536. SAME; MOVEMENT IN CROSSWALK. Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (effective 7-1-74)

8-1537. SAME; USE OF ROADWAYS. (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. (effective 7-1-74)

8-1538. SAME; SOLICITING RIDES OR BUSINESS. (a) No person shall stand in a roadway 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. (effective 7-1-74)

8-1539. DRIVING THROUGH SAFETY ZONE PROHIBITED. No vehicle shall at any time be driven through or within a safety zone. (effective 7-1-74)

8-1540. PEDESTRIANS' RIGHT-OF-WAY ON SIDEWALKS. The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk. (effective 7-1-74)

8-1541. PEDESTRIANS MUST YIELD RIGHT-OF-WAY TO AUTHORIZED EMERGENCY VEHICLE. (a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of subsection (d) of K.S.A. 8-1738 and visual signals meeting the requirements of K.S.A. 8-1720, 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. (effective 7-1-74)

8-1542. BLIND PEDESTRIAN'S 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. (effective 7-1-74)

8-1543. PEDESTRIANS UNDER INFLUENCE OF ALCOHOL OR DRUGS; MISDEMEANOR. A pedestrian who is under the influence of alcohol or any drug to a degree which renders such pedestrian a hazard shall not walk or be upon a highway except on a sidewalk. Violation of this section is a misdemeanor. (effective 1-1-85)

8-1544. OBEDIENCE OF PEDESTRIAN TO BRIDGE AND RAILROAD SIGNALS REQUIRED. (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. (effective 7-1-74)

8-1545. REQUIRED POSITION AND METHOD OF TURNING VEHICLES. (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) The secretary of transportation and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and when such devices are so placed no driver shall turn a vehicle other than as directed and required by such devices. (effective 8-15-75)

8-1546. LIMITATIONS ON "U" TURNS. (a) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(b) 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. (effective 7-1-74)

8-1547. 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. (effective 7-1-74)

8-1548. TURNING MOVEMENTS AND REQUIRED SIGNALS. (a) No person shall turn a vehicle or move right or left upon a roadway 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 the 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 K.S.A. 8-1549 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. (effective 7-1-74)

8-1549. METHODS OF GIVING NOTICE OF INTENTION TO TURN. The driver of any motor vehicle or combination of vehicles which is required to be equipped with electric turn signal lamps by K.S.A. 8-1708 shall give any required notice of intention to turn by means of electric turn signals meeting the requirements of subsection (b) of K.S.A. 8-1721. 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 K.S.A. 8-1550, or by such electric turn signals. (effective 4-19-75)

8-1550. SAME; HAND AND ARM SIGNALS. All signals herein required 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:

- (a) Left turn. Hand and arm extended horizontally.
 - (b) Right turn. Hand and arm extended upward.
 - (c) Stop or decrease speed. Hand and arm extended downward.
- (effective 7-1-74)

8-1551. 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 or she 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. (effective 7-1-74)

8-1552. DESIGNATION OF DANGEROUS RAILROAD GRADE CROSSINGS; VEHICLES REQUIRED TO STOP, WHEN.

The secretary of transportation and local authorities, with the approval of the secretary, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected, 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. (effective 8-15-75)

8-1553. CERTAIN VEHICLES REQUIRED TO STOP AT ALL RAILROAD GRADE CROSSINGS.

(a) Except as provided in subsection (b), the driver of any vehicle described in rules and regulations issued pursuant to subsection (c), before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 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 such driver can do so safely. After stopping as required and upon proceeding when it is safe to do so, the driver of any 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 controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits a vehicle to proceed across the railroad tracks without slowing or stopping;

(3) any abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned;

(4) any industrial or spur line railroad grade crossing marked with a sign reading "Exempt." Such exempt signs shall be erected only by or with the consent of the appropriate state or local authority;

(5) a railroad grade crossing used exclusively for industrial switching purposes, within a business district defined in K.S.A. 8-1407, and amendments thereto.

(c) The secretary of transportation, in conjunction with the state corporation commission, shall adopt such rules and regulations as may be necessary describing the vehicles which must comply with the stopping requirements of this section. Such rules and regulations shall correlate with and so far as possible conform to the federal motor carrier safety regulations of the United States department of transportation. (effective 7-1-93)

8-1554. MOVING HEAVY EQUIPMENT AT RAILROAD GRADE CROSSINGS; NOTICE TO RAILROAD'S STATION AGENT. (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 (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 a 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 the direction of the flagman. (effective 7-1-74)

8-1555. VEHICLE EMERGING FROM ALLEY, BUILDING, PRIVATE ROAD OR DRIVEWAY. 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. (effective 7-1-74)

8-1556. 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 K.S.A. 8-1730, and said driver shall not proceed until such school bus resumes motion or said driver 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 K.S.A. 8-1730, 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. 8-2009a. (effective 7-1-76)

8-1556a. PASSING CHURCH AND DAY CARE PROGRAM BUSES; USE OF SIGNALS. (a) The driver of a vehicle meeting or overtaking from either direction any church bus or day care program bus stopped on the highway shall stop before reaching such church bus or day care program bus when there is in operation on said church bus or day care program bus the flashing red lights specified in subsection (a) of K.S.A. 8-1730, and said driver shall not proceed until such church bus or day care program bus resumes motion or said driver is signaled by the church bus or day care 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 care program bus is equipped with visual signals permitted by subsection (b) of K.S.A. 8-1730a, such signals may be actuated by the driver of said church bus or day care program bus only when such vehicle is stopped on the highway for the purpose of receiving or discharging passengers. A church bus or day care 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 care program bus which is on a separate roadway or when upon a controlled-access highway and the church bus or day care 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. (effective 7-1-80)

8-1557. BASIC RULE GOVERNING SPEED OF VEHICLES. 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. (effective 7-1-74)

8-1558. MAXIMUM SPEED LIMITS. (a) Subject to subsection (b) and except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1557, and amendments thereto, the limits hereinafter specified or established as authorized by law shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:

- (1) In any urban district, 30 miles per hour;
- (2) in other locations during the daytime, 70 miles per hour;

and

- (3) in such other locations during the nighttime, 60 miles per hour.

(b) On any highway outside the corporate limits of any city, passenger vehicles and buses, other than school buses, and motor vehicles registered for a gross weight of 12,000 pounds or less, shall be subject to a maximum speed limit during the daytime of 70 miles per hour and a maximum speed limit during the nighttime of 60 miles per hour, except on interstate highways where the maximum lawful speed shall be 75 miles per hour and during the nighttime the maximum lawful speed shall be 70 miles per hour. On any highway outside the corporate limits of any city, any combination of vehicles and trucks registered for a gross weight of more than 12,000 pounds shall not exceed at any time a maximum speed limit of 60 miles per hour, and a school bus being driven to or from school, or interschool or intraschool functions or activities, shall not exceed a speed greater than 45 miles per hour on any roadway having a dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school, or functions or activities, at a speed in excess of 55 miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting students to or from school, or functions or activities.

(c) As used in this section, daytime means from 30 minutes before sunrise to 30 minutes after sunset; nighttime means at any other hour.

(d) The maximum speed limits in this section may be altered as authorized in K.S.A. 8-1559 and 8-1560 and amendments thereto.

(e) The provisions of subsections (a) and (b) shall not apply to the driving of vehicles on a highway which is under the jurisdiction of the Kansas turnpike authority, as defined in K.S.A. 68-2001. The turnpike authority may, by resolution, fix maximum and minimum speed limits for vehicles upon a highway or any part thereof under the authority's jurisdiction, which speed limits shall be

Chapter 8 Article 15.
effective when appropriate signs giving notice thereof are erected upon such highway or any part thereof.

(f) Notwithstanding amendments to this section, the suspension provided for in K.S.A. 8-1340 and amendments thereto shall remain in effect in accordance with the terms thereof. (effective 1-1-85)

8-1559. ALTERATION OF MAXIMUM SPEED LIMITS; ESTABLISHING SPEED LIMITS IN ROAD CONSTRUCTION ZONES; POWERS OF SECRETARY OF TRANSPORTATION.

(a) Whenever the secretary of transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, or upon any city street which is a state highway connecting link, the secretary may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(b) The secretary of transportation may establish the speed limit within a road construction zone, as defined in K.S.A. 8-1458a, upon any highway under the jurisdiction of the secretary, and the speed limit shall be effective when appropriate signs giving notice thereof are erected. (effective 4-21-94)

8-1560. ALTERATION OF MAXIMUM SPEED LIMITS; POWERS OF LOCAL AUTHORITIES, LIMITATIONS AND RESTRICTIONS; ESTABLISHING SPEED LIMITS IN ROAD CONSTRUCTION ZONES.

(a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

- (1) Decreases the limit at intersections;
- (2) increases the limit within an urban district but not to exceed the maximum speed limit established by or pursuant to subsection (a)(3) of K.S.A. 8-1336, and amendments thereto;
- (3) decreases the limit outside an urban district, but not to less than 20 miles per hour; or
- (4) decreases the limit within an urban district in a school zone to not less than twenty (20) miles per hour, except that any such decreased limit shall apply only during the hours in which students are normally en route to or from school, such zones and hours to be determined by ordinance or resolution of such local authority; or
- (5) decreases the limit within any residence district, but not to less than 20 miles per hour.

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act for an urban district.

(c) Except as otherwise provided in paragraph (4) of subsection (a), any altered limit established as authorized shall be effective at all times or during hours of darkness or at other times as may be

determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on city connecting links shall not be effective until such alteration has been approved by the secretary of transportation.

(e) If local authorities in their respective jurisdictions have established a speed limit within any residence district which is less than 30 miles per hour, prior to the effective date of this act, such speed limit shall be deemed valid and shall not require an engineering and traffic investigation.

(f) Local authorities in their respective jurisdictions may establish the speed limit within a road construction zone, as defined in 8-1458a, upon any highway under the jurisdiction of such local authorities.

(g) The provisions of subsection (e) of K.S.A. 8-1558, and amendments thereto, shall apply to the limitations on speed limits provided by subsection (a) of this section. (effective 4-21-94)

8-1561. 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 secretary of transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the secretary or any such local authority 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. (effective 8-15-75)

8-1562. SPECIAL SPEED LIMITATION ON MOTOR-DRIVEN CYCLES. No person shall operate any motor-driven cycle at any time mentioned in K.S.A. 8-1703 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. (effective 7-1-74)

8-1563. SPECIAL SPEED LIMITATIONS APPLICABLE TO CERTAIN VEHICLES AND PORTIONS OF HIGHWAYS; POWERS OF SECRETARY AND LOCAL AUTHORITIES; VIOLATIONS, EVIDENCE OF SAFE SPEED. (a) No person shall drive a vehicle which is towing a house trailer at a speed greater than a maximum of fifty-five (55) miles per hour.

(b) No person shall drive any vehicle equipped with solid rubber tires at a speed greater than a maximum of ten (10) miles per hour.

(c) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(d) The secretary of transportation and local authorities on highways under their respective jurisdictions may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this article, the secretary

or local authority shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained not less than one hundred (100) feet before each end of such structure.

(e) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said secretary and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure. (effective 8-15-75)

8-1564. VIOLATIONS OF SPEED LIMITS; REQUIREMENTS FOR COMPLAINT, SUMMONS AND NOTICE TO APPEAR; EFFECT OF MAXIMUM SPEED LIMITS IN CIVIL ACTION. (a) In every charge of violation of any speed regulation in this article, except charges of violations of K.S.A. 8-1557, 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.

(b) The provisions of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident. (effective 4-19-75)

8-1565. RACING ON HIGHWAYS; MISDEMEANOR. (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 speed 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 out-gain, out-distance 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) Violation of this section is a misdemeanor. (effective 1-1-85)

8-1566. 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) Except as provided in K.S.A. 8-2,142, violation of this section is a misdemeanor. 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 fined not less than \$25 nor more than \$500, or 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. (effective 1-1-91)

(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. (effective 7-1-74)

8-1584. RESTRICTIONS ON DRIVING INTO INTERSECTION OR CROSSWALK OR ONTO RAILROAD GRADE CROSSING. 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 or she is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed. (effective 7-1-74)

8-1585. LIMITATIONS ON OPERATION OF SNOWMOBILE. 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 authority having jurisdiction over the highway. (effective 7-1-74)

8-1586. UNLAWFUL ACTS; APPLICATION OF REGULATIONS. (a) Violation of any provision of K.S.A. 8-1587 to 8-1592, inclusive, and amendments thereto, is a traffic infraction.

(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 K.S.A. 8-1587 to 8-1592, inclusive.

(c) The provisions of K.S.A. 8-1587 to 8-1592, 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. (effective 1-1-85)

8-1587. 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 act, except as otherwise provided in K.S.A. 8-1586 to 8-1592, inclusive, and except as to those provisions of this act which by their nature can have no application. (effective 4-19-75)

8-1588. RIDING ON BICYCLES. (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. (effective 7-1-74)

8-1589. SAME; CLINGING TO OTHER VEHICLES PROHIBITED. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same, himself or herself to any vehicle upon a roadway. (effective 7-1-74)

8-1590. SAME; 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) 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 K.S.A. 8-1602, and amendments thereto, and subsection (a) of this section, insofar as possible on such person's part to be performed, shall forthwith report such accident to the nearest office of a duly authorized police authority and submit thereto the information specified in subsection (a) of this section.

(c) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, 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, within 20 days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. 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, the policy number and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance. Upon the production in court of evidence of financial security, the court shall record the information displayed thereon on the insurance verification form prescribed by the secretary of revenue, immediately forward such form to the department of revenue, and stay any further proceedings on the matter pending a request from the prosecuting attorney that the matter be set for trial. Upon receipt of such form the department shall mail the form to the named insurance company for verification that insurance was in force on the date indicated on the form. It shall be the duty of insurance companies to notify the department within 30 calendar days of the receipt of such forms of any insurance that was not in force on the date specified. Upon return of any form to the department indicating that insurance was not in force on such date, the department shall immediately forward a copy of such form to the office of the prosecuting attorney or the city clerk of the municipality in which such prosecution is pending when the prosecuting attorney is not ascertainable. Receipt of any completed form indicating that insurance was not in effect on the date specified shall be prima facie evidence of failure to provide proof of financial security and violation of this section. A request that the matter be set for trial shall be made immediately following the receipt by the prosecuting attorney of a copy of the form from the department of revenue indicating that insurance was not in force. Any charge hereunder shall be dismissed if no request for a trial setting has been made within 60 days of the date evidence of financial security was produced in court. (effective 7-1-88)

8-1605

DUTY OF DRIVER UPON DAMAGING UNATTENDED VEHICLE OR OTHER PROPERTY; MISDEMEANOR. 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 nearest office of a duly authorized police authority. Every such stop shall be made without obstructing traffic more than is necessary. Violation of this section is a misdemeanor. (effective 1-1-85)

8-1606. DUTY OF DRIVER OR OCCUPANT TO GIVE NOTICE OF ACCIDENT TO POLICE AUTHORITY; EXCEPTION; MISDEMEANOR. (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 \$500 or more shall give notice immediately of such accident, by the quickest means of communication, to the nearest office of a duly authorized police authority.

(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.

(c) Whenever the driver of a vehicle is involved in an accident resulting in property damage in the amount of \$500 or more and such driver believes the conduct of other individuals causing or involved in such accident would place such driver in imminent danger of bodily injury by such individuals, such driver shall be required to provide the notice required by subsection (a), as soon as the imminent danger has passed.

(d) Violation of this section is a misdemeanor. (effective 7-1-94)

8-1607. DIVISION MAY REQUIRE DRIVER OR OWNER TO SUBMIT WRITTEN ACCIDENT REPORT. The division may require any driver or owner of a vehicle involved in an accident to file a written report whenever the division deems it necessary to satisfy the requirements of any other provision of law. (effective 7-1-78)

8-1608. FALSE INFORMATION OR REPORT CONCERNING ACCIDENT; MISDEMEANOR. A person shall not give information in oral or written reports, as required in this article, knowing or having reason to believe that such information is false. Violation of this section is a misdemeanor. (effective 1-1-85)

8-1609. FAILURE TO REPORT; SUSPENSION OF DRIVER'S LICENSE; PENALTY. The director shall suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as herein provided until such report has been filed, and the director may extend such suspension not to exceed thirty (30) days. Any person who shall fail to make a written report as required in this article and who shall fail to file such report with the division within the time prescribed shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in K.S.A. 8-2116. (effective 7-1-74)

8-1610. REPORTS BY SECRETARY OF HEALTH AND ENVIRONMENT ON DEATHS RESULTING FROM ACCIDENTS. On or before the 10th day of each month, the secretary of health and environment shall report in writing to the department of transportation, the death of any person

(f) The provisions of subsection (e) shall not apply to a vehicle or combination of vehicles being transported by a wrecker or tow truck, as defined in K.S.A. 66-1329, and amendments thereto.

(g) It shall be unlawful for any person to operate a vehicle with a single tire on any hubs configured for a dual tire assembly. The provisions of this subsection shall not apply: (1) To any truck registered for a gross weight of 20,000 pounds or less; (2) to any vehicle or combination of vehicles operating with wide-base single tires, as defined in K.S.A. 1993 Supp. 8-1742b, and amendments thereto, on any hubs configured for a dual tire assembly; (3) to any single axle with hubs configured for a dual tire assembly when such single axle does not exceed 9,000 pounds and is a part of a triple-axle combination; or (4) in cases of emergency. (effective 7-1-94)

8-1742a. SALE OF UNSAFE TIRES; MISDEMEANOR. 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 provided in subsection (e) of K.S.A. 8-1742 and amendments thereto. Violation of this section is a misdemeanor. (effective 1-1-85)

8-1742b. WIDE-BASE SINGLE TIRES; PROHIBITIONS. (a) As used in this section, "wide-base single tires" means all tires having a section width, as specified by the manufacturer, of 14 inches or more.

(b) The following shall apply where wide-base single tires are used in the operation of any vehicle or combination of vehicles:

(1) The maximum load for a wide-base single tire on a steering axle shall not exceed 600 pounds per inch of tire section width. The maximum load for a wide-base single tire on any other axle shall not exceed 575 pounds per inch of tire section width.

(2) No wide-base single tire shall exceed the load designated by the manufacturer; and

(3) the maximum tire inflation pressures shall be as designated by the manufacturer.

(c) The provisions of paragraph (1) of subsection (b) shall apply to all wide-base single tires purchased after July 1, 1993.

(d) Any conviction of forfeiture of bail or bond for any violation of this section shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto. (effective 7-1-93)

8-1743. SAFETY GLAZING MATERIAL REQUIREMENTS; LIMITATION ON REGISTRATION; MISDEMEANOR. (a) No person shall sell any new motor vehicle as specified in this section, nor shall any such new motor vehicle be registered, unless such vehicle is equipped with safety glazing material when glazing materials are used in doors, windows and windshields. This subsection (a) shall apply to all passenger-type motor vehicles, including passenger buses and school buses. This subsection (a) shall not apply to glazing material in compartments of trucks and truck tractors not designed and equipped for persons to ride therein.

(b) No person shall sell or affix to a motor vehicle any truck-camper manufactured or assembled after July 1, 1968, unless such truck-camper is equipped with safety glazing material where glazing material is used in doors and windows.

(c) The division of vehicles shall not register any motor vehicle which is subject to the provisions of this section unless it

is equipped with safety glazing material, and the division shall suspend the registration of any such motor vehicle which is not so equipped until it conforms to the requirements of this section.

(d) No person shall replace any glass or glazing materials used in partitions, doors, windows or windshields in any motor vehicle with any material other than safety glazing material.

(e) This section is subject to K.S.A. 8-2009a.

(f) As used in this section, "safety glazing material" means glazing material which conforms to the American national standard "safety code for safety glazing materials for glazing motor vehicles operating on land highways," Z26.1-1966, July 15, 1966, as supplemented by Z26.1a-1969, March 7, 1969.

(g) Violation of this section is a misdemeanor. (effective 1-1-85)

8-1744. FLARES OR WARNING DEVICES; VEHICLES SUBJECT TO REQUIREMENTS; USE, WHEN REQUIRED; UNLAWFUL ACTS; COMPLIANCE WITH FEDERAL REQUIREMENTS. (a) No person shall operate any truck, bus or truck-tractor, or any motor vehicle towing a trailer, semitrailer or pole trailer eighty (80) inches or more in width or thirty (30) feet or more in length, upon any highway outside an urban district or upon any divided highway at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicles the following equipment, except as provided in subsection (b):

(1) At least three (3) flares or three (3) red electric lanterns or three (3) portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred (600) feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern or warning flag shall be used for the purpose of compliance with the requirements of this section, unless such equipment is of a type which has been submitted to the secretary of transportation and approved by the secretary. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section, unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred (600) feet to one hundred (100) feet under normal atmospheric conditions at night when directly in front of lawful lower beams of head lamps, and unless it is of a type which has been submitted to and approved by the secretary of transportation.

(2) At least three (3) red-burning fusees, unless red electric lanterns or red portable emergency reflectors are carried.

(b) No person shall operate at the time and under conditions stated in subsection (a) any motor vehicle used for the transportation of explosives or any cargo tank truck used for the transportation of flammable liquids or compressed gases, unless there shall be carried in such vehicle three (3) red electric lanterns or three (3) portable red emergency reflectors meeting the requirements of subsection (a), and there shall not be carried in any said vehicle, or in any vehicle using compressed gas as a fuel, any flares, fusees or signal produced by flame.

(c) No person shall operate any vehicle described in subsection (a) or (b) upon any highway outside of an urban district or upon a divided highway at any time when lighted lamps are not required by K.S.A. 8-1703, unless there shall be carried in such vehicle at least

two (2) red flags, not less than twelve (12) inches square, with standards to support such flags.

(d) Any person who is subject to requirements of any federal agency with respect to flares, fusees, electric lanterns or warning flags and who is in compliance with such federal regulations shall be deemed to be in compliance with the provisions of this section and K.S.A. 8-1745. (effective 8-15-75)

8-1745. DISPLAY OF VEHICULAR HAZARD WARNING SIGNAL LAMPS AND WARNING DEVICES BY CERTAIN STOPPED OR DISABLED VEHICLES. (a) Whenever any truck, bus, truck-tractor, trailer, semitrailer or pole trailer eighty (80) inches or more in overall width or thirty (30) feet or more in overall length is stopped upon a roadway or adjacent shoulder, the driver immediately shall actuate vehicular hazard warning signal lamps meeting the requirements of K.S.A. 8-1722. Such lights need not be displayed by a vehicle parked lawfully in an urban district, or stopped lawfully to receive or discharge passengers, or stopped to avoid conflict with other traffic or to comply with the directions of a police officer or an official traffic-control device, or while the devices specified in subsection (b) to (h) are in place.

(b) Whenever any vehicle of a type referred to in subsection (a) is disabled, or stopped for more than ten (10) minutes, upon a roadway outside of an urban district at any time when lighted lamps are required, the driver of such vehicle shall display the following warning devices, except as provided in subsection (c):

(1) A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(2) As soon thereafter as possible but in any event within the burning period of the fusee, the driver shall place three (3) liquid-burning flares, or three (3) lighted red electric lanterns, or three (3) portable red emergency reflectors on the roadway in the following order:

(i) One (1) approximately one hundred (100) feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(ii) One (1) approximately one hundred (100) feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

(iii) One (1) at the traffic side of the disabled vehicle not less than ten (10) feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (1) of this subsection, it may be used for this purpose.

(c) Whenever any vehicle referred to in this section is disabled, or stopped for more than ten (10) minutes, within five hundred (500) feet of a curve, hillcrest or other obstruction to view, the warning device in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred (100) feet nor more than five hundred (500) feet from the disabled vehicle.

(d) Whenever any vehicle of a type referred to in this section is disabled, or stopped for more than ten (10) minutes, upon any roadway of a divided highway during the time lighted lamps are required, the appropriate warning devices prescribed in subsections (b) and (e) shall be placed as follows: One (1) at a distance of

8-1749a. ONE-WAY GLASS AND SUN SCREENING DEVICES; REQUIREMENTS; PENALTIES. (a) No motor vehicle required to be registered in this state and which is operated on the highways of this state shall be equipped with one-way glass or any sun screen device, as defined in section 1, and used in conjunction with safety glazing materials that do not meet the following requirements:

(1) A sun screening device when used in conjunction with the windshield shall be nonreflective and shall not be red, yellow or amber in color. A sun screening device shall be used only along the top of the windshield and shall not extend downward beyond the ASI line which is clearly defined and marked;

(2) a sun screening device when used in conjunction with the safety glazing materials of the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rear most window shall be nonreflective; and

(3) the total light transmission shall not be less than 35% when a sun screening device is used in conjunction with safety glazing materials or other existing screening devices.

(b) The superintendent of the highway patrol may adopt such rules and regulations necessary to carry out the provisions of subsection (a).

(c) This section shall not prohibit labels, stickers or other informational signs that are required or permitted by state law.

(d) No motor vehicle required to be registered in this state which is operated on the highways of this state shall be equipped with head lamps which are covered with any sun screen device, adhesive film or other glaze or application which, when such lamps are not in operation, is highly reflective or otherwise nontransparent.

(e) (1) From and after July 1, 1987, and prior to January 1, 1988, a law enforcement officer shall issue a warning citation to any person violating the provisions of this section.

(2) From and after January 1, 1988, any person convicted of violating the provisions of this section shall be guilty of a misdemeanor. (effective 7-1-87)

8-1749b. SUN SCREENING DEVICES; DEFINITIONS. (a) "Sun screening devices" means a film material or device that is designated to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun;

(b) "light transmission" means the ratio of the amount of total light to pass through a product or material including any safety glazing material to the amount of the total light falling on the product or material and the glazing;

(c) "luminous reflectants" means the ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or material;

(d) "nonreflective" means a product or material designed to absorb light rather than to reflect it. (effective 7-1-87)

8-1749c. UNLAWFUL INSTALLATION OF SUN SCREENING DEVICE; PENALTY. Any person who installs a sun screening device on a motor vehicle which is not in compliance with the provisions of K.S.A. 8-1749a, and amendments thereto, upon conviction, shall be guilty of a class C misdemeanor. (effective 7-1-87)

8-1759. SPOT INSPECTIONS BY HIGHWAY PATROL; PENALTIES. (a) Every driver of a motor vehicle shall stop and submit such vehicle

and its equipment to an inspection of the mechanical condition thereof and such test, with reference thereto, as may be appropriate at any location where signs are displayed requiring such stop and where members of the Kansas highway patrol are conducting such inspections and tests of motor vehicles. Such an inspection and test shall be referred to as a "spot inspection." Spot inspections shall be conducted in a manner that the operator of a motor vehicle, whether private or commercial, shall not be unnecessarily inconvenienced by extended detours, unnecessary delays or any other unreasonable cause.

(b) Violation of this section is a class A misdemeanor. (effective 7-1-91)

8-1759a. INSPECTION BY HIGHWAY PATROL UPON REASONABLE CAUSE; NOTICE OF DEFECTS; PENALTIES. (a) Uniformed members of the highway patrol, at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, may require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

(b) In the event a vehicle is found to be in unsafe condition or any required part or equipment is not present or in proper repair and adjustment, the member of the highway patrol shall give a written notice of such defect to the driver.

(c) In the event any such vehicle is, in the reasonable judgment of the member of the highway patrol, in such condition that further operation would be hazardous, such member of the highway patrol may require, in addition, that the vehicle not be operated under its own power or that it be driven to the nearest garage or other place of safety.

(d) Violation of this section is a class A misdemeanor. (effective 7-1-91)

respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications.

(b) Local authorities in exercising those functions referred to in subsection (a) shall be subject to the direction and control of the secretary of transportation with respect to highways and streets designated by the secretary as connecting links in the state highway system. (effective 8-15-75)

8-2006. RESTRICTIONS ON PEDESTRIAN CROSSINGS. Local authorities, by ordinance or resolution, and the secretary of transportation, by erecting appropriate official traffic-control devices, are hereby empowered within their respective jurisdictions to prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk. (effective 8-15-75)

8-2007. SAME; UNMARKED CROSSWALKS. The secretary of transportation and local authorities in their respective jurisdictions, after an engineering and traffic investigation, may designate unmarked crosswalk locations where pedestrian crossing is prohibited or where pedestrians must yield the right-of-way to vehicles. Such restrictions shall be effective only when official traffic-control devices indicating the restrictions are in place. (effective 8-15-75)

8-2008. ERECTION AND MAINTENANCE OF STOP SIGNS, YIELD SIGNS AND TRAFFIC-CONTROL DEVICES. The secretary of transportation, with reference to state highways, and local authorities with reference to highways under their jurisdiction may erect and maintain stop signs, yield signs, or other official traffic-control devices to designate through highways, or to designate intersections or other roadway junctions at which vehicular traffic on one (1) or more of the roadways shall yield or stop and yield before entering the intersection or junction. (effective 8-15-75)

8-2009. REGULATIONS GOVERNING DESIGN AND OPERATION OF SCHOOL BUSES; EFFECT OF NONCOMPLIANCE. (a) All seats on school buses shall be forward-facing and shall be securely fastened to that part or parts of the school bus which support them, and any rule and regulation of the state board of education providing for any other seating arrangement shall be null and void. The state board of education shall adopt and enforce rules and regulations not inconsistent with this act to govern the design and operation of all school buses. The state board of education shall confer and consult, at such time or times as deemed necessary or advisable, with school officers and administrators and other persons responsible for school transportation services as to the effect of such rules and regulations. When any privately owned school bus is operated under contract with any school district or nonpublic school in this state, such rules and regulations shall by reference be made a part of any such contract with a school district or with a nonpublic school. Every school district, its officers and employees, and every nonpublic school, its officers and employees, and every person employed under contract by a school district or a nonpublic school shall be subject to such rules and regulations.

such land or structure personally communicated to such person by the owner of the health care facility or other authorized person.

(b) As used in this section:

(1) "Health care facility" means any licensed medical care facility, certificated health maintenance organization, licensed mental health center, or mental health clinic, licensed psychiatric hospital or other facility or office where services of a health care provider are provided directly to patients.

(2) "Health care provider" means any person: (A) Licensed to practice a branch of the healing arts; (B) licensed to practice psychology; (C) licensed to practice professional or practical nursing; (D) licensed to practice dentistry; (E) licensed to practice optometry; ~~(F) licensed to practice pharmacy;~~ (G) registered to practice podiatry; (H) licensed as a social worker; or (I) registered to practice physical therapy.

(c) Criminal trespass is a class B nonperson misdemeanor. (effective 7-1-93)

21-3722. LITTERING. Littering is dumping, throwing, placing, depositing or leaving, or causing to be dumped, thrown, deposited or left any refuse of any kind or any object or substance which tends to pollute, mar or deface, into, upon or about:

(a) Any public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water, except by direction of some public officer or employee authorized by law to direct or permit such acts; or

(b) Any private property without the consent of the owner or occupant of such property.

Littering is a **misdemeanor** punishable by a fine of not less than ten dollars (\$10) or more than five hundred dollars (\$500). (effective 7-1-78)

21-3724. TAMPERING WITH A LANDMARK. Tampering with a landmark is willfully and maliciously:

(a) Removing any monument of stone or other durable material, established or created for the purpose of designating the corner of or any other point upon the boundary of any lot or tract of land, or of the state, or any legal subdivision thereof; or

(b) defacing or altering marks upon any tree, post or other monument, made for the purpose of designating any point on such boundary; or

(c) cutting down or removing any tree, post or other monument upon which any such marks have been made for such purpose, with intent to destroy such marks; or

(d) breaking, destroying, removing or defacing any mile post, mile stone or guide board erected by authority of law on any public highway or road; or

(e) defacing or altering any inscription on any such marker or monument; or

(f) altering, removing, damaging or destroying any public land survey corner or accessory without complying with the provisions of K.S.A. 1982 Supp. 58-2011.

Tampering with a landmark is a **class C misdemeanor**. (effective 7-1-82)

21-3725. TAMPERING WITH A TRAFFIC SIGNAL. Tampering with a traffic signal is intentionally manipulating, altering, destroying or removing any light, sign, marker, railroad switching device or other

signal device erected or installed for the purpose of controlling or directing the movement of motor vehicles, railroad trains, aircraft or watercraft.

Tampering with a traffic signal is a class C misdemeanor. (effective 7-1-75)

21-3726. AGGRAVATED TAMPERING WITH A TRAFFIC SIGNAL.

Aggravated tampering with a traffic signal is tampering with a traffic signal which results or could result in an accident causing the death or great bodily injury of any person.

Aggravated tampering with a traffic signal is a severity level 7, nonperson felony. (effective 7-1-93)

21-3729. CRIMINAL USE OF A FINANCIAL CARD. (a) Criminal use

of a financial card is any of the following acts done with intent to defraud and for the purpose of obtaining money, goods, property, services or communication services:

(1) Using a financial card without the consent of the cardholder; or

(2) knowingly using a financial card, or the number or description thereof, which has been revoked or canceled; or

(3) using a falsified, mutilated, altered or nonexistent financial card or a number or description thereof.

(b) For the purposes of this section:

(1) "Financial card" means an identification card, plate, instrument, device or number issued by a business organization authorizing the cardholder to purchase, lease or otherwise obtain money, goods, property, services or communication services or to conduct other financial transactions.

(2) "Cardholder" means the person or entity to whom or for whose benefit a financial card is issued.

(c) For the purposes of subsection (a)(2), a financial card shall be deemed canceled or revoked when notice in writing thereof has been received by the named holder thereof as shown on such financial card or by the records of the company.

(d)(1) Criminal use of a financial card is a severity level 7, nonperson felony if the money, goods, property, services or communication services obtained within any seven-day period are of the value of \$25,000 or more.

(2) Criminal use of a financial card is a severity level 9, nonperson felony if the money, goods, property, services or communication services obtained within any seven-day period are of the value of at least \$500 but less than \$25,000.

(3) Criminal use of a financial card is a class A nonperson misdemeanor if the money, goods, property, services or communication services obtained within a seven-day period are of the value of less than \$500. (effective 7-1-94)

21-3731. CRIMINAL USE OF EXPLOSIVES. (a) Criminal use of

explosives is the possession, manufacture or transportation of commercial explosives; chemical compounds that form explosives; incendiary or explosive material, liquid or solid; detonators; blasting caps; military explosive fuse assemblies; squibs; or electric match or functional improvised fuse assemblies. For purposes of this section, explosives shall not include class "c" fireworks, legally obtained and transferred commercial explosives by licensed individuals and ammunition and commercially available loading powders and products used as ammunition.

(b)(1) Criminal use of explosives as defined in subsection (a) is a severity level 8, person felony.

(2) Criminal use of explosives as defined in subsection (a) if:
 (A) The possession, manufacture or transportation is intended to be used to commit a crime or is delivered to another with knowledge that such other intends to use such substance to commit a crime; (B) a public safety officer is placed at risk to defuse such explosive; or (C) the explosive is introduced into a building in which there is another human being, is a severity level 6, person felony.
 (effective 7-1-94)

21-3738. AUTOMOBILE MASTER KEY VIOLATION. (1) Automobile master key violation is either

(a) Selling or offering to sell a motor vehicle master key knowingly designed to fit the ignition switch of more than one motor vehicle to a person who is not regularly carrying on the business of garage proprietor or locksmith or employed as a law enforcement officer; or

(b) Possession of a motor vehicle master key designed to fit the ignition switch of more than one motor vehicle by a person knowing it to be such a key who is not regularly carrying on the business of garage proprietor or locksmith or employed as a law enforcement officer.

(2) It shall not be unlawful for the owner of two (2) or more vehicles to possess a motor vehicle master key for any or all of the motor vehicles so owned, nor shall the sale of such master keys to such owner be unlawful.

(3) Automobile master key violation is a class C misdemeanor.
 (effective 7-1-70)

21-3739. POSTING OF POLITICAL PICTURES AND POLITICAL ADVERTISEMENTS. Unlawful posting of political pictures and political advertisements is the putting up, affixing or fastening of either or both a political picture or a political advertisement to a telegraph, telephone, electric light or power pole.

Unlawful posting of pictures and political advertisements is a class C misdemeanor. (effective 7-1-71)

21-3742. THROWING OR OTHERWISE CASTING ROCKS OR OTHER OBJECTS FROM A BRIDGE OR OVERPASS ONTO A STREET, HIGHWAY OR RAILROAD RIGHT-OF-WAY. (a) Any person who intentionally throws, pushes, pitches or otherwise casts any rock, stone or other object, matter or thing from a bridge or overpass onto a street, roadway, highway, railroad right-of-way, or upon any vehicle, engine or car thereon, is guilty of a class B nonperson misdemeanor.

(b) Any person violating subsection (a) who damages any vehicle, engine or car lawfully on the street, road, highway or railroad right-of-way by the thrown or cast rock, stone or other object is guilty of a class A nonperson misdemeanor.

(c) Any person violating subsection (a) who injures another person on the road, street, highway or railroad right-of-way is guilty of a severity level 7, person felony.

(d) In any case where a vehicle, engine or car is damaged by a person violating subsection (a) and a person is injured either as a result of the cast or thrown object or from injuries incurred as a result of damage to the vehicle in which a person was a passenger when struck by such object, the person throwing or casting the rock, stone or other object from the bridge or overpass causing the damage

and injury is guilty of a severity level 6, person felony.
(effective 7-1-93)

21-3743. SALE OF RECUT OR REGROOVED TIRES. (a) Sale of recut or regrooved tires is the sale, offer to sell or exposure for sale of any passenger vehicle tire which is known to have been recut or regrooved, or the sale, offer to sell or exposure for sale of any passenger vehicle equipped with any tire which is known to have been recut or regrooved. For purposes of this section a recut or re-grooved tire is an untreated or unrecapped tire into which new grooves have been cut or burned.

(b) Sale of recut or regrooved tires is a class B nonperson misdemeanor. (effective 7-1-93)

21-3744. DEFINITION OF "PASSENGER VEHICLE." As used in this act, the term "passenger vehicle" shall have the meaning ascribed thereto by subsection (x) of K.S.A. 1970 Supp. 8-126. (effective 7-1-71)

21-3757. ODOMETERS; UNLAWFUL ACTS; PENALTIES; DEFINITIONS.

(a) For the purpose of this section, the following words and phrases shall have the following meanings:

(1) "Motor vehicle" means any vehicle other than a motorized bicycle, which is self-propelled and is required to be registered under the provisions of article 1 of chapter 8 of Kansas Statutes Annotated.

(2) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, and is required to be registered under the provisions of article 1 of chapter 8 of Kansas Statutes Annotated except that such term shall not include motorized bicycles, and such term shall not include manufactured homes or mobile homes.

(3) "True mileage" means the actual mileage the motor vehicle has been driven.

(4) "Person" means an individual, partnership, corporation or association.

(5) "Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation, but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

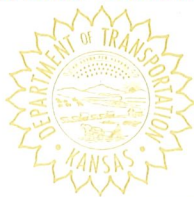
(b) It shall be unlawful for any person to knowingly tamper with, adjust, alter, change, set back, disconnect or fail to connect the odometer of any motor vehicle, or cause any of the foregoing to occur to an odometer of a motor vehicle, so as to reflect a lower mileage than the true mileage driven by the motor vehicle.

(c) It shall be unlawful for any person to conspire with any other person to violate the provisions of this section.

(d) It shall be unlawful for any person, with the intent to defraud, to operate a motor vehicle on any street or highway knowing that the odometer of the motor vehicle is disconnected or nonfunctional.

(e) It shall be unlawful for any person to advertise for sale, sell, use or install on any part of a motor vehicle or on any odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage.

(f) It shall be unlawful for any person to sell or offer to sell, with the intent to defraud, a motor vehicle knowing that the



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Bill Graves
Governor of Kansas

**TESTIMONY BEFORE THE SENATE COMMITTEE ON
TRANSPORTATION AND TOURISM
Regarding Senate Bill 139, Providing for Two License Plates
February 17, 1997**

Mr. Chairman and Committee Members:

I appreciate the opportunity to testify before you today regarding the provision of two license plates for Kansas vehicles. The decision about whether to provide one or two plates is a policy decision, based primarily on safety and law enforcement considerations. The Department of Transportation's concern is with the cost of funding the additional plate.

License plates are manufactured and distributed under the direction of the Department of Revenue. The Department of Transportation transfers State Highway Fund dollars to the Department of Revenue to provide for this function. According to the Department of Revenue, the estimated cost of the second plate would be approximately \$4 million dollars. The total cost of implementing S.B. 139 would be approximately \$8 million, assuming all existing plates would be replaced with a new pair.

Although the impact of providing two plates would be the greatest in years when plates are reissued, there would be some continuing increase in costs during the intervening years for replacement plates and new vehicles.

Transfers from the State Highway Fund to other agencies and to the State General Fund have increased substantially over the past eight years, and we are concerned about the cumulative effect of these increased transfers. Between FY 1990 and FY 1997, the Department of Transportation has transferred approximately \$51 million more out of the State Highway Fund than was anticipated when the Comprehensive Highway Program was passed. If the Committee does decide to act favorably on this legislation, we respectfully request that an alternative source of funding, such as increased license plate fees, be considered.

A

OVERLAND PARK CITY ORDINANCE
12.04.081

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

12.04.081 Moving Heavy Equipment on
Road Grade Crossing. No person
shall operate or move any crawler-type
excavator, steam shovel, derrick, roller
or any equipment or structure having
gross operating speed of 10 or less
miles per hour, or a vertical body of
road clearance of less than one-half
inch per foot of the distance between
two adjacent axles or in any level
of less than nine 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.

In advance of any such intended crossing,
the driver shall give notice to a station agent,
railroad agent and a reasonable time
given in such railroad to provide proper
protection at such crossing.

When making any such crossing, the
driver shall stop 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 across the crossing until it is
safe to do so.

Such crossing shall be made when
warning is given by automatic signals,
by the use of a flagman or otherwise,
or when the approach of a railroad
train is indicated by a flagman. If a
flagman is provided, movement over the
crossing shall be under his direction.

12.04.080 Emerging from Alley or Private
Drive. A vehicle shall not be driven
emerging from an alley, driveway, private
road or driveway into a public street
without first stopping and looking in
both directions along the street. Such
vehicle immediately prior to
moving onto a sidewalk or onto the
street area extending across such
alley, driveway, 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.

12.04.155, Ord. 98-1260, §79, 84

12.04.002 & 12.04.006

12.04.081 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 12.04.170(a), 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.
If any vehicle is witnessed by a
police officer or the driver of a school
bus to have violated the provisions of
this section and the identity of the
operator is not otherwise apparent, it
shall be a rebuttable presumption that
the person in whose name such vehicle is
registered has committed the violation,
provided, that charges shall not be
brought against the registered owner
until a law enforcement officer has
contacted the registered owner by tele-
phone or in person concerning the viola-
tion. Provided further, where the
vehicle is owned by multiple persons,
only one of the owners may be convicted
of the violation; provided further, this
presumption shall not apply to the
owners of rental vehicles.

(b) Every school bus shall be equipped
with red visual signals meeting the

SENATE TRANSPORTATION & TOURISM
2/17/97
ATTACHMENT 5

requirements of 12.04.170(a), 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 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.

(Ord.TC-1260,Y §1,91;K.S.A.8-1556;Ord.TC-1260 §80, 84)

~~...and passing children~~
~~...the driver~~
~~...overtaking from~~
~~...church bus or day~~
~~...stopped on the highway shall~~
~~...reaching such church bus or~~

~~...bus when there is in operation~~
~~...church bus or day program~~
~~...red lights specified~~
~~...and said driver shall not~~
~~...such church bus or day~~
~~...assumes motion or said~~
~~...signaled by the church bus or~~
~~...program bus to proceed or the flash-~~
~~...lights and stop signal arm are~~
~~...church bus or day program bus~~
~~...with visual signals pursuant~~
~~...K.S.A. 8-1556(a)(c), such signals may be~~
~~...the driver of said church~~
~~...day program bus only when~~
~~...is stopped on the highway for~~
~~...receiving or discharging~~
~~...church bus or day program~~
~~...actuate said special~~
~~...signals: (1) At intersections or~~
~~...places where traffic is controlled~~
~~...traffic-control signals or police~~
~~...or (2) in designated loading~~
~~...where the bus is entirely off the~~
~~...driver of a vehicle upon a high-~~
~~...separate roadways need not stop~~
~~...meeting or passing a church bus or~~
~~...program bus which is on a separate~~
~~...when upon a controlled-~~
~~...and the church bus or day pro-~~
~~...stopped in a loading zone~~
~~...or adjacent to such~~
~~...where pedestrians are not~~
~~...to cross the roadway.~~
~~...8-1556a;Ord.TC-1260 §80, 84~~

~~...standing, loading and~~
~~...standing, loading or parking~~
~~...the business or residential district~~
~~...outside a business or residential~~
~~...district, no person shall stop, park or~~
~~...leave standing any vehicle, whether~~
~~...attended or unattended, upon the roadway~~
~~...practicable to stop, park or~~
~~...such vehicle off the roadway~~
~~...an unobstructed~~
~~...the highway opposite a standing~~
~~...for the free pass-~~

5-2

[REDACTED]

2. The word "vehicle" whenever used in sections 304.020 shall mean any device operated on highways, except those used exclusively on railroads.

[REDACTED]

Penalty for violation of sections 304.014, 304.015 or regulations. Any person who violates any provision of sections 304.014 to 304.025 or of any regulation or regulations made thereunder shall be punished by a fine of not less than five dollars nor more than five hundred dollars or by imprisonment in the county jail not exceeding one year or by both such fine and imprisonment.

[REDACTED]

Every certain buses and trucks to stop at railroad crossing, when exception requirements. Every motor vehicle transporting passengers for hire, every school bus, and every motor vehicle transporting highly flammable or poisonous or compressed inflammable gases, and every motor vehicle used for the transportation of inflammable or corrosive liquids in bulk, whether loaded or empty, shall, upon approaching any railroad grade crossing, other than a crossing that is specifically exempted from the stopping requirement by order of the department of transportation of the department of economic development, be brought to a full stop within fifty feet, but not less than fifteen feet, from the nearest end of such railroad grade crossing and shall not proceed until due caution has been taken to ascertain that it is safe to proceed, except that such full stop shall not be required at a street crossing within a municipality or residence district, nor at a railroad grade crossing protected by a watchman or traffic officer or by a traffic control signal, nor at a railroad crossing giving positive indication to approaching traffic to proceed, nor when the division of transportation has ordered the placement of an exempt sign at such crossing.

[REDACTED]

304.050. School buses, drivers to stop for, when signs required on buses - bus driver responsibilities - driver identity rebuttable presumption, when. 1. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or

[REDACTED]

clearly visible electric or mechanical signal which has been installed pursuant to order of public service commission or of the division of transportation of the department of economic development, the section 304.040 RSMo, gives warning of an approaching railroad train or when a crossing gate is lower or when a human flagman or continues to give a signal of the approach of a railroad train.

[REDACTED]

304.040. Failure to stop, penalty. Any person violating any provision of section 304.030 shall be deemed guilty of a misdemeanor.

[REDACTED]

304.040. Failure to stop, penalty. Any person violating any provision of section 304.030 shall be deemed guilty of a misdemeanor.

[REDACTED]

304.041. Buses and trucks not to follow within 300 feet of a stopped vehicle. The following terms as used in this section shall mean:

any vehicle or motor car designed and used for the purpose of carrying more than seven persons, and any vehicle, machine, tractor, trailer, or any combination thereof, propelled or moved by mechanical power and designed or used in the transportation of property upon the highway.

2. The driver of any truck or bus, when traveling upon a public highway of this state outside of a business or residence district, shall not follow within three hundred feet of another such vehicle, provided the provisions of this section shall not be construed to prevent the overtaking and passing by any such truck or bus or another similar vehicle.

3. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished accordingly.

[REDACTED]

304.050. School buses, drivers to stop for, when signs required on buses - bus driver responsibilities - driver identity rebuttable presumption, when. 1. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or

discharging any school children and whose driver has in the manner prescribed by law given the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver to proceed.

2. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "State Law: Stop while bus is loading and unloading". Each school bus subject to the provisions of sections 304.050 to 304.070 shall be equipped with a mechanical and electrical signaling device approved by the state board of education, which will display a signal plainly visible from the front and rear and indicating intention to stop.

3. The driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the state board of education, to communicate to drivers of other vehicles that students are loading or unloading. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four or more lanes of traffic, whether or not divided by median or barrier, in such manner as to require the passengers to cross more than two lanes of traffic; nor shall he take on or discharge passengers while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least three hundred feet in each direction to drivers of other vehicles upon the highway and then only for such time as is actually necessary to take on and discharge passengers.

4. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, which is proceeding in the opposite direction on a highway containing four or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

5. The driver of any school bus driving upon the highways of this state after loading or unloading school children, should remain stopped if the bus is followed by three or more vehicles, until such vehicles have been permitted to pass the school bus, if the conditions prevailing make it safe to do so.

6. If any vehicle is witnessed by a peace officer or the driver of a school bus to have violated the provisions of this section and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name such vehicle is registered committed the violation. Notwithstanding the provisions in section 301.130, RSMo, every school bus shall be required to have two license plates. In the event that charges are filed against multiple owners of a motor vehicle, only one of the owners may be convicted

and court costs may be assessed against only one of the owners. If the vehicle which is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the presumption by providing the peace officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation. No prosecuting authority may bring any legal proceedings against a rental or leasing company under this section unless prior written notice of the violation has been given to that rental or leasing company by registered mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of such notice.

(L. 1949 p. 329 section 1, A.L. 1958 2d Ex. Sess. p. 175, A.L. 1965 p. 486, A.L. 1985 H.B. 288, et al., A.L. 1986 H.B. 1405)

[REDACTED SECTION]

SCHOOL BUS STOP SIGN VIOLATION REPORT

Please complete the following information as accurately and completely as possible. This report will be forwarded to the appropriate police department for action.

DATE _____

TIME _____

BUS # _____

DRIVER _____

DESCRIPTION OF VEHICLE

MAKE _____

MODEL _____

COLOR _____

LICENSE PLATE # _____ STATE _____

DRIVER: MALE _____ FEMALE _____ NOT SURE _____

I was stopped at _____ and the vehicle described above drove through the extended school bus stop sign and red lights. The direction of my bus was _____ on _____ street, and the other vehicle was headed _____ on _____ street.

(DRIVER'S SIGNATURE/DATE)

COMPANY NAME
ADDRESS
CITY, STATE ZIP
TELEPHONE

5-5
5-6

**Kansas Highway Patrol
Summary of Testimony
1997 Senate Bill 139
before the
Senate Transportation Committee
presented by
Colonel Lonnie McCollum
February 17, 1997**

Good morning Mr. Chairman and members of the committee. My name is Lonnie McCollum, Patrol Superintendent, and I appear before you to express our support for the two major provisions contained in Senate Bill 139.

The Kansas Highway Patrol is dedicated to ensuring the safety of all individuals who utilize Kansas' highways. We are particularly interested in the safe transportation of children to and from school and school related activities. Senate Bill 139 provides an improved method of prosecuting a person who endangers our children by passing a stopped school bus that is loading or unloading passengers. Under the terms of the bill, school bus drivers would be able to lodge a documented complaint directly to law enforcement officials detailing instances when an individual passes a stopped school bus under the circumstances outlined in K.S.A. 8-1556. Based upon the complaint and a subsequent investigation by a law enforcement officer, a notice to appear could be issued to a suspected violator.

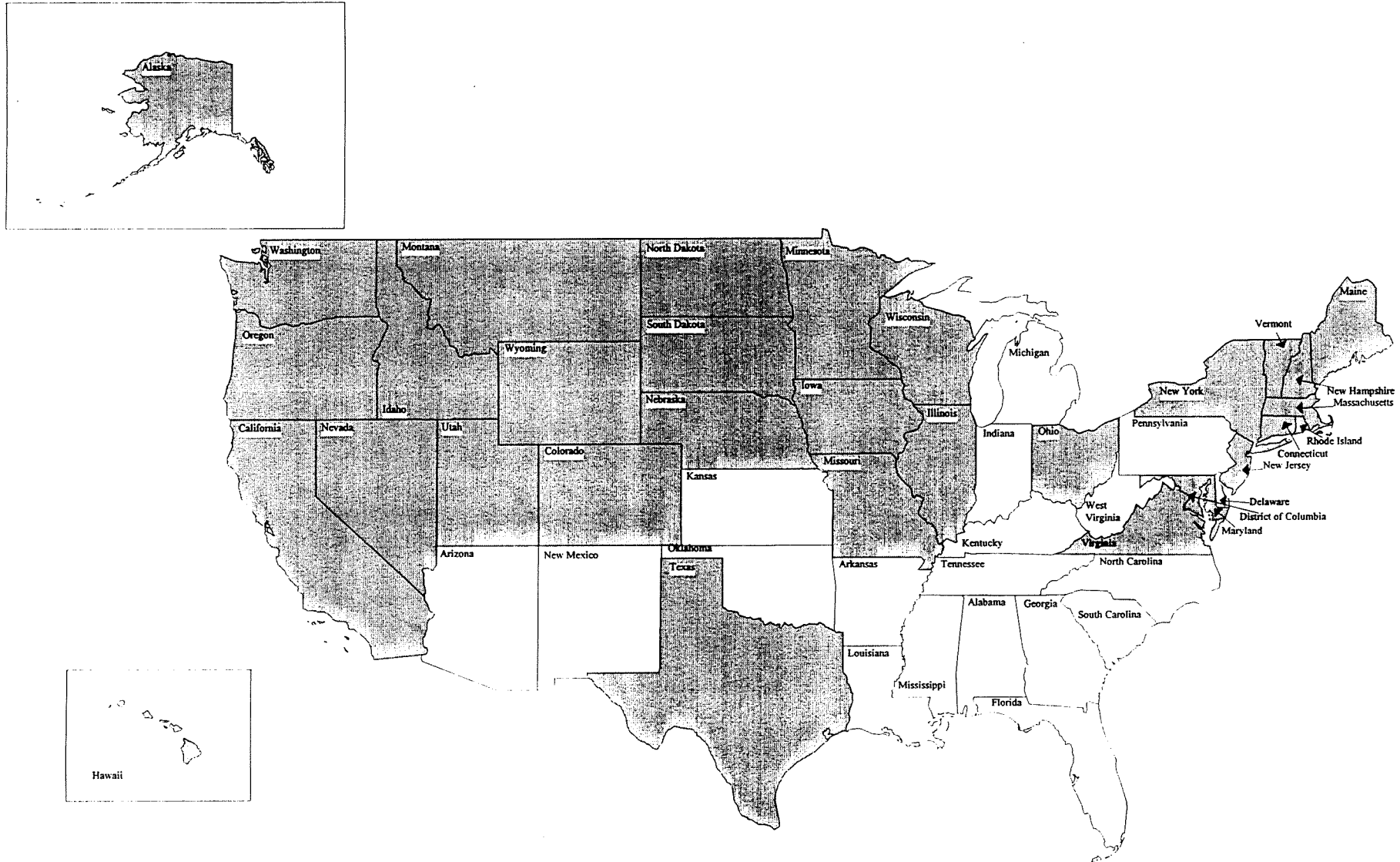
We support this concept wholeheartedly however, we suggest that the process be expedited, by providing school bus drivers the ability to forward complaints directly to the prosecuting attorney for further action. We feel this would better serve all parties involved.

The Patrol is also in favor of requiring passenger vehicles and most light trucks to display two license plates. The two plate system would be of tremendous benefit to law enforcement agencies and enhance the general public's safety by increasing our ability to apprehend criminals. As a result of incidents such as armed robberies and homicides, suspect vehicle descriptions, including license plates, are routinely broadcast to police officers. The use of two license plates allows law enforcement officials to observe not only oncoming traffic, but traffic approaching from the rear as well. Additionally, two license plates would enhance our ability to locate separated motorists and deliver emergency messages to those traveling Kansas' highways. We also believe that it is probably more difficult for the criminal element to steal two license plates as opposed to one. The two plate system would undoubtedly make criminal objectives more difficult to achieve.

I thank you for having been given the opportunity to speak to you this morning. In closing, I would ask that you give serious consideration to incorporating our suggestions and to pass Senate Bill 139 and its safety-related provisions.

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Number of License Plates Required by the States



License Plates

- States with a two plate requirement, including the District of Columbia (32)
- States with one plate requirement (10)

Source: American Association of Motor Vehicle Administrators
 Information Repository As Of June 9, 1995
 Kansas Legislative Research Department
 February 3, 1997

6-2



KANSAS OIL MARKETERS ASSOCIATION

Convenience Store Association of Kansas

Testimony on Senate Bill 139
Submitted by the Kansas Oil Marketers Association/
Convenience Store Association of Kansas
To The Senate Transportation and Tourism Committee

Chairperson Vidricksen, and members of the Transportation and Tourism Committee: My name is Tom Palace. I am Executive Director of the Kansas Oil Marketers Association, a statewide trade association representing over 350 independent Kansas petroleum companies which distribute petroleum products at the wholesale and/or retail level. KOMA is also the flagship organization for the Convenience Store Association of Kansas (CSAK), and as such, represents the interests of the owners and operators of convenience stores across the state.

We appreciate the opportunity to appear before you today in support of S.B. 139.

SB 139 provides for passenger vehicles and trucks 12,000 pounds or less to be required to have two license plates. KOMA/CSAK, supports the additional license plate as it has the potential to aid Convenience Stores and Gas stations to better identify vehicles involved in "drive-offs" and robberies.

A "drive-off" occurs when someone pulls up to a fuel pump, fills their car with gas and drives-off without paying for the fuel. Drive-offs occur daily, sometimes by accident but usually the act is intentional.

When the store clerk witnesses a drive-off, the Police and/or Highway Patrol are contacted and informed that a drive-off has taken place and a description of the vehicle is provided. In most cases, the clerk is unable to provide a license plate number because the front of the car is usually facing the store window, and there is no license plate on the front of the vehicle. The addition of a front license plate will help a store clerk better identify drive-off offenders.

With regard to robberies at convenience Stores and gas stations, the additional front license plate would be another tool to help store clerks and store managers better identify vehicles used when robberies occur.

We appreciate the opportunity to appear before you today, and will be happy to answer any questions you may have at this time.

SENATE TRANSPORTATION & TOURISM
2/17/97
ATTACHMENT 7

Testimony on Senate Bill 139
Submitted by the Fraternal Order of Police, Kansas State Lodge
To The Senate Transportation and Tourism Committee

Chairman Vidricksen and members of the Senate Transportation and Tourism Committee: My name is C.J. Bush. I am a Trustee with the Kansas State Lodge of the Fraternal Order of Police, representing over two thousand line officers in the State of Kansas.

Thank you for this opportunity to appear before you today on Senate bill 139 and offer the support of the FOP to this measure.

As line officers enforcing the laws of the State of Kansas on the street every day, we support a measure that will aid and assist us in identifying motor vehicles more easily. The issuance of front plates for Kansas motor vehicles is just such a measure.

The addition of a front plate will double the opportunity to identify motor vehicles and ultimately the owner. This is true not just for us as law enforcement officers, but also for the thousands of occasions when your constituents witness crimes involving motor vehicles, yet are unable to give us adequate descriptions having only seen the car from the front.

With our mobile society and the frequency with which motor vehicles are used either directly in the commission of a crime, or as the means of escape, your favorable consideration of this measure will give us another valuable tool in our fight against crime.

Thank you again for the time to appear before you today on this important matter.



Testimony on SB 139
before the
Senate Transportation Committee

by

Norm Wilks, Director of Labor Relations
Kansas Association of School Boards

Mr. Chairman and members of the Committee, we appreciate the opportunity to express our concerns about SB 139.

Our member school districts are always concerned about the safety of their bus passengers and employees. School bus drivers now have the ability to report drivers that pass a bus illegally. Efforts at the local level between law enforcement officials and district employees may help improve bus safety and report violators.

Our concerns are as follows:

1. A bus driver is busy driving the bus, stopping safely, observing student behavior and maintaining discipline, watching students get on or off the bus safely, checking to know that children are safely away from the bus before moving the bus and watching vehicle traffic around the bus. SB 139 would require the drivers to divert attention from the above

activities to making notes of the date, time, location, registration number and description of a vehicle passing the bus. The notes will be needed to complete the report.

2. The new section provides no protection for the bus employee that may be sued by a disgruntled driver for making a mistake in reporting a registration number.

3. The bus driver would be required to self report any mistake or violation the bus driver may make in operating the stop lights and stop arm. New Section 1 requires the report of a violation of K.S.A. 8-1556 which also controls when the stop arm is activated. According to Section 37, the fine is \$60.

4. Section 35 requires 2 warning decals to be placed on the bus. At a time of short funds in many school districts, an unknown amount will be diverted for decals. Will a sign on the bus prevent drivers from passing the bus illegally?

While we are concerned about bus safety and the safety of district passengers, the changes made in SB 139 create more concerns than solutions. For the above reasons we doubt the need for the changes in New Section 1 and Section 35.

We appreciate your consideration of this matter.

Betty McBride, Director of Vehicles
 Kansas Department of Revenue
 915 SW Harrison St.
 Topeka, KS 66626-0001



(913) 296-3601
 FAX (913) 296-3852
 Hearing Impaired TTY (913) 296-3909

Division of Vehicles

TO: The Honorable Senator Ben Vidricksen, Chairman
 Senate Committee on Transportation

FROM: Betty McBride, Director
 Division of Vehicles, Kansas Department of Revenue

DATE: February 17, 1997

RE: Senate Bill 139

Mr. Chairman, members of the Committee,

I am Betty McBride, Director of the Kansas Division of Vehicles. I appreciate the opportunity to appear before you today to present testimony on Senate Bill 139.

Senate Bill 139, if passed, would require the purchase and display of two license plates on all passenger vehicles, trucks registered for a gross weight of 12,000 pounds or less, and farm trucks or farm custom harvester trucks registered for a gross weight of 16,000 pounds or less. Provisions of the bill include two tags not only for regular plates (SAM123 format), but special registration type plates such as National Guard, Amateur Radio, prisoner of War, Disabled Veteran, and all others issued by the Department.

The current license plate cycle began January 1, 1994. These plates are approximately two and a half years old and have reached about 30% of their eight year life expectancy. The Division strongly requests and recommends that should two tags become a requirement, the implementation date be timed to correspond with the next tag re-issuance cycle, which would most likely occur in the year 2001.

There are approximately 2.5 million registered vehicles in the State of Kansas. If the two plate requirement were limited to regular autos and trucks with SAM/123 format plates, the associated costs for issuing two plates would be approximately \$7,781,250. These costs are estimated at current material and labor contract prices.

Expected costs associated with a one plate re-issuance to all SAM/123 format autos and trucks would be \$3,934,250. Additional cost for the second plate would be \$3,847,000.

In 1994, Center Industries of Wichita, the vendor who manufactures the States tags, required approximately 18 months to manufacture the plates necessary to have on hand in County Treasurer's offices at the beginning of the re-issuance cycle.

Equipment currently used by Center Industries is of 1950 vintage purchased when tags were manufactured by Lansing prison and is therefore very outdated.

10-1

This equipment has a limited maximum production capacity, of approximately 10,500 plates during an eight hour shift. Should the requirement for two tags be passed, using the same equipment today, it will take nearly 30 months to produce the 5 million license plates needed.

Replacement parts for the current equipment are increasingly difficult to acquire, and many times are no longer available. In these instances, the parts must be fabricated in order to maintain and/or return the equipment to production. During the period when equipment is not in operational condition, no tags can be manufactured, thus creating tag shortages in county offices.

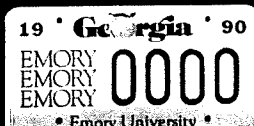
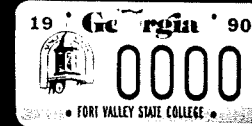
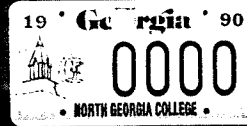
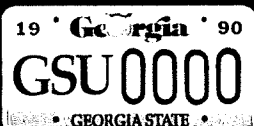
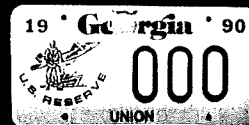
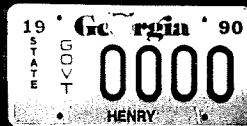
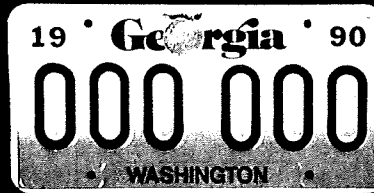
Because this problem exists, the Department requested an evaluation, from J. R. Wald Company, of Center Industries' current equipment and future needs to meet the state's requirements in manufacturing tags. Results of this evaluation indicated that an equipment upgrade is needed and should be made at this time. The cost for rebuilt equipment to update current equipment was estimated at \$265,296. If this purchase is approved, it would increase production to an estimated 22,500 single plates manufactured per day during an eight hour shift.

At the last re-issuance of tags, the Division was required to secure warehouse space in Wichita, near Center Industries, to store the manufactured plates until such time that shipment was made to counties. Passage of a two plate initiative would increase the length of time storage would be needed. It would also double the license plate storage requirements for County Treasurers. Many County Treasurer's offices are still housed in aging courthouses with very limited space available. Postage would also be a factor for counties who presently receive fifty cents to mail tags. Postage would increase from \$1.24 to mail one tag to \$2.16 for mailing of two tags.

Under the provisions of Senate Bill 139, heavy, non-prorated trucks and non-prorated trailers, are exempt. This would mean that since only one tag would be issued to these vehicles, we would have to produce a completely different license plate for heavy trucks and trailers not covered in this bill. If the committee recommends passage of Senate Bill 139, the Division requests that an amendment be made requiring all vehicles, except pro-rated trucks, display two license plates.

Mr. Chairman, members of the Committee, thank you again for the opportunity to appear before you today. I would stand for questions at this time.

Uniform Registration and the Benefits to State Government



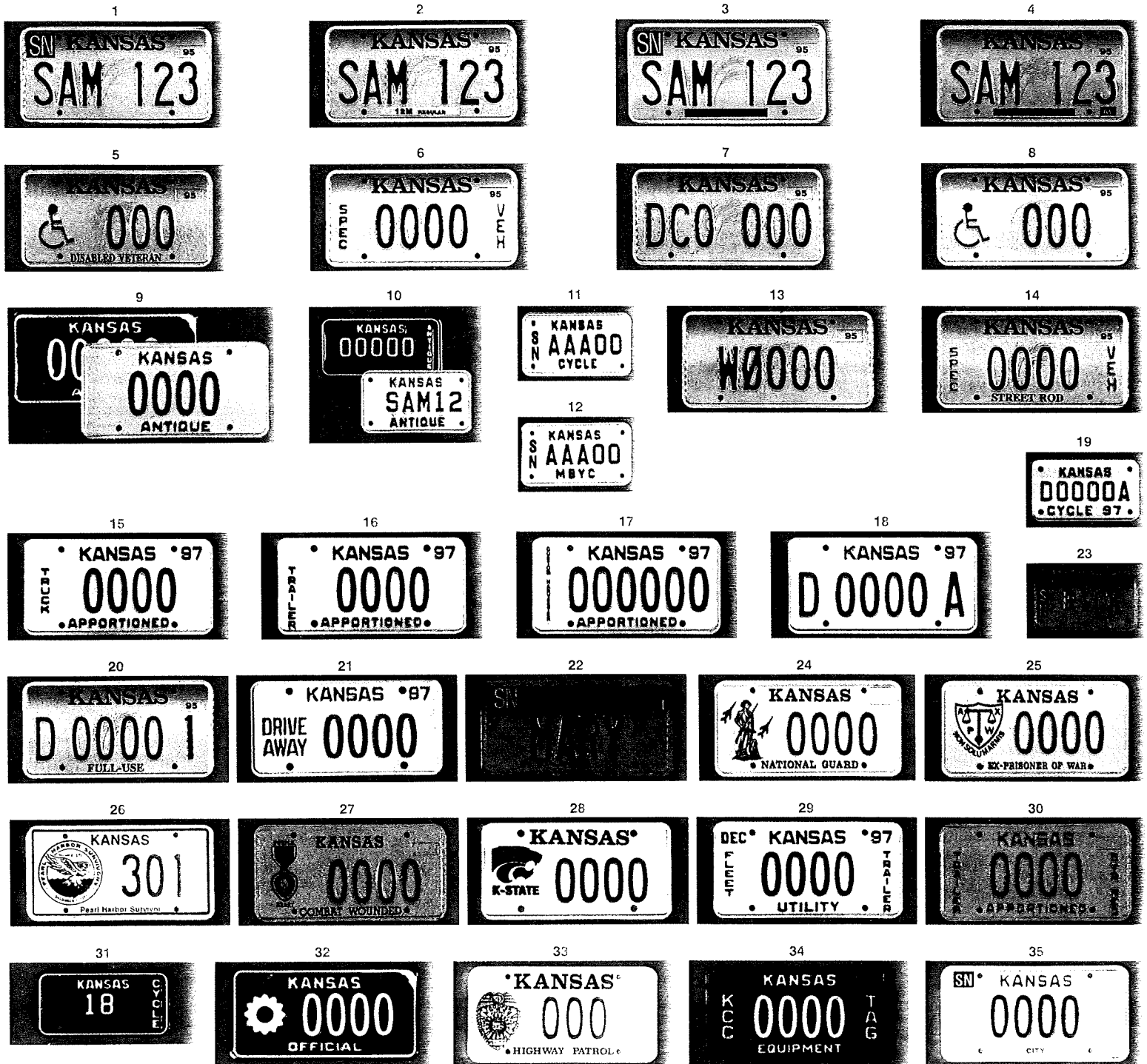
SENATE TRANSPORTATION & TOURISM
2/17/97
ATTACHMENT 11



1997 KANSAS LICENSE PLATES

The Department of Revenue, Division of Vehicles, will issue one or two registration plates (as applicable by law) for every type of vehicle required to be registered. The registration plate is required to be displayed on the front or rear (as applicable by law) of all vehicles not specifically exempt from registration. (Personalized license plates require 2 plates to be displayed.)

Exempt vehicles are: Municipally owned fire trucks; all terrain vehicles; school buses owned and operated by a school district or a non-public school; implements of husbandry, road rollers, road machinery; self propelled cranes and earth moving equipment, equipped with pneumatic tires; fertilizer spreaders used exclusively to dispense or spread water, dust, liquid fertilizer or agricultural chemicals; a mixer-feed truck owned and used by a feed lot, as defined in KSA 47-1501; farm trailers with a load not exceeding six thousand pounds, all other trailers not exceeding two thousand pounds gross weight, and mobile homes.



NO.		COLOR	INITIAL DATE OF RENEWAL	EXPIRATION DATE
1.	PASSENGER Regular Issue. See B & C next page.	REFLECTORIZED— Yellow & Blue on White	Staggered in 1997 and 1998	Year & Month Shown on Plate
2.	TRUCK For non-prorate trucks, truck-tractors, and buses. See A & C next page.	REFLECTORIZED— Yellow & Blue on White	12M LBS OR LESS, Staggered in 1997 and 1998 OVER 12M LBS, January 1, 1997	Year & Month Shown on Plate December 31, 1997
3.	TRAILER For non-prorate trailers & manufactured homes towed on highways. See A, B & C next page.	REFLECTORIZED— Yellow & Blue on White	January 1, 1997	December 31, 1997
4.	RECREATIONAL VEHICLE For autos, light trucks and trailers classified as recreational vehicles.	REFLECTORIZED— Yellow & Blue on White	Staggered in 1997 and 1998	Year & Month Shown on Plate
5.	DISABLED VETERAN For disabled veterans meeting statutory requirements.	REFLECTORIZED— Yellow & Blue on White	12M LBS OR LESS Staggered in 1997 and 1998 OVER 12M LBS, January 1, 1997	Year & Month Shown on Plate December 31, 1997
6.	SPECIAL INTEREST For vehicles 20 years old, which have not been altered or modified from the original specifications except for safety requirements.	REFLECTORIZED— Yellow & Blue on White	Staggered in 1997 and 1998	Year & Month Shown on Plate
7.	DISABLED CITIZEN ORGANIZATION For vehicles used in driver training of disabled Kansas citizens.	REFLECTORIZED— Yellow & Blue on White	January 1, 1997	December 31, 1997
8.	INTERNATIONAL WHEELCHAIR SYMBOL Disabled Citizens Registration	REFLECTORIZED— Yellow & Blue on White	12M LBS OR LESS, Staggered in 1997 and 1998 OVER 12M LBS, January 1, 1997	Year & Month Shown on Plate December 31, 1997
9.	ANTIQUE	Gold on Blue REFLECTORIZED— Blue on White	Upon Request	Permanent
10.	For vehicles more than 35 years old. Combination of letters or numbers may be chosen by applicant.			
11.	MOTORCYCLE For vehicles designed to travel on not more than three wheels.	REFLECTORIZED— Blue on White	Staggered in 1997 and 1998	Year & Month Shown on Plate
12.	MOTORIZED BICYCLE Any device having two or three tandem wheels propelled either by human power or helper motor or both. Limited to 50 cubic centimeters cylinder displacement and 3.5 brake horsepower with maximum speed of 30 m.p.h.	REFLECTORIZED— Blue on White	Staggered in 1997 and 1998	Year & Month Shown on Plate
13.	AMATEUR RADIO OPERATOR For Amateur Radio Operators. Call letters used in lieu of numerals.	REFLECTORIZED— Yellow & Blue on White	12M LBS OR LESS Staggered in 1997 and 1998 OVER 12M LBS, January 1, 1997	Year & Month Shown on Plate December 31, 1997
14.	STREET ROD For vehicles manufactured before 1949 which, when altered or modified, are referred to as "STREET RODS".	REFLECTORIZED— Yellow & Blue on White	Staggered in 1997 and 1998	Year & Month Shown on Plate
15.	TRUCK, APPORTIONED For apportioned trucks & truck-tractors. See C next page.	REFLECTORIZED— Blue on White	January 1, 1997	December 31, 1997
16.	TRAILER, APPORTIONED For apportioned trailers & semi-trailers. See A & C next page.	REFLECTORIZED— Blue on White	January 1, 1997	December 31, 1997
17.	CUSTOM HARVESTER PLATE (IRP) For Kansas Farm Custom Harvesters to register vehicles bearing Kansas Apportioned Registration. Must meet criteria for a Farm Custom Harvester.	REFLECTORIZED— Blue on White	January 1, 1997	December 31 of Year Decal Shown on Plate
18.	DEALER	REFLECTORIZED— Green on White	January 1, 1997	December 31 of Year Shown on Plate
19.	For manufacturers or dealers in motor vehicles, motorcycles, trailers or semi-trailers. Prefix letter is D.			
20.	FULL PRIVILEGE PLATE Issued to manufacturers or dealers. May be transferred from one vehicle to another for use on any vehicle owned or in inventory.	REFLECTORIZED— Yellow & Blue on White Renewable on reapplication.	January 1, 1997	January 31 of Year Decal Shown on Plate Decal—Green on White
21.	DRIVE-AWAY For drive-away operators other than dealers.	REFLECTORIZED— Black on White	January 1, 1997	December 31, 1997
22.	PERSONALIZED	REFLECTORIZED— Blue on White	12M LBS OR LESS Staggered in 1997 and 1998 OVER 12M LBS, January 1, 1997	Year & Month Shown on Plate December 31, 1997
23.	Combination of letters or numbers chosen by applicant. Two personalized license plates will be issued to passenger cars and trucks; to be displayed on front and rear of vehicle. One plate will be issued to motorcycles to be displayed on the rear of the vehicle.			
24.	NATIONAL GUARD For passenger vehicles of regularly enlisted, warrant or commissioned members of the Kansas National Guard.	REFLECTORIZED— Red & Blue on White	12M LBS OR LESS Staggered in 1997 and 1998 OVER 12M LBS, January 1, 1997	Year & Month Shown on Plate December 31, 1997

25.	PRISONER OF WAR For any person held as a Prisoner of War while serving in the United States Armed Forces.	REFLECTORIZED— Red & Blue on White	12M LBS OR LESS, Staggered in 1997 and 1998	Year & Month on Plate
26.	PEARL HARBOR SURVIVOR For any person who survived the attack on Pearl Harbor while serving as a member of the United States Armed Forces.	REFLECTORIZED— Red & Blue on White	12M LBS OR LESS, Staggered in 1997 and 1998	Year & Month Shown on Plate
27.	COMBAT WOUNDED For any person who has received the Purple Heart Medal for any combat wounded injury.	REFLECTORIZED— Purple & Yellow on White	12M LBS OR LESS, Staggered in 1997 and 1998	Year & Month Shown on Plate
28.	EDUCATIONAL INSTITUTION PLATE For any person making the required contribution to the alumni association for the privilege of displaying the university logo on the plate.	REFLECTORIZED— Purple on White (Kansas State)	12M LBS OR LESS, Staggered in 1997 and 1998	Year & Month Shown on Plate
29.	FLEET UTILITY TRAILER For small two wheeled trailers owned by a rental company for rental to the general public.	REFLECTORIZED— Green on White	January 1, 1997	December 31, 1999
30.	5 YEAR REGISTRATION PLATE For trailers registered for 12,000 pounds or more and valid for 5 years from issuance. (Decal 29a.)	Green on White	January 1, 1997	December 31 of Year Decal Shown on Plate
30a.		White on Black		
31.	KANSAS OFFICIAL PLATE	Gold on Brown	Permanent	Permanent
32.	For state owned vehicles.			
33.	HIGHWAY PATROL For state owned highway patrol vehicles.	Blue on White	Permanent	Permanent
34.	KANSAS CORPORATION COMMISSION For registration of oil well rigs and oil well pulling units.	Yellow on Green	Upon Request	Year & Month Shown on Plate
35.	CITY/COUNTY/TOWNSHIP PLATE Issued to county, city and township vehicles registered as political taxing subdivision vehicles. Plate is a permanent registration with no year of expiration and cannot be transferred to another vehicle. No gross weight decal sticker will be issued for trucks.	REFLECTORIZED— Blue on White	Permanent	Permanent
36.	72-HOUR/30 DAY TRUCK/60 DAY HARVEST PERMIT For trucks and truck-tractors only. Issued to interstate operators, motor vehicle dealers and locally registered truck owners for special trips or for trucks or truck-tractors bearing Kansas farm or foreign state registration & operated in intrastate commerce. 60-Day Harvest Permit for foreign based carrier.	TR-200 Copy or Black on Pink	Upon Request Not Renewable	72 Hours/30 Days/ 60 Days From Issue
37.	REGISTRATION EXPIRATION DECAL	White on Black Red on White OVER 12M LBS & TRLRS.	Applicable by law	1997-1998 Dec. 31, 1997
37a.	Year validation decals, on plates required to display such, will indicate the valid registration year for such vehicle.			
38.	MONTH EXPIRATION DECAL Issued to vehicles initially entering the staggered system.	White on Blue	Not Renewable	Month Shown on Decal
39.	30-DAY PERMIT For owners of newly acquired vehicles. Must be obtained within 30 days from vehicle purchase. Any combination of truck or truck tractor may be operated under laden conditions for <i>ONLY</i> 48 hours after permit issuance.	Black on White	Not Renewable	30 Days From Vehicle Purchase Date
40.	HANDICAPPED PARKING PERMIT	PERMANENT— White on Blue TEMPORARY— White on Red	Permanent	Year & Month Shown on Placard
40a.	Allows handicapped individuals to interchange this placard from vehicles as transportation needs arise. Displayed on rearview mirror. Personal ID card (39a) must accompany Permanent Handicap Placard.		Renewable by application	Year & Month Shown on Placard
41.				
42.	ONE-DAY ID INSPECTION TRANSIT PERMIT For non-highway vehicle owners to drive to and from the inspection station named on permit by the most direct route.	Black on White	Not Renewable	24 Hours From Issue

A—The reflectORIZED decal affixed to the lower center section of commercial plates indicates the class and maximum thousands of pounds gross weight (trucks) or number of passengers (buses) for which a vehicle is registered. The gross weight, as used for trucks, indicates the combination weight of vehicle or vehicles and loads. Decals are also similarly affixed to trailer plates indicating the maximum gross weight for which the trailer is registered. Gross weight, as used for trailers, indicates the combination weight of the trailer and load.

B—On regular passenger license plate, the registration expiration year is shown on the license plate or on the decal located in the upper or lower right hand corner of the plate. Vehicles

initially entering the staggered vehicle registration system will be issued a month expiration decal. The registration expiration date is on the last date of the month determined by the month expiration decal on the license plate. Trucks with a weight greater than 12M pounds and trailers are issued registrations on an annual calendar year basis with an expiration date of December 31, with a registration grace period until February 15.

C—ALL METAL PLATES (Except motorcycle, motorcycle dealer and motorized bicycles) are 6 x 12", 9/32" holes are spaced 4 5/8" vertically and 7 1/4" horizontally. Motorcycle, motorcycle dealer and motorized bicycle plates are 4" x 7"

37



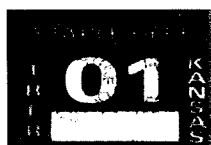
37a



40



30a



38



40a



41



Passenger Cars, Ambulances & Hearses

4,500 Pounds or Under \$27.25

4,501 Pounds and Over \$28.25
Special Interest Vehicle

TRUCKS—12M Pounds or less Regular \$37.25

Any truck registered for a gross weight of 12M pounds or less or passenger vehicle, which is purchased or acquired with less than 12 months remaining in the registration period, will be charged a fee 1/12 of the annual fee for each calendar month remaining in the registration period.

DEALER LICENSING FEES

Table with 4 columns: Item, Fee, Item, Fee. Includes Manufacturers—First & Second Stage (\$200.00), Factory or Distributor Branch (\$50.00), New Vehicle Dealer License (\$350.50), Trailers, Manufactured Homes (\$50.00), Used Vehicle Dealer License (\$50.00), First Plate (\$275.50), Each Additional Plate (\$25.50), Full Privilege Plate, First & Second Stage Converters (\$25.00).

MISCELLANEOUS FEES

Table with 3 columns: Item, ANNUAL FEES, SEMI-ANNUAL FEES*. Includes Political Taxing and Subdivision (\$4.25), Drive-Away For license & one plate (\$44.00), For each additional plate (\$18.00), Motorcycle (\$17.25), Motorized Bicycle (\$12.25), Manufactured Home—Title (Optional) (\$3.50), Trailer Plate issued for all trailers & manufactured homes when operated on the highway (Optional \$17.25 to \$37.25).

*A semi-annual rate will be charged for vehicles purchased or brought into the state the last six months of a registration period.

Antique Vehicle — Fee \$42.25, Letter Combination Choice of Department
Fee \$43.25, Letter or Number Combination Choice of Individual (Plus \$42.25 license plate fee)

72-Hour Permit (local)—\$26.00
72-Hour Permit (paper)—\$26.00 Each Permit**
Permanent Disabled Permit—\$5.25 (service fee included)
Temporary Disabled Permit—\$4.25 (service fee included)
Thirty Day Permit (paper)—\$3.00 Each Permit**
One Day Permit (paper)—\$1.00 Each Permit
City/County/Township Registration (permanent)—\$8.25
**Additional service fee of \$2.25 charged if purchased through County Treasurer.

TRUCK FEES

Table with 3 columns: Trucks—Regular, ANNUAL RATE, ANNUAL RATE. Includes 12,001 Pounds to 16,000 Pounds (\$102.25), Trucks-Local/6,000 Mile/60 Day Harvest (\$62.25 to \$242.25), Trucks—Farm (\$37.25 to \$602.25), Buses—Local Transit (\$17.25 to \$62.25), Trucks—30 Day Intrastate Registration/60 Day Harvest (\$26.00 to \$320.67).

Farm trucks or truck tractors registered for more than 54,000 pounds shall have painted or permanently affixed on both sides of the vehicle, the words "farm vehicle—not for hire"

*NOTE: The registration fees listed, except for 6,000 mile and 30 day, are reduced 1/12 for each calendar month elapsed beginning April 1st if the vehicle is purchased or acquired after the end of March. Only annual fees are listed.

6,000 mile and 30 day registration fees are a set annual rate which is not prorated at any time.

STATE OF KANSAS



DIVISION OF THE BUDGET
Room 152-E
State Capitol Building
Topeka, Kansas 66612-1504
(913) 296-2436
FAX (913) 296-0231

Bill Graves
Governor

Gloria M. Timmer
Director

February 11, 1997

The Honorable Ben Vidricksen, Chairperson
Senate Committee on Transportation and Tourism
Statehouse, Room 143-N
Topeka, Kansas 66612

Dear Senator Vidricksen:

SUBJECT: Fiscal Note for SB 139 by Senate Committee on Transportation and Tourism

In accordance with KSA 75-3715a, the following fiscal note concerning SB 139 is respectfully submitted to your committee.

SB 139 would require the state to issue a second license plate for each passenger vehicle or truck with a gross weight less than 12,000 pounds. Provisions of the bill would require the new (second) plate to be displayed on the front of the vehicle, maintaining the existing plate display on the rear of the vehicle. Specialty plates, such as those for the national guard, amateur radio operators, and disabled individuals, are also included.

The bill would also require school bus drivers who observe a violation of the current law which requires all vehicles to stop when a school bus is loading or unloading children to report the violation within 72 hours. The report must be made to a law enforcement officer and the officer would be required to issue a citation within one week to the registered owner of the vehicle. As a notification to drivers, all school buses would be required to have decals stating that a \$100 fine is assessed to individuals who pass a school bus when the stop sign is activated.

SENATE TRANSPORTATION & TOURISM
2/17/97
ATTACHMENT 12

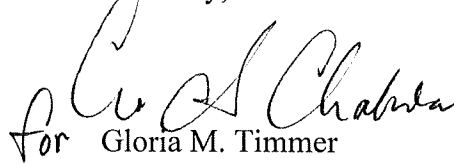
Estimated State Fiscal Impact				
	FY 1997 SGF	FY 1997 All Funds	FY 1998 SGF	FY 1998 All Funds
Revenue	--	--	--	--
Expenditure	--	--	--	\$8,064,915
FTE Pos.	--	--	--	--

Passage of SB 139 would result in additional expenditures of \$8,064,915 from the Division of Vehicles Operating Fund. Financing for the Division of Vehicles Operating Fund is derived from a transfer from the State Highway Fund. The Department of Revenue estimates that there are currently 2.5 million vehicles in Kansas that would be affected by provisions of the bill. The current cost of license plate construction is \$1.5628 per plate. Multiplying the number of vehicles by the cost per plate produces a cost of \$7,814,000 (5.0 million plates x \$1.5628).

In addition, the Department estimates that the cost of issuing a second plate for specialty plates is estimated to be \$250,000. The Department provides no supporting evidence to reach this estimate. Finally, the Department estimates that \$915 of programmer time would be needed to make necessary changes to the Vehicle Information Processing System (VIPS). This estimate assumes that two plates would be issued for each vehicle on the effective date of the bill, which is January 1, 1998. Plates that are currently in issuance are three years old and are estimated to have a life of eight years. No provisions are made in the bill for higher fees associated with the issuance of two plates.

The Department of Education indicates that there would be no fiscal impact to the state for placement of decals related to the school buses. Any addition in revenues or expenditures arising upon passage of SB 139 is not included in *The FY 1998 Governor's Budget Report*.

Sincerely,


for Gloria M. Timmer
Director of the Budget

cc: Lynn Robinson, Department of Revenue
Walt Darling, Highway Patrol
Dale Dennis, Education

Kas
**SAFE
KIDS**

Coalition

900 SW Jackson, Suite 901N
Topeka, KS 66612-1290
(913) 296-1223
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Coordinator:

Jan Stegelman
*Kansas Department of
Health and Environment*

Executive Committee:

Dennis Cooley, MD
*Medical Advisor
American Academy of
Pediatrics, Kansas
Chapter*

Michele Hinds
*Kansas State
Nurses Association*

Steve Jensen
Kansas Highway Patrol

Judy Moler
Corporation For Change

Wendy Moseman
*Kansas Emergency
Nurse Association*

Gene Neely
*Kansas National
Education Association*

Kathryn Nelick
*Coordinator,
Lawrence Chapter,
Kansas SAFE KIDS
Coalition*

February 14, 1997

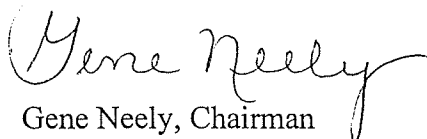
Ben Vidricksen, Chair
Senate Committee on Transportation and Tourism
Kansas State House
300 SW 10th Street, Room 143 N
Topeka, Kansas 66612

The Kansas SAFE KIDS Coalition has reviewed Senate Bill 139 which will allow drivers of school buses to report incidences of drivers not stopping for a stopped school bus and increases the fine for violation of K.S.A. 8-1556. The Coalition endorses this bill as an effort to enhance enforcement of existing laws to protect our children from unintentional injury.

The Kansas SAFE KIDS Coalition would like to keep its members up-to-date on this bill. You may call Jim Keating, Chair of our Public Policy Committee at (913) 437-6287 with any changes or updates.

Please feel free to contact Jim with any questions regarding this issue.

Sincerely,



Gene Neely, Chairman
Executive Committee

SENATE TRANSPORTATION & TOURISM
2/17/97
ATTACHMENT 13

13-1

