

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:30 a.m. on February 10, 2009, in Room 136-N of the Capitol.

All members were present.

Committee staff present:

Mike Corrigan, Office of the Revisor of Statutes
Hank Avila, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Cindy Shepard, Committee Assistant

Conferees appearing before the committee:

Robert Lee, Deputy Police Chief, City of Wichita
Steve Buckley, Safety Engineer, Kansas Department of Transportation

Others attending:

See attached list.

Chairman Umbarger opened the hearing on **SB 142 - Establishing the safety corridor act administered by the secretary of transportation, safety corridor fund.**

Hank Avila gave a summary of the bill defining a safety corridor as a highway segment identified through specific criteria, with the intent to reduce accident rates and fatalities (Attachment 1).

Robert Lee, Deputy Police Chief for the City of Wichita, testified as a proponent of **SB 142**. The bill would create a traffic safety partnership between Kansas Department of Transportation (KDOT) and local Kansas communities. Deputy Chief Lee indicated that the City of Wichita needs this legislation to designate Kellogg Avenue/US-54 Highway, as a traffic safety corridor (Attachment 2).

Steve Buckley, Safety Engineer for KDOT, provided testimony in support of **SB 142**. He stated that this bill gives KDOT the authority to establish safety corridors, which has been proven to significantly reduce fatalities, serious injuries, and alcohol-related crashes (Attachment 3).

Discussion and questions followed Mr. Buckley's testimony. Senator Apple requested information from KDOT to quantify the dangers on Kellogg. Mr. Buckley stated he would provide the committee with the "Top Five Report." The Chairman indicated there are many questions to be answered before action can be taken on this bill.

There being no further conferees, the hearing on **SB 142** was closed.

The Chairman turned the meeting over to Senator Marshall. The Senator called for review of requested amendments on **SB 37 - Regulating traffic, concerning golf carts**. Mike Corrigan distributed the proposed amendments (Attachment 4). Senator Hensley pointed out that instead of balloon amendments, this is a substitute bill with one balloon amendment (Attachment 5). Senator Marshall stated the committee members would review the changes and consider further action.

The meeting was adjourned at 9:30 a.m. The next meeting is scheduled for February 11, 2009.

SENATE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2/10/09

NAME	REPRESENTING
MARY McDONALD	Chief Prosecutor City of Wichita
Robert Lee	Police Department City of Wichita
Gordon RASSHAM	Allice Dept. - City of Wichita
Steven Buckley	Kansas DOT
Terry Heidner	KDOT
Bill Sneed	State Farm
Pete Bodyk	KDOT
Derck Hahn	Hahn Law Firm
Tom Whitaker	KMCA
Dale Gater	City of Wichita
Sandy Jaquet	UKM
Sandy Braden	Garneo Braden & Assoc.
Wendy Williams	KAPA - KMCA
Carmen Allbritt	KDOR
Michael McIn	KDOR

SB 142

Summary:

- The bill defines safety corridor as a highway segment identified by moving or posted signs on each side of the roadway;
- It specifies that the criteria used to determine a corridor would be whether the segment will reduce accident rates and fatalities or the rate of fatalities;
- It allow local units of government to petition the Secretary for such designation and would require locals to met the designation criteria;
- It establishes a procedure to end the highway safety corridor designation;
- It prohibits a violators from being fined twice for a moving violation under two sections of the bill;
- It establishes a grant program for locals funded from a new Safety Corridor Fund; and
- It prohibits plea bargaining agreements for both state and local ordinance violations.



***Testimony By
Deputy Chief Robert C. Lee
Wichita Police Department***

Traffic Safety Corridor Legislation

Senate Transportation Committee

8:30 a.m.

Tuesday, February 10, 2009

Senate Transportation

2-10-09

Attachment 2

Thank you for this opportunity to offer the perspective of the Wichita Police Department on this important legislation, Senate Bill 142.

Traffic safety corridors are a common sense approach to reducing traffic fatalities, injuries and property damage. By doubling the fines for moving violations on Kansas highways that have historically seen high numbers of collisions, this legislation will do much to save lives and reduce the number of traffic-related injuries.

Over the last 15 years, Wichita's Kellogg Avenue, US-54 Highway, has evolved from a four-lane throughway to a high-speed, six-lane expressway. With that expansion, Wichita has seen an increase in traffic crashes that have left hundreds of Kansans dead or injured.

Between 2003 and 2008, more than 4,600 crashes have been reported on US-54 inside Wichita's city limits. There have been nearly 1,700 injury or fatal crashes, and more than 800 DUI citations. During that same period on US-54 in Wichita, more than 62,000 traffic citations have been issued. A comparison of other areas of Wichita where traffic collisions occur shows that, by far, US-54 leads the rest of the city.

Senate Bill No. 142 would create a traffic safety partnership between the Kansas Department of Transportation and local Kansas communities. It would allow the designation of US-54 as a traffic safety corridor from Wichita's east to west city limits.

Through the doubling of moving violation fines, signage, aggressive enforcement and education, the Kellogg Traffic Safety Corridor will help reduce the number of citizens who are killed or injured each year on what has become the "Wichita Autobahn."

By advancing this legislation, you will demonstrate your clear commitment to promoting public safety in Wichita and on the highways of Kansas. Thank you for this opportunity to speak on behalf of Senate Bill 142, and I would stand for questions at the appropriate time.

Traffic Safety Corridor



A common sense approach to reducing traffic fatalities, injury and property damage

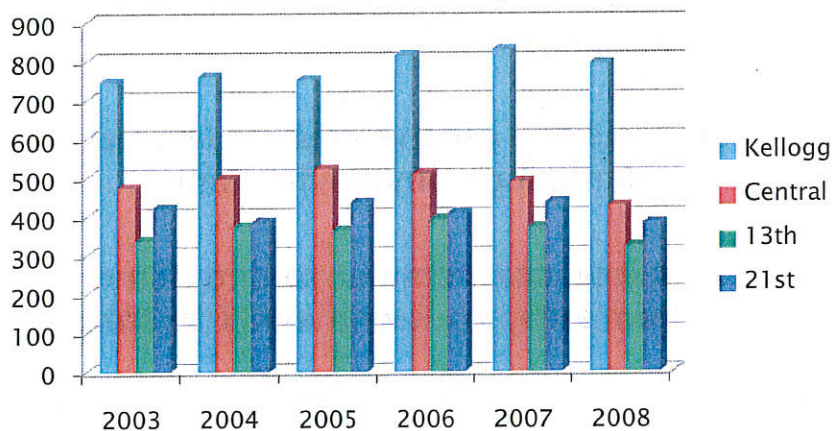
Goals of a Traffic Safety Corridor

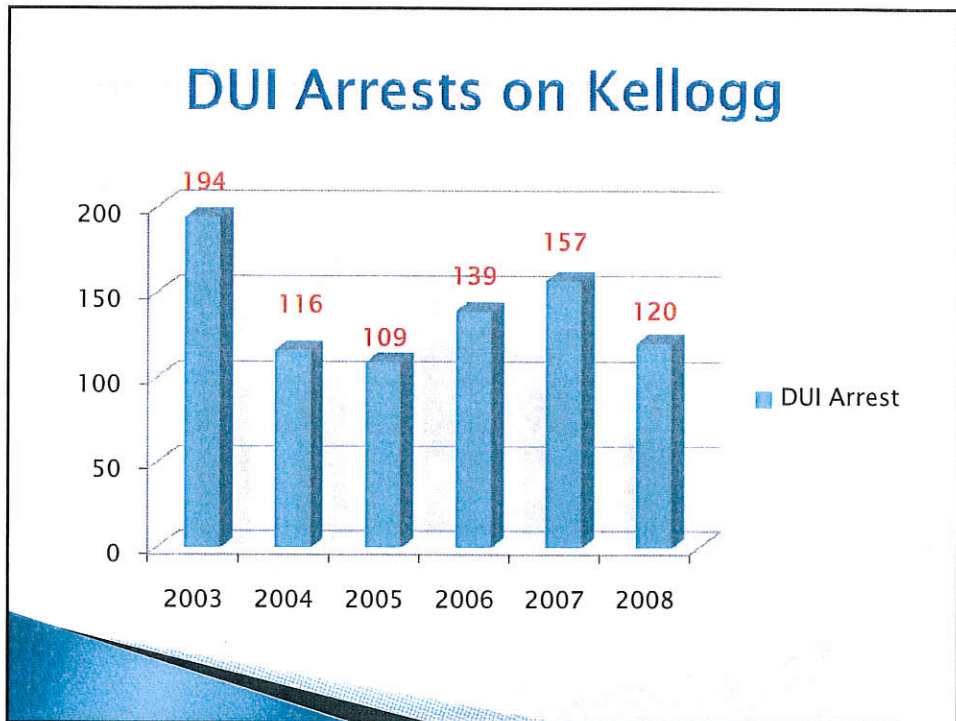
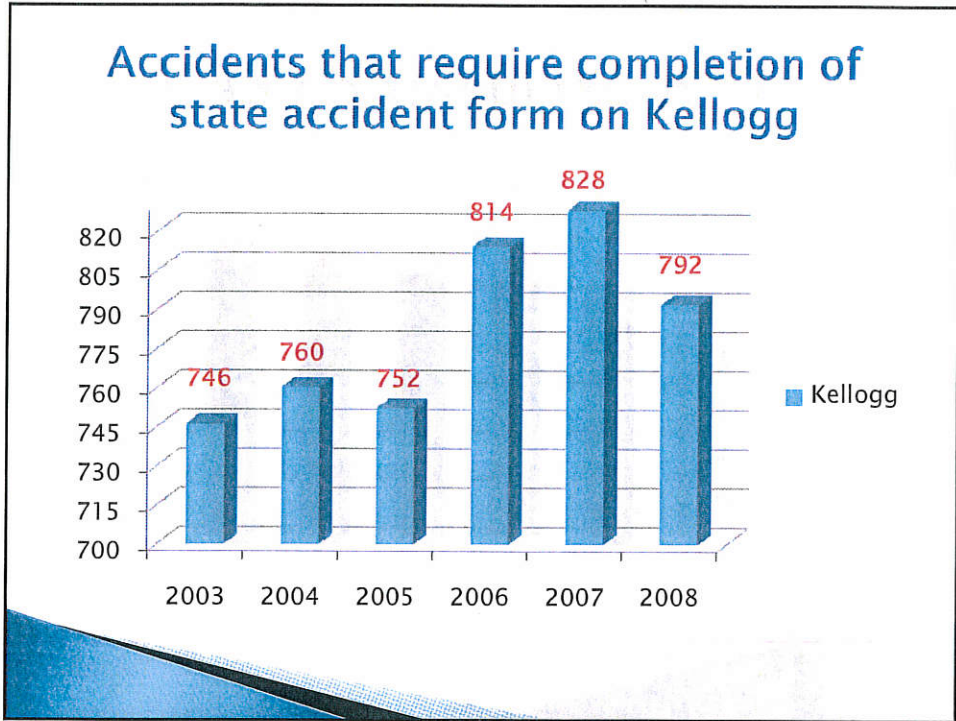
- ▶ Reduction in fatality and serious injury vehicle accidents.
- ▶ Emphasis on speed related infractions and other dangerous driving behavior
- ▶ Allow local communities to determine problem area, work with KDOT to solve it

How it works

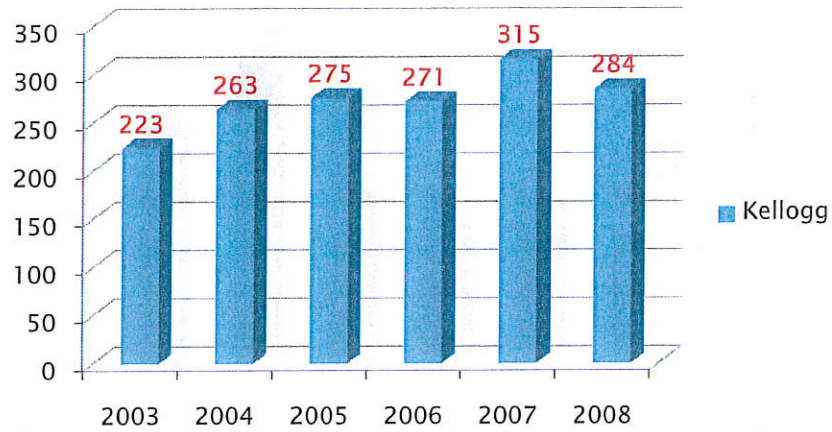
- ▶ Doubled fines
- ▶ Aggressive education effort (signs, public information campaign)
- ▶ Traffic Safety Fund
- ▶ Traffic Safety Corridor (TSC) would run on Kellogg from City limit east to City limit west. It could be applied to other problem areas across the state.

Comparison of Accidents on Kellogg to Accidents on Central, 13th and 21st Streets

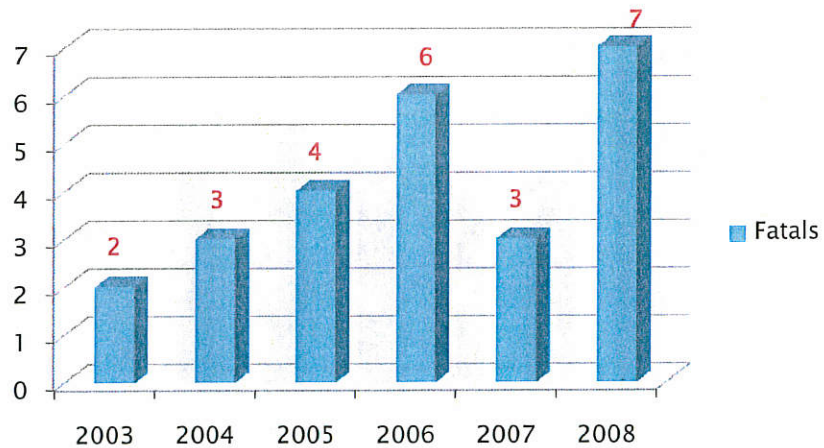




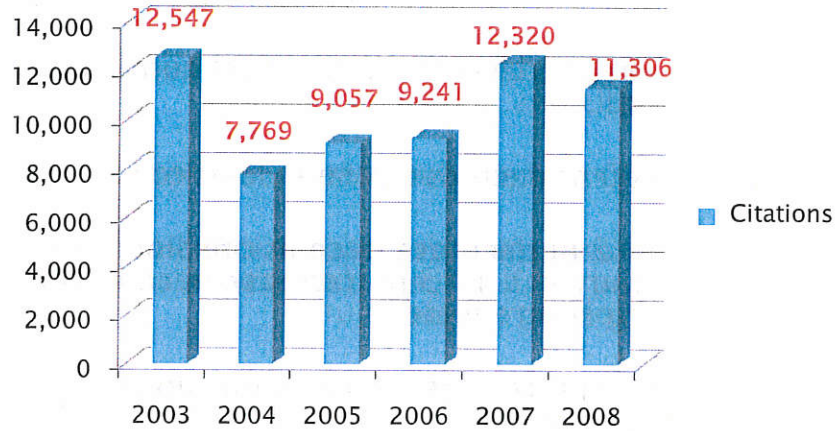
Injury Accidents on Kellogg



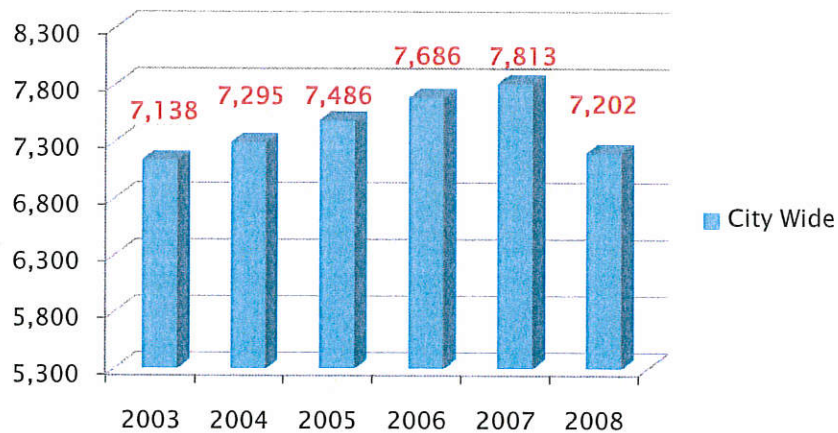
Fatality Accidents on Kellogg



Citations Issued on Kellogg



City Wide accidents requiring a state accident form



A TSC success story

New Mexico

- ▶ 17.1 percent decrease in the total number of collisions.
- ▶ 100 percent decrease in fatal collisions.
- ▶ 19.2 percent decrease in collisions involving injury and 14.3 percent decrease in collisions involving severe injury.
- ▶ 100 percent decrease in collisions involving heavy trucks.

**TESTIMONY BEFORE
SENATE TRANSPORTATION COMMITTEE**

**REGARDING SENATE BILL (SB) 142
Concerning safety corridor program and traffic safety corridor fund**

February 10, 2009

Mr. Chairman and Committee Members:

I am Steven Buckley, State Highway Safety Engineer for the Kansas Department of Transportation (KDOT), and I'm here to provide testimony in support of SB 142, the Safety Corridor Act.

With the enactment of SB 142, KDOT would be granted the authority to establish a safety corridor program, which has been proven to significantly reduce fatalities, serious injuries, and alcohol-related crashes.

Not all routes would qualify to be a designated safety corridor. Routes would be determined by several factors, the most notable being high crash frequency rates. Under SB 142, moving violation citations occurring on safety corridors would be doubled, with \$25 of the fine going to the safety corridor fund. These funds would be used to identify treatments and strategies to improve the safety of the corridor, which would be determined by a multi-disciplined team. Several states have implemented these programs and experienced impressive results including Virginia's Interstate 81 that saw a 44 percent reduction in fatal/serious injury crashes, and Washington's State Route 14 that experienced a 65 percent reduction in fatal/serious injury crashes and a 57 percent decline in alcohol-related crashes.

A safety corridor program provides funds for a study (road safety assessment) on each corridor and to implement some of the strategies recommended. The strategies are based on the "4E's" of highway safety: engineering, enforcement, education, and emergency management. Once implemented, measures of effectiveness will be identified and analyzed to determine if the improvements were beneficial. These may include a decrease in speeds, overall crash reductions, decrease in deaths and injuries, ticketed violations, and reduction of DUI's.

The bill gives KDOT the authority to establish safety corridors on any unincorporated interstate or state highway. The bill also gives KDOT and local public authorities, working in partnership, authority to establish safety corridors on other public roads such as city streets and county highways.

While transportation safety has always been central to our mission at KDOT, the current Federal transportation law, SAFETEA-LU, has required the states to take an even more comprehensive look at highway safety through development of a Strategic Highway Safety Plan (SHSP). A significant benefit of that process is bringing different agencies in the state to work together in an effort to align resources and collectively address the state's safety challenges. A safety corridor program can deliver this same benefit to the local level.

We appreciate the city of Wichita's interest in this program and look forward to working with them and the Wichita police as we pilot the first safety corridor in the state on Kellogg Avenue (US-54) in Wichita.

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2-10-09
Attachment 3

PROPOSED Substitute for Senate BILL NO. 37

By Committee on Transportation

AN ACT regulating traffic; concerning alternative motor vehicles; amending K.S.A. 8-2002 and K.S.A. 2008 Supp. 8-126, 8-128, 8-1486, 8-15,100, 8-15,106 and 8-2118 and repealing the existing sections.

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

New Section 1. "Alternative motor vehicle" means any motor vehicle including, but not limited to, golf carts, riding lawn mowers, lawn tractors and work-site utility vehicles, which is unable to be registered with the division of vehicles due to lack of a vehicle identification number or cannot otherwise be registered. "Alternative motor vehicle" does not include an all-terrain vehicle or a micro-utility truck.

New Sec. 2. (a) It shall be unlawful for any person to operate an alternative motor vehicle on any public highway or street, except as authorized and regulated under K.S.A. 8-2002, and amendments thereto.

(b) Notwithstanding the provisions of subsection (a), an alternative motor vehicle shall not be operated on any interstate highway, U.S. highway or state highway. The provisions of this subsection shall not prohibit an alternative motor vehicle from crossing a U.S. or state highway.

(c) It shall be unlawful for any person to operate an alternative motor vehicle on any street or highway with a posted speed limit of greater than 30 miles per hour.

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

Sec. 3. K.S.A. 2008 Supp. 8-126 is hereby amended to read as follows: 8-126. The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

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

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

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

(d) "Motorcycle" means 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" means 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" means 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" means 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" means 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" means 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" means 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" means 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" means 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" means every natural person, firm, partnership,

association or corporation.

(n) "Owner" means 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" means every person who is not a resident of this state.

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

(q) "New vehicle dealer" means 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" means 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" means 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" means the division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas.

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

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

(w) "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

(x) "Passenger vehicle" means 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" means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(z) "Farm trailer" means 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" means 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:

(1) A motor which produces not more than 3.5 brake horsepower;

(2) a cylinder capacity of not more than 130 cubic centimeters;

(3) an automatic transmission; and

(4) the capability of a maximum design speed of no more than 30 miles per hour.

(bb) "All-terrain vehicle" means any motorized nonhighway vehicle 48 inches or less in width, having a dry weight of 1,000 pounds or less, traveling on three or more low-pressure tires, 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" means any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.
- (ee) "Oil well servicing, oil well clean-out or oil well drilling machinery or equipment" means a vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is an oil well servicing, oil well clean-out or oil well drilling machinery or equipment.
- (ff) "Electric personal assistive mobility device" means a

self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(gg) "Electronic certificate of title" means any electronic record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. 2008 Supp. 8-135d, and amendments thereto.

(hh) "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck.

(ii) "Micro utility truck" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 144 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle.

(jj) "Alternative motor vehicle" means any motor vehicle, including, but not limited to, golf carts, riding lawn mowers,

lawn tractors and work-site utility vehicles, which is unable to be registered with the division of vehicles due to lack of a vehicle identification number or cannot otherwise be registered. "Alternative motor vehicle" does not include an all-terrain vehicle or a micro-utility truck.

Sec. 4. K.S.A. 2008 Supp. 8-128 is hereby amended to read as follows: 8-128. (a) The following need not be registered under this act, any:

- (1) Implement of husbandry;
- (2) all-terrain vehicle;
- (3) micro utility truck;
- (4) alternative motor vehicle;
- (5) road roller or road machinery temporarily operated or moved upon the highways;
- ~~(5)~~ (6) municipally owned fire truck;
- ~~(6)~~ (7) privately owned fire truck subject to a mutual aid agreement with a municipality;
- ~~(7)~~ (8) school bus owned and operated by a school district or a nonpublic school which has the name of the municipality, school district or nonpublic school plainly painted thereon;
- ~~(8)~~ (9) farm trailer used in carrying not more than 6,000 pounds owned by a person engaged in farming, which trailer is used exclusively by the owner to transport agricultural products produced by such owner or commodities purchased by the owner for use on the farm owned or rented by the owner of such trailer and the weight of any such farm trailer, plus the cargo weight of

6,000 pounds or less, shall not be considered in determining the gross weight for which the truck or truck tractor propelling the same shall be registered; or

~~(9)~~ (10) farm trailer used and designed for transporting hay or forage from a field to a storage area or from a storage area to a feedlot, which is only incidentally moved or operated upon the highways, except that this paragraph shall not apply to a farm semitrailer.

(b) Self-propelled cranes where the crane operator on a job site operates the controls of such crane from a permanent housing or module on the crane and the crane is not used for the transportation of property, except the property that is required for the operation of the crane itself and earth moving equipment which are equipped with pneumatic tires may be moved on the highways of this state from one job location to another, or to or from places of storage, delivery or repair, without complying with the provisions of the law relating to registration and display of license plates but shall comply with all the other requirements of the law relating to motor vehicles.

(c) Oil well servicing, oil well clean-out or oil well drilling machinery or equipment need not be registered under this act but shall comply with all the other requirements of the law relating to motor vehicles.

(d) A truck permanently mounted with a hydraulic concrete pump and placing boom may be moved on the highways of this state from one job location to another, or to or from places of storage

delivery or repair, without being registered under this act, but shall comply with all the other requirements of the law relating to motor vehicles. The provisions of this subsection shall not apply to ready-mix concrete trucks.

Sec. 5. K.S.A. 2008 Supp. 8-1486 is hereby amended to read as follows: 8-1486. K.S.A. 8-1402a, 8-1414a, 8-1439c, 8-1458a, 8-1459a, 8-1475a, 8-1487, 8-1488, 8-1489 and 8-1490 and amendments thereto, and K.S.A. 2008 Supp. 8-1491, 8-1492, 8-1493 and, 8-1494 and section 1, and amendments thereto, shall be a part of, and supplemental to, the uniform act regulating traffic on highways.

Sec. 6. K.S.A. 2008 Supp. 8-15,100 is hereby amended to read as follows: 8-15,100. (a) Except as provided in subsection (b), it shall be unlawful for any person to operate an all-terrain vehicle: (1) On any interstate highway, ~~federal~~ U.S. highway or state highway; or (2) within the corporate limits of any city unless authorized by such city.

(b) Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by a county noxious weed department, or all-terrain vehicles owned and operated by persons contracting with a county noxious weed department or the Kansas department of transportation may be allowed to operate such all-terrain vehicles upon the right-of-way of any ~~federal~~ U.S. highway or state highway for the purpose of eradicating noxious weeds and such all-terrain vehicles may be operated incidentally upon such ~~federal~~ U.S. highway or state highway.

(c) No all-terrain vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles.

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

Sec. 7. K.S.A. 2008 Supp. 8-15,106 is hereby amended to read as follows: 8-15,106. (a) It shall be unlawful for any person to operate a micro utility truck: (1) On any interstate highway, ~~federal~~ U.S. highway or state highway; or (2) on any public highway or street within the corporate limits of any city unless authorized by such city.

(b) No micro utility truck shall be operated on any public highway or street, unless such truck complies with the equipment requirements under article 17 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto.

(c) The provisions of subsection (a), shall not prohibit a micro utility truck from crossing a ~~federal~~ U.S. or state highway.

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

Sec. 8. K.S.A. 8-2002 is hereby amended to read as follows: 8-2002. (a) The provisions of this act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

(1) Regulating or prohibiting stopping, standing or parking;

(2) regulating traffic by means of police officers or official traffic-control devices;

(3) regulating or prohibiting processions or assemblages on the highways;

(4) designating particular highways or roadways for use by traffic moving in one direction as authorized in K.S.A. 8-1521, and amendments thereto;

(5) establishing speed limits for vehicles in public parks notwithstanding the provisions of subsection (a)(3) of K.S.A. 8-1560, and amendments thereto;

(6) designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction;

(7) restricting the use of highways as authorized in K.S.A. 8-1912, and amendments thereto;

(8) regulating the operation of bicycles and requiring the registration and inspection of same, including the requirement of a registration fee;

(9) regulating or prohibiting the turning of vehicles or specified types of vehicles;

(10) altering or establishing speed limits as authorized in K.S.A. 8-1560, and amendments thereto;

(11) establish school zones as provided in subsection (a)(4) of K.S.A. 8-1560, and amendments thereto;

(12) designating no-passing zones as authorized in K.S.A. 8-1520, and amendments thereto;

(13) prohibiting or regulating the use of controlled-access roadways by any class or kind of traffic as authorized in K.S.A. 8-1525, and amendments thereto;

(14) prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;

(15) establishing minimum speed limits as authorized in subsection (b) of K.S.A. 8-1561, and amendments thereto;

(16) designating hazardous railroad grade crossings as authorized in K.S.A. 8-1552, and amendments thereto;

(17) designating and regulating traffic on play streets;

(18) prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in K.S.A. 8-2006, and amendments thereto;

(19) restricting pedestrian crossings at unmarked crosswalks as authorized in K.S.A. 8-2007, and amendments thereto;

(20) regulating persons propelling push carts;

(21) regulating persons upon skates, coasters, sleds and other toy vehicles;

(22) adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;

(23) authorizing and regulating the operation of alternative motor vehicles;

(24) adopting such other traffic regulations as are specifically authorized by this act.

(b) No local authority shall erect or maintain any official traffic-control device at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the secretary of transportation.

(c) No ordinance, resolution or regulation enacted under paragraph (4), (5), (6), (7), (9), (10), (12), (13), (14), (16), (17) or (19) of subsection (a) of this section shall be effective until official traffic-control devices giving notice of such local traffic regulations are erected upon or at the entrances to the highway or part thereof affected as may be most appropriate.

(d) No ordinance, resolution or regulation enacted under paragraph (5), (10) or (22) shall establish a speed limit in excess of the speed limit established by or pursuant to subsection (a) of K.S.A. 8-1558, and amendments thereto, or paragraph (2) of subsection (a) or subsection (b) of K.S.A. 8-1560, and amendments thereto.

Sec. 9. K.S.A. 2008 Supp. 8-2118 is hereby amended to read as follows: 8-2118. (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.

<u>Description of Offense</u>	<u>Statute</u>	<u>Fine</u>
Refusal to submit to a preliminary breath test	8-1012	\$90
Unsafe speed for prevailing conditions	8-1557	\$60
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$30 11-20 mph over the limit, \$30 plus \$6 per mph over 10 mph over the

limit;

21-30 mph over the
limit, \$90 plus \$9 per
mph over 20 mph over the
limit;

31 and more mph over the
limit, \$180 plus \$15 per
mph over 30 mph over the
limit;

Disobeying traffic control device	8-1507	\$60
Violating traffic control signal	8-1508	\$60
Violating pedestrian control signal	8-1509	\$30
Violating flashing traffic signals	8-1510	\$60
Violating lane-control signal	8-1511	\$60
Unauthorized sign, signal, marking or device	8-1512	\$30
Driving on left side of roadway	8-1514	\$60
Failure to keep right to pass oncoming vehicle	8-1515	\$60
Improper passing; increasing speed when passed	8-1516	\$60
Improper passing on right	8-1517	\$60
Passing on left with insufficient clearance	8-1518	\$60
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$60
Driving on left in no-passing zone	8-1520	\$60

Unlawful passing of stopped emergency vehicle	8-1520a	\$60
Driving wrong direction on one-way road	8-1521	\$60
Improper driving on laned roadway	8-1522	\$60
Following too close	8-1523	\$60
Improper crossover on divided highway	8-1524	\$30
Failure to yield at uncontrolled intersection	8-1526	\$60
Failure to yield to approaching vehicle when turning left	8-1527	\$60
Failure to yield at stop or yield sign	8-1528	\$60
Failure to yield from private road or driveway	8-1529	\$60
Failure to yield to emergency vehicle	8-1530	\$180
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$90
Failure to comply with restrictions in road construction zone	8-1531a	\$30
Disobeying pedestrian traffic control device	8-1532	\$30
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$60
Improper pedestrian crossing	8-1534	\$30

Failure to exercise due care in regard to pedestrian	8-1535	\$30
Improper pedestrian movement in crosswalk	8-1536	\$30
Improper use of roadway by pedestrian	8-1537	\$30
Soliciting ride or business on roadway	8-1538	\$30
Driving through safety zone	8-1539	\$30
Failure to yield to pedestrian on sidewalk	8-1540	\$30
Failure of pedestrian to yield to emergency vehicle	8-1541	\$30
Failure to yield to blind pedestrian	8-1542	\$30
Pedestrian disobeying bridge or railroad signal	8-1544	\$30
Improper turn or approach	8-1545	\$60
Improper "U" turn	8-1546	\$60
Unsafe starting of stopped vehicle	8-1547	\$30
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$60
Improper method of giving notice of intention to turn	8-1549	\$30
Improper hand signal	8-1550	\$30
Failure to stop or obey railroad crossing signal	8-1551	\$180
Failure to stop at railroad crossing stop sign	8-1552	\$120

Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$180
Improper moving of heavy equipment at railroad crossing	8-1554	\$60
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$60
Improper passing of school bus; improper use of school bus signals	8-1556	\$300
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$180
Impeding normal traffic by slow speed	8-1561	\$30
Speeding on motor-driven cycle	8-1562	\$60
Speeding in certain vehicles or on posted bridge	8-1563	\$30
Improper stopping, standing or parking on roadway	8-1569	\$30
Parking, standing or stopping in prohibited area	8-1571	\$30
Improper parking	8-1572	\$30
Unattended vehicle	8-1573	\$30
Improper backing	8-1574	\$30
Driving on sidewalk	8-1575	\$30
Driving with view or driving mechanism obstructed	8-1576	\$30
Unsafe opening of vehicle door	8-1577	\$30
Riding in house trailer	8-1578	\$30

Improper driving in defiles, canyons, or on grades	8-1579	\$30
Coasting	8-1580	\$30
Following fire apparatus too closely	8-1581	\$60
Driving over fire hose	8-1582	\$30
Putting glass, etc., on highway	8-1583	\$90
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$30
Improper operation of snowmobile on highway	8-1585	\$30
Parental responsibility of child riding bicycle	8-1586	\$30
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$30
Clinging to other vehicle	8-1589	\$30
Improper riding of bicycle on roadway	8-1590	\$30
Carrying articles on bicycle; one hand on handlebars	8-1591	\$30
Improper bicycle lamps, brakes or reflectors	8-1592	\$30
Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$30
Improper operation of motorcycle on laned roadway	8-1595	\$60
Motorcycle clinging to other vehicle	8-1596	\$30

Improper motorcycle handlebars or passenger equipment	8-1597	\$60
Motorcycle helmet and eye-protection requirements	8-1598	\$30
Unlawful riding on vehicle	8-1578a	\$60
Unlawful operation of all-terrain vehicle	8-15,100	\$60
Unlawful operation of low-speed vehicle	8-15,101	\$60
Littering	8-15,102	\$100
Disobeying school crossing guard	8-15,103	\$60
Unlawful operation of micro utility truck	8-15,106	\$60
<u>Unlawful operation of alternative motor vehicle</u>	<u>section 2</u>	<u>\$60</u>
Equipment offenses that are not misdemeanors	8-1701	\$60
Driving without lights when needed	8-1703	\$30
Defective headlamps	8-1705	\$30
Defective tail lamps	8-1706	\$30
Defective reflector	8-1707	\$30
Improper stop lamp or turn signal	8-1708	\$30
Improper lighting equipment on certain vehicles	8-1710	\$30
Improper lamp color on certain vehicles	8-1711	\$30
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$30

Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$30
No lamp or flag on projecting load	8-1715	\$60
Improper lamps on parked vehicle	8-1716	\$30
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$30
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$30
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
Improper lamps or lights on emergency vehicle	8-1720	\$30
Improper stop or turn signal	8-1721	\$30
Improper vehicular hazard warning lamp	8-1722	\$30
Unauthorized additional lighting equipment	8-1723	\$30
Improper multiple-beam lights	8-1724	\$30
Failure to dim headlights	8-1725	\$60
Improper single-beam headlights	8-1726	\$30
Improper speed with alternate lighting	8-1727	\$30
Improper number of driving lamps	8-1728	\$30
Unauthorized lights and signals	8-1729	\$30

Improper school bus lighting equipment and warning devices	8-1730	\$30
Unauthorized lights and devices on church or day-care bus	8-1730a	\$30
Improper lights on highway construction or maintenance vehicles	8-1731	\$30
Defective brakes	8-1734	\$30
Defective or improper use of horn or warning device	8-1738	\$30
Defective muffler	8-1739	\$30
Defective mirror	8-1740	\$30
Defective wipers; obstructed windshield or windows	8-1741	\$30
Improper tires	8-1742	\$30
Improper flares or warning devices	8-1744	\$30
Improper use of vehicular hazard warning lamps and devices	8-1745	\$30
Improper air-conditioning equipment	8-1747	\$30
Improper safety belt or shoulder harness	8-1749	\$30
Improper wide-based single tires	8-1742b	\$60
Improper compression release engine braking system	8-1761	\$60
Defective motorcycle headlamp	8-1801	\$30
Defective motorcycle tail lamp	8-1802	\$30

Defective reflector	motorcycle	8-1803	\$30
Defective lamps and	motorcycle stop turn signals	8-1804	\$30
Defective lighting	multiple-beam	8-1805	\$30
Improper equipment on cycles	road-lighting on motor-driven	8-1806	\$30
Defective motor-driven	motorcycle or cycle brakes	8-1807	\$30
Improper ability of brakes	performance	8-1808	\$30
Operating motorcycle with disapproved braking system		8-1809	\$30
Defective mirrors or tires	horn, muffler,	8-1810	\$30
Unlawful statehouse parking		75-4510a	\$15
Exceeding gross weight of vehicle or combination		8-1909	Pounds Overweight up to 1000.....\$25 1001 to 2000.....3¢ per pound 2001 to 5000.....5¢ per pound 5001 to 7500.....7¢ per pound 7501 and over....10¢ per pound
Exceeding gross weight on any axle or tandem, triple or quad axles		8-1908	Pounds Overweight up to 1000.....\$25

		1001 to 2000.....3¢ per pound
		2001 to 5000.....5¢ per pound
		5001 to 7500.....7¢ per pound
		7501 and over....10¢ per pound
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$272
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$122
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$122
No authority as private or common carrier	66-1,111	\$122
Violation of motor carrier safety rules and regulations, except for violations specified in subsection (b)(2) of K.S.A. 66-1,130, and amendments thereto	66-1,129	\$100

(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, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1 1/2 times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2 1/2 times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

(g) Fines listed in the uniform fine schedule contained in

subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under subsection (a)(4) of K.S.A. 8-1560, and amendments thereto.

Sec. 10. K.S.A. 8-2002 and K.S.A. 2008 Supp. 8-126, 8-128, 8-1486, 8-15,100, 8-15,106 and 8-2118 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.

SENATE BILL No. 37

By Senator Lee

1-15

9 AN ACT regulating traffic; concerning golf carts; amending K.S.A. 2008
10 Supp. 8-126, 8-128, 8-1486 and 8-2118 and repealing the existing
11 sections.
12

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

14 New Section 1. "Golf cart" means a motor vehicle that has not less
15 than three wheels in contact with the ground, an unladen weight of not
16 more than 1,800 pounds, is designed to be and is operated at not more
17 than 25 miles per hour and is designed to carry not more than four per-
18 sons including the driver.

19 New Sec. 2. (a) It shall be unlawful for any person to operate a golf
20 cart: (1) On any interstate highway, federal highway or state highway; (2)
21 on any public highway or street within the corporate limits of any city
22 unless authorized by such city; or (3) on any street or highway with a
23 posted speed limit greater than 30 miles per hour.

24 (b) The provisions of subsection (a) shall not prohibit a golf cart from
25 crossing a federal or state highway or a street or highway with a posted
26 speed limit in excess of 30 miles per hour.

27 (c) A golf cart operated on any public street or highway shall be
28 equipped with efficient brakes, brake lights, reliable steering apparatus,
29 rearview mirror, red reflectorized warning devices in both the front and
30 rear and turn signal equipment.

31 (d) A golf cart shall be operated on any public street or highway only
32 during the hours between sunrise and sunset.

33 (e) This section shall be part of and supplemental to the uniform act
34 regulating traffic on highways.

35 Sec. 3. K.S.A. 2008 Supp. 8-126 is hereby amended to read as fol-
36 lows: 8-126. The following words and phrases when used in this act shall
37 have the meanings respectively ascribed to them herein:

38 (a) "Vehicle" means every device in, upon or by which any person or
39 property is or may be transported or drawn upon a public highway, ex-
40 cepting electric personal assistive mobility devices or devices moved by
41 human power or used exclusively upon stationary rails or tracks.

42 (b) "Motor vehicle" means every vehicle, other than a motorized bi-
43 cycle or a motorized wheelchair, which is self-propelled.

Proposed Amendment
For Consideration by
Senate Committee on Transportation

, a slow moving vehicle emblem, as defined in K.S.A.
8-1717, and amendments thereto,