

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:30 a.m. on March 5, 2010, in Room 152-S of the Capitol.

All members were present.

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Jill Shelley, Kansas Legislative Research Department
Cindy Shepard, Committee Assistant

Conferees appearing before the Committee:

Don McNeely, President, Kansas Automobile Dealers Association
John Federico, J.D. on behalf of General Motors
Vicky Johnson, Chief Counsel, Kansas Department of Transportation
Ted E. Smith, Attorney, Office of the Director of Vehicles
Mike Hoeme, Director of Transportation, Kansas Corporation Commission
Carmen Alldritt, Director, Division of Vehicles, Kansas Department of Revenue

Others attending:

See attached list.

Chairman Umbarger called attention to reconsider the action on **HB 2650 - Designating part of U.S. 75 highway as the James Lane Freedom Trail memorial highway**. Senator Schmidt moved, Senator Kultala seconded, to reconsider action taken March 2 recommending **HB 2650** favorably for passage, and bring the bill back to Committee for further consideration. Motion carried.

The Chairman called for action on **HB 2547 - Vehicle dealers and manufacturers licensing act, franchise agreements**. He recognized Don McNeely, President of the Kansas Automobile Dealers Association. Mr. McNeely stated that they had met yesterday with the opposition and reached a negotiated compromise with the Alliance of Automobile Manufacturers and General Motors (GM). He indicated that he was in agreement with the proposed changes if the Alliance would drop the remaining two amendments requested in Sandy Braden's testimony on March 4, and their opposition to the bill. Mr. McNeely distributed the proposed balloon amendments (Attachment 1).

John Federico, J.D. representing GM stated that they agree to the changes, but want additional language clarification on pg. 11, line 10, by inserting "*hardware*" following "*systems*." He added that their intent is to propose the amendment on the Senate floor, to allow time for the Kansas Automobile Dealers Association's attorney to review the amendment.

Senator Hensley moved, Senator Donovan seconded, to amend **HB 2547** by adopting Mr. McNeely's balloon amendment. Motion carried.

Senator Hensley moved, Senator Petersen seconded, to recommend **HB 2547**, as amended, favorably for passage. Motion carried.

The Chairman opened the hearing on **HB 2484 - Commercial driver's licenses, prohibiting diversion agreements**. Bruce Kinzie, staff revisor, reviewed the bill.

Vicky Johnson, Chief Counsel, Kansas Department of Transportation (KDOT), provided testimony in support of **HB 2484**. She indicated the bill seeks to amend K.S.A. 2009 Supp. 8-2,150 in the Kansas Uniform Commercial Drivers' License Act which implements, on the state level, the federal commercial motor vehicle act of 1986 (title XII of public law 99-570). Ms. Johnson continued, stating the federal concern with the law in its current form is that it allows a person who holds a commercial driver's license, but whose employment does not "require" that licensure, to enter into a diversion agreement. After the diversion agreements have been satisfied and all records of the offense have been removed from the driving record, the person then may operate a commercial motor vehicle with no record of their alcohol related offense.

CONTINUATION SHEET

Minutes of the Senate Transportation Committee at 8:30 a.m. on March 5, 2010, in Room 152-S of the Capitol.

Ms. Johnson noted that the Federal Motor Carrier Safety Administration has entered a finding that Kansas is not in compliance with 49 CFR Parts 384, and has recommended that Kansas introduce legislation to close the loophole allowing "holders" of commercial driver's licenses to enter into diversion agreements. She concluded that **HB 2484** closes that loophole, and makes it clear that drivers of commercial licenses and holders of commercial licenses are prevented from entering into diversion agreements in lieu of further criminal proceedings. The consequences for Kansas in the event that we do not satisfy the federal requirements, is the loss of \$9.2 million in federal highway funding annually. KDOT's interest in this bill is from both a financial and safety perspective (Attachment 2).

Ted E. Smith, Attorney, Office of the Director of Vehicles, Kansas Department of Revenue, appeared in support of **HB 2484**. He stated passage of the bill will improve the professionalism of the State's licensed commercial motor vehicle drivers. In 2003, the State made substantial changes to its commercial driver's license(CDL) laws, modeled after the Federal Motor Carrier safety regulations. One of the changes attempted to prohibit the diverting or masking of most criminal and traffic convictions for CDL holders, regardless of whether the activity occurred in a regular vehicle or a commercial motor vehicle.

Mr. Smith noted the interpretation, by the Kansas Attorney General's Office, of the term "driver" was construed in a manner that limited the prohibition's usefulness and consistency with the intent of the Federal regulations. The risks to the State for being in noncompliance with the CDL Program include the potential loss of a percentage of Federal-aid highway funds, or decertification of the State CDL issuance process (Attachment 3).

There being no further conferees, the hearing on **HB 2484** was closed.

Chairman Umbarger opened the hearing on **HB 2485 - Increasing time period for audit of certain motor carriers**. Bruce Kinzie, staff revisor, reviewed the bill.

Mike Hoeme, Director of Transportation, Kansas Corporation Commission, testified as a proponent of **HB 2585**. He indicated that the bill will extend the time period from 12 to 18 months, for verifying that a motor carrier is fit, knowledgeable and in compliance with the Commission's safety rules and regulations. The 18-month time line is consistent with the federal New Entrant rules and passage of **HB 2485** will eliminate one of the last remaining inconsistencies between state and federal programs (Attachment 4).

Written testimony in support of **HB 2485** was submitted by:

Tom Whitaker, Executive Director, Kansas Motor Carriers Association (Attachment 5)

There being no further conferees, the hearing on **HB 2485** was closed.

The Chairman called for action on **SB 480 - Regulating traffic; license plates**. Daniel Yoza, staff revisor, distributed a balloon amendment, requested at the February 26 hearing (Attachment 6).

Discussion followed relating to adding a warning period of 12 months for violators of the new regulations concerning clear or opaque coverings and frames. Senator Donovan moved, Senator Huntington seconded, to further amend the balloon amendment by adding a warning period of 12 months to New Section 1(a)(3).
Motion carried.

Senator Schmidt moved, Senator Donovan seconded, to adopt the proposed balloon amendment. Motion carried.

Senator Donovan moved, Senator Huntington seconded, to recommend SB 480, as amended, favorably for passage. Motion carried.

Chairman Umbarger called for action on **HB 2510 - Temporary vehicle registration, use of permit**. He recognized Carmen Alldritt, Director, Division of Vehicles to comment on extending temporary permits from 30 days to 45 days. She stated that she needed a few days to get information on switching to 45-day tags and the cost involved. Discussion followed and the Chairman indicated he would work the bill next week.

CONTINUATION SHEET

Minutes of the Senate Transportation Committee at 8:30 a.m. on March 5, 2010, in Room 152-S of the Capitol.

The Chairman called for action on **SB 538 - Extending school bus exemption to 25 years.** Concerns were raised relating to school bus safety standards and after discussion Senator Donovan moved, Senator Apple seconded, to table SB 538. Motion carried.

Chairman Umbarger called for action on **HB 2437 - Kansas arts license plates, requiring certain fees.** Senator Kultala moved, Senator Schmidt seconded, to take no action on **HB 2437. Motion carried.**

Senator Hensley moved, Senator Kultala seconded, to delete the contents of HB 2437, insert the contents of SB 483 - Primary seat belt law and SB 351 - Prohibiting texting while driving; penalties, retitle accordingly, and recommend S Sub for HB 2437 favorably for passage. Motion carried. Senator Marshall voted no and requested his vote recorded.

The meeting was adjourned at 9:33 a.m. The next meeting is scheduled for March 9, 2010.

1 branch, distributor, distributor or factory representative, officer or agent
 2 or any representative thereof, or any other person may do or cause to be
 3 done any of the following acts or practices referenced in this subsection,
 4 all of which are also declared to be a violation of the vehicle dealers and
 5 manufacturers licensing act, and amendments thereto:

6 (1) Through the use of a written instrument or otherwise, unreason-
 7 ably fail or refuse to offer to its same line-make new vehicle dealers all
 8 models manufactured for that line-make, or unreasonably require a dealer
 9 to: (A) Pay any extra fee;

10 (B) purchase unreasonable advertising displays or other materials; or

11 (C) remodel, renovate or recondition the dealer's existing facilities as
 12 a prerequisite to receiving a model or series of vehicles. ~~The provisions~~
 13 ~~of this subsection shall not apply to manufacturers of recreational vehi-~~
 14 ~~cles. The provisions of this subsection shall not apply to manufac-~~
 15 ~~turers of recreational vehicles;~~

16 (2) require a change in the capital structure of the new vehicle deal-
 17 ership, or the means by or through which the dealer finances the oper-
 18 ation of the dealership, if the dealership at all times meets any reasonable
 19 capital standards determined by the manufacturer and in accordance with
 20 uniformly applied criteria;

21 (3) discriminate unreasonably among competing dealers of the same
 22 line-make in the sale of vehicles or availability of incentive programs or
 23 sales promotion plans or other similar programs, unless justified by
 24 obsolescence;

25 (4) unless required by subpoena or as otherwise compelled by law:
 26 (A) Require a new vehicle dealer to release, convey or otherwise provide
 27 customer information if to do so is unlawful, or if the customer objects
 28 in writing to doing so, unless the information is necessary for the first or
 29 second stage manufacturer of vehicles, factory branch or distributor to
 30 meet its obligations to consumers or the new vehicle dealer, including
 31 vehicle recalls or other requirements imposed by state or federal law; or

32 (B) release to any unaffiliated third party any customer information
 33 which has been provided by the dealer to the manufacturer;

34 (5) **unless the parties have reached a voluntary agreement**
 35 **where separate and adequate consideration has been offered and**
 36 **accepted in exchange for altering or foregoing the following lim-**
 37 **itations, through the use of written instrument, or otherwise:**

38 (A) *Prohibit or prevent a dealer from acquiring, adding or maintain-*
 39 *ing a sales or service operation for another line-make at the same or*
 40 *expanded facility at which the dealership is located if the dealer complies*
 41 ~~*with reasonable facilities and capital requirements;*~~

42 (B) *require a dealer to establish or maintain exclusive facilities, per-*
 43 *sonnel or display space if the imposition of the requirement would be*

prohibition or prevention of such arrangements would be unreasonable in light of all existing circumstances including, but not limited to, debt exposure, cost, return on investment, the dealer's and manufacturer's business plans and other financial and economic conditions and considerations

**TESTIMONY BEFORE
SENATE TRANSPORTATION COMMITTEE**

**REGARDING HOUSE BILL 2484
RELATING TO COMMERCIAL DRIVER'S LICENSE,
AND CONCERNS DIVERSION AGREEMENTS**

March 5, 2010

Mr. Chairman and Committee Members:

I am Vicky Johnson, Chief Counsel with the Kansas Department of Transportation. I am here to provide testimony in support of House Bill 2484, prohibiting diversion agreements for persons holding commercial driver's licenses.

This bill seeks to amend K.S.A. 2009 Supp. 8-2,150 in the Kansas Uniform Commercial Driver's License Act which implements, on the state level, the federal commercial motor vehicle act of 1986 (title XII of public law 99-570).

In its current form, K.S.A. 2009 Supp. 8-2,150 prohibits a "driver" from entering into diversion agreements in lieu of further criminal proceedings. The term "driver" as used in the Kansas Uniform Commercial Drivers' License Act, 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. The term does not include a person who merely holds a commercial driver's license but does not otherwise fall within that definition.

The federal concern with this is that it allows a person who holds a commercial driver's license, but whose employment does not "require" that licensure to enter into a diversion agreement. If at a later date, when the diversion conditions have been satisfied and all record of the offense has been removed from the driving record, the person may then operate a commercial motor vehicle with no record of their alcohol related offense and avoid any applicable restriction periods under the federal act applicable to holders of commercial driver's licenses.

The Federal Motor Carrier Safety Administration (FMCSA) has entered a finding that Kansas is not in compliance with 49 CFR Parts 384, and has recommended that Kansas introduce legislation prohibiting the masking of convictions of "holders" of commercial driver's licenses which results from allowing "holders" to enter diversion agreements. Currently, K.S.A. 2009 Supp. 8-2,150 does not prevent "holders" of commercial driver's licenses from entering into diversion agreements in lieu of further criminal proceedings. House Bill 2484 closes this loophole, and makes it clear that drivers of commercial vehicles and holders of commercial licenses are prevented from entering into diversion agreements in lieu of further criminal proceedings.

The passage of this bill is required for the State to be in substantial compliance with the Federal Motor Carrier Safety Administration requirements. Failure to substantially comply with FMCSA requirements subjects the State to a 5 percent reduction in federal-aid highway funding under sections 104(b)(1), (b)(3) and (b)(4) of Title 23 U.S.C. This represents a possible loss of approximately 9.2 million dollars per year for KDOT.

Thank you for your time. I will stand for questions.

OFFICE OF THE SECRETARY OF TRANSPORTATION

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To: Senator Dwayne Umbarger, Chairman, and members of the Senate Transportation Committee.

From: Ted E. Smith, Attorney with the Office of the Director of Vehicles.

Date: March 5, 2010.

Subject: HB 2484 (2010) CDL Anti-Masking Amendment.

Thank you for allowing me to appear today on behalf of the Director of Vehicles in support of HB 2484. Passage of the bill will improve the professionalism of the State's licensed commercial motor vehicle drivers. In 2003, the State made some substantial changes to its commercial drivers' license (CDL) laws in an attempt to improve the quality of its commercial motor vehicle drivers. The changes were modeled on Federal Motor Carrier safety regulations.¹ One change attempted to prohibit the diverting or masking of most criminal and traffic convictions for CDL holders, regardless of whether the activity occurred in a regular vehicle or a commercial motor vehicle. At the Federal level, the anti-masking provision was intended to prohibit states from using diversion programs or any other disposition that would defer the listing of unsafe driving activities on a CDL holder's record.

Shortly thereafter, the Kansas Attorney General's Office was asked to interpret the K.S.A. 2009 Supp. 8-2,150. The Attorney General construed the term "driver" in a manner that limited the prohibition's usefulness and consistency with the intent of the Federal regulations, "the term does not include a person who merely holds a commercial driver's license but does not otherwise fall within that definition." Diversion for driving under the influence of alcohol offenses is precluded for commercial 'drivers,' even though a diversion would appear on the driver's record. Plea negotiations or charging amendments that result in convictions for lesser or fewer traffic infractions or offenses than originally charged are not precluded."² (emphasis added). As a result, the Division of Vehicles receives between three to four hundred State and local DUI diversions a year that related to CDL holders. The Federal Motor Carrier Safety Administration has expressed concern with the State's practice and in two successive audits of State procedures and has identified this systematic granting of DUI diversions to CDL holders as a major violation and significant divergence from Federal safety standards.

The risks to the State for being in noncompliance with the Commercial Driver's License Program include the potential loss of a percentage of Federal-aid highway funds³ or decertification of the State CDL issuance process.⁴ At the present moment, the risk of funding loss or CDL program decertification is not immediate. That risk to the State could change during our next Federal review, currently scheduled for late 2011. Representatives of the FMCSA have emphasized to the Division that closing the State's loophole for masking DUI convictions and other criminal and traffic convictions should be a legislative priority.

On behalf of the Director of Vehicles and the Division of Vehicles, I encourage the Committee to support HB 2484 and to recommend the bill favorably for passage.

¹ See 49 C.F.R. Sec. 384.226.

² Kan. Atty Gen. Op. 2003-31, page 4.

³ See 49 C.F.R. Sec. 384.401, Subpart D.

⁴ See 49 C.F.R. Sec. 384.05.

**Before the Senate Transportation Committee
Comments by the
Staff of the Kansas Corporation Commission
March 5, 2010**

House Bill 2485

Chairperson Umbarger and Distinguished Members of the Committee:

My name is Mike Hoeme. I am the Director of Transportation for the Kansas Corporation Commission. My division is responsible for administering and enforcing the economic and safety statutes and regulations governing motor carrier operations. I am appearing today on behalf of the KCC Staff and in support of HB 2485.

The purpose of HB 2485 is to amend two KCC Transportation statutes. The proposed amendments to K.S.A. 66-1,114 section (c) and K.S.A. 66-1,114b section (d) will extend the time period our Division has to verify that a motor carrier is fit, knowledgeable and in compliance with the Commission's safety rules and regulations. This amendment would extend the verification period from 12 months to 18 months. The 18 month timeline is consistent with the federal New Entrant rules; this proposed amendment will eliminate one of the last remaining inconsistencies between the state and federal programs.

In FY 2001, the KCC incorporated the Federal Motor Carrier Safety Administration's (FMCSA) compliance review (CR) guidelines and CAPRI software into its compliance program. To ensure consistency with the federal program in FY 2003, our division adopted the FMCSA certification guidelines which benefit both enforcement and the motor carrier industry. And today, we are again working to update our safety compliance program to reflect current changes in the federal program. This involves the minor timeline changes listed above.

At this time I would like to introduce Max Strathman, Max is the Kansas Division Administrator for FMCSA. Max works closely with the KCC Transportation Division and the Highway Patrol as a resource for our agencies and partner in our enforcement efforts. This concludes my testimony. Thank you for the opportunity to appear before you today. Max and I are happy to entertain any questions you may have.



Kansas Motor Carriers Association

Trucking Solutions Since 1936

Jason Hammes
Frito Lay Service &
Distribution
President

Larry Dinkel
Jim Mitten Trucking, Inc.
Chairman of the Board

Sherwin Fast
Great Plains Trucking
First Vice President

Larry Graves
Farmers Oil, Inc.
Second Vice President

Jane Westerman
Cargill Meat Logistics
Solutions
Treasurer

Larry "Doc" Criqui
Kansas Van & Storage
Criqui Corp.
Corporate Secretary

Ken Leicht
Rawhide Trucking, Inc.
ATA State Vice President

Mike Miller
Miller Trucking, LTD
ATA Alternate State VP

Calvin Koehn
Circle K Transport, Inc.
Public Relations Chairman

Tony Gaston
Rawhide Trucking
ProTruck PAC Chairman

Jeff Robertson
JMJ Projects, Inc.
Foundation Chairman

Richard Orton
Roberts Truck Center, LTD
Allied Industries Chairman

Tom Whitaker
Executive Director

WRITTEN LEGISLATIVE TESTIMONY

by the
Kansas Motor Carriers Association
for the
Senate Transportation Committee
Senator Dwayne Umbarger, Chairman
Friday, March 5, 2010

MR. CHAIRMAN AND MEMBERS OF THE SENATE TRANSPORTATION COMMITTEE:

The Kansas Motor Carriers Association supports House Bill No. 2485 which extends the timeframe from 12 months to 18 months in which a safety compliance audit of a new motor carrier must be performed by the Kansas Corporation Commission staff.

HB 2485 amends K.S.A. 66-1,114(c) and K.S.A 66-1.114(b) which requires the KCC to verify that a motor carrier is fit, knowledgeable and in compliance with the KCC's safety rules and regulations. This amendment will allow Kansas to be consistent with the Federal Motor Carriers Safety Administration's program.

The Kansas Motor Carriers Association respectfully requests the Senate Transportation Committee recommend HB 2485 favorably for passage. Thank you for the opportunity to submit our written testimony.

Submitted by:

Tom Whitaker
KMCA Executive Director

SENATE BILL No. 480

By Committee on Ways and Means

1-28

Balloon amendment prepared for Senate
Transportation Committee
March 2, 2010

Senate Transportation
3-5-10
Attachment 6

9 AN ACT regulating traffic; concerning license plates; amending K.S.A.
10 2009 Supp. 8-133 and 8-2118 and repealing the existing sections.

11

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

13 New Section 1. (a) It shall be unlawful for any person to attach and
14 display on any vehicle a license plate, as required under article 1 of chap-
15 ter 8 of the Kansas Statutes Annotated, which is:

16 (1) Not maintained free from foreign materials;

17 (2) not in a condition to be clearly legible; or

18 (3) covered, in whole or in part, with any material, including any clear
19 or opaque material or any other plastic-like material that affects the plate's
20 visibility or reflectivity.

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

23 Sec. 2. K.S.A. 2009 Supp. 8-133 is hereby amended to read as fol-
24 lows: 8-133. The license plate assigned to the vehicle shall be attached to
25 the rear thereof and shall be so displayed during the current registration
26 year or years. A Kansas registered vehicle shall have no registration plate
27 for any year on the front of the vehicle, except that: (a) The license plate
28 issued for a truck tractor shall be attached to the front of the truck tractor;
29 (b) a model year license plate may be attached to the front of an antique
30 vehicle, in accordance with K.S.A. 8-172, and amendments thereto; or (c)
31 a personalized license plate as authorized under subsection (c) of K.S.A.
32 8-132, and amendments thereto, may be attached to the front of a pas-
33 senger vehicle or truck. Every license plate shall at all times be securely
34 fastened to the vehicle to which it is assigned so as to prevent the plate
35 from swinging, and at a height not less than 12 inches from the ground,
36 measuring from the bottom of such plate, in a place and position to be
37 clearly visible, and shall be maintained free from foreign materials and in
38 a condition to be clearly legible. During any period in which the construction
39 of license plates has been suspended pursuant to the provisions of
40 K.S.A. 8-132, and amendments thereto, the plate, tag, token, marker or
41 sign assigned to such vehicle shall be attached to and displayed on such
42 vehicle in such place, position, manner and condition as shall be pre-
43 scribed by the director of vehicles.

the visibility, reflectivity or readability of any
relevant information displayed on the plate.

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

8 (b) Prior to the time specified in the notice to appear, a person
 9 charged with a traffic infraction may enter a written appearance, waive
 10 right to trial, plead guilty or *plead* no contest and pay the fine for the
 11 violation as specified in the uniform fine schedule in subsection (c) and
 12 court costs provided by law. Payment may be made by mail or in person
 13 and may be by personal check. The traffic citation shall not have been
 14 complied with if a check is not honored for any reason, or if the fine and
 15 court costs are not paid in full. When a person charged with a traffic
 16 infraction makes payment without executing a written waiver of right to
 17 trial and plea of guilty or no contest, the payment shall be deemed such
 18 an appearance, waiver of right to trial and plea of no contest.

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
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	8-1558	1-10 mph over the limit. \$30
in zone posted by the state department of	to	
transportation: or speeding in locally posted	8-1560	11-20 mph over the limit,
zone	8-1560a	\$30 plus \$6 per mph over
	or	10 mph over the limit;
	8-1560b	
		21-30 mph over the limit.
		\$90 plus \$9 per mph over
		20 mph over the limit;
		31 and more mph over the
		limit. \$150 plus \$15 per
		mph over 30 mph over the
		limit;
Disobeying traffic control device	8-1507	\$60

1	Violating traffic control signal	8-1508	\$60
2	Violating pedestrian control signal	8-1509	\$30
3	Violating flashing traffic signals	8-1510	\$60
4	Violating lane-control signal	8-1511	\$60
5	Unauthorized sign, signal, marking or device	8-1512	\$30
6	Driving on left side of roadway	8-1514	\$60
7	Failure to keep right to pass oncoming vehicle	8-1515	\$60
8	Improper passing; increasing speed when	8-1516	\$60
9	passed		
10	Improper passing on right	8-1517	\$60
11	Passing on left with insufficient clearance	8-1518	\$60
12	Driving on left side where curve, grade,	8-1519	\$60
13	intersection railroad crossing, or obstructed		
14	view		
15	Driving on left in no-passing zone	8-1520	\$60
16	Unlawful passing of stopped emergency	8-1520a	\$60
17	vehicle		
18	Driving wrong direction on one-way road	8-1521	\$60
19	Improper driving on laned roadway	8-1522	\$60
20	Following too close	8-1523	\$60
21	Improper crossover on divided highway	8-1524	\$30
22	Failure to yield right-of-way at uncontrolled	8-1526	\$60
23	intersection		
24	Failure to yield to approaching vehicle when	8-1527	\$60
25	turning left		
26	Failure to yield at stop or yield sign	8-1528	\$60
27	Failure to yield from private road or driveway	8-1529	\$60
28	Failure to yield to emergency vehicle	8-1530	\$180
29	Failure to yield to pedestrian or vehicle	8-1531	\$90
30	working on roadway		
31	Failure to comply with restrictions in road	8-1531a	\$30
32	construction zone		
33	Disobeying pedestrian traffic control device	8-1532	\$30
34	Failure to yield to pedestrian in crosswalk;	8-1533	\$60
35	pedestrian suddenly entering roadway;		
36	passing vehicle stopped for pedestrian at		
37	crosswalk		
38	Improper pedestrian crossing	8-1534	\$30
39	Failure to exercise due care in regard to	8-1535	\$30
40	pedestrian		
41	Improper pedestrian movement in crosswalk	8-1536	\$30
42	Improper use of roadway by pedestrian	8-1537	\$30
43	Soliciting ride or business on roadway	8-1538	\$30

1	Driving through safety zone	8-1539	\$30
2	Failure to yield to pedestrian on sidewalk	8-1540	\$30
3	Failure of pedestrian to yield to emergency	8-1541	\$30
4	vehicle		
5	Failure to yield to blind pedestrian	8-1542	\$30
6	Pedestrian disobeying bridge or railroad signal	8-1544	\$30
7	Improper turn or approach	8-1545	\$60
8	Improper "U" turn	8-1546	\$60
9	Unsafe starting of stopped vehicle	8-1547	\$30
10	Unsafe turning or stopping, failure to give	8-1548	\$60
11	proper signal; using turn signal unlawfully		
12	Improper method of giving notice of intention	8-1549	\$30
13	to turn		
14	Improper hand signal	8-1550	\$30
15	Failure to stop or obey railroad crossing signal	8-1551	\$180
16	Failure to stop at railroad crossing stop sign	8-1552	\$120
17	Certain hazardous vehicles failure to stop at	8-1553	\$180
18	railroad crossing		
19	Improper moving of heavy equipment at	8-1554	\$60
20	railroad crossing		
21	Vehicle emerging from alley, private roadway,	8-1555	\$60
22	building or driveway		
23	Improper passing of school bus; improper use	8-1556	\$300
24	of school bus signals		
25	Improper passing of church or day-care bus;	8-1556a	\$180
26	improper use of signals		
27	Impeding normal traffic by slow speed	8-1561	\$30
28	Speeding on motor-driven cycle	8-1562	\$60
29	Speeding in certain vehicles or on posted	8-1563	\$30
30	bridge		
31	Improper stopping, standing or parking on	8-1569	\$30
32	roadway		
33	Parking, standing or stopping in prohibited	8-1571	\$30
34	area		
35	Improper parking	8-1572	\$30
36	Unattended vehicle	8-1573	\$30
37	Improper backing	8-1574	\$30
38	Driving on sidewalk	8-1575	\$30
39	Driving with view or driving mechanism	8-1576	\$30
40	obstructed		
41	Unsafe opening of vehicle door	8-1577	\$30
42	<i>Unlawful riding on vehicle</i>	<i>8-1578a</i>	<i>\$60</i>
43	Riding in house trailer	8-1578	\$30

Unlawful riding on vehicle

8-1578a

\$60

1	Improper driving in defiles, canyons, or on	S-1579	\$30
2	grades		
3	Coasting	S-1580	\$30
4	Following fire apparatus too closely	S-1581	\$60
5	Driving over fire hose	S-1582	\$30
6	Putting glass, etc., on highway	S-1583	\$90
7	Driving into intersection, crosswalk, or	S-1584	\$30
8	crossing without sufficient space on other		
9	side		
10	Improper operation of snowmobile on	S-1585	\$30
11	highway		
12	Parental responsibility of child riding bicycle	S-1586	\$30
13	Not riding on bicycle seat; too many persons	S-1588	\$30
14	on bicycle		
15	Clinging to other vehicle	S-1589	\$30
16	Improper riding of bicycle on roadway	S-1590	\$30
17	Carrying articles on bicycle; one hand on	S-1591	\$30
18	handlebars		
19	Improper bicycle lamps, brakes or reflectors	S-1592	\$30
20	Improper operation of motorcycle; seats;	S-1594	\$30
21	passengers, bundles		
22	Improper operation of motorcycle on laned	S-1595	\$60
23	roadway		
24	Motorcycle clinging to other vehicle	S-1596	\$30
25	Improper motorcycle handlebars or passenger	S-1597	\$60
26	equipment		
27	Motorcycle helmet and eye-protection	S-1598	\$30
28	requirements		
29	Unlawful riding on vehicle	S-1578a	\$60
30	Unlawful operation of all-terrain vehicle	S-15.100	\$60
31	Unlawful operation of low-speed vehicle	S-15.101	\$60
32	Littering	S-15.102	\$100
33	Disobeying school crossing guard	S-15.103	\$60
34	Unlawful operation of micro utility truck	S-15.106	\$60
35	Failure to remove vehicles in accidents	S-15.107	\$60
36	Unlawful operation of golf cart	S-15.108	\$60
37	Unlawful operation of work-site utility vehicle	S-15.109	\$60
38	<i>Unlawful display of license plate</i>	<i>section 1</i>	\$60
39	Equipment offenses that are not	S-1701	\$60
40	misdemeanors		
41	Driving without lights when needed	S-1703	\$30
42	Defective headlamps	S-1705	\$30
43	Defective tail lamps	S-1706	\$30

1	Defective reflector	S-1707	\$30
2	Improper stop lamp or turn signal	S-1708	\$30
3	Improper lighting equipment on certain	S-1710	\$30
4	vehicles		
5	Improper lamp color on certain vehicles	S-1711	\$30
6	Improper mounting of reflectors and lamps on	S-1712	\$30
7	certain vehicles		
8	Improper visibility of reflectors and lamps on	S-1713	\$30
9	certain vehicles		
10	No lamp or flag on projecting load	S-1715	\$60
11	Improper lamps on parked vehicle	S-1716	\$30
12	Improper lights, lamps, reflectors and	S-1717	\$30
13	emblems on farm tractors or slow-moving		
14	vehicles		
15	Improper lamps and equipment on	S-1718	\$30
16	implements of husbandry, road machinery		
17	or animal-drawn vehicles		
18	Unlawful use of spot, fog, or auxiliary lamp	S-1719	\$30
19	Improper lamps or lights on emergency	S-1720	\$30
20	vehicle		
21	Improper stop or turn signal	S-1721	\$30
22	Improper vehicular hazard warning lamp	S-1722	\$30
23	Unauthorized additional lighting equipment	S-1723	\$30
24	Improper multiple-beam lights	S-1724	\$30
25	Failure to dim headlights	S-1725	\$60
26	Improper single-beam headlights	S-1726	\$30
27	Improper speed with alternate lighting	S-1727	\$30
28	Improper number of driving lamps	S-1728	\$30
29	Unauthorized lights and signals	S-1729	\$30
30	Improper school bus lighting equipment and	S-1730	\$30
31	warning devices		
32	Unauthorized lights and devices on church or	S-1730a	\$30
33	day-care bus		
34	Improper lights on highway construction or	S-1731	\$30
35	maintenance vehicles		
36	Defective brakes	S-1734	\$30
37	Defective or improper use of horn or warning	S-1738	\$30
38	device		
39	Defective muffler	S-1739	\$30
40	Defective mirror	S-1740	\$30
41	Defective wipers; obstructed windshield or	S-1741	\$30
42	windows		
43	Improper tires	S-1742	\$30

1	Improper flares or warning devices	8-1744	\$30
2	Improper use of vehicular hazard warning	8-1745	\$30
3	lamps and devices		
4	Improper air-conditioning equipment	8-1747	\$30
5	Improper safety belt or shoulder harness	8-1749	\$30
6	Improper wide-based single tires	8-1742b	\$60
7	Improper compression release engine braking	8-1761	\$60
8	system		
9	Defective motorcycle headlamp	8-1801	\$30
10	Defective motorcycle tail lamp	8-1802	\$30
11	Defective motorcycle reflector	8-1803	\$30
12	Defective motorcycle stop lamps and turn	8-1804	\$30
13	signals		
14	Defective multiple-beam lighting	8-1805	\$30
15	Improper road-lighting equipment on motor-	8-1806	\$30
16	driven cycles		
17	Defective motorcycle or motor-driven cycle	8-1807	\$30
18	brakes		
19	Improper performance ability of brakes	8-1808	\$30
20	Operating motorcycle with disapproved	8-1809	\$30
21	braking system		
22	Defective horn, muffler, mirrors or tires	8-1810	\$30
23	Unlawful statehouse parking	75-4510a	\$15
24	Exceeding gross weight of vehicle or	8-1909	Pounds Overweight
25	combination		up to 1000 \$25
26			1001 to 2000 3c per pound
27			2001 to 5000 5c per pound
28			5001 to 7500 7c per pound
29			7501 and over ... 10c per pound
30	Exceeding gross weight on any axle or tandem,	8-1908	Pounds Overweight
31	triple or quad axles		up to 1000 \$25
32			1001 to 2000 3c per pound
33			2001 to 5000 5c per pound
34			5001 to 7500 7c per pound
35			7501 and over ... 10c per pound
36	Failure to obtain proper registration, clearance	66-1324	\$272
37	or to have current certification		
38	Insufficient liability insurance for motor	66-1.125	\$122
39	carriers	or 66-1314	
40	Failure to obtain interstate motor fuel tax	79-34.122	\$122
41	authorization		
42	No authority as private or common carrier	66-1.111	\$122
43			

1 Violation of motor carrier safety rules and 66-1.129 \$100
 2 regulations, except for violations specified in
 3 subsection (b)(2) of K.S.A. 66-1.130, and
 4 amendments thereto

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

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

18 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
 19 amendments thereto, within two years after a prior conviction of K.S.A.
 20 8-1908 or 8-1909, and amendments thereto, such person, upon conviction
 21 shall be fined 1½ times the applicable amount from one, but not both,
 22 of the schedules listed in the uniform fine schedule contained in
 23 subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and
 24 amendments thereto, within two years, after two prior convictions of
 25 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
 26 conviction shall be fined two times the applicable amount from one, but
 27 not both, of the schedules listed in the uniform fine schedule contained
 28 in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-
 29 1908 or 8-1909, and amendments thereto, within two years after three
 30 prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto,
 31 such person, upon conviction shall be fined 2½ times the applicable
 32 amount from one, but not both, of the schedules listed in the uniform
 33 fine schedule contained in subsection (c).

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

39 Sec. 4. K.S.A. 2009 Supp. 8-133 and 8-2118 are hereby repealed.

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