

CHAPTER 163

HOUSE BILL No. 2695

(Amends Chapter 114)

AN ACT concerning waste; relating to littering; providing for criminal littering; creating a traffic infraction of littering; also relating to recyclables and recycling programs; amending K.S.A. 8-2118, as amended by section 5 of 2004 House Bill No. 2871, 21-3722 and 65-3410 and repealing the existing sections.

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

New Section 1. (a) No person shall throw, place or drop litter or allow litter to be thrown, placed or dropped from a motor vehicle onto or upon any highway, road or street. The driver of the vehicle may be cited for any litter thrown, placed or dropped from the motor vehicle, unless any other person in the motor vehicle admits to or is identified as having committed the act.

(b) "Litter" means rubbish, refuse, waste material, garbage, trash or debris of whatever kind or description and includes improperly discarded paper, metal, plastic or glass.

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

Sec. 2. K.S.A. 8-2118, as amended by section 5 of 2004 House Bill No. 2871, 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.

| <i>Description of Offense</i>                                                                                                           | <i>Statute</i>                                     | <i>Fine</i>                                                                                                                                                                                                                                                                                                        |
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| 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<br>to<br>8-1560<br>8-1560a<br>or<br>8-1560b | 1-10 mph over the limit,<br>\$30<br>11-20 mph over the limit,<br>\$30 plus \$6 per mph over<br>10 mph over the limit;<br><br>21-30 mph over the limit,<br>\$90 plus \$9 per mph over<br>20 mph over the limit;<br><br>31 and more mph over<br>the limit, \$180 plus \$15 per<br>mph over 30 mph over<br>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                                                                                                                                                                                                                                                                                                               |

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| 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 right-of-way 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  | \$30  |
| 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  |

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| 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         |
| <i>Littering</i>                                                                                 | <i>section 1</i> | <i>\$100</i> |
| 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         |
| TV screen visible to driver                                                                      | 8-1748           | \$30         |

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| Improper safety belt or shoulder harness                                          | 8-1749                                          | \$30                                                                                                                                                                                   |
| Improper wide-based single tires                                                  | 8-1742b                                         | \$60                                                                                                                                                                                   |
| Improper compression release engine braking system                                | section 1 of 2004<br><i>House Bill No. 2871</i> | \$60                                                                                                                                                                                   |
| Defective motorcycle headlamp                                                     | 8-1801                                          | \$30                                                                                                                                                                                   |
| Defective motorcycle tail lamp                                                    | 8-1802                                          | \$30                                                                                                                                                                                   |
| Defective motorcycle reflector                                                    | 8-1803                                          | \$30                                                                                                                                                                                   |
| Defective motorcycle stop lamps and turn signals                                  | 8-1804                                          | \$30                                                                                                                                                                                   |
| Defective multiple-beam lighting                                                  | 8-1805                                          | \$30                                                                                                                                                                                   |
| Improper road-lighting equipment on motor-driven cycles                           | 8-1806                                          | \$30                                                                                                                                                                                   |
| Defective motorcycle or motor-driven cycle brakes                                 | 8-1807                                          | \$30                                                                                                                                                                                   |
| Improper performance ability of brakes                                            | 8-1808                                          | \$30                                                                                                                                                                                   |
| Operating motorcycle with disapproved braking system                              | 8-1809                                          | \$30                                                                                                                                                                                   |
| Defective horn, muffler, mirrors or tires                                         | 8-1810                                          | \$30                                                                                                                                                                                   |
| Unlawful statehouse parking                                                       | 75-4510a                                        | \$15                                                                                                                                                                                   |
| Exceeding gross weight of vehicle or combination                                  | 8-1909                                          | Pounds Overweight<br>up to 1000 ..... \$25<br>1001 to 2000 ..... 3¢ per pound<br>2001 to 5000 ..... 5¢ per pound<br>5001 to 7500 ..... 7¢ per pound<br>7501 and over ... 10¢ per pound |
| Exceeding gross weight on any axle or tandem, triple or quad axles                | 8-1908                                          | Pounds Overweight<br>up to 1000 ..... \$25<br>1001 to 2000 ..... 3¢ per pound<br>2001 to 5000 ..... 5¢ per pound<br>5001 to 7500 ..... 7¢ per pound<br>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<br>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                                                                                                                                                                                  |
| Improper equipment                                                                | 66-1,129                                        | \$52                                                                                                                                                                                   |
| No current driver's daily log                                                     | 66-1,129                                        | \$52                                                                                                                                                                                   |
| Invalid or no physical examination card                                           | 66-1,129                                        | \$52                                                                                                                                                                                   |

(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 1½ 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 2½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

Sec. 3. K.S.A. 21-3722 is hereby amended to read as follows: 21-3722. (a) *Except as provided in section 1, and amendments thereto, criminal* littering is intentionally or recklessly depositing or causing to be deposited any object or substance into, upon or about:

(a) (1) 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)~~ (2) Any private property without the consent of the owner or occupant of such property.

~~Littering is a class C misdemeanor.~~

(b) *Criminal littering is an unclassified misdemeanor punishable:*

(1) *Upon a first conviction by a fine of not less than \$250 nor more than \$1,000;*

(2) *upon a second conviction by a fine of not less than \$1,000 nor more than \$2,000; and*

(3) *upon a third or subsequent conviction by a fine of not less than \$2,000 nor more than \$4,000.*

(c) *In addition to the fines in subsection (b), a person convicted of littering shall be required to pick up litter for a time prescribed by and a place within the jurisdiction of the court.*

Sec. 4. K.S.A. 65-3410 is hereby amended to read as follows: 65-3410. (a) Each city or county or combination of such cities and counties may provide for the storage, collection, transportation, processing and disposal of solid wastes *and recyclables* generated within its boundaries; and shall have the power to purchase all necessary equipment, acquire all necessary land, build any necessary buildings, incinerators, transfer stations, or other structures, lease or otherwise acquire the right to use land or equipment and to do all other things necessary for a proper effective solid waste management system *and recycling program* including the levying of fees and charges upon persons receiving service. On or before the first day of July of each calendar year, the board of county commissioners of any county, may, by resolution establish a schedule of fees to be imposed on real property within any county solid waste *and recyclables* service area, revenue from such fees to be used for the acquisition, operation and maintenance of county waste disposal sites and/or for financing waste collection, storage, processing, reclamation, ~~and~~ disposal services *and recycling programs*, where such services are provided. In establishing the schedule of fees, the board of county commissioners shall classify the real property within the county solid waste *and recyclables* service area based upon the various uses to which the real property is put, the volume of waste occurring from the different land uses and any other factors that the board determines would reasonably relate the waste disposal *and recyclable* fee to the real property upon which it would be imposed.

The board shall set a reasonable fee for each category established and divide the real property within the county service areas according to categories and ownership. The board shall impose the appropriate fee upon each division of land and provide for the billing and collection of such fees. The fees may be established, billed, and collected on a monthly, quarterly or yearly basis. Fees collected on a yearly basis may be billed on the ad valorem tax statement. Prior to the collection of any fees levied on real property by the board under this section, the board shall notify affected property owners by causing a copy of the schedule of fees to be mailed to each property owner to whom tax statements are mailed in accordance with K.S.A. 79-2001, or any amendments thereto.

Any fees authorized pursuant to this section which remain unpaid for a period of ~~sixty (60)~~ 60 or more days after the date upon which they were billed may be collected thereafter by the county as provided herein.

(1) At least once a year the board of county commissioners shall cause to be prepared a report of delinquent fees. The board shall fix a time, date, and place for hearing the report and any objections or protests thereto.

(2) The board shall cause notice of the hearing to be mailed to the property owners listed on the report not less than ~~ten (10)~~ 10 days prior to the date of the hearing.

(3) At the hearing the board shall hear any objections or protests of property owners liable to be assessed for delinquent fees. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(4) The delinquent fees set forth in the report as confirmed shall constitute assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county clerk for the amounts of the respective assessments against the respective parcels of

land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county clerk of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of county ad valorem property taxes shall be applicable to such assessment.

Any city collecting solid waste fees or charges may collect delinquent fees or charges for garbage and trash storage, collection and disposal in the manner provided for counties.

(b) In carrying out its responsibilities, any such city or county may adopt ordinances, resolutions, regulations and standards for the storage, collection, transportation, processing and disposal of solid wastes which shall be in conformity with the rules, regulations, standards and procedures adopted by the secretary for the storage, collection, transportation, processing and disposal of solid wastes.

(c) Cities or counties may contract with any person, city, county, other political subdivision or state agency in this or other states to carry out their responsibilities for the collection, transportation, processing and disposal of solid wastes.

Sec. 5. K.S.A. 8-2118, as amended by section 5 of 2004 House Bill No. 2871, 21-3722 and 65-3410 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 17, 2004.

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