

CHAPTER 34
SENATE BILL No. 446

AN ACT relating to roads and highways; concerning duties and liabilities during repairs or improvements; amending K.S.A. 68-2101, 68-2102, 68-2103 and 68-2107 and repealing the existing sections.

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

Section 1. K.S.A. 68-2101 is hereby amended to read as follows: 68-2101. As used in this act:

(a) ~~The word "commission" shall mean~~ "Secretary" means the secretary of transportation.

(b) ~~The word "highway" shall mean~~ "Highway" means a highway, road, street, or alley.

(c) ~~The word "improvement" shall mean~~ "Improvement" means the repair, building, rebuilding, alteration, construction, or reconstruction of any highway or part thereof, or the grading or regrading of the same, or the erection, construction, building, rebuilding, or repair of any bridge or culvert on any highway.

(d) ~~The word "municipality" shall mean~~ "Municipality" means a city, township or county.

(e) ~~The word "person" shall include an~~ "Person" means any individual, firm, corporation, or association.

(f) ~~The term "warning light" shall mean~~ "Warning light" means a warning light which conforms to the standards set forth in the most recent edition of the manual on uniform traffic control devices for streets and highways and other standards issued or endorsed by the federal highway administrator, and as adopted by the secretary of transportation pursuant to K.S.A. 8-2003, and amendments thereto.

Sec. 2. K.S.A. 68-2102 is hereby amended to read as follows: 68-2102. Every person who shall have entered into a contract to make any improvement, or any municipality which has undertaken for itself the making of any improvement, shall, where the work so undertaken requires the closing of any highway or the rendering of the same impassable or dangerous to travel while such improvement is being made, place at the intersection of all highways leading thereto, barricades and warning signs, advising the public that the highway is closed or is impassable or dangerous to travel. ~~Such warning signs may be supplemented in the nighttime by warning lights.~~

Sec. 3. K.S.A. 68-2103 is hereby amended to read as follows: 68-2103. In all cases where any municipality or the secretary of transportation shall engage in the making of any improvement on any highway and shall not permit public use of such highway while so engaged, as authorized by K.S.A. 68-2104, and amendments thereto, such municipality or the secretary ~~shall~~ *may* construct a detour or establish a detour route ~~which shall at all times be passable and free from danger,~~ and place suitable warning signs near thereto, advising the public of the change in such highway; ~~and in the nighttime, until such improvement is completed, shall keep and maintain warning lights in such manner as to warn the public of the temporary change in the highway.~~

In any case where a municipality or the secretary of transportation builds or constructs such a detour, or establishes such a detour route, it shall be the sole duty of such municipality or the secretary to erect barricades and warning signs; ~~and such warning signs may be supplemented in the nighttime by warning lights,~~ which signs ~~and lights~~ shall be located at the entrance to, and exit from, the roadways around the improvement being made, or the entrance to, or exit from, the detour route. When a municipality or the secretary of transportation builds or constructs or provides a detour route at an improvement being made on a highway, all other persons shall be relieved of the obligations imposed by K.S.A. 68-2102, and amendments thereto, upon such other persons in connection with the erection of barricades; ~~or warning signs and lights~~ where the performance of the duty would result in a duplication of such barricades; ~~or warning signs or warning lights.~~

All detours shall be clearly marked at all times, so that the traveling public may be properly advised of the course taken by such detour. ~~When a detour is required during the construction of a county road or benefit district project, and the detour follows the route of an existing township~~

road, the board of county commissioners shall maintain the township road during the time when it is used as such detour, and pay for such maintenance from the road funds of the county.

Sec. 4. K.S.A. 68-2107 is hereby amended to read as follows: 68-2107. Any person ~~or the officers of any municipality, commission or district~~ failing, neglecting or refusing to comply with the provisions of this act, and for which a specific penalty is not provided in this act, shall be deemed guilty of a misdemeanor and upon conviction ~~thereof~~ shall be fined not less than ~~ten dollars (\$10)~~ \$10 nor more than ~~one hundred dollars (\$100)~~ \$100, or imprisoned for not less than ~~ten (10)~~ 10 days nor more than ~~ninety (90)~~ 90 days, or by both such fine and imprisonment.

Sec. 5. K.S.A. 68-2101, 68-2102, 68-2103 and 68-2107 are hereby repealed.

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

Approved April 8, 2004.
