

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2192

By Committee on Transportation

2-7

1 AN ACT ~~concerning motor vehicles; relating to~~ **regulating traffic;**
2 **concerning** safety belts; ~~uniform act regulating traffic on highways~~
3 **traffic controlled lights;** amending K.S.A. **8-1508 and** 8-2204 and
4 K.S.A. 2010 Supp. 8-2503 and 8-2504 and repealing the existing
5 sections.
6

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

8 **Section 1. K.S.A. 8-1508 is hereby amended to read as follows:**
9 **8-1508. Whenever traffic is controlled by traffic-control signals**
10 **exhibiting different colored lights, or colored lighted arrows,**
11 **successively one at a time or in combination, only the colors green,**
12 **red and yellow shall be used, except for special pedestrian signals**
13 **carrying a word legend, and said lights shall indicate and apply to**
14 **drivers of vehicles and pedestrians as follows:**

15 (a) *Green indication.* (1) Vehicular traffic facing a circular
16 green signal may proceed straight through or turn right or left,
17 unless a sign at such place prohibits either such turn; but vehicular
18 traffic, including vehicles turning right or left, shall yield the right-
19 of-way to other vehicles and to pedestrians lawfully within the
20 intersection or an adjacent crosswalk at the time such signal is
21 exhibited.

22 (2) Vehicular traffic facing a green arrow signal, shown alone
23 or in combination with another indication, may enter the
24 intersection cautiously only to make the movement indicated by
25 such arrow, or such other movement as is permitted by other
26 indications shown at the same time. Such vehicular traffic shall
27 yield the right-of-way to pedestrians lawfully within an adjacent
28 crosswalk and to other traffic lawfully using the intersection.

29 (3) Unless otherwise directed by a pedestrian-control signal, as
30 provided in K.S.A. 8-1509, and amendments thereto, pedestrians
31 facing any green signal, except when the sole green signal is a turn
32 arrow, may proceed across the roadway within any marked or
33 unmarked crosswalk.

1 **(b) *Steady yellow indication.*** (1) Vehicular traffic facing a
2 steady circular yellow or yellow arrow signal is thereby warned
3 that the related green movement is being terminated or that a red
4 indication will be exhibited immediately thereafter when vehicular
5 traffic shall not enter the intersection.

6 (2) Pedestrians facing a steady circular yellow or yellow arrow
7 signal, unless otherwise directed by a pedestrian-control signal as
8 provided in K.S.A. 8-1509, and amendments thereto, are thereby
9 advised that there is insufficient time to cross the roadway before a
10 red indication is shown, and no pedestrian shall then start to cross
11 the roadway.

12 **(c) *Steady red indication.*** (1) Vehicular traffic facing a steady
13 circular red or red arrow signal alone shall stop at a clearly
14 marked stop line, but if none, before entering the crosswalk on the
15 near side of the intersection, or if none, then before entering the
16 intersection, and shall remain standing until an indication to
17 proceed is shown, except as provided in paragraphs (2) ~~and~~, (3) *and*
18 (4) of this subsection. Any turn provided for in ~~said~~ paragraphs (2)
19 ~~and~~, (3) *and* (4) shall be governed by the applicable provisions of
20 K.S.A. 8-1545, and amendments thereto.

21 (2) Unless a sign is in place prohibiting a turn, vehicular traffic
22 facing a steady red signal may cautiously enter the intersection to
23 make a right turn after stopping as required by paragraph (1) of
24 this subsection. After stopping, the driver shall yield the right-of-
25 way to any vehicle in the intersection or approaching on another
26 roadway so closely as to constitute an immediate hazard during the
27 time such driver is moving across or within the intersection or
28 junction of roadways. Such vehicular traffic shall yield the right-
29 of-way to pedestrians lawfully within an adjacent crosswalk and to
30 other traffic lawfully using the intersection.

31 (3) Unless a sign is in place prohibiting a turn, vehicular traffic
32 upon a roadway restricted to one-way traffic facing a steady red
33 signal at the intersection of such roadway with another roadway
34 restricted to one-way traffic which is proceeding to the left of such
35 vehicular traffic, may cautiously enter the intersection to make a
36 left turn after stopping as required by paragraph (1) of this
37 subsection. After stopping, the driver shall yield the right-of-way
38 to any vehicle in the intersection or approaching on another
39 roadway so closely as to constitute an immediate hazard during the

1 **time such driver is moving across or within the intersection or**
2 **junction of roadways. Such vehicular traffic shall yield the right-**
3 **of-way to pedestrians lawfully within an adjacent crosswalk and to**
4 **other traffic lawfully using the intersection.**

5 *(4) The driver of a motorcycle or a person riding a bicycle facing*
6 *any steady red signal, which fails to change to a green light within a*
7 *reasonable period of time because of a signal malfunction or because*
8 *the signal has failed to detect the arrival of the motorcycle or bicycle*
9 *because of its size or weight, shall have the right to proceed subject to*
10 *the rules applicable after making a stop at a stop sign under K.S.A. 8-*
11 *1528, and amendments thereto.*

12 **(4) (5) Unless otherwise directed by a pedestrian-control signal**
13 **as provided in K.S.A. 8-1509, and amendments thereto, pedestrians**
14 **facing a steady circular red or red arrow signal alone shall not**
15 **enter the roadway.**

16 **(d) In the event an official traffic-control signal is erected and**
17 **maintained at a place other than an intersection, the provisions of**
18 **this section shall be applicable except as to those provisions which**
19 **by their nature can have no application. Any stop required shall be**
20 **made at a sign or marking on the pavement indicating where the**
21 **stop shall be made, but in the absence of any such sign or marking**
22 **the stop shall be made at the signal.**

23 ~~Section 1.~~ **Sec. 2.** K.S.A. 8-2204 is hereby amended to read as
24 follows: 8-2204. This act shall be known and may be cited as the
25 uniform act regulating traffic on highways. The uniform act regulating
26 traffic on highways includes K.S.A. 8-1560a through 8-1560d; all
27 sections located in articles 10, ~~and~~ 14 through 22 *and* 25 of chapter 8 of
28 Kansas Statutes Annotated; K.S.A. 8-1,129, 8-1,130a, 8-1428a, 8-
29 1742a, 8-2118 and K.S.A. 8-1599, and amendments thereto.

30 ~~Sec. 2.~~ **3.** K.S.A. 2010 Supp. 8-2503 is hereby amended to read as
31 follows: 8-2503. (a) Except as provided in ~~K.S.A. 8-1344 and 8-1345,~~
32 ~~and amendments thereto, and in subsection (b) or (c)~~*subsection (b);*

33 *(1) Each occupant of a passenger car manufactured with safety*
34 *belts in compliance with federal motor vehicle safety standard no. 208,*
35 *who is 18 years of age or older, shall have a safety belt properly*
36 *fastened about such person's body at all times when the passenger car is*
37 *in motion ; and*

38 ~~(b)~~*(2) each occupant of a passenger car manufactured with safety*
39 *belts in compliance with federal motor vehicle safety standard no. 208,*

1 who is at least 14 years of age but less than 18 years of age, shall have
2 a safety belt properly fastened about such person's body at all times
3 when the passenger car is in motion.

4 ~~(e)~~(b) This section does not apply to:

5 (1) An occupant of a passenger car who possesses a written
6 statement from a licensed physician that such person is unable for
7 medical reasons to wear a safety belt system;

8 (2) carriers of United States mail while actually engaged in
9 delivery and collection of mail along their specified routes; *or*

10 (3) newspaper delivery persons while actually engaged in delivery
11 of newspapers along their specified routes; ~~or.~~

12 ~~(4) an occupant of a passenger car required to be protected by a
13 safety restraining system under the child passenger safety act.~~

14 ~~(d)~~(c) The secretary of transportation shall initiate an educational
15 program designed to encourage compliance with the safety belt usage
16 provisions of this act.

17 ~~(e)~~(d) The secretary shall evaluate the effectiveness of this act and
18 shall include a report of its findings in the annual evaluation report on
19 its highway safety plan that it submits under 23 U.S.C. § 402.

20 ~~(f)~~(e) Law enforcement officers shall not stop drivers for
21 violations of subsection (a)(1) by a back seat occupant in the absence of
22 another violation of law. A citation for violation of subsection (a)(1) by
23 a back seat occupant shall not be issued without citing the violation that
24 initially caused the officer to effect the enforcement stop.

25 ~~Sec. 3-4.~~ K.S.A. 2010 Supp. 8-2504 is hereby amended to read as
26 follows: 8-2504. (a) (1) ~~From and after the effective date of this act and~~
27 ~~prior to June 30, 2010, a law enforcement officer shall issue a warning~~
28 ~~citation to anyone violating subsection (a) of K.S.A. 8-2503, and~~
29 ~~amendments thereto;~~

30 ~~(2) from and after June 30, 2010, until July 1, 2011, Persons~~
31 ~~violating subsection (a)(1) of K.S.A. 8-2503, and amendments thereto,~~
32 ~~shall be fined \$5 including and no court costs;~~

33 ~~(3) and, from and after July 1, 2011, persons violating subsection~~
34 ~~(a)(1) of K.S.A. 8-2503, and amendments thereto, shall be fined \$10~~
35 ~~including and no court costs; and~~

36 ~~(4)(2) persons violating subsection (b)(a)(2) of K.S.A. 8-2503, and~~
37 ~~amendments thereto, shall be fined \$60 including and no court costs.~~

38 (b) No court shall report violation of this act to the department of
39 revenue.

1 (c) Evidence of failure of any person to use a safety belt shall not
2 be admissible in any action for the purpose of determining any aspect
3 of comparative negligence or mitigation of damages.

4 (d) *The provisions of this section shall be applicable and uniform*
5 *throughout the state and no city, county, subdivision or local authority*
6 *shall enact or enforce any law, ordinance, rule, regulation or resolution*
7 *in conflict with, in addition to, or supplemental to, the provisions of*
8 *this section.*

9 ~~Sec.-4:~~ **5.** K.S.A. **8-1508 and** 8-2204 and K.S.A. 2010 Supp. 8-
10 2503 and 8-2504 are hereby repealed.

11 ~~Sec.-5:~~ **6.** This act shall take effect and be in force from and after
12 its publication in the Kansas register.

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