

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~~ **traffic**
3 **controlled lights**; amending K.S.A. **8-1508 and** 8-2204 and K.S.A. 2010
4 Supp. 8-2503 and 8-2504 and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

31 (b) *Steady yellow indication.* (1) Vehicular traffic facing a steady
32 circular yellow or yellow arrow signal is thereby warned that the related
33 green movement is being terminated or that a red indication will be

1 exhibited immediately thereafter when vehicular traffic shall not enter the
2 intersection.

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

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

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

25 (3) Unless a sign is in place prohibiting a turn, vehicular traffic upon
26 a roadway restricted to one-way traffic facing a steady red signal at the
27 intersection of such roadway with another roadway restricted to one-way
28 traffic which is proceeding to the left of such vehicular traffic, may
29 cautiously enter the intersection to make a left turn after stopping as
30 required by paragraph (1) of this subsection. After stopping, the driver
31 shall yield the right-of-way to any vehicle in the intersection or
32 approaching on another roadway so closely as to constitute an immediate
33 hazard during the time such driver is moving across or within the
34 intersection or junction of roadways. Such vehicular traffic shall yield the
35 right-of-way to pedestrians lawfully within an adjacent crosswalk and to
36 other traffic lawfully using the intersection.

37 (4) *The driver of a motorcycle or a person riding a bicycle facing any*
38 *steady red signal, which fails to change to a green light within a reasonable*
39 *period of time because of a signal malfunction or because the signal has failed*
40 *to detect the arrival of the motorcycle or bicycle because of its size or weight,*
41 *shall have the right to proceed subject to the rules applicable after making a*
42 *stop at a stop sign under K.S.A. 8-1528, and amendments thereto [stated*
43 *herein. After stopping, the driver or rider shall yield the right-of-way to*

1 any vehicle in or near the intersection or approaching on a roadway so
 2 closely as to constitute an immediate hazard during the time such driver
 3 or rider is moving across or within the intersection or junction of
 4 roadways. Such motorcycle or bicycle traffic shall yield the right-of-way
 5 to pedestrians lawfully within an adjacent crosswalk and to other traffic
 6 lawfully using the intersection.]

7 (4) (5) Unless otherwise directed by a pedestrian-control signal as
 8 provided in K.S.A. 8-1509, and amendments thereto, pedestrians facing a
 9 steady circular red or red arrow signal alone shall not enter the roadway.

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

17 ~~Section 1.~~ **Sec. 2.** K.S.A. 8-2204 is hereby amended to read as follows: 8-
 18 2204. This act shall be known and may be cited as the uniform act regulating
 19 traffic on highways. The uniform act regulating traffic on highways includes
 20 K.S.A. 8-1560a through 8-1560d; all sections located in articles 10, ~~and~~ 14
 21 through 22 *and* 25 of chapter 8 of Kansas Statutes Annotated; K.S.A. 8-1,129,
 22 8-1,130a, 8-1428a, 8-1742a, 8-2118 and K.S.A. 8-1599, and amendments
 23 thereto.

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

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

31 ~~(b)(2)~~ each occupant of a passenger car manufactured with safety belts in
 32 compliance with federal motor vehicle safety standard no. 208, who is at least
 33 14 years of age but less than 18 years of age, shall have a safety belt properly
 34 fastened about such person's body at all times when the passenger car is in
 35 motion.

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

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

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

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

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

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

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

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

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

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

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

24 ~~(4)(2)~~ persons violating subsection ~~(b)(a)(2)~~ of K.S.A. 8-2503, and
25 amendments thereto, shall be fined \$60 ~~including and no court costs.~~

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

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

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

35 ~~Sec. 4:~~ 5. K.S.A. ~~8-1508 and~~ 8-2204 and K.S.A. 2010 Supp. 8-2503 and
36 8-2504 are hereby repealed.

37 ~~Sec. 5:~~ 6. This act shall take effect and be in force from and after its
38 publication in the Kansas register.