

SENATE BILL No. 94

By Committee on Transportation

1-28

1 AN ACT regulating traffic; concerning passing on streets and highways;
2 relating to waste collectors; providing for certain penalties; amending
3 K.S.A. 2014 Supp. 8-2118 and repealing the existing section.
4

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

6 New Section 1. (a) The driver of a motor vehicle shall not overtake
7 and pass another motor vehicle that is stopped and engaged in the
8 collection of solid waste, recyclables or yard waste on any street or
9 highway except under the following circumstances:

10 (1) For any street or highway with a posted speed limit less than 40
11 miles per hour, the driver must decrease speed to 15 miles per hour before
12 approaching within 100 feet and overtaking the motor vehicle; or

13 (2) for any street or highway with a posted speed limit of 40 miles per
14 hour or greater, the driver must decrease the speed by 10 miles per hour
15 under the posted speed limit before approaching within 100 feet and
16 overtaking the motor vehicle.

17 (b) In addition to the requirements set forth in subsection (a), if the
18 driver of the motor vehicle is traveling on a street or highway that consists
19 of at least two lanes that carry traffic in the same direction of travel as that
20 of the driver's motor vehicle, the driver shall proceed with due caution and,
21 if possible and with due regard to the road, weather and traffic conditions,
22 shall change lanes into a lane that is not adjacent to that of the motor
23 vehicle that is stopped and engaged in the collection of solid waste,
24 recyclables or yard waste.

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

27 Sec. 2. K.S.A. 2014 Supp. 8-2118 is hereby amended to read as
28 follows: 8-2118. (a) A person charged with a traffic infraction shall, except
29 as provided in subsection (b), appear at the place and time specified in the
30 notice to appear. If the person enters an appearance, waives right to trial,
31 pleads guilty or no contest, the fine shall be no greater than that specified
32 in the uniform fine schedule in subsection (c) and court costs shall be
33 taxed as provided by law.

34 (b) Prior to the time specified in the notice to appear, a person
35 charged with a traffic infraction may enter a written appearance, waive
36 right to trial, plead guilty or no contest and pay the fine for the violation as

1 specified in the uniform fine schedule in subsection (c) and court costs
 2 provided by law. Payment may be made in any manner accepted by the
 3 court. The traffic citation shall not have been complied with if the payment
 4 is not honored for any reason, or if the fine and court costs are not paid in
 5 full. When a person charged with a traffic infraction makes payment
 6 without executing a written waiver of right to trial and plea of guilty or no
 7 contest, the payment shall be deemed such an appearance, waiver of right
 8 to trial and plea of no contest.

9 (c) The following uniform fine schedule shall apply uniformly
 10 throughout the state but shall not limit the fine which may be imposed
 11 following a court appearance, except an appearance made for the purpose
 12 of pleading and payment as permitted by subsection (a). The description of
 13 offense contained in the following uniform fine schedule is for reference
 14 only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
15 Refusal to submit to a prelim- 16 inary breath test	8-1012	\$105
17 Unsafe speed for prevailing 18 conditions	8-1557	\$75
19 Exceeding maximum speed 20 limit; or speeding in zone 21 posted by the state depart- 22 ment of transportation; or 23 speeding in locally posted 24 zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$45 11-20 mph over the limit, \$45 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$105 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$195 plus \$15 per mph over 30 mph over the limit;
25 Disobeying traffic control de- 26 vice	8-1507	\$75
27 Violating traffic control signal	8-1508	\$75
28 Violating pedestrian control 29 signal	8-1509	\$45
30 Violating flashing traffic sig- 31 nals	8-1510	\$75
32 Violating lane-control signal	8-1511	\$75
33 Unauthorized sign, signal, 34	8-1512	\$45

1	marking or device		
2	Driving on left side of road-	8-1514	\$75
3	way		
4	Failure to keep right to pass	8-1515	\$75
5	oncoming vehicle		
6	Improper passing; increasing	8-1516	\$75
7	speed when passed		
8	Improper passing on right	8-1517	\$75
9	Passing on left with insuffi-	8-1518	\$75
10	cient clearance		
11	Driving on left side where	8-1519	\$75
12	curve, grade, intersec-		
13	tion railroad crossing, or		
14	obstructed view		
15	Driving on left in no-passing	8-1520	\$75
16	zone		
17	Unlawful passing of stopped	8-1520a	\$75
18	emergency vehicle		
19	Driving wrong direction on	8-1521	\$75
20	one-way road		
21	Improper driving on laned	8-1522	\$75
22	roadway		
23	Following too close	8-1523	\$75
24	Improper crossover on di-	8-1524	\$45
25	vided highway		
26	Failure to yield right-of-way	8-1526	\$75
27	at uncontrolled intersection		
28	Failure to yield to approach-	8-1527	\$75
29	ing vehicle when turning		
30	left		
31	Failure to yield at stop or	8-1528	\$75
32	yield sign		
33	Failure to yield from private	8-1529	\$75
34	road or driveway		
35	Failure to yield to emergency	8-1530	\$195
36	vehicle		
37	Failure to yield to pedestrian	8-1531	\$105
38	or vehicle working on		
39	roadway		
40	Failure to comply with re-	8-1531a	\$45
41	strictions in road con-		
42	struction zone		
43	Disobeying pedestrian traffic	8-1532	\$45

1	control device		
2	Failure to yield to pedestrian	8-1533	\$75
3	in crosswalk; pedestrian		
4	suddenly entering road-		
5	way; passing vehicle		
6	stopped for pedestrian at		
7	crosswalk		
8	Improper pedestrian crossing	8-1534	\$45
9	Failure to exercise due care in	8-1535	\$45
10	regard to pedestrian		
11	Improper pedestrian move-	8-1536	\$45
12	ment in crosswalk		
13	Improper use of roadway by	8-1537	\$45
14	pedestrian		
15	Soliciting ride or business	8-1538	\$45
16	on roadway		
17	Driving through safety zone	8-1539	\$45
18	Failure to yield to pedestrian	8-1540	\$45
19	on sidewalk		
20	Failure of pedestrian to yield	8-1541	\$45
21	to emergency vehicle		
22	Failure to yield to blind pe-	8-1542	\$45
23	destrian		
24	Pedestrian disobeying bridge	8-1544	\$45
25	or railroad signal		
26	Improper turn or approach	8-1545	\$75
27	Improper "U" turn	8-1546	\$75
28	Unsafe starting of stopped	8-1547	\$45
29	vehicle		
30	Unsafe turning or stopping,	8-1548	\$75
31	failure to give proper sig-		
32	nal; using turn signal un-		
33	lawfully		
34	Improper method of giving	8-1549	\$45
35	notice of intention to turn		
36	Improper hand signal	8-1550	\$45
37	Failure to stop or obey	8-1551	\$195
38	road crossing signal		
39	Failure to stop at railroad	8-1552	\$135
40	crossing stop sign		
41	Certain hazardous vehicles	8-1553	\$195
42	failure to stop at railroad		
43	crossing		

1	Improper moving of heavy	8-1554	\$75
2	equipment at railroad		
3	crossing		
4	Vehicle emerging from alley,	8-1555	\$75
5	private roadway, building		
6	or driveway		
7	Improper passing of school	8-1556	\$315
8	bus; improper use of		
9	school bus signals		
10	Improper passing of church	8-1556a	\$195
11	or day-care bus; improper		
12	use of signals		
13	Impeding normal traffic	8-1561	\$45
14	by slow speed		
15	Speeding on motor-driven	8-1562	\$75
16	cycle		
17	Speeding in certain vehicles	8-1563	\$45
18	or on posted bridge		
19	Improper stopping, standing	8-1569	\$45
20	or parking on roadway		
21	Parking, standing or stopping	8-1571	\$45
22	in prohibited area		
23	Improper parking	8-1572	\$45
24	Unattended vehicle	8-1573	\$45
25	Improper backing	8-1574	\$45
26	Driving on sidewalk	8-1575	\$45
27	Driving with view or driving	8-1576	\$45
28	mechanism obstructed		
29	Unsafe opening of vehicle	8-1577	\$45
30	door		
31	Riding in house trailer	8-1578	\$45
32	Unlawful riding on vehicle	8-1578a	\$75
33	Improper driving in defiles,	8-1579	\$45
34	canyons, or on grades		
35	Coasting	8-1580	\$45
36	Following fire apparatus too	8-1581	\$75
37	closely		
38	Driving over fire hose	8-1582	\$45
39	Putting glass, etc., on high-	8-1583	\$105
40	way		
41	Driving into intersection,	8-1584	\$45
42	crosswalk, or crossing		
43	without sufficient space		

1	on other side		
2	Improper operation of snow-	8-1585	\$45
3	mobile on highway		
4	Parental responsibility of	8-1586	\$45
5	child riding bicycle		
6	Not riding on bicycle seat;	8-1588	\$45
7	too many persons on		
8	bicycle		
9	Clinging to other vehicle	8-1589	\$45
10	Improper riding of bicycle on	8-1590	\$45
11	roadway		
12	Carrying articles on bicycle;	8-1591	\$45
13	one hand on handlebars		
14	Improper bicycle lamps,	8-1592	\$45
15	brakes or reflectors		
16	Improper operation of mo-	8-1594	\$45
17	torcycle; seats; passen-		
18	gers, bundles		
19	Improper operation of mo-	8-1595	\$75
20	torcycle on laned road		
21	way		
22	Motorcycle clinging to other	8-1596	\$45
23	vehicle		
24	Improper motorcycle handle-	8-1597	\$75
25	bars or passenger		
26	equipment		
27	Motorcycle helmet and eye-	8-1598	\$45
28	protection requirements		
29	Unlawful operation of all-ter-	8-15,100	\$75
30	rain vehicle		
31	Unlawful operation of	8-15,101	\$75
32	low-speed vehicle		
33	Littering	8-15,102	\$115
34	Disobeying school crossing	8-15,103	\$75
35	guard		
36	Unlawful operation of micro	8-15,106	\$75
37	utility truck		
38	Failure to remove vehicles in	8-15,107	\$75
39	accidents		
40	Unlawful operation of golf	8-15,108	\$75
41	cart		
42	Unlawful operation of work-	8-15,109	\$75
43	site utility vehicle		

1	Unlawful display of license	8-15,110	\$60
2	plate		
3	Unlawful text messaging	8-15,111	\$60
4	<i>Unlawful passing of waste</i>	<i>section 1</i>	<i>\$105</i>
5	<i>collection vehicles</i>		
6	Equipment offenses that are	8-1701	\$75
7	not misdemeanors		
8	Driving without lights when	8-1703	\$45
9	needed		
10	Defective headlamps	8-1705	\$45
11	Defective tail lamps	8-1706	\$45
12	Defective reflector	8-1707	\$45
13	Improper stop lamp or turn	8-1708	\$45
14	signal		
15	Improper lighting equipment	8-1710	\$45
16	on certain vehicles		
17	Improper lamp color on cer-	8-1711	\$45
18	tain vehicles		
19	Improper mounting of re-	8-1712	\$45
20	flectors and lamps on cer-		
21	tain vehicles		
22	Improper visibility of reflec-	8-1713	\$45
23	tors and lamps on certain		
24	vehicles		
25	No lamp or flag on projecting	8-1715	\$75
26	load		
27	Improper lamps on parked	8-1716	\$45
28	vehicle		
29	Improper lights, lamps, re-	8-1717	\$45
30	flectors and emblems on		
31	farm tractors or slow-		
32	moving vehicles		
33	Improper lamps and equip-	8-1718	\$45
34	ment on implements of		
35	husbandry, road machin-		
36	ery or animal-drawn ve-		
37	hicles		
38	Unlawful use of spot, fog, or	8-1719	\$45
39	auxiliary lamp		
40	Improper lamps or lights on	8-1720	\$45
41	emergency vehicle		
42	Improper stop or turn signal	8-1721	\$45
43	Improper vehicular hazard	8-1722	\$45

1	warning lamp		
2	Unauthorized additional	8-1723	\$45
3	lighting equipment		
4	Improper multiple-beam lights	8-1724	\$45
5	Failure to dim headlights	8-1725	\$75
6	Improper single-beam head-	8-1726	\$45
7	lights		
8	Improper speed with alter-	8-1727	\$45
9	nate lighting		
10	Improper number of driving	8-1728	\$45
11	lamps		
12	Unauthorized lights and sig-	8-1729	\$45
13	nals		
14	Improper school bus lighting	8-1730	\$45
15	equipment and warning		
16	devices		
17	Unauthorized lights and de-	8-1730a	\$45
18	vices on church or day-		
19	care bus		
20	Improper lights on highway	8-1731	\$45
21	construction or maintenance		
22	vehicles		
23	Defective brakes	8-1734	\$45
24	Defective or improper use of	8-1738	\$45
25	horn or warning device		
26	Defective muffler	8-1739	\$45
27	Defective mirror	8-1740	\$45
28	Defective wipers; obstructed	8-1741	\$45
29	windshield or windows		
30	Improper tires	8-1742	\$45
31	Improper flares or warning	8-1744	\$45
32	devices		
33	Improper use of vehicular	8-1745	\$45
34	hazard warning lamps		
35	and devices		
36	Improper air-conditioning	8-1747	\$45
37	equipment		
38	Improper safety belt or	8-1749	\$45
39	shoulder harness		
40	Improper wide-based single	8-1742b	\$75
41	tires		
42	Improper compression re-	8-1761	\$75
43	lease engine braking sys-		

1	tem		
2	Defective motorcycle head-	8-1801	\$45
3	lamp		
4	Defective motorcycle tail	8-1802	\$45
5	lamp		
6	Defective motorcycle reflec-	8-1803	\$45
7	tor		
8	Defective motorcycle stop	8-1804	\$45
9	lamps and turn signals		
10	Defective multiple-beam	8-1805	\$45
11	lighting		
12	Improper road-lighting equip-	8-1806	\$45
13	ment on motor-driven cy-		
14	cles		
15	Defective motorcycle or mo-	8-1807	\$45
16	tor-driven cycle brakes		
17	Improper performance abil-	8-1808	\$45
18	ity of brakes		
19	Operating motorcycle with	8-1809	\$45
20	disapproved braking sys-		
21	tem		
22	Defective horn, muffler, mir-	8-1810	\$45
23	rors or tires		
24	Unlawful statehouse parking	75-4510a	\$30
25	Exceeding gross weight of	8-1909	Pounds Overweight
26	vehicle or combination		up to 1000\$40
27			1001 to 2000.....3¢
28			per pound
29			2001 to 5000.....5¢
30			per pound
31			5001 to 7500.....7¢
32			per pound
33			7501 and over.....10¢
34			per pound
35	Exceeding gross weight on	8-1908	Pounds Overweight
36	any axle or tandem,		up to 1000\$40
37	triple or quad axles		1001 to 2000.....3¢
38			per pound
39			2001 to 5000.....5¢
40			per pound
41			5001 to 7500.....7¢
42			per pound
43			7501 and over.....10¢

1			per pound
2	Failure to obtain proper re-	66-1324	\$287
3	gistration, clearance or		
4	to have current cer-		
5	tification		
6	Insufficient liability insur-	66-1,128	\$137
7	ance for motor carriers	or 66-1314	
8	Failure to obtain interstate	79-34,122	\$137
9	motor fuel tax author-		
10	ization		
11	No authority as private or	66-1,111	\$137
12	common carrier		
13	Violation of motor carrier	66-1,129	\$115
14	safety rules and regula-		
15	tions, except for viola-		
16	tions specified in sub-		
17	section (b)(2) of K.S.A.		
18	66-1,130, and amend-		
19	ments thereto		

20 (d) Traffic offenses classified as traffic infractions by this section
 21 shall be classified as ordinance traffic infractions by those cities adopting
 22 ordinances prohibiting the same offenses. A schedule of fines for all
 23 ordinance traffic infractions shall be established by the municipal judge in
 24 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
 25 fines may vary from those contained in the uniform fine schedule
 26 contained in subsection (c).

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

33 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
 34 amendments thereto, within two years after a prior conviction of K.S.A. 8-
 35 1908 or 8-1909, and amendments thereto, such person, upon conviction
 36 shall be fined 1½ times the applicable amount from one, but not both, of
 37 the schedules listed in the uniform fine schedule contained in subsection
 38 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments
 39 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or
 40 8-1909, and amendments thereto, such person, upon conviction shall be
 41 fined two times the applicable amount from one, but not both, of the
 42 schedules listed in the uniform fine schedule contained in subsection (c).
 43 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,

1 and amendments thereto, within two years after three prior convictions of
2 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
3 conviction shall be fined $2\frac{1}{2}$ times the applicable amount from one, but
4 not both, of the schedules listed in the uniform fine schedule contained in
5 subsection (c).

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

11 (h) *Fines listed in the uniform fine schedule contained in subsection*
12 *(c) shall be doubled if a person is convicted of causing serious injury or*
13 *death to a person engaged in the collection of solid waste, recyclables or*
14 *yard waste.*

15 Sec. 3. K.S.A. 2014 Supp. 8-2118 is hereby repealed.

16 Sec. 4. This act shall take effect and be in force from and after its
17 publication in the statute book.