

As Amended by House Committee

Session of 2017

HOUSE BILL No. 2010

By Representative Ruiz

1-5

1 AN ACT regulating traffic; concerning the operation of a motor vehicle;
2 providing penalties for the use of a wireless communication device;
3 amending K.S.A. 2016 Supp. 8-15,111 **and 8-2118** and repealing the
4 existing ~~section~~ **sections**.

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

7 Section 1. K.S.A. 2016 Supp. 8-15,111 is hereby amended to read as
8 follows: 8-15,111. (a) As used in this section:

9 (1) "Wireless communication device" means any wireless electronic
10 communication device that provides for voice or data communication
11 between two or more parties, including, but not limited to, a mobile or
12 cellular telephone, a text messaging device, a personal digital assistant that
13 sends or receives messages, an audio-video player that sends or receives
14 messages or a laptop computer. "Wireless communication device" does not
15 include a device which is voice-operated and which allows the user to send
16 or receive a text based communication without the use of either hand,
17 except to activate or deactivate a feature or function.

18 (2) "Write, send or read a written communication" means using a
19 wireless communication device to manually type, send or read a written
20 communication, including, but not limited to, a text message, instant
21 message or electronic mail.

22 (b) Except as provided in subsections (c) and (d), no person shall
23 operate a motor vehicle on a public road or highway while: (1) *Holding a*
24 *wireless communication device to the person's ear;* or (2) using a wireless
25 communications device to write, send or read a written communication.

26 (c) The provisions of subsection (b) shall not apply to:

27 (1) A law enforcement officer or emergency service personnel acting
28 within the course and scope of the law enforcement officer's or emergency
29 service personnel's employment;

30 (2) a motor vehicle stopped off the regular traveled portion of the
31 roadway;

32 (3) a person who reads, selects or enters a telephone number or name
33 in a wireless communications device for the purpose of making or
34 receiving a phone call;

35 (4) a person who receives an emergency, traffic or weather alert
36 message; or

1 (5) a person receiving a message related to the operation or
2 navigation of the motor vehicle.

3 (d) The provisions of subsection (b) shall not prohibit a person from
4 using a wireless communications device while operating a moving motor
5 vehicle to:

6 (1) Report current or ongoing illegal activity to law enforcement;

7 (2) prevent imminent injury to a person or property; ~~or~~

8 (3) relay information between transit or for-hire operator and the
9 operator's dispatcher, in which the device is permanently affixed to the
10 motor vehicle; *or*

11 (4) *summon medical or other emergency assistance.*

12 (e) ~~From and after the effective date of this act and prior to January 1,~~
13 ~~2011, a law enforcement officer shall issue a warning citation to anyone~~
14 ~~violating subsection (b).~~

15 ~~(f) The provisions of this section shall not apply to a person~~
16 ~~operating two-way radio communications equipment while reporting~~
17 ~~information to the national weather service or any other emergency~~
18 ~~service provider.~~

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

21 **Sec. 2. K.S.A. 2016 Supp. 8-2118 is hereby amended to read as**
22 **follows: 8-2118. (a) A person charged with a traffic infraction shall,**
23 **except as provided in subsection (b), appear at the place and time**
24 **specified in the notice to appear. If the person enters an appearance,**
25 **waives right to trial, pleads guilty or no contest, the fine shall be no**
26 **greater than that specified in the uniform fine schedule in subsection**
27 **(c) and court costs shall be taxed as provided by law.**

28 (b) Prior to the time specified in the notice to appear, a person
29 charged with a traffic infraction may enter a written appearance,
30 waive right to trial, plead guilty or no contest and pay the fine for the
31 violation as specified in the uniform fine schedule in subsection (c) and
32 court costs provided by law. Payment may be made in any manner
33 accepted by the court. The traffic citation shall not have been
34 complied with if the payment is not honored for any reason, or if the
35 fine and court costs are not paid in full. When a person charged with a
36 traffic infraction makes payment without executing a written waiver
37 of right to trial and plea of guilty or no contest, the payment shall be
38 deemed such an appearance, waiver of right to trial and plea of no
39 contest.

40 (c) The following uniform fine schedule shall apply uniformly
41 throughout the state but shall not limit the fine which may be imposed
42 following a court appearance, except an appearance made for the
43 purpose of pleading and payment as permitted by subsection (a). The

1 description of offense contained in the following uniform fine schedule
 2 is for reference only and is not a legal definition.

3 <i>Description of Offense</i>	4 <i>Statute</i>	5 <i>Fine</i>
6 Refusal to submit to a prelim- 7 inary breath test	8-1012	\$105
8 Unsafe speed for prevailing 9 conditions	8-1557	\$75
10 Exceeding maximum speed 11 limit; or speeding in zone 12 posted by the state depart- 13 ment of transportation; or 14 speeding in locally posted 15 zone	16 8-1558 17 to 18 8-1560 19 8-1560a 20 or 21 8-1560b	22 1-10 mph over the 23 limit, \$45 24 11-20 mph over the 25 limit, \$45 plus \$6 26 per mph over 10 27 mph over the limit; 28 21-30 mph over the 29 limit, \$105 plus \$9 30 per mph over 20 31 mph over the limit; 32 31 and more mph 33 over the limit, \$195 34 plus \$15 per mph 35 over 30 mph over 36 the limit;
37 Disobeying traffic control de- 38 vice	8-1507	\$75
39 Violating traffic control signal	8-1508	\$75
40 Violating pedestrian control 41 signal	8-1509	\$45
42 Violating flashing traffic sig- 43 nals	8-1510	\$75
44 Violating lane-control signal	8-1511	\$75
45 Unauthorized sign, signal, 46 marking or device	8-1512	\$45
47 Driving on left side of road- 48 way	8-1514	\$75
49 Failure to keep right to pass 50 oncoming vehicle	8-1515	\$75
51 Improper passing; increasing 52 speed when passed	8-1516	\$75
53 Improper passing on right	8-1517	\$75
54 Passing on left with insuffi- 55 cient clearance	8-1518	\$75
56 Driving on left side where 57 curve, grade, intersec-	8-1519	\$75

1	tion railroad crossing, or		
2	obstructed view		
3	Driving on left in no-passing	8-1520	\$75
4	zone		
5	Unlawful passing of stopped	8-1520a	\$75
6	emergency vehicle		
7	Driving wrong direction on	8-1521	\$75
8	one-way road		
9	Improper driving on laned	8-1522	\$75
10	roadway		
11	Following too close	8-1523	\$75
12	Improper crossover on di-	8-1524	\$45
13	vided highway		
14	Failure to yield right-of-way	8-1526	\$75
15	at uncontrolled intersection		
16	Failure to yield to approach-	8-1527	\$75
17	ing vehicle when turning		
18	left		
19	Failure to yield at stop or	8-1528	\$75
20	yield sign		
21	Failure to yield from private	8-1529	\$75
22	road or driveway		
23	Failure to yield to emergency	8-1530	\$195
24	vehicle		
25	Failure to yield to pedestrian	8-1531	\$105
26	or vehicle working on		
27	roadway		
28	Failure to comply with re-	8-1531a	\$45
29	strictions in road con-		
30	struction zone		
31	Disobeying pedestrian traffic	8-1532	\$45
32	control device		
33	Failure to yield to pedestrian	8-1533	\$75
34	in crosswalk; pedestrian		
35	suddenly entering road-		
36	way; passing vehicle		
37	stopped for pedestrian at		
38	crosswalk		
39	Improper pedestrian crossing	8-1534	\$45
40	Failure to exercise due care in	8-1535	\$45
41	regard to pedestrian		
42	Improper pedestrian move-	8-1536	\$45
43	ment in crosswalk		

1	Improper use of roadway by	8-1537	\$45
2	pedestrian		
3	Soliciting ride or business	8-1538	\$45
4	on roadway		
5	Driving through safety zone	8-1539	\$45
6	Failure to yield to pedestrian	8-1540	\$45
7	on sidewalk		
8	Failure of pedestrian to yield	8-1541	\$45
9	to emergency vehicle		
10	Failure to yield to blind pe-	8-1542	\$45
11	destrian		
12	Pedestrian disobeying bridge	8-1544	\$45
13	or railroad signal		
14	Improper turn or approach	8-1545	\$75
15	Improper "U" turn	8-1546	\$75
16	Unsafe starting of stopped	8-1547	\$45
17	vehicle		
18	Unsafe turning or stopping,	8-1548	\$75
19	failure to give proper sig-		
20	nal; using turn signal un-		
21	lawfully		
22	Improper method of giving	8-1549	\$45
23	notice of intention to turn		
24	Improper hand signal	8-1550	\$45
25	Failure to stop or obey	8-1551	\$195
26	road crossing signal		
27	Failure to stop at railroad	8-1552	\$135
28	crossing stop sign		
29	Certain hazardous vehicles	8-1553	\$195
30	failure to stop at railroad		
31	crossing		
32	Improper moving of heavy	8-1554	\$75
33	equipment at railroad		
34	crossing		
35	Vehicle emerging from alley,	8-1555	\$75
36	private roadway, building		
37	or driveway		
38	Improper passing of school	8-1556	\$315
39	bus; improper use of		
40	school bus signals		
41	Improper passing of church	8-1556a	\$195
42	or day-care bus; improper		
43	use of signals		

1	Impeding normal traffic	8-1561	\$45
2	by slow speed		
3	Speeding on motor-driven	8-1562	\$75
4	cycle		
5	Speeding in certain vehicles	8-1563	\$45
6	or on posted bridge		
7	Improper stopping, standing	8-1569	\$45
8	or parking on roadway		
9	Parking, standing or stopping	8-1571	\$45
10	in prohibited area		
11	Improper parking	8-1572	\$45
12	Unattended vehicle	8-1573	\$45
13	Improper backing	8-1574	\$45
14	Driving on sidewalk	8-1575	\$45
15	Driving with view or driving	8-1576	\$45
16	mechanism obstructed		
17	Unsafe opening of vehicle	8-1577	\$45
18	door		
19	Riding in house trailer	8-1578	\$45
20	Unlawful riding on vehicle	8-1578a	\$75
21	Improper driving in defiles,	8-1579	\$45
22	canyons, or on grades		
23	Coasting	8-1580	\$45
24	Following fire apparatus too	8-1581	\$75
25	closely		
26	Driving over fire hose	8-1582	\$45
27	Putting glass, etc., on high-	8-1583	\$105
28	way		
29	Driving into intersection,	8-1584	\$45
30	crosswalk, or crossing		
31	without sufficient space		
32	on other side		
33	Improper operation of snow-	8-1585	\$45
34	mobile on highway		
35	Parental responsibility of	8-1586	\$45
36	child riding bicycle		
37	Not riding on bicycle seat;	8-1588	\$45
38	too many persons on		
39	bicycle		
40	Clinging to other vehicle	8-1589	\$45
41	Improper riding of bicycle on	8-1590	\$45
42	roadway		
43	Carrying articles on bicycle;	8-1591	\$45

1	one hand on handlebars		
2	Improper bicycle lamps,	8-1592	\$45
3	brakes or reflectors		
4	Improper operation of mo-	8-1594	\$45
5	torcycle; seats; passen-		
6	gers, bundles		
7	Improper operation of mo-	8-1595	\$75
8	torcycle on laned road		
9	way		
10	Motorcycle clinging to other	8-1596	\$45
11	vehicle		
12	Improper motorcycle handle-	8-1597	\$75
13	bars or passenger		
14	equipment		
15	Motorcycle helmet and eye-	8-1598	\$45
16	protection requirements		
17	Unlawful operation of all-ter-	8-15,100	\$75
18	rain vehicle		
19	Unlawful operation of	8-15,101	\$75
20	low-speed vehicle		
21	Littering	8-15,102	\$115
22	Disobeying school crossing	8-15,103	\$75
23	guard		
24	Unlawful operation of micro	8-15,106	\$75
25	utility truck		
26	Failure to remove vehicles in	8-15,107	\$75
27	accidents		
28	Unlawful operation of golf	8-15,108	\$75
29	cart		
30	Unlawful operation of work-	8-15,109	\$75
31	site utility vehicle		
32	Unlawful display of license	8-15,110	\$60
33	plate		
34	Unlawful-text messaging use		
35	<i>of a wireless communi-</i>		
36	<i>cation device</i>	8-15,111	\$60
37	Equipment offenses that are	8-1701	\$75
38	not misdemeanors		
39	Driving without lights when	8-1703	\$45
40	needed		
41	Defective headlamps	8-1705	\$45
42	Defective tail lamps	8-1706	\$45
43	Defective reflector	8-1707	\$45

1	Improper stop lamp or turn	8-1708	\$45
2	signal		
3	Improper lighting equipment	8-1710	\$45
4	on certain vehicles		
5	Improper lamp color on cer-	8-1711	\$45
6	tain vehicles		
7	Improper mounting of re-	8-1712	\$45
8	flectors and lamps on cer-		
9	tain vehicles		
10	Improper visibility of reflec-	8-1713	\$45
11	tors and lamps on certain		
12	vehicles		
13	No lamp or flag on projecting	8-1715	\$75
14	load		
15	Improper lamps on parked	8-1716	\$45
16	vehicle		
17	Improper lights, lamps, re-	8-1717	\$45
18	flectors and emblems on		
19	farm tractors or slow-		
20	moving vehicles		
21	Improper lamps and equip-	8-1718	\$45
22	ment on implements of		
23	husbandry, road machin-		
24	ery or animal-drawn ve-		
25	hicles		
26	Unlawful use of spot, fog, or	8-1719	\$45
27	auxiliary lamp		
28	Improper lamps or lights on	8-1720	\$45
29	emergency vehicle		
30	Improper stop or turn signal	8-1721	\$45
31	Improper vehicular hazard	8-1722	\$45
32	warning lamp		
33	Unauthorized additional	8-1723	\$45
34	lighting equipment		
35	Improper multiple-beam lights	8-1724	\$45
36	Failure to dim headlights	8-1725	\$75
37	Improper single-beam head-	8-1726	\$45
38	lights		
39	Improper speed with alter-	8-1727	\$45
40	nate lighting		
41	Improper number of driving	8-1728	\$45
42	lamps		
43	Unauthorized lights and sig-	8-1729	\$45

1	nals		
2	Improper school bus lighting	8-1730	\$45
3	equipment and warning		
4	devices		
5	Unauthorized lights and de-	8-1730a	\$45
6	VICES on church or day-		
7	care bus		
8	Improper lights on highway	8-1731	\$45
9	construction or maintenance		
10	vehicles		
11	Defective brakes	8-1734	\$45
12	Defective or improper use of	8-1738	\$45
13	horn or warning device		
14	Defective muffler	8-1739	\$45
15	Defective mirror	8-1740	\$45
16	Defective wipers; obstructed	8-1741	\$45
17	windshield or windows		
18	Improper tires	8-1742	\$45
19	Improper flares or warning	8-1744	\$45
20	devices		
21	Improper use of vehicular	8-1745	\$45
22	hazard warning lamps		
23	and devices		
24	Improper air-conditioning	8-1747	\$45
25	equipment		
26	Improper safety belt or	8-1749	\$45
27	shoulder harness		
28	Improper wide-based single	8-1742b	\$75
29	tires		
30	Improper compression re-	8-1761	\$75
31	lease engine braking sys-		
32	tem		
33	Defective motorcycle head-	8-1801	\$45
34	lamp		
35	Defective motorcycle tail	8-1802	\$45
36	lamp		
37	Defective motorcycle reflec-	8-1803	\$45
38	tor		
39	Defective motorcycle stop	8-1804	\$45
40	lamps and turn signals		
41	Defective multiple-beam	8-1805	\$45
42	lighting		
43	Improper road-lighting equip-	8-1806	\$45

1	ment on motor-driven cy-		
2	cles		
3	Defective motorcycle or mo-	8-1807	\$45
4	tor-driven cycle brakes		
5	Improper performance abil-	8-1808	\$45
6	ity of brakes		
7	Operating motorcycle with	8-1809	\$45
8	disapproved braking sys-		
9	tem		
10	Defective horn, muffler, mir-	8-1810	\$45
11	rors or tires		
12	Unlawful statehouse parking	75-4510a	\$30
13	Exceeding gross weight of	8-1909	Pounds Overweight
14	vehicle or combination		up to 1000.....\$40
15			1001 to 2000.....3¢
16			per pound
17			2001 to 5000.....5¢
18			per pound
19			5001 to 7500.....7¢
20			per pound
21			7501 and over....10¢
22			per pound
23	Exceeding gross weight on	8-1908	Pounds Overweight
24	any axle or tandem,		up to 1000.....\$40
25	triple or quad axles		1001 to 2000.....3¢
26			per pound
27			2001 to 5000.....5¢
28			per pound
29			5001 to 7500.....7¢
30			per pound
31			7501 and over....10¢
32			per pound
33	Failure to obtain proper re-	66-1324	\$287
34	gistration, clearance or		
35	to have current cer-		
36	tification		
37	Insufficient liability insur-	66-1,128	\$137
38	ance for motor carriers	or 66-1314	
39	Failure to obtain interstate	79-34,122	\$137
40	motor fuel tax author-		
41	ization		
42	No authority as private or	66-1,111	\$137
43	common carrier		

1 **Violation of motor carrier** **66-1,129** **\$115**
 2 **safety rules and regula-**
 3 **tions, except for viola-**
 4 **tions specified in sub-**
 5 **section (b)(2) of K.S.A.**
 6 **66-1,130, and amend-**
 7 **ments thereto**

8 **(d) Traffic offenses classified as traffic infractions by this section**
 9 **shall be classified as ordinance traffic infractions by those cities**
 10 **adopting ordinances prohibiting the same offenses. A schedule of fines**
 11 **for all ordinance traffic infractions shall be established by the**
 12 **municipal judge in the manner prescribed by K.S.A. 12-4305, and**
 13 **amendments thereto. Such fines may vary from those contained in the**
 14 **uniform fine schedule contained in subsection (c).**

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

21 **(f) For a second violation of K.S.A. 8-1908 or 8-1909, and**
 22 **amendments thereto, within two years after a prior conviction of**
 23 **K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon**
 24 **conviction shall be fined 1½ times the applicable amount from one,**
 25 **but not both, of the schedules listed in the uniform fine schedule**
 26 **contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-**
 27 **1909, and amendments thereto, within two years, after two prior**
 28 **convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such**
 29 **person, upon conviction shall be fined two times the applicable**
 30 **amount from one, but not both, of the schedules listed in the uniform**
 31 **fine schedule contained in subsection (c). For a fourth and each**
 32 **succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments**
 33 **thereto, within two years after three prior convictions of K.S.A. 8-1908**
 34 **or 8-1909, and amendments thereto, such person, upon conviction**
 35 **shall be fined 2½ times the applicable amount from one, but not both,**
 36 **of the schedules listed in the uniform fine schedule contained in**
 37 **subsection (c).**

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

43 **Sec. 2- 3. K.S.A. 2016 Supp. 8-15,111-~~is~~ and 8-2118 are hereby**

1 repealed.

2 Sec.~~3~~ **4.** This act shall take effect and be in force from and after its
3 publication in the statute book.