

**Substitute for HOUSE BILL No. 2040**

Committee on Transportation

2-20

1 AN ACT regulating traffic; concerning the overtaking and passing of  
2 school buses; increasing the penalties for subsequent violations thereof;  
3 amending K.S.A. 2017 Supp. 8-2118 and repealing the existing section.  
4

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

6 Section 1. K.S.A. 2017 Supp. 8-2118 is hereby amended to read as  
7 follows: 8-2118. (a) A person charged with a traffic infraction shall, except  
8 as provided in subsection (b), appear at the place and time specified in the  
9 notice to appear. If the person enters an appearance, waives right to trial,  
10 pleads guilty or no contest, the fine shall be no greater than that specified  
11 in the uniform fine schedule in subsection (c) and court costs shall be  
12 taxed as provided by law.

13 (b) Prior to the time specified in the notice to appear, a person  
14 charged with a traffic infraction may enter a written appearance, waive  
15 right to trial, plead guilty or no contest and pay the fine for the violation as  
16 specified in the uniform fine schedule in subsection (c) and court costs  
17 provided by law. Payment may be made in any manner accepted by the  
18 court. The traffic citation shall not have been complied with if the payment  
19 is not honored for any reason, or if the fine and court costs are not paid in  
20 full. When a person charged with a traffic infraction makes payment  
21 without executing a written waiver of right to trial and plea of guilty or no  
22 contest, the payment shall be deemed such an appearance, waiver of right  
23 to trial and plea of no contest.

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
30 Refusal to submit to a prelim- 31 inary breath test	8-1012	\$105
32 Unsafe speed for prevailing 33 conditions	8-1557	\$75
34 Exceeding maximum speed 35 limit; or speeding in zone	8-1558 to	1-10 mph over the limit, \$45

1	posted by the state depart-	8-1560	11-20 mph over the
2	ment of transportation; or	8-1560a	limit, \$45 plus \$6
3	speeding in locally posted	or	per mph over 10
4	zone	8-1560b	mph over the limit;
5			21-30 mph over the
6			limit, \$105 plus \$9
7			per mph over 20
8			mph over the limit;
9			31 and more mph
10			over the limit, \$195
11			plus \$15 per mph
12			over 30 mph over
13			the limit;
14	Disobeying traffic control de-	8-1507	\$75
15	vice		
16	Violating traffic control signal	8-1508	\$75
17	Violating pedestrian control	8-1509	\$45
18	signal		
19	Violating flashing traffic sig-	8-1510	\$75
20	nals		
21	Violating lane-control signal	8-1511	\$75
22	Unauthorized sign, signal,	8-1512	\$45
23	marking or device		
24	Driving on left side of road-	8-1514	\$75
25	way		
26	Failure to keep right to pass	8-1515	\$75
27	oncoming vehicle		
28	Improper passing; increasing	8-1516	\$75
29	speed when passed		
30	Improper passing on right	8-1517	\$75
31	Passing on left with insuffi-	8-1518	\$75
32	cient clearance		
33	Driving on left side where	8-1519	\$75
34	curve, grade, intersec-		
35	tion railroad crossing, or		
36	obstructed view		
37	Driving on left in no-passing	8-1520	\$75
38	zone		
39	Unlawful passing of stopped	8-1520a	\$75
40	emergency vehicle		
41	Driving wrong direction on	8-1521	\$75
42	one-way road		
43	Improper driving on laned	8-1522	\$75

1	roadway		
2	Following too close	8-1523	\$75
3	Improper crossover on di-	8-1524	\$45
4	vided highway		
5	Failure to yield right-of-way	8-1526	\$75
6	at uncontrolled intersection		
7	Failure to yield to approach-	8-1527	\$75
8	ing vehicle when turning		
9	left		
10	Failure to yield at stop or	8-1528	\$75
11	yield sign		
12	Failure to yield from private	8-1529	\$75
13	road or driveway		
14	Failure to yield to emergency	8-1530	\$195
15	vehicle		
16	Failure to yield to pedestrian	8-1531	\$105
17	or vehicle working on		
18	roadway		
19	Failure to comply with re-	8-1531a	\$45
20	strictions in road con-		
21	struction zone		
22	Disobeying pedestrian traffic	8-1532	\$45
23	control device		
24	Failure to yield to pedestrian	8-1533	\$75
25	in crosswalk; pedestrian		
26	suddenly entering road-		
27	way; passing vehicle		
28	stopped for pedestrian at		
29	crosswalk		
30	Improper pedestrian crossing	8-1534	\$45
31	Failure to exercise due care in	8-1535	\$45
32	regard to pedestrian		
33	Improper pedestrian move-	8-1536	\$45
34	ment in crosswalk		
35	Improper use of roadway by	8-1537	\$45
36	pedestrian		
37	Soliciting ride or business	8-1538	\$45
38	on roadway		
39	Driving through safety zone	8-1539	\$45
40	Failure to yield to pedestrian	8-1540	\$45
41	on sidewalk		
42	Failure of pedestrian to yield	8-1541	\$45
43	to emergency vehicle		

1	Failure to yield to blind pe-	8-1542	\$45
2	destrian		
3	Pedestrian disobeying bridge	8-1544	\$45
4	or railroad signal		
5	Improper turn or approach	8-1545	\$75
6	Improper "U" turn	8-1546	\$75
7	Unsafe starting of stopped	8-1547	\$45
8	vehicle		
9	Unsafe turning or stopping,	8-1548	\$75
10	failure to give proper sig-		
11	nal; using turn signal un-		
12	lawfully		
13	Improper method of giving	8-1549	\$45
14	notice of intention to turn		
15	Improper hand signal	8-1550	\$45
16	Failure to stop or obey	8-1551	\$195
17	road crossing signal		
18	Failure to stop at railroad	8-1552	\$135
19	crossing stop sign		
20	Certain hazardous vehicles	8-1553	\$195
21	failure to stop at railroad		
22	crossing		
23	Improper moving of heavy	8-1554	\$75
24	equipment at railroad		
25	crossing		
26	Vehicle emerging from alley,	8-1555	\$75
27	private roadway, building		
28	or driveway		
29	Improper passing of school	8-1556	\$315
30	bus; improper use of		
31	school bus signals		
32	Improper passing of church	8-1556a	\$195
33	or day-care bus; improper		
34	use of signals		
35	Impeding normal traffic	8-1561	\$45
36	by slow speed		
37	Speeding on motor-driven	8-1562	\$75
38	cycle		
39	Speeding in certain vehicles	8-1563	\$45
40	or on posted bridge		
41	Improper stopping, standing	8-1569	\$45
42	or parking on roadway		
43	Parking, standing or stopping	8-1571	\$45

1	in prohibited area		
2	Improper parking	8-1572	\$45
3	Unattended vehicle	8-1573	\$45
4	Improper backing	8-1574	\$45
5	Driving on sidewalk	8-1575	\$45
6	Driving with view or driving	8-1576	\$45
7	mechanism obstructed		
8	Unsafe opening of vehicle	8-1577	\$45
9	door		
10	Riding in house trailer	8-1578	\$45
11	Unlawful riding on vehicle	8-1578a	\$75
12	Improper driving in defiles,	8-1579	\$45
13	canyons, or on grades		
14	Coasting	8-1580	\$45
15	Following fire apparatus too	8-1581	\$75
16	closely		
17	Driving over fire hose	8-1582	\$45
18	Putting glass, etc., on high-	8-1583	\$105
19	way		
20	Driving into intersection,	8-1584	\$45
21	crosswalk, or crossing		
22	without sufficient space		
23	on other side		
24	Improper operation of snow-	8-1585	\$45
25	mobile on highway		
26	Parental responsibility of	8-1586	\$45
27	child riding bicycle		
28	Not riding on bicycle seat;	8-1588	\$45
29	too many persons on		
30	bicycle		
31	Clinging to other vehicle	8-1589	\$45
32	Improper riding of bicycle on	8-1590	\$45
33	roadway		
34	Carrying articles on bicycle;	8-1591	\$45
35	one hand on handlebars		
36	Improper bicycle lamps,	8-1592	\$45
37	brakes or reflectors		
38	Improper operation of mo-	8-1594	\$45
39	torcycle; seats; passen-		
40	gers, bundles		
41	Improper operation of mo-	8-1595	\$75
42	torcycle on laned road		
43	way		

1	Motorcycle clinging to other	8-1596	\$45
2	vehicle		
3	Improper motorcycle handle-	8-1597	\$75
4	bars or passenger		
5	equipment		
6	Motorcycle helmet and eye-	8-1598	\$45
7	protection requirements		
8	Unlawful operation of all-ter-	8-15,100	\$75
9	rain vehicle		
10	Unlawful operation of	8-15,101	\$75
11	low-speed vehicle		
12	Littering	8-15,102	\$115
13	Disobeying school crossing	8-15,103	\$75
14	guard		
15	Unlawful operation of micro	8-15,106	\$75
16	utility truck		
17	Failure to remove vehicles in	8-15,107	\$75
18	accidents		
19	Unlawful operation of golf	8-15,108	\$75
20	cart		
21	Unlawful operation of work-	8-15,109	\$75
22	site utility vehicle		
23	Unlawful display of license	8-15,110	\$60
24	plate		
25	Unlawful text messaging	8-15,111	\$60
26	Equipment offenses that are	8-1701	\$75
27	not misdemeanors		
28	Driving without lights when	8-1703	\$45
29	needed		
30	Defective headlamps	8-1705	\$45
31	Defective tail lamps	8-1706	\$45
32	Defective reflector	8-1707	\$45
33	Improper stop lamp or turn	8-1708	\$45
34	signal		
35	Improper lighting equipment	8-1710	\$45
36	on certain vehicles		
37	Improper lamp color on cer-	8-1711	\$45
38	tain vehicles		
39	Improper mounting of re-	8-1712	\$45
40	flectors and lamps on cer-		
41	tain vehicles		
42	Improper visibility of reflec-	8-1713	\$45
43	tors and lamps on certain		

1	vehicles		
2	No lamp or flag on projecting	8-1715	\$75
3	load		
4	Improper lamps on parked	8-1716	\$45
5	vehicle		
6	Improper lights, lamps, re-	8-1717	\$45
7	flectors and emblems on		
8	farm tractors or slow-		
9	moving vehicles		
10	Improper lamps and equip-	8-1718	\$45
11	ment on implements of		
12	husbandry, road machin-		
13	ery or animal-drawn ve-		
14	hicles		
15	Unlawful use of spot, fog, or	8-1719	\$45
16	auxiliary lamp		
17	Improper lamps or lights on	8-1720	\$45
18	emergency vehicle		
19	Improper stop or turn signal	8-1721	\$45
20	Improper vehicular hazard	8-1722	\$45
21	warning lamp		
22	Unauthorized additional	8-1723	\$45
23	lighting equipment		
24	Improper multiple-beam lights	8-1724	\$45
25	Failure to dim headlights	8-1725	\$75
26	Improper single-beam head-	8-1726	\$45
27	lights		
28	Improper speed with alter-	8-1727	\$45
29	nate lighting		
30	Improper number of driving	8-1728	\$45
31	lamps		
32	Unauthorized lights and sig-	8-1729	\$45
33	nals		
34	Improper school bus lighting	8-1730	\$45
35	equipment and warning		
36	devices		
37	Unauthorized lights and de-	8-1730a	\$45
38	VICES on church or day-		
39	care bus		
40	Improper lights on highway	8-1731	\$45
41	construction or maintenance		
42	vehicles		
43	Defective brakes	8-1734	\$45

1	Defective or improper use of	8-1738	\$45
2	horn or warning device		
3	Defective muffler	8-1739	\$45
4	Defective mirror	8-1740	\$45
5	Defective wipers; obstructed	8-1741	\$45
6	windshield or windows		
7	Improper tires	8-1742	\$45
8	Improper flares or warning	8-1744	\$45
9	devices		
10	Improper use of vehicular	8-1745	\$45
11	hazard warning lamps		
12	and devices		
13	Improper air-conditioning	8-1747	\$45
14	equipment		
15	Improper safety belt or	8-1749	\$45
16	shoulder harness		
17	Improper wide-based single	8-1742b	\$75
18	tires		
19	Improper compression re-	8-1761	\$75
20	lease engine braking sys-		
21	tem		
22	Defective motorcycle head-	8-1801	\$45
23	lamp		
24	Defective motorcycle tail	8-1802	\$45
25	lamp		
26	Defective motorcycle reflec-	8-1803	\$45
27	tor		
28	Defective motorcycle stop	8-1804	\$45
29	lamps and turn signals		
30	Defective multiple-beam	8-1805	\$45
31	lighting		
32	Improper road-lighting equip-	8-1806	\$45
33	ment on motor-driven cy-		
34	cles		
35	Defective motorcycle or mo-	8-1807	\$45
36	tor-driven cycle brakes		
37	Improper performance abil-	8-1808	\$45
38	ity of brakes		
39	Operating motorcycle with	8-1809	\$45
40	disapproved braking sys-		
41	tem		
42	Defective horn, muffler, mir-	8-1810	\$45
43	rors or tires		



1	Unlawful statehouse parking	75-4510a	\$30
2	Exceeding gross weight of	8-1909	Pounds Overweight
3	vehicle or combination		up to 1000.....\$40
4			1001 to 2000.....3¢
5			per pound
6			2001 to 5000.....5¢
7			per pound
8			5001 to 7500.....7¢
9			per pound
10			7501 and over.....10¢
11			per pound
12	Exceeding gross weight on	8-1908	Pounds Overweight
13	any axle or tandem,		up to 1000.....\$40
14	triple or quad axles		1001 to 2000.....3¢
15			per pound
16			2001 to 5000.....5¢
17			per pound
18			5001 to 7500.....7¢
19			per pound
20			7501 and over.....10¢
21			per pound
22	Failure to obtain proper re-	66-1324	\$287
23	gistration, clearance or		
24	to have current cer-		
25	tification		
26	Insufficient liability insur-	66-1,128	\$137
27	ance for motor carriers	or 66-1314	
28	Failure to obtain interstate	79-34,122	\$137
29	motor fuel tax author-		
30	ization		
31	No authority as private or	66-1,111	\$137
32	common carrier		
33	Violation of motor carrier	66-1,129	\$115
34	safety rules and regula-		
35	tions, except for viola-		
36	tions specified in <del>sub-</del>		
37	<del>section (b)(2) of K.S.A.</del>		
38	66-1,130(b)(2), and amend-		
39	ments thereto		
40	(d) Traffic offenses classified as traffic infractions by this section		
41	shall be classified as ordinance traffic infractions by those cities adopting		
42	ordinances prohibiting the same offenses. A schedule of fines for all		
43	ordinance traffic infractions shall be established by the municipal judge in		

1 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such  
2 fines may vary from those contained in the uniform fine schedule  
3 contained in subsection (c).

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

10 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and  
11 amendments thereto, within two years after a prior conviction of K.S.A. 8-  
12 1908 or 8-1909, and amendments thereto, such person, upon conviction  
13 shall be fined  $1\frac{1}{2}$  times the applicable amount from one, but not both, of  
14 the schedules listed in the uniform fine schedule contained in subsection  
15 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments  
16 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or  
17 8-1909, and amendments thereto, such person, upon conviction shall be  
18 fined two times the applicable amount from one, but not both, of the  
19 schedules listed in the uniform fine schedule contained in subsection (c).  
20 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,  
21 and amendments thereto, within two years after three prior convictions of  
22 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon  
23 conviction shall be fined  $2\frac{1}{2}$  times the applicable amount from one, but not  
24 both, of the schedules listed in the uniform fine schedule contained in  
25 subsection (c).

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

31 (h) *For a second violation of K.S.A. 8-1556, and amendments thereto,*  
32 *within five years after a prior conviction of K.S.A. 8-1556, and*  
33 *amendments thereto, such person, upon conviction, shall be fined \$750 for*  
34 *the second violation. For a third and each succeeding violation of K.S.A.*  
35 *8-1556, and amendments thereto, within five years after two prior*  
36 *convictions of K.S.A. 8-1556, and amendments thereto, such person, upon*  
37 *conviction, shall be fined \$1,000 for the third and each succeeding*  
38 *violation.*

39 Sec. 2. K.S.A. 2017 Supp. 8-2118 is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after its  
41 publication in the statute book.