

HOUSE BILL No. 2458

By Committee on Transportation

1-21

1 AN ACT regulating traffic; concerning negligent driving infraction;
2 imposing a penalty for violation; amending K.S.A. 2019 Supp. 8-2118
3 and repealing the existing section.
4

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

6 New Section 1. (a) No person shall operate or halt any vehicle in such
7 a manner as to indicate a careless or heedless disregard for the right or the
8 safety of others, or inattentively in such a manner as to endanger, or be
9 likely to endanger, any person or property.

10 (b) This section shall be a part of and supplemental to the uniform act
11 regulating traffic on highways.

12 Sec. 2. K.S.A. 2019 Supp. 8-2118 is hereby amended to read as
13 follows: 8-2118. (a) A person charged with a traffic infraction shall,
14 except as provided in subsection (b), appear at the place and time specified
15 in the notice to appear. If the person enters an appearance, waives right to
16 trial, pleads guilty or no contest, the fine shall be no greater than that
17 specified in the uniform fine schedule in subsection (c) and court costs
18 shall be taxed as provided by law.

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

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

36 *Description of Offense*

Statute

Fine

1	Unsafe speed for prevailing	8-1557	\$75
2	conditions		
3	Exceeding maximum speed	8-1558	1-10 mph over the
4	limit; or speeding in zone	to	limit, \$45
5	posted by the state depart-	8-1560	
6	ment of transportation; or	8-1560a	11-20 mph over the
7	speeding in locally posted	or	limit, \$45 plus \$6
8	zone	8-1560b	per mph over 10
9			mph over the limit;
10			21-30 mph over the
11			limit, \$105 plus \$9
12			per mph over 20
13			mph over the limit;
14			31 and more mph
15			over the limit, \$195
16			plus \$15 per mph
17			over 30 mph over
18			the limit;
19	Disobeying traffic control de-	8-1507	\$75
20	vice		
21	Violating traffic control signal	8-1508	\$75
22	Violating pedestrian control	8-1509	\$45
23	signal		
24	Violating flashing traffic signals	8-1510	\$75
25	Violating lane-control signal	8-1511	\$75
26	Unauthorized sign, signal,	8-1512	\$45
27	marking or device		
28	Driving on left side of roadway	8-1514	\$75
29	Failure to keep right to pass	8-1515	\$75
30	oncoming vehicle		
31	Improper passing; increasing	8-1516	\$75
32	speed when passed		
33	Improper passing on right	8-1517	\$75
34	Passing on left with insuffi-	8-1518	\$75
35	cient clearance		
36	Driving on left side where	8-1519	\$75
37	curve, grade, intersec-		
38	tion railroad crossing, or		
39	obstructed view		
40	Driving on left in no-passing	8-1520	\$75
41	zone		
42	Unlawful passing of stopped	8-1520a	\$75
43	emergency vehicle		

1	Driving wrong direction on	8-1521	\$75
2	one-way road		
3	Improper driving on laned	8-1522	\$75
4	roadway		
5	Following too close	8-1523	\$75
6	Improper crossover on di-	8-1524	\$45
7	vided highway		
8	Failure to yield right-of-way	8-1526	\$75
9	at uncontrolled intersection		
10	Failure to yield to approach-	8-1527	\$75
11	ing vehicle when turning		
12	left		
13	Failure to yield at stop or	8-1528	\$75
14	yield sign		
15	Failure to yield from private	8-1529	\$75
16	road or driveway		
17	Failure to yield to emergency	8-1530	\$195
18	vehicle		
19	Failure to yield to pedestrian	8-1531	\$105
20	or vehicle working on		
21	roadway		
22	Failure to comply with re-	8-1531a	\$45
23	strictions in road con-		
24	struction zone		
25	Disobeying pedestrian traffic	8-1532	\$45
26	control device		
27	Failure to yield to pedestrian	8-1533	\$75
28	in crosswalk; pedestrian		
29	suddenly entering road-		
30	way; passing vehicle		
31	stopped for pedestrian at		
32	crosswalk		
33	Improper pedestrian crossing	8-1534	\$45
34	Failure to exercise due care in	8-1535	\$45
35	regard to pedestrian		
36	Improper pedestrian move-	8-1536	\$45
37	ment in crosswalk		
38	Improper use of roadway by	8-1537	\$45
39	pedestrian		
40	Soliciting ride or business	8-1538	\$45
41	on roadway		
42	Driving through safety zone	8-1539	\$45
43	Failure to yield to pedestrian	8-1540	\$45

1	on sidewalk		
2	Failure of pedestrian to yield	8-1541	\$45
3	to emergency vehicle		
4	Failure to yield to blind pe-	8-1542	\$45
5	destrian		
6	Pedestrian disobeying bridge	8-1544	\$45
7	or railroad signal		
8	Improper turn or approach	8-1545	\$75
9	Improper "U" turn	8-1546	\$75
10	Unsafe starting of stopped	8-1547	\$45
11	vehicle		
12	Unsafe turning or stopping,	8-1548	\$75
13	failure to give proper sig-		
14	nal; using turn signal un-		
15	lawfully		
16	Improper method of giving	8-1549	\$45
17	notice of intention to turn		
18	Improper hand signal	8-1550	\$45
19	Failure to stop or obey	8-1551	\$195
20	road crossing signal		
21	Failure to stop at railroad	8-1552	\$135
22	crossing stop sign		
23	Certain hazardous vehicles	8-1553	\$195
24	failure to stop at railroad		
25	crossing		
26	Improper moving of heavy	8-1554	\$75
27	equipment at railroad		
28	crossing		
29	Vehicle emerging from alley,	8-1555	\$75
30	private roadway, building		
31	or driveway		
32	Improper passing of school	8-1556	\$315
33	bus; improper use of		
34	school bus signals		
35	Improper passing of church	8-1556a	\$195
36	or day-care bus; improper		
37	use of signals		
38	Impeding normal traffic	8-1561	\$45
39	by slow speed		
40	Speeding on motor-driven	8-1562	\$75
41	cycle		
42	Speeding in certain vehicles	8-1563	\$45
43	or on posted bridge		

1	Improper stopping, standing	8-1569	\$45
2	or parking on roadway		
3	Parking, standing or stopping	8-1571	\$45
4	in prohibited area		
5	Improper parking	8-1572	\$45
6	Unattended vehicle	8-1573	\$45
7	Improper backing	8-1574	\$45
8	Driving on sidewalk	8-1575	\$45
9	Driving with view or driving	8-1576	\$45
10	mechanism obstructed		
11	Unsafe opening of vehicle	8-1577	\$45
12	door		
13	Riding in house trailer	8-1578	\$45
14	Unlawful riding on vehicle	8-1578a	\$75
15	Improper driving in defiles,	8-1579	\$45
16	canyons, or on grades		
17	Coasting	8-1580	\$45
18	Following fire apparatus too	8-1581	\$75
19	closely		
20	Driving over fire hose	8-1582	\$45
21	Putting glass, etc., on high-	8-1583	\$105
22	way		
23	Driving into intersection,	8-1584	\$45
24	crosswalk, or crossing		
25	without sufficient space		
26	on other side		
27	Improper operation of snow-	8-1585	\$45
28	mobile on highway		
29	Parental responsibility of	8-1586	\$45
30	child riding bicycle		
31	Not riding on bicycle seat;	8-1588	\$45
32	too many persons on		
33	bicycle		
34	Clinging to other vehicle	8-1589	\$45
35	Improper riding of bicycle on	8-1590	\$45
36	roadway		
37	Carrying articles on bicycle;	8-1591	\$45
38	one hand on handlebars		
39	Improper bicycle lamps,	8-1592	\$45
40	brakes or reflectors		
41	Improper operation of mo-	8-1594	\$45
42	torcycle; seats; passen-		
43	gers, bundles		

1	Improper operation of motor	8-1595	\$75
2	cycle on laned roadway		
3	Motorcycle clinging to other	8-1596	\$45
4	vehicle		
5	Improper motorcycle handle-	8-1597	\$75
6	bars or passenger		
7	equipment		
8	Motorcycle helmet and eye-	8-1598	\$45
9	protection requirements		
10	Unlawful operation of all-ter-	8-15,100	\$75
11	rain vehicle		
12	Unlawful operation of	8-15,101	\$75
13	low-speed vehicle		
14	Littering	8-15,102	\$115
15	Disobeying school crossing	8-15,103	\$75
16	guard		
17	Unlawful operation of micro	8-15,106	\$75
18	utility truck		
19	Failure to remove vehicles in	8-15,107	\$75
20	accidents		
21	Unlawful operation of golf	8-15,108	\$75
22	cart		
23	Unlawful operation of work-	8-15,109	\$75
24	site utility vehicle		
25	Unlawful display of license	8-15,110	\$60
26	plate		
27	Unlawful text messaging	8-15,111	\$60
28	Unlawful passing of a waste	8-15,112	\$45
29	collection vehicle		
30	<i>Negligent driving</i>	<i>Section 1</i>	<i>\$45</i>
31	Equipment offenses that are	8-1701	\$75
32	not misdemeanors		
33	Driving without lights when	8-1703	\$45
34	needed		
35	Defective headlamps	8-1705	\$45
36	Defective tail lamps	8-1706	\$45
37	Defective reflector	8-1707	\$45
38	Improper stop lamp or turn	8-1708	\$45
39	signal		
40	Improper lighting equipment	8-1710	\$45
41	on certain vehicles		
42	Improper lamp color on cer-	8-1711	\$45
43	tain vehicles		

1	Improper mounting of re-	8-1712	\$45
2	flectors and lamps on cer-		
3	tain vehicles		
4	Improper visibility of reflec-	8-1713	\$45
5	tors and lamps on certain		
6	vehicles		
7	No lamp or flag on projecting	8-1715	\$75
8	load		
9	Improper lamps on parked	8-1716	\$45
10	vehicle		
11	Improper lights, lamps, re-	8-1717	\$45
12	flectors and emblems on		
13	farm tractors or slow-		
14	moving vehicles		
15	Improper lamps and equip-	8-1718	\$45
16	ment on implements of		
17	husbandry, road machin-		
18	ery or animal-drawn ve-		
19	hicles		
20	Unlawful use of spot, fog, or	8-1719	\$45
21	auxiliary lamp		
22	Improper lamps or lights on	8-1720	\$45
23	emergency vehicle		
24	Improper stop or turn signal	8-1721	\$45
25	Improper vehicular hazard	8-1722	\$45
26	warning lamp		
27	Unauthorized additional	8-1723	\$45
28	lighting equipment		
29	Improper multiple-beam lights	8-1724	\$45
30	Failure to dim headlights	8-1725	\$75
31	Improper single-beam head-	8-1726	\$45
32	lights		
33	Improper speed with alter-	8-1727	\$45
34	nate lighting		
35	Improper number of driving	8-1728	\$45
36	lamps		
37	Unauthorized lights and sig-	8-1729	\$45
38	nals		
39	Improper school bus lighting	8-1730	\$45
40	equipment and warning		
41	devices		
42	Unauthorized lights and de-	8-1730a	\$45
43	vices on church or day-		

1	care bus		
2	Improper lights on highway	8-1731	\$45
3	construction or maintenance		
4	vehicles		
5	Defective brakes	8-1734	\$45
6	Defective or improper use of	8-1738	\$45
7	horn or warning device		
8	Defective muffler	8-1739	\$45
9	Defective mirror	8-1740	\$45
10	Defective wipers; obstructed	8-1741	\$45
11	windshield or windows		
12	Improper tires	8-1742	\$45
13	Improper flares or warning	8-1744	\$45
14	devices		
15	Improper use of vehicular	8-1745	\$45
16	hazard warning lamps		
17	and devices		
18	Improper air-conditioning	8-1747	\$45
19	equipment		
20	Improper safety belt or	8-1749	\$45
21	shoulder harness		
22	Improper wide-based single	8-1742b	\$75
23	tires		
24	Improper compression re-	8-1761	\$75
25	lease engine braking sys-		
26	tem		
27	Defective motorcycle head-	8-1801	\$45
28	lamp		
29	Defective motorcycle tail	8-1802	\$45
30	lamp		
31	Defective motorcycle reflec-	8-1803	\$45
32	tor		
33	Defective motorcycle stop	8-1804	\$45
34	lamps and turn signals		
35	Defective multiple-beam	8-1805	\$45
36	lighting		
37	Improper road-lighting equip-	8-1806	\$45
38	ment on motor-driven cy-		
39	cles		
40	Defective motorcycle or mo-	8-1807	\$45
41	tor-driven cycle brakes		
42	Improper performance abil-	8-1808	\$45
43	ity of brakes		

1	Operating motorcycle with	8-1809	\$45
2	disapproved braking sys-		
3	tem		
4	Defective horn, muffler, mir-	8-1810	\$45
5	rors or tires		
6	Unlawful statehouse parking	75-4510a	\$30
7	Exceeding gross weight of	8-1909	Pounds Overweight
8	vehicle or combination		up to 1000.....\$40
9			1001 to 2000.....3¢
10			per pound
11			2001 to 5000.....5¢
12			per pound
13			5001 to 7500.....7¢
14			per pound
15			7501 and over.....10¢
16			per pound
17	Exceeding gross weight on	8-1908	Pounds Overweight
18	any axle or tandem,		up to 1000.....\$40
19	triple or quad axles		1001 to 2000.....3¢
20			per pound
21			2001 to 5000.....5¢
22			per pound
23			5001 to 7500.....7¢
24			per pound
25			7501 and over.....10¢
26			per pound
27	Failure to obtain proper re-	66-1324	\$287
28	gistration, clearance or		
29	to have current cer-		
30	tification		
31	Insufficient liability insur-	66-1,128	\$137
32	ance for motor carriers	or 66-1314	
33	Failure to obtain interstate	79-34,122	\$137
34	motor fuel tax author-		
35	ization		
36	No authority as private or	66-1,111	\$137
37	common carrier		
38	Violation of motor carrier	66-1,129	\$115
39	safety rules and regula-		
40	tions, except for viola-		
41	tions specified in K.S.A.		
42	66-1,130(b)(2), and		
43	amendments thereto		

1 (d) Traffic offenses classified as traffic infractions by this section
2 shall be classified as ordinance traffic infractions by those cities adopting
3 ordinances prohibiting the same offenses. A schedule of fines for all
4 ordinance traffic infractions shall be established by the municipal judge in
5 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
6 fines may vary from those contained in the uniform fine schedule
7 contained in subsection (c).

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

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

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

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

42 Sec. 3. K.S.A. 2019 Supp. 8-2118 is hereby repealed.

43 Sec. 4. This act shall take effect and be in force from and after its

- 1 publication in the statute book.