

HOUSE BILL No. 2608

By Representative Pittman

2-11

1 AN ACT concerning funeral processions; relating to the regulation thereof;
2 violations for not yielding the right-of-way to funeral processions;
3 amending K.S.A. 2019 Supp. 8-2118 and repealing the existing section;
4 also repealing K.S.A. 2019 Supp. 8-2118c.

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

7 New Section 1. As used in sections 1 through 5, and amendments
8 thereto:

9 (a) "Funeral procession" means two or more vehicles accompanying
10 the body of a deceased person, or traveling to the church, chapel or other
11 location where the funeral service is to be held, in the daylight hours,
12 including a funeral lead vehicle or a funeral escort.

13 (b) "Funeral lead vehicle" means any authorized law enforcement or
14 nonlaw enforcement motor vehicle properly equipped pursuant to K.S.A.
15 8-1723, and amendments thereto, or a funeral escort vehicle being used to
16 lead and facilitate the movement of a funeral procession. A funeral hearse
17 may serve as a funeral lead vehicle.

18 (c) "Funeral escort" means a person or entity that provides escort
19 services for funeral processions, including law enforcement personnel and
20 agencies and groups designated to escort military funeral processions.

21 New Sec. 2. (a) Notwithstanding any provision of state law or local
22 ordinance relating to traffic control devices or right-of-way provisions,
23 pedestrians and operators of all vehicles, except as stated in subsection (c),
24 shall yield the right-of-way to any vehicle that is a part of a funeral
25 procession being led by a funeral lead vehicle or accompanied by a funeral
26 escort.

27 (b) Except as provided in subsection (c), when the funeral lead
28 vehicle lawfully enters an intersection, either by reason of a traffic control
29 device or at the direction of law enforcement personnel, the remaining
30 vehicles in the funeral procession may follow such funeral lead vehicle
31 through the intersection regardless of any traffic control devices or right-
32 of-way provisions prescribed by state law, city ordinance or county
33 resolution.

34 (c) Funeral processions shall have the right-of-way at intersections
35 regardless of traffic control devices, subject to the following conditions
36 and exceptions:

1 (1) Operators of vehicles in a funeral procession shall yield the right-
2 of-way to an approaching authorized emergency vehicle, as defined in
3 K.S.A. 8-1404, and amendments thereto, using an audible signal meeting
4 the requirements of K.S.A. 8-1738, and amendments thereto, or a visual
5 signal meeting the requirements of K.S.A. 8-1720, and amendments
6 thereto;

7 (2) operators of vehicles in a funeral procession shall yield the right-
8 of-way when directed by a police officer;

9 (3) operators of vehicles in a funeral procession shall exercise due
10 care when participating in a funeral procession and avoid colliding with
11 any other vehicle or pedestrian in accordance with K.S.A. 8-1535, and
12 amendments thereto; and

13 (4) an operator of a vehicle in a funeral procession shall not have the
14 right-of-way at an intersection, if the vehicle is more than 300 feet behind
15 the immediately preceding vehicle in the funeral procession.

16 New Sec. 3. (a) All vehicles comprising a funeral procession shall
17 follow the preceding vehicle in the funeral procession as closely as is
18 practical and safe.

19 (b) In accordance with K.S.A. 8-1523, and amendments thereto, any
20 state law, city ordinance or county resolution stating that motor vehicles
21 shall be operated to allow sufficient space, enabling any other vehicle to
22 enter and occupy such space without danger, shall not be applicable to
23 funeral processions.

24 (c) Each vehicle that is a part of a funeral procession shall have such
25 vehicle's headlights, either high beam or low beam, and tail lights lighted
26 and may also use flashing hazard lights if the vehicle is so equipped.

27 New Sec. 4. Nothing in sections 1 through 3, and amendments
28 thereto, shall be construed to prohibit any city or county from requiring:

29 (a) A law enforcement or nonlaw enforcement funeral lead vehicle or
30 funeral escort for a funeral procession. A city or county and may require
31 prior notice of a planned funeral procession be given to the city police
32 department or the county sheriff; or

33 (b) compliance with any other city ordinance or county resolution,
34 not in conflict with the provisions of this section.

35 Sec. 5. K.S.A. 2019 Supp. 8-2118 is hereby amended to read as
36 follows: 8-2118. (a) A person charged with a traffic infraction shall, except
37 as provided in subsection (b), appear at the place and time specified in the
38 notice to appear. If the person enters an appearance, waives right to trial,
39 pleads guilty or no contest, the fine shall be no greater than that specified
40 in the uniform fine schedule in subsection (c) and court costs shall be
41 taxed as provided by law.

42 (b) Prior to the time specified in the notice to appear, a person
43 charged with a traffic infraction may enter a written appearance, waive

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
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;
35 Disobeying traffic control de- 36 vice	8-1507	\$75
37 Violating traffic control signal	8-1508	\$75
38 Violating pedestrian control 39 signal	8-1509	\$45
40 Violating flashing traffic signals	8-1510	\$75
41 Violating lane-control signal	8-1511	\$75
42 Unauthorized sign, signal, 43 marking or device	8-1512	\$45

1	Driving on left side of roadway	8-1514	\$75
2	Failure to keep right to pass	8-1515	\$75
3	oncoming vehicle		
4	Improper passing; increasing	8-1516	\$75
5	speed when passed		
6	Improper passing on right	8-1517	\$75
7	Passing on left with insuffi-	8-1518	\$75
8	cient clearance		
9	Driving on left side where	8-1519	\$75
10	curve, grade, intersec-		
11	tion railroad crossing, or		
12	obstructed view		
13	Driving on left in no-passing	8-1520	\$75
14	zone		
15	Unlawful passing of stopped	8-1520a	\$75
16	emergency vehicle		
17	Driving wrong direction on	8-1521	\$75
18	one-way road		
19	Improper driving on laned	8-1522	\$75
20	roadway		
21	Following too close	8-1523	\$75
22	Improper crossover on di-	8-1524	\$45
23	vided highway		
24	Failure to yield right-of-way	8-1526	\$75
25	at uncontrolled intersection		
26	Failure to yield to approach-	8-1527	\$75
27	ing vehicle when turning		
28	left		
29	Failure to yield at stop or	8-1528	\$75
30	yield sign		
31	Failure to yield from private	8-1529	\$75
32	road or driveway		
33	Failure to yield to emergency	8-1530	\$195
34	vehicle		
35	Failure to yield to pedestrian	8-1531	\$105
36	or vehicle working on		
37	roadway		
38	Failure to comply with re-	8-1531a	\$45
39	strictions in road con-		
40	struction zone		
41	Disobeying pedestrian traffic	8-1532	\$45
42	control device		
43	Failure to yield to pedestrian	8-1533	\$75

1	in crosswalk; pedestrian		
2	suddenly entering road-		
3	way; passing vehicle		
4	stopped for pedestrian at		
5	crosswalk		
6	Improper pedestrian crossing	8-1534	\$45
7	Failure to exercise due care in	8-1535	\$45
8	regard to pedestrian		
9	Improper pedestrian move-	8-1536	\$45
10	ment in crosswalk		
11	Improper use of roadway by	8-1537	\$45
12	pedestrian		
13	Soliciting ride or business	8-1538	\$45
14	on roadway		
15	Driving through safety zone	8-1539	\$45
16	Failure to yield to pedestrian	8-1540	\$45
17	on sidewalk		
18	Failure of pedestrian to yield	8-1541	\$45
19	to emergency vehicle		
20	Failure to yield to blind pe-	8-1542	\$45
21	destrian		
22	Pedestrian disobeying bridge	8-1544	\$45
23	or railroad signal		
24	Improper turn or approach	8-1545	\$75
25	Improper "U" turn	8-1546	\$75
26	Unsafe starting of stopped	8-1547	\$45
27	vehicle		
28	Unsafe turning or stopping,	8-1548	\$75
29	failure to give proper sig-		
30	nal; using turn signal un-		
31	lawfully		
32	Improper method of giving	8-1549	\$45
33	notice of intention to turn		
34	Improper hand signal	8-1550	\$45
35	Failure to stop or obey	8-1551	\$195
36	road crossing signal		
37	Failure to stop at railroad	8-1552	\$135
38	crossing stop sign		
39	Certain hazardous vehicles	8-1553	\$195
40	failure to stop at railroad		
41	crossing		
42	Improper moving of heavy	8-1554	\$75
43	equipment at railroad		

1	crossing		
2	Vehicle emerging from alley,	8-1555	\$75
3	private roadway, building		
4	or driveway		
5	Improper passing of school	8-1556	\$315
6	bus; improper use of		
7	school bus signals		
8	Improper passing of church	8-1556a	\$195
9	or day-care bus; improper		
10	use of signals		
11	Impeding normal traffic	8-1561	\$45
12	by slow speed		
13	Speeding on motor-driven	8-1562	\$75
14	cycle		
15	Speeding in certain vehicles	8-1563	\$45
16	or on posted bridge		
17	Improper stopping, standing	8-1569	\$45
18	or parking on roadway		
19	Parking, standing or stopping	8-1571	\$45
20	in prohibited area		
21	Improper parking	8-1572	\$45
22	Unattended vehicle	8-1573	\$45
23	Improper backing	8-1574	\$45
24	Driving on sidewalk	8-1575	\$45
25	Driving with view or driving	8-1576	\$45
26	mechanism obstructed		
27	Unsafe opening of vehicle	8-1577	\$45
28	door		
29	Riding in house trailer	8-1578	\$45
30	Unlawful riding on vehicle	8-1578a	\$75
31	Improper driving in defiles,	8-1579	\$45
32	canyons, or on grades		
33	Coasting	8-1580	\$45
34	Following fire apparatus too	8-1581	\$75
35	closely		
36	Driving over fire hose	8-1582	\$45
37	Putting glass, etc., on high-	8-1583	\$105
38	way		
39	Driving into intersection,	8-1584	\$45
40	crosswalk, or crossing		
41	without sufficient space		
42	on other side		
43	Improper operation of snow-	8-1585	\$45

1	mobile on highway		
2	Parental responsibility of	8-1586	\$45
3	child riding bicycle		
4	Not riding on bicycle seat;	8-1588	\$45
5	too many persons on		
6	bicycle		
7	Clinging to other vehicle	8-1589	\$45
8	Improper riding of bicycle on	8-1590	\$45
9	roadway		
10	Carrying articles on bicycle;	8-1591	\$45
11	one hand on handlebars		
12	Improper bicycle lamps,	8-1592	\$45
13	brakes or reflectors		
14	Improper operation of mo-	8-1594	\$45
15	torcycle; seats; passen-		
16	gers, bundles		
17	Improper operation of motor	8-1595	\$75
18	cycle on laned roadway		
19	Motorcycle clinging to other	8-1596	\$45
20	vehicle		
21	Improper motorcycle handle-	8-1597	\$75
22	bars or passenger		
23	equipment		
24	Motorcycle helmet and eye-	8-1598	\$45
25	protection requirements		
26	Unlawful operation of all-ter-	8-15,100	\$75
27	rain vehicle		
28	Unlawful operation of	8-15,101	\$75
29	low-speed vehicle		
30	Littering	8-15,102	\$115
31	Disobeying school crossing	8-15,103	\$75
32	guard		
33	Unlawful operation of micro	8-15,106	\$75
34	utility truck		
35	Failure to remove vehicles in	8-15,107	\$75
36	accidents		
37	Unlawful operation of golf	8-15,108	\$75
38	cart		
39	Unlawful operation of work-	8-15,109	\$75
40	site utility vehicle		
41	Unlawful display of license	8-15,110	\$60
42	plate		
43	Unlawful text messaging	8-15,111	\$60

1	Unlawful passing of a waste	8-15,112	\$45
2	collection vehicle		
3	<i>Unlawful operation of electric-</i>	<i>8-15,113</i>	<i>\$45</i>
4	<i>assisted scooter</i>		
5	<i>Failure to yield right-of-way</i>	<i>section 2</i>	<i>\$20</i>
6	<i>to funeral procession</i>		
7	Equipment offenses that are	8-1701	\$75
8	not misdemeanors		
9	Driving without lights when	8-1703	\$45
10	needed		
11	Defective headlamps	8-1705	\$45
12	Defective tail lamps	8-1706	\$45
13	Defective reflector	8-1707	\$45
14	Improper stop lamp or turn	8-1708	\$45
15	signal		
16	Improper lighting equipment	8-1710	\$45
17	on certain vehicles		
18	Improper lamp color on cer-	8-1711	\$45
19	tain vehicles		
20	Improper mounting of re-	8-1712	\$45
21	flectors and lamps on cer-		
22	tain vehicles		
23	Improper visibility of reflec-	8-1713	\$45
24	tors and lamps on certain		
25	vehicles		
26	No lamp or flag on projecting	8-1715	\$75
27	load		
28	Improper lamps on parked	8-1716	\$45
29	vehicle		
30	Improper lights, lamps, re-	8-1717	\$45
31	flectors and emblems on		
32	farm tractors or slow-		
33	moving vehicles		
34	Improper lamps and equip-	8-1718	\$45
35	ment on implements of		
36	husbandry, road machin-		
37	ery or animal-drawn ve-		
38	hicles		
39	Unlawful use of spot, fog, or	8-1719	\$45
40	auxiliary lamp		
41	Improper lamps or lights on	8-1720	\$45
42	emergency vehicle		
43	Improper stop or turn signal	8-1721	\$45

1	Improper vehicular hazard	8-1722	\$45
2	warning lamp		
3	Unauthorized additional	8-1723	\$45
4	lighting equipment		
5	Improper multiple-beam lights	8-1724	\$45
6	Failure to dim headlights	8-1725	\$75
7	Improper single-beam head-	8-1726	\$45
8	lights		
9	Improper speed with alter-	8-1727	\$45
10	nate lighting		
11	Improper number of driving	8-1728	\$45
12	lamps		
13	Unauthorized lights and sig-	8-1729	\$45
14	nals		
15	Improper school bus lighting	8-1730	\$45
16	equipment and warning		
17	devices		
18	Unauthorized lights and de-	8-1730a	\$45
19	vices on church or day-		
20	care bus		
21	Improper lights on highway	8-1731	\$45
22	construction or maintenance		
23	vehicles		
24	Defective brakes	8-1734	\$45
25	Defective or improper use of	8-1738	\$45
26	horn or warning device		
27	Defective muffler	8-1739	\$45
28	Defective mirror	8-1740	\$45
29	Defective wipers; obstructed	8-1741	\$45
30	windshield or windows		
31	Improper tires	8-1742	\$45
32	Improper flares or warning	8-1744	\$45
33	devices		
34	Improper use of vehicular	8-1745	\$45
35	hazard warning lamps		
36	and devices		
37	Improper air-conditioning	8-1747	\$45
38	equipment		
39	Improper safety belt or	8-1749	\$45
40	shoulder harness		
41	Improper wide-based single	8-1742b	\$75
42	tires		
43	Improper compression re-	8-1761	\$75

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

1			7501 and over.....10¢
2			per pound
3	Failure to obtain proper re-	66-1324	\$287
4	gistration, clearance or		
5	to have current cer-		
6	tification		
7	Insufficient liability insur-	66-1,128	\$137
8	ance for motor carriers	or 66-1314	
9	Failure to obtain interstate	79-34,122	\$137
10	motor fuel tax author-		
11	ization		
12	No authority as private or	66-1,111	\$137
13	common carrier		
14	Violation of motor carrier	66-1,129	\$115
15	safety rules and regula-		
16	tions, except for viola-		
17	tions specified in K.S.A.		
18	66-1,130(b)(2), and		
19	amendments 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 K.S.A. 8-1560(a)(4), and amendments thereto.

10 (h) For a second violation of K.S.A. 8-1556, and amendments thereto,
11 within five years after a prior conviction of K.S.A. 8-1556, and
12 amendments thereto, such person, upon conviction, shall be fined \$750 for
13 the second violation. For a third and each succeeding violation of K.S.A.
14 8-1556, and amendments thereto, within five years after two prior
15 convictions of K.S.A. 8-1556, and amendments thereto, such person, upon
16 conviction, shall be fined \$1,000 for the third and each succeeding
17 violation.

18 Sec. 6. K.S.A. 2019 Supp. 8-2118 and 8-2118c are hereby repealed.

19 Sec. 7. This act shall take effect and be in force from and after its
20 publication in the statute book.