

SENATE BILL No. 441

By Committee on Transportation

2-14

1 AN ACT concerning the regulation of traffic; relating to distracted driving;
2 violation and prohibiting the use of a wireless telecommunications
3 device while operating a motor vehicle; amending K.S.A. 2019 Supp.
4 8-2118 and repealing the existing section; also repealing K.S.A. 2019
5 Supp. 8-15,111.

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

8 New Section 1. (a) As used in this section, "wireless
9 telecommunications device" means a cellular telephone, a portable
10 telephone, a text-messaging device, a personal digital assistant, a stand-
11 alone computer, a global positioning system receiver or substantially
12 similar portable wireless device that is used to initiate or receive
13 communication, information or data. Such term shall not include a radio,
14 citizens band radio, citizens band radio hybrid, commercial two-way radio
15 communication device or its functional equivalent, subscription based
16 emergency communication device, prescribed medical device, amateur or
17 ham radio device or in-vehicle security, navigation or remote diagnostics
18 system.

19 (b) A driver shall exercise due care in operating a motor vehicle on
20 any highway and shall not engage in any actions that shall distract such
21 driver from the safe operation of such vehicle.

22 (c) While operating a motor vehicle on any highway, no individual
23 shall physically hold or support, with any part of the individual's body, a
24 wireless telecommunications device.

25 (d) The provisions of subsection (c) shall not apply to a motor vehicle
26 halted at a location where the vehicle can safely and lawfully remain
27 stationary.

28 (e) The provisions of subsection (c) shall not prohibit a person from
29 using a wireless communications device while operating a moving motor
30 vehicle to:

- 31 (1) Report current or ongoing illegal activity to law enforcement;
- 32 (2) prevent imminent injury to a person or property; or
- 33 (3) relay information between transit or for-hire operator and the
34 operator's dispatcher, in which the device is permanently affixed to the
35 motor vehicle.

36 (f) (1) Any person charged with violating subsection (c) for the first

1 time may produce in court either:

2 (A) A wireless telecommunications device or proof of purchase of
3 such device that would allow such person to comply in the future with this
4 section and not be guilty of such offense; or

5 (B) evidence of completion of a wireless telecommunications device
6 driving safety program approved by the department of transportation.

7 (2) A person who produces evidence in court for the first offense for
8 violating subsection (c) shall have the charge dismissed, however, court
9 costs shall be assessed. The court shall require the person to affirm that
10 they have not previously had an offense dismissed pursuant to subsection
11 (f).

12 (g) This section shall be a part of and supplemental to the uniform act
13 regulating traffic on highways.

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

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
38 Unsafe speed for prevailing 39 conditions	8-1557	\$75
40 Exceeding maximum speed 41 limit; or speeding in zone 42 posted by the state depart-	8-1558 to 8-1560	1-10 mph over the limit, \$45

1	ment of transportation; or	8-1560a	11-20 mph over the
2	speeding in locally posted	or	limit, \$45 plus \$6
3	zone	8-1560b	per mph over 10
4			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 signals	8-1510	\$75
20	Violating lane-control signal	8-1511	\$75
21	Unauthorized sign, signal,	8-1512	\$45
22	marking or device		
23	Driving on left side of roadway	8-1514	\$75
24	Failure to keep right to pass	8-1515	\$75
25	oncoming vehicle		
26	Improper passing; increasing	8-1516	\$75
27	speed when passed		
28	Improper passing on right	8-1517	\$75
29	Passing on left with insuffi-	8-1518	\$75
30	cient clearance		
31	Driving on left side where	8-1519	\$75
32	curve, grade, intersec-		
33	tion railroad crossing, or		
34	obstructed view		
35	Driving on left in no-passing	8-1520	\$75
36	zone		
37	Unlawful passing of stopped	8-1520a	\$75
38	emergency vehicle		
39	Driving wrong direction on	8-1521	\$75
40	one-way road		
41	Improper driving on laned	8-1522	\$75
42	roadway		
43	Following too close	8-1523	\$75

1	Improper crossover on di-	8-1524	\$45
2	vided highway		
3	Failure to yield right-of-way	8-1526	\$75
4	at uncontrolled intersection		
5	Failure to yield to approach-	8-1527	\$75
6	ing vehicle when turning		
7	left		
8	Failure to yield at stop or	8-1528	\$75
9	yield sign		
10	Failure to yield from private	8-1529	\$75
11	road or driveway		
12	Failure to yield to emergency	8-1530	\$195
13	vehicle		
14	Failure to yield to pedestrian	8-1531	\$105
15	or vehicle working on		
16	roadway		
17	Failure to comply with re-	8-1531a	\$45
18	strictions in road con-		
19	struction zone		
20	Disobeying pedestrian traffic	8-1532	\$45
21	control device		
22	Failure to yield to pedestrian	8-1533	\$75
23	in crosswalk; pedestrian		
24	suddenly entering road-		
25	way; passing vehicle		
26	stopped for pedestrian at		
27	crosswalk		
28	Improper pedestrian crossing	8-1534	\$45
29	Failure to exercise due care in	8-1535	\$45
30	regard to pedestrian		
31	Improper pedestrian move-	8-1536	\$45
32	ment in crosswalk		
33	Improper use of roadway by	8-1537	\$45
34	pedestrian		
35	Soliciting ride or business	8-1538	\$45
36	on roadway		
37	Driving through safety zone	8-1539	\$45
38	Failure to yield to pedestrian	8-1540	\$45
39	on sidewalk		
40	Failure of pedestrian to yield	8-1541	\$45
41	to emergency vehicle		
42	Failure to yield to blind pe-	8-1542	\$45
43	destrian		

1	Pedestrian disobeying bridge	8-1544	\$45
2	or railroad signal		
3	Improper turn or approach	8-1545	\$75
4	Improper "U" turn	8-1546	\$75
5	Unsafe starting of stopped	8-1547	\$45
6	vehicle		
7	Unsafe turning or stopping,	8-1548	\$75
8	failure to give proper sig-		
9	nal; using turn signal un-		
10	lawfully		
11	Improper method of giving	8-1549	\$45
12	notice of intention to turn		
13	Improper hand signal	8-1550	\$45
14	Failure to stop or obey	8-1551	\$195
15	road crossing signal		
16	Failure to stop at railroad	8-1552	\$135
17	crossing stop sign		
18	Certain hazardous vehicles	8-1553	\$195
19	failure to stop at railroad		
20	crossing		
21	Improper moving of heavy	8-1554	\$75
22	equipment at railroad		
23	crossing		
24	Vehicle emerging from alley,	8-1555	\$75
25	private roadway, building		
26	or driveway		
27	Improper passing of school	8-1556	\$315
28	bus; improper use of		
29	school bus signals		
30	Improper passing of church	8-1556a	\$195
31	or day-care bus; improper		
32	use of signals		
33	Impeding normal traffic	8-1561	\$45
34	by slow speed		
35	Speeding on motor-driven	8-1562	\$75
36	cycle		
37	Speeding in certain vehicles	8-1563	\$45
38	or on posted bridge		
39	Improper stopping, standing	8-1569	\$45
40	or parking on roadway		
41	Parking, standing or stopping	8-1571	\$45
42	in prohibited area		
43	Improper parking	8-1572	\$45

1	Unattended vehicle	8-1573	\$45
2	Improper backing	8-1574	\$45
3	Driving on sidewalk	8-1575	\$45
4	Driving with view or driving	8-1576	\$45
5	mechanism obstructed		
6	Unsafe opening of vehicle	8-1577	\$45
7	door		
8	Riding in house trailer	8-1578	\$45
9	Unlawful riding on vehicle	8-1578a	\$75
10	Improper driving in defiles,	8-1579	\$45
11	canyons, or on grades		
12	Coasting	8-1580	\$45
13	Following fire apparatus too	8-1581	\$75
14	closely		
15	Driving over fire hose	8-1582	\$45
16	Putting glass, etc., on high-	8-1583	\$105
17	way		
18	Driving into intersection,	8-1584	\$45
19	crosswalk, or crossing		
20	without sufficient space		
21	on other side		
22	Improper operation of snow-	8-1585	\$45
23	mobile on highway		
24	Parental responsibility of	8-1586	\$45
25	child riding bicycle		
26	Not riding on bicycle seat;	8-1588	\$45
27	too many persons on		
28	bicycle		
29	Clinging to other vehicle	8-1589	\$45
30	Improper riding of bicycle on	8-1590	\$45
31	roadway		
32	Carrying articles on bicycle;	8-1591	\$45
33	one hand on handlebars		
34	Improper bicycle lamps,	8-1592	\$45
35	brakes or reflectors		
36	Improper operation of mo-	8-1594	\$45
37	torcycle; seats; passen-		
38	gers, bundles		
39	Improper operation of motor	8-1595	\$75
40	cycle on laned roadway		
41	Motorcycle clinging to other	8-1596	\$45
42	vehicle		
43	Improper motorcycle handle-	8-1597	\$75

1	bars or passenger		
2	equipment		
3	Motorcycle helmet and eye-	8-1598	\$45
4	protection requirements		
5	Unlawful operation of all-ter-	8-15,100	\$75
6	rain vehicle		
7	Unlawful operation of	8-15,101	\$75
8	low-speed vehicle		
9	Littering	8-15,102	\$115
10	Disobeying school crossing	8-15,103	\$75
11	guard		
12	Unlawful operation of micro	8-15,106	\$75
13	utility truck		
14	Failure to remove vehicles in	8-15,107	\$75
15	accidents		
16	Unlawful operation of golf	8-15,108	\$75
17	cart		
18	Unlawful operation of work-	8-15,109	\$75
19	site utility vehicle		
20	Unlawful display of license	8-15,110	\$60
21	plate		
22	Unlawful text messaging	8-15,111	\$60
23	Unlawful passing of a waste	8-15,112	\$45
24	collection vehicle		
25	<i>Distracted driving or unlawful</i>	<i>section 1</i>	<i>\$60</i>
26	<i>use of a wireless</i>		
27	<i>telecommunications device</i>		
28	Equipment offenses that are	8-1701	\$75
29	not misdemeanors		
30	Driving without lights when	8-1703	\$45
31	needed		
32	Defective headlamps	8-1705	\$45
33	Defective tail lamps	8-1706	\$45
34	Defective reflector	8-1707	\$45
35	Improper stop lamp or turn	8-1708	\$45
36	signal		
37	Improper lighting equipment	8-1710	\$45
38	on certain vehicles		
39	Improper lamp color on cer-	8-1711	\$45
40	tain vehicles		
41	Improper mounting of re-	8-1712	\$45
42	flectors and lamps on cer-		
43	tain vehicles		

1	Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$45
2			
3			
4	No lamp or flag on projecting load	8-1715	\$75
5			
6	Improper lamps on parked vehicle	8-1716	\$45
7			
8	Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$45
9			
10			
11			
12	Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$45
13			
14			
15			
16			
17	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$45
18			
19	Improper lamps or lights on emergency vehicle	8-1720	\$45
20			
21	Improper stop or turn signal	8-1721	\$45
22	Improper vehicular hazard warning lamp	8-1722	\$45
23			
24	Unauthorized additional lighting equipment	8-1723	\$45
25			
26	Improper multiple-beam lights	8-1724	\$45
27	Failure to dim headlights	8-1725	\$75
28	Improper single-beam headlights	8-1726	\$45
29			
30	Improper speed with alternate lighting	8-1727	\$45
31			
32	Improper number of driving lamps	8-1728	\$45
33			
34	Unauthorized lights and signals	8-1729	\$45
35			
36	Improper school bus lighting equipment and warning devices	8-1730	\$45
37			
38			
39	Unauthorized lights and devices on church or day-care bus	8-1730a	\$45
40			
41			
42	Improper lights on highway construction or maintenance	8-1731	\$45
43			

1	vehicles		
2	Defective brakes	8-1734	\$45
3	Defective or improper use of	8-1738	\$45
4	horn or warning device		
5	Defective muffler	8-1739	\$45
6	Defective mirror	8-1740	\$45
7	Defective wipers; obstructed	8-1741	\$45
8	windshield or windows		
9	Improper tires	8-1742	\$45
10	Improper flares or warning	8-1744	\$45
11	devices		
12	Improper use of vehicular	8-1745	\$45
13	hazard warning lamps		
14	and devices		
15	Improper air-conditioning	8-1747	\$45
16	equipment		
17	Improper safety belt or	8-1749	\$45
18	shoulder harness		
19	Improper wide-based single	8-1742b	\$75
20	tires		
21	Improper compression re-	8-1761	\$75
22	lease engine braking sys-		
23	tem		
24	Defective motorcycle head-	8-1801	\$45
25	lamp		
26	Defective motorcycle tail	8-1802	\$45
27	lamp		
28	Defective motorcycle reflec-	8-1803	\$45
29	tor		
30	Defective motorcycle stop	8-1804	\$45
31	lamps and turn signals		
32	Defective multiple-beam	8-1805	\$45
33	lighting		
34	Improper road-lighting equip-	8-1806	\$45
35	ment on motor-driven cy-		
36	cles		
37	Defective motorcycle or mo-	8-1807	\$45
38	tor-driven cycle brakes		
39	Improper performance abil-	8-1808	\$45
40	ity of brakes		
41	Operating motorcycle with	8-1809	\$45
42	disapproved braking sys-		
43	tem		

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

1 ordinance traffic infractions shall be established by the municipal judge in
2 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
3 fines may vary from those contained in the uniform fine schedule
4 contained in subsection (c).

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

11 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
12 amendments thereto, within two years after a prior conviction of K.S.A. 8-
13 1908 or 8-1909, and amendments thereto, such person, upon conviction
14 shall be fined 1½ times the applicable amount from one, but not both, of
15 the schedules listed in the uniform fine schedule contained in subsection
16 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments
17 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or
18 8-1909, and amendments thereto, such person, upon conviction shall be
19 fined two times the applicable amount from one, but not both, of the
20 schedules listed in the uniform fine schedule contained in subsection (c).
21 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,
22 and amendments thereto, within two years after three prior convictions of
23 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
24 conviction shall be fined 2½ times the applicable amount from one, but not
25 both, of the schedules listed in the uniform fine schedule contained in
26 subsection (c).

27 (g) Fines listed in the uniform fine schedule contained in subsection
28 (c) relating to exceeding the maximum speed limit, shall be doubled if a
29 person is convicted of exceeding the maximum speed limit in a school
30 zone authorized under K.S.A. 8-1560(a)(4), and 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 (i) *For a second violation of section 1, and amendments thereto,*
40 *within five years after a prior conviction of section 1, and amendments*
41 *thereto, such person, upon conviction, shall be fined \$120 for the second*
42 *violation. For a third and each succeeding violation of section 1, and*
43 *amendments thereto, within five years after two prior convictions of*

1 *section 1, and amendments thereto, such person, upon conviction, shall be*
2 *fined \$250 for the third and each succeeding violation.*

3 Sec. 3. K.S.A. 2019 Supp. 8-15,111 and 8-2118 are hereby repealed.

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