

SENATE BILL No. 459

By Committee on Ways and Means

2-19

1 AN ACT concerning the regulation of traffic; relating to distracted driving
2 violation; prohibiting the use of a wireless telecommunications device
3 while operating a motor vehicle; amending K.S.A. 2019 Supp. 8-2118
4 and repealing the existing section; also repealing K.S.A. 2019 Supp. 8-
5 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. "Wireless telecommunications
14 device" does not include a radio, citizens band radio, citizens band radio
15 hybrid, commercial two-way radio communication device or its functional
16 equivalent, subscription-based emergency communication device,
17 prescribed medical device, amateur or ham radio device or in-vehicle
18 security, navigation or remote diagnostics 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 distract such driver
21 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 telecommunications device while operating a moving
30 motor 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 a 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 grants a person the ability to operate the wireless
 4 telecommunications device without having to physically hold or support
 5 the device and such use would comply with this section and not be guilty
 6 of such offense; or

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

9 (2) A person who produces such evidence in court shall have the
 10 charge dismissed. In such case, court costs shall be assessed. The court
 11 shall require the person to affirm that they have not previously had an
 12 offense dismissed pursuant to subsection (f).

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

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

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

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

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

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

1	Following too close	8-1523	\$75
2	Improper crossover on di-	8-1524	\$45
3	vided highway		
4	Failure to yield right-of-way	8-1526	\$75
5	at uncontrolled intersection		
6	Failure to yield to approach-	8-1527	\$75
7	ing vehicle when turning		
8	left		
9	Failure to yield at stop or	8-1528	\$75
10	yield sign		
11	Failure to yield from private	8-1529	\$75
12	road or driveway		
13	Failure to yield to emergency	8-1530	\$195
14	vehicle		
15	Failure to yield to pedestrian	8-1531	\$105
16	or vehicle working on		
17	roadway		
18	Failure to comply with re-	8-1531a	\$45
19	strictions in road con-		
20	struction zone		
21	Disobeying pedestrian traffic	8-1532	\$45
22	control device		
23	Failure to yield to pedestrian	8-1533	\$75
24	in crosswalk; pedestrian		
25	suddenly entering road-		
26	way; passing vehicle		
27	stopped for pedestrian at		
28	crosswalk		
29	Improper pedestrian crossing	8-1534	\$45
30	Failure to exercise due care in	8-1535	\$45
31	regard to pedestrian		
32	Improper pedestrian move-	8-1536	\$45
33	ment in crosswalk		
34	Improper use of roadway by	8-1537	\$45
35	pedestrian		
36	Soliciting ride or business	8-1538	\$45
37	on roadway		
38	Driving through safety zone	8-1539	\$45
39	Failure to yield to pedestrian	8-1540	\$45
40	on sidewalk		
41	Failure of pedestrian to yield	8-1541	\$45
42	to emergency vehicle		
43	Failure to yield to blind pe-	8-1542	\$45

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

1	Improper parking	8-1572	\$45
2	Unattended vehicle	8-1573	\$45
3	Improper backing	8-1574	\$45
4	Driving on sidewalk	8-1575	\$45
5	Driving with view or driving	8-1576	\$45
6	mechanism obstructed		
7	Unsafe opening of vehicle	8-1577	\$45
8	door		
9	Riding in house trailer	8-1578	\$45
10	Unlawful riding on vehicle	8-1578a	\$75
11	Improper driving in defiles,	8-1579	\$45
12	canyons, or on grades		
13	Coasting	8-1580	\$45
14	Following fire apparatus too	8-1581	\$75
15	closely		
16	Driving over fire hose	8-1582	\$45
17	Putting glass, etc., on high-	8-1583	\$105
18	way		
19	Driving into intersection,	8-1584	\$45
20	crosswalk, or crossing		
21	without sufficient space		
22	on other side		
23	Improper operation of snow-	8-1585	\$45
24	mobile on highway		
25	Parental responsibility of	8-1586	\$45
26	child riding bicycle		
27	Not riding on bicycle seat;	8-1588	\$45
28	too many persons on		
29	bicycle		
30	Clinging to other vehicle	8-1589	\$45
31	Improper riding of bicycle on	8-1590	\$45
32	roadway		
33	Carrying articles on bicycle;	8-1591	\$45
34	one hand on handlebars		
35	Improper bicycle lamps,	8-1592	\$45
36	brakes or reflectors		
37	Improper operation of mo-	8-1594	\$45
38	torcycle; seats; passen-		
39	gers, bundles		
40	Improper operation of motor	8-1595	\$75
41	cycle on laned roadway		
42	Motorcycle clinging to other	8-1596	\$45
43	vehicle		

1	Improper motorcycle handle-	8-1597	\$75
2	bars or passenger		
3	equipment		
4	Motorcycle helmet and eye-	8-1598	\$45
5	protection requirements		
6	Unlawful operation of all-ter-	8-15,100	\$75
7	rain vehicle		
8	Unlawful operation of	8-15,101	\$75
9	low-speed vehicle		
10	Littering	8-15,102	\$115
11	Disobeying school crossing	8-15,103	\$75
12	guard		
13	Unlawful operation of micro	8-15,106	\$75
14	utility truck		
15	Failure to remove vehicles in	8-15,107	\$75
16	accidents		
17	Unlawful operation of golf	8-15,108	\$75
18	cart		
19	Unlawful operation of work-	8-15,109	\$75
20	site utility vehicle		
21	Unlawful display of license	8-15,110	\$60
22	plate		
23	Unlawful text messaging	8-15,111	\$60
24	Unlawful passing of a waste	8-15,112	\$45
25	collection vehicle		
26	<i>Distraacted driving or unlawful</i>	<i>section 1</i>	<i>\$60</i>
27	<i>use of a wireless</i>		
28	<i>telecommunications device</i>		
29	Equipment offenses that are	8-1701	\$75
30	not misdemeanors		
31	Driving without lights when	8-1703	\$45
32	needed		
33	Defective headlamps	8-1705	\$45
34	Defective tail lamps	8-1706	\$45
35	Defective reflector	8-1707	\$45
36	Improper stop lamp or turn	8-1708	\$45
37	signal		
38	Improper lighting equipment	8-1710	\$45
39	on certain vehicles		
40	Improper lamp color on cer-	8-1711	\$45
41	tain vehicles		
42	Improper mounting of re-	8-1712	\$45
43	flectors and lamps on cer-		

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

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

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

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

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

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

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

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

40 (i) *For a second violation of section 1, and amendments thereto,*
41 *within five years after a prior conviction of section 1, and amendments*
42 *thereto, such person, upon conviction, shall be fined \$120 for the second*
43 *violation. For a third and each succeeding violation of section 1, and*

1 *amendments thereto, within five years after two prior convictions of*
2 *section 1, and amendments thereto, such person, upon conviction, shall be*
3 *fined \$250 for the third and each succeeding violation.*

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

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