

**House Substitute for SENATE BILL No. 167**

By Committee on Transportation

3-26

1 AN ACT concerning motor vehicles; relating to utility and  
2 telecommunications vehicles; definitions thereof; requiring drivers to  
3 yield the right-of-way and move over for authorized utility or  
4 telecommunications vehicles; creating a violation thereof; amending  
5 K.S.A. 2020 Supp. 8-2118 and repealing the existing section.  
6

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

8 New Section 1. (a) The driver of a vehicle shall not overtake and pass  
9 another vehicle when approaching within 100 feet of a stationary  
10 authorized utility or telecommunications vehicle.

11 (b) The driver of a vehicle shall yield the right-of-way to any  
12 authorized utility or telecommunications vehicle or pedestrian actually  
13 engaged in work on the highway whenever such vehicle displays flashing  
14 lights meeting the requirements of K.S.A. 8-1731, and amendments  
15 thereto.

16 (c) The driver of a motor vehicle, upon approaching a stationary  
17 authorized utility or telecommunications vehicle that is obviously and  
18 actually engaged in work upon a highway, when such authorized utility or  
19 telecommunications vehicle is displaying flashing lights meeting the  
20 requirements of K.S.A. 8-1731, and amendments thereto, shall do either of  
21 the following:

22 (1) If the driver of the motor vehicle is traveling on a highway that  
23 consists of at least two lanes that carry traffic in the same direction of  
24 travel as that of the driver's motor vehicle, the driver shall proceed with  
25 due caution and, if possible and with due regard to the road and weather  
26 and traffic conditions, shall change lanes into a lane that is not adjacent to  
27 that of the stationary authorized public utility or telecommunications  
28 vehicle; or

29 (2) if the driver is not traveling on a highway of a type described in  
30 paragraph (1), or if the driver is traveling on a highway of that type  
31 described in paragraph (1) but it is not possible to change lanes or if to do  
32 so would be unsafe, the driver shall proceed with due caution, reduce the  
33 speed of the motor vehicle and maintain a safe speed for the road and  
34 weather and traffic conditions.

35 (d) This section shall not operate to relieve the driver of an authorized  
36 utility or telecommunications vehicle from the duty to drive with due

1 regard for the safety of all persons using the highway.

2 (e) As used in this section, "authorized utility or telecommunications  
3 vehicle" means:

4 (1) A motor vehicle operated by an authorized person as defined in  
5 K.S.A. 66-1710, and amendments thereto, for an electric or natural gas  
6 public utility as defined in K.S.A. 66-104, and amendments thereto, or a  
7 municipality-owned utility, when such motor vehicle is utilized for repairs  
8 that are needed on electric utility or natural gas equipment to restore  
9 necessary services or ensure public safety and is making use of visual  
10 signals meeting the requirements of K.S.A. 8-1731, and amendments  
11 thereto; and

12 (2) a motor vehicle operated by a provider, as defined in K.S.A. 17-  
13 1902, and amendments thereto, or a wireless infrastructure provider or a  
14 wireless services provider, as defined in K.S.A. 66-2019, and amendments  
15 thereto, when such vehicle is utilized for repairs and is making use of  
16 visual signals meeting the requirements of K.S.A. 8-1731, and  
17 amendments thereto.

18 (f) This section shall be a part of and supplemental to the uniform act  
19 regulating traffic on highways.

20 Sec. 2. K.S.A. 2020 Supp. 8-2118 is hereby amended to read as  
21 follows: 8-2118. (a) A person charged with a traffic infraction shall, except  
22 as provided in subsection (b), appear at the place and time specified in the  
23 notice to appear. If the person enters an appearance, waives right to trial,  
24 pleads guilty or no contest, the fine shall be no greater than that specified  
25 in the uniform fine schedule in subsection (c) and court costs shall be  
26 taxed as provided by law.

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

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

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

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

1	Failure to yield to pedestrian	8-1540	\$45
2	on sidewalk		
3	Failure of pedestrian to yield	8-1541	\$45
4	to emergency vehicle		
5	Failure to yield to blind pe-	8-1542	\$45
6	destrian		
7	Pedestrian disobeying bridge	8-1544	\$45
8	or railroad signal		
9	Improper turn or approach	8-1545	\$75
10	Improper "U" turn	8-1546	\$75
11	Unsafe starting of stopped	8-1547	\$45
12	vehicle		
13	Unsafe turning or stopping,	8-1548	\$75
14	failure to give proper sig-		
15	nal; using turn signal un-		
16	lawfully		
17	Improper method of giving	8-1549	\$45
18	notice of intention to turn		
19	Improper hand signal	8-1550	\$45
20	Failure to stop or obey	8-1551	\$195
21	road crossing signal		
22	Failure to stop at railroad	8-1552	\$135
23	crossing stop sign		
24	Certain hazardous vehicles	8-1553	\$195
25	failure to stop at railroad		
26	crossing		
27	Improper moving of heavy	8-1554	\$75
28	equipment at railroad		
29	crossing		
30	Vehicle emerging from alley,	8-1555	\$75
31	private roadway, building		
32	or driveway		
33	Improper passing of school	8-1556	\$315
34	bus; improper use of		
35	school bus signals		
36	Improper passing of church	8-1556a	\$195
37	or day-care bus; improper		
38	use of signals		
39	Impeding normal traffic	8-1561	\$45
40	by slow speed		
41	Speeding on motor-driven	8-1562	\$75
42	cycle		
43	Speeding in certain vehicles	8-1563	\$45

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

1	gers, bundles		
2	Improper operation of motor	8-1595	\$75
3	cycle on laned roadway		
4	Motorcycle clinging to other	8-1596	\$45
5	vehicle		
6	Improper motorcycle handle-	8-1597	\$75
7	bars or passenger		
8	equipment		
9	Motorcycle helmet and eye-	8-1598	\$45
10	protection requirements		
11	Unlawful operation of all-ter-	8-15,100	\$75
12	rain vehicle		
13	Unlawful operation of	8-15,101	\$75
14	low-speed vehicle		
15	Littering	8-15,102	\$115
16	Disobeying school crossing	8-15,103	\$75
17	guard		
18	Unlawful operation of micro	8-15,106	\$75
19	utility truck		
20	Failure to remove vehicles in	8-15,107	\$75
21	accidents		
22	Unlawful operation of golf	8-15,108	\$75
23	cart		
24	Unlawful operation of work-	8-15,109	\$75
25	site utility vehicle		
26	Unlawful display of license	8-15,110	\$60
27	plate		
28	Unlawful text messaging	8-15,111	\$60
29	Unlawful passing of a waste	8-15,112	\$45
30	collection vehicle		
31	<i>Unlawful passing of a utility or</i>	<i>section 1</i>	<i>\$105</i>
32	<i>telecommunications vehicle</i>		
33	Equipment offenses that are	8-1701	\$75
34	not misdemeanors		
35	Driving without lights when	8-1703	\$45
36	needed		
37	Defective headlamps	8-1705	\$45
38	Defective tail lamps	8-1706	\$45
39	Defective reflector	8-1707	\$45
40	Improper stop lamp or turn	8-1708	\$45
41	signal		
42	Improper lighting equipment	8-1710	\$45
43	on certain vehicles		

1	Improper lamp color on cer-	8-1711	\$45
2	tain vehicles		
3	Improper mounting of re-	8-1712	\$45
4	flectors and lamps on cer-		
5	tain vehicles		
6	Improper visibility of reflec-	8-1713	\$45
7	tors and lamps on certain		
8	vehicles		
9	No lamp or flag on projecting	8-1715	\$75
10	load		
11	Improper lamps on parked	8-1716	\$45
12	vehicle		
13	Improper lights, lamps, re-	8-1717	\$45
14	flectors and emblems on		
15	farm tractors or slow-		
16	moving vehicles		
17	Improper lamps and equip-	8-1718	\$45
18	ment on implements of		
19	husbandry, road machin-		
20	ery or animal-drawn ve-		
21	hicles		
22	Unlawful use of spot, fog, or	8-1719	\$45
23	auxiliary lamp		
24	Improper lamps or lights on	8-1720	\$45
25	emergency vehicle		
26	Improper stop or turn signal	8-1721	\$45
27	Improper vehicular hazard	8-1722	\$45
28	warning lamp		
29	Unauthorized additional	8-1723	\$45
30	lighting equipment		
31	Improper multiple-beam lights	8-1724	\$45
32	Failure to dim headlights	8-1725	\$75
33	Improper single-beam head-	8-1726	\$45
34	lights		
35	Improper speed with alter-	8-1727	\$45
36	nate lighting		
37	Improper number of driving	8-1728	\$45
38	lamps		
39	Unauthorized lights and sig-	8-1729	\$45
40	nals		
41	Improper school bus lighting	8-1730	\$45
42	equipment and warning		
43	devices		



1	Unauthorized lights and de-	8-1730a	\$45
2	vices on church or day-		
3	care bus		
4	Improper lights on highway	8-1731	\$45
5	construction or maintenance		
6	vehicles		
7	Defective brakes	8-1734	\$45
8	Defective or improper use of	8-1738	\$45
9	horn or warning device		
10	Defective muffler	8-1739	\$45
11	Defective mirror	8-1740	\$45
12	Defective wipers; obstructed	8-1741	\$45
13	windshield or windows		
14	Improper tires	8-1742	\$45
15	Improper flares or warning	8-1744	\$45
16	devices		
17	Improper use of vehicular	8-1745	\$45
18	hazard warning lamps		
19	and devices		
20	Improper air-conditioning	8-1747	\$45
21	equipment		
22	Improper safety belt or	8-1749	\$45
23	shoulder harness		
24	Improper wide-based single	8-1742b	\$75
25	tires		
26	Improper compression re-	8-1761	\$75
27	lease engine braking sys-		
28	tem		
29	Defective motorcycle head-	8-1801	\$45
30	lamp		
31	Defective motorcycle tail	8-1802	\$45
32	lamp		
33	Defective motorcycle reflec-	8-1803	\$45
34	tor		
35	Defective motorcycle stop	8-1804	\$45
36	lamps and turn signals		
37	Defective multiple-beam	8-1805	\$45
38	lighting		
39	Improper road-lighting equip-	8-1806	\$45
40	ment on motor-driven cy-		
41	cles		
42	Defective motorcycle or mo-	8-1807	\$45
43	tor-driven cycle brakes		

1	Improper performance abil-	8-1808	\$45
2	ity of brakes		
3	Operating motorcycle with	8-1809	\$45
4	disapproved braking sys-		
5	tem		
6	Defective horn, muffler, mir-	8-1810	\$45
7	rors or tires		
8	Unlawful statehouse parking	75-4510a	\$30
9	Exceeding gross weight of	8-1909	Pounds Overweight
10	vehicle or combination		up to 1000.....\$40
11			1001 to 2000.....3¢
12			per pound
13			2001 to 5000.....5¢
14			per pound
15			5001 to 7500.....7¢
16			per pound
17			7501 and over.....10¢
18			per pound
19	Exceeding gross weight on	8-1908	Pounds Overweight
20	any axle or tandem,		up to 1000.....\$40
21	triple or quad axles		1001 to 2000.....3¢
22			per pound
23			2001 to 5000.....5¢
24			per pound
25			5001 to 7500.....7¢
26			per pound
27			7501 and over.....10¢
28			per pound
29	Failure to obtain proper re-	66-1324	\$287
30	gistration, clearance or		
31	to have current cer-		
32	tification		
33	Insufficient liability insur-	66-1,128	\$137
34	ance for motor carriers	or 66-1314	
35	Failure to obtain interstate	79-34,122	\$137
36	motor fuel tax author-		
37	ization		
38	No authority as private or	66-1,111	\$137
39	common carrier		
40	Violation of motor carrier	66-1,129	\$115
41	safety rules and regula-		
42	tions, except for viola-		
43	tions specified in K.S.A.		

1 66-1,130(b)(2), and  
2 amendments thereto

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

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

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

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

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

1       Sec. 3. K.S.A. 2020 Supp. 8-2118 is hereby repealed.

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