

SENATE BILL No. 25

By Committee on Transportation

1-13

1 AN ACT concerning the regulation of traffic; prohibiting the use of a
2 mobile telephone while operating in a school zone or in a road
3 construction zone or by individuals under 18 years of age; amending
4 K.S.A. 2020 Supp. 8-2118 and repealing the existing section; also
5 repealing K.S.A. 2020 Supp. 8-2118c.
6

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

8 New Section 1. (a) No person under the age of 18 years of age shall
9 use a mobile telephone while operating a motor vehicle.

10 (b) No person shall use a mobile telephone while operating a motor
11 vehicle in a school zone at a time when a reduced speed limit is enforced
12 as established by K.S.A. 8-1560(a) or 8-1560e, and amendments thereto,
13 or in a road construction zone, as that term is defined in K.S.A. 8-1458a,
14 and amendments thereto.

15 (c) The provisions of subsections (a) and (b) shall not apply to:

16 (1) A law enforcement officer or emergency service personnel acting
17 within the course and scope of the law enforcement officer's or emergency
18 service personnel's employment; ~~or~~

19 (2) ***a person operating a motor vehicle while such vehicle is***
20 ***lawfully parked; or***

21 (3) a mobile telephone that is being used with a hands-free device.

22 (d) The provisions of subsections (a) or (b) shall not prohibit a person
23 from using a mobile telephone while operating a motor vehicle that would
24 otherwise violate subsections (a) or (b) to:

25 (1) Report current or ongoing illegal activity to law enforcement;

26 (2) prevent imminent injury to a person or property;

27 (3) summon medical or other emergency assistance; or

28 (4) relay information between a transit or for-hire operator and the
29 operator's dispatcher, if the device is permanently affixed to the motor
30 vehicle.

31 (e) Holding a mobile telephone shall constitute prima facie evidence
32 of a violation of:

33 (1) Subsection (a) for persons under the age of 18 years of age; or

34 (2) subsection (b) for persons operating a motor vehicle in a school
35 zone or a road construction zone.

36 (f) As used in this section;:

1 **(1)** "Hands-free device" means speakerphone capability or a
 2 telephone attachment or other piece of equipment, regardless of whether or
 3 not the hands-free device is permanently installed in the motor vehicle,
 4 that allows use of the mobile telephone without use of either of the
 5 operator's hands.

6 **(2)** *"Mobile telephone" does not include a commercial two-way*
 7 *radio communication device or its functional equivalent, subscription-*
 8 *based emergency communication device, prescribed medical device,*
 9 *amateur or ham radio device or remote diagnostics system.*

10 **(g)** *A law enforcement officer shall issue a warning citation to*
 11 *anyone violating the provisions of subsections (a) or (b). The provisions*
 12 *of this subsection shall expire and have no effect on and after January*
 13 *1, 2022.*

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

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

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
40 Unsafe speed for prevailing 41 conditions	8-1557	\$75
42 Exceeding maximum speed	8-1558	1-10 mph over the

1	limit; or speeding in zone	to	limit, \$45
2	posted by the state depart-	8-1560	
3	ment of transportation; or	8-1560a	11-20 mph over the
4	speeding in locally posted	or	limit, \$45 plus \$6
5	zone	8-1560b	per mph over 10
6			mph over the limit;
7			21-30 mph over the
8			limit, \$105 plus \$9
9			per mph over 20
10			mph over the limit;
11			31 and more mph
12			over the limit, \$195
13			plus \$15 per mph
14			over 30 mph over
15			the limit;
16	Disobeying traffic control de-	8-1507	\$75
17	vice		
18	Violating traffic control signal	8-1508	\$75
19	Violating pedestrian control	8-1509	\$45
20	signal		
21	Violating flashing traffic signals	8-1510	\$75
22	Violating lane-control signal	8-1511	\$75
23	Unauthorized sign, signal,	8-1512	\$45
24	marking or device		
25	Driving on left side of roadway	8-1514	\$75
26	Failure to keep right to pass	8-1515	\$75
27	oncoming vehicle		
28	Improper passing; increasing	8-1516	\$75
29	speed when passed		
30	Improper passing on right	8-1517	\$75
31	Passing on left with insuffi-	8-1518	\$75
32	cient clearance		
33	Driving on left side where	8-1519	\$75
34	curve, grade, intersec-		
35	tion railroad crossing, or		
36	obstructed view		
37	Driving on left in no-passing	8-1520	\$75
38	zone		
39	Unlawful passing of stopped	8-1520a	\$75
40	emergency vehicle		
41	Driving wrong direction on	8-1521	\$75
42	one-way road		
43	Improper driving on laned	8-1522	\$75

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

1	Failure to yield to blind pe-	8-1542	\$45
2	destrian		
3	Pedestrian disobeying bridge	8-1544	\$45
4	or railroad signal		
5	Improper turn or approach	8-1545	\$75
6	Improper "U" turn	8-1546	\$75
7	Unsafe starting of stopped	8-1547	\$45
8	vehicle		
9	Unsafe turning or stopping,	8-1548	\$75
10	failure to give proper sig-		
11	nal; using turn signal un-		
12	lawfully		
13	Improper method of giving	8-1549	\$45
14	notice of intention to turn		
15	Improper hand signal	8-1550	\$45
16	Failure to stop or obey	8-1551	\$195
17	road crossing signal		
18	Failure to stop at railroad	8-1552	\$135
19	crossing stop sign		
20	Certain hazardous vehicles	8-1553	\$195
21	failure to stop at railroad		
22	crossing		
23	Improper moving of heavy	8-1554	\$75
24	equipment at railroad		
25	crossing		
26	Vehicle emerging from alley,	8-1555	\$75
27	private roadway, building		
28	or driveway		
29	Improper passing of school	8-1556	\$315
30	bus; improper use of		
31	school bus signals		
32	Improper passing of church	8-1556a	\$195
33	or day-care bus; improper		
34	use of signals		
35	Impeding normal traffic	8-1561	\$45
36	by slow speed		
37	Speeding on motor-driven	8-1562	\$75
38	cycle		
39	Speeding in certain vehicles	8-1563	\$45
40	or on posted bridge		
41	Improper stopping, standing	8-1569	\$45
42	or parking on roadway		
43	Parking, standing or stopping	8-1571	\$45

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

1	vehicle		
2	Improper motorcycle handle-	8-1597	\$75
3	bars or passenger		
4	equipment		
5	Motorcycle helmet and eye-	8-1598	\$45
6	protection requirements		
7	Unlawful operation of all-ter-	8-15,100	\$75
8	rain vehicle		
9	Unlawful operation of	8-15,101	\$75
10	low-speed vehicle		
11	Littering	8-15,102	\$115
12	Disobeying school crossing	8-15,103	\$75
13	guard		
14	Unlawful operation of micro	8-15,106	\$75
15	utility truck		
16	Failure to remove vehicles in	8-15,107	\$75
17	accidents		
18	Unlawful operation of golf	8-15,108	\$75
19	cart		
20	Unlawful operation of work-	8-15,109	\$75
21	site utility vehicle		
22	Unlawful display of license	8-15,110	\$60
23	plate		
24	Unlawful text messaging	8-15,111	\$60
25	Unlawful passing of a waste	8-15,112	\$45
26	collection vehicle		
27	<i>Unlawful operation of electric-</i>	<i>8-15,113</i>	<i>\$45</i>
28	<i>assisted scooter</i>		
29	<i>Unlawful use of a mobile</i>	<i>Section 1</i>	<i>\$60</i>
30	<i>telephone</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. 2020 Supp. 8-2118 and 8-2118c are hereby repealed.

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

- 1 publication in the statute book.