

HOUSE BILL No. 2680

By Committee on Transportation

Requested by Representative Essex on behalf of Amber Rollins of Kids and Car Safety

2-5

Proposed Amendments to HB 2680
For House Committee on Transportation
February 20, 2023
Prepared by: Office of Revisor of Statutes

1 AN ACT concerning traffic regulations; relating to unattended children in
2 vehicles; creating a traffic infraction for leaving a child eight years of
3 age or younger unattended in a vehicle and providing penalties
4 therefor; crediting fines from violations of such traffic infraction to the
5 family and children trust account of the family and children investment
6 fund; requiring the division of vehicles to include information
7 concerning the dangers of leaving unattended children in vehicles in
8 driving materials and courses; amending K.S.A. 8-2118 and repealing
9 the existing section.

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

12 New Section 1. (a) A parent, legal guardian or other person
13 responsible for a child who is ~~eight~~ years of age or younger shall not
14 knowingly leave such child inside a motor vehicle without being subject to
15 the supervision of a person who is 12 years of age or older.

16 (b) Notwithstanding the provisions of K.S.A. 20-350 and 74-7336,
17 and amendments thereto, any fines collected pursuant to this section shall
18 be remitted by the clerk of the district court to the state treasurer in
19 accordance with the provisions of K.S.A. 75-4215, and amendments
20 thereto. Upon receipt of each such remittance, the state treasurer shall
21 credit the entire amount to the children and family trust account of the
22 family and children investment fund established in K.S.A. 38-1808, and
23 amendments thereto.

24 (c) The division of vehicles shall require information concerning the
25 dangers of leaving children unattended in motor vehicles, including, but
26 not limited to, the effect of solar heat on the temperature of motor vehicle
27 interiors and the penalties for violating this section, to be included in the
28 following materials or courses:

- 29 (1) The Kansas driving handbook;
- 30 (2) drivers' training schools, as defined in K.S.A. 8-273, and
31 amendments thereto;
- 32 (3) driver training courses conducted by any board, as defined in
33 K.S.A. 72-4005, and amendments thereto;
- 34 (4) driver improvement clinics, as described in K.S.A. 8-255, and

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This subsection shall apply to any:
(A) highway;
(B) public property;
(C) private property open to the public; or
(D) any parking lot or parking facility not otherwise excluded pursuant to paragraph (2).

(2) The provisions of this subsection shall not apply to a private driveway or private parking lot or private parking facility of any property used for residential purposes.

1 amendments thereto; and

2 (5) any materials provided to community driving public awareness
3 and education programs by the division of vehicles or any other agencies,
4 including, but not limited to, the department of transportation, the
5 department for children and families and the Kansas highway patrol.

6 (d) A person who violates the provisions of this section may also be
7 prosecuted for, convicted of and punished for any offense in chapter 21 of
8 the Kansas Statutes Annotated, and amendments thereto, resulting from
9 leaving a child unattended in a motor vehicle.

10 (e) This section shall be a part of and supplemental to the uniform act
11 regulating traffic on highways.

12 Sec. 2. K.S.A. 8-2118 is hereby amended to read as follows: 8-2118.

13 (a) A person charged with a traffic infraction shall, except as provided in
14 subsection (b), appear at the place and time specified in the notice to
15 appear. If the person enters an appearance, waives right to trial, pleads
16 guilty or no contest, the fine shall be no greater than that specified in the
17 uniform fine schedule in subsection (c) and court costs shall be taxed as
18 provided by law.

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Unsafe speed for prevailing conditions	8-1557	\$75
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted	8-1558 to 8-1560 8-1560a or	1-10 mph over the limit, \$45 11-20 mph over the limit, \$45 plus \$6

A law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (a). The provisions of this subsection shall expire and have no effect on and after July 1, 2025.

(f)

1	Motorcycle helmet and eye-	8-1598	\$45
2	protection requirements		
3	Unlawful operation of all-ter-	8-15,100	\$75
4	rain vehicle		
5	Unlawful operation of	8-15,101	\$75
6	low-speed vehicle		
7	Littering	8-15,102	\$115
8	Disobeying school crossing	8-15,103	\$75
9	guard		
10	Unlawful operation of micro	8-15,106	\$75
11	utility truck		
12	Failure to remove vehicles in	8-15,107	\$75
13	accidents		
14	Unlawful operation of golf	8-15,108	\$75
15	cart		
16	Unlawful operation of work-	8-15,109	\$75
17	site utility vehicle		
18	Unlawful display of license	8-15,110	\$60
19	plate		
20	Unlawful text messaging	8-15,111	\$60
21	Unlawful passing of a waste	8-15,112	\$45
22	collection vehicle		
23	Unlawful operation of	8-15,113	\$45
24	electric-assisted scooter		
25	Unlawful passing of a utility or	8-15,114	\$105
26	telecommunications vehicle		
27	<i>Leaving a child unattended in a</i>	<i>section 1</i>	\$100
28	<i>motor vehicle</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-		

\$60

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

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

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

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

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

41 Sec. 3. K.S.A. 8-2118 is hereby repealed.

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