

HOUSE BILL No. 2503

By Committee on Transportation

Requested by Travis Lowe on behalf of AAA Kansas

1-12

1 AN ACT concerning traffic regulations; relating to the duty of drivers
2 approaching certain stationary vehicles; providing a penalty for
3 unlawful passing thereof; amending K.S.A. 8-2118 and repealing the
4 existing section.
5

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

7 New Section 1. (a) The driver of a motor vehicle, upon approaching a
8 stopped, standing or parked vehicle that is displaying hazard warning
9 signal lamps, road flares or caution signals, including traffic cones, caution
10 signs or reflective triangles, shall do either of the following:

11 (1) If the driver of the motor vehicle is traveling on a highway that
12 consists of at least two lanes that carry traffic in the same direction of
13 travel as that of the driver's motor vehicle, the driver shall proceed with
14 due caution and, if possible and with due regard to the road, weather and
15 traffic conditions, shall change lanes into a lane that is not adjacent to that
16 of the stationary vehicle; or

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

22 (b) This section shall be a part of and supplemental to the uniform act
23 regulating traffic on highways.

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

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

31 (b) Prior to the time specified in the notice to appear, a person
32 charged with a traffic infraction may enter a written appearance, waive
33 right to trial, plead guilty or no contest and pay the fine for the violation as
34 specified in the uniform fine schedule in subsection (c) and court costs
35 provided by law. Payment may be made in any manner accepted by the

1 court. The traffic citation shall not have been complied with if the payment
 2 is not honored for any reason, or if the fine and court costs are not paid in
 3 full. When a person charged with a traffic infraction makes payment
 4 without executing a written waiver of right to trial and plea of guilty or no
 5 contest, the payment shall be deemed such an appearance, waiver of right
 6 to trial and plea of no contest.

7 (c) The following uniform fine schedule shall apply uniformly
 8 throughout the state but shall not limit the fine that may be imposed
 9 following a court appearance, except an appearance made for the purpose
 10 of pleading and payment as permitted by subsection (a). The description of
 11 offense contained in the following uniform fine schedule is for reference
 12 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 zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$45 11-20 mph over the limit, \$45 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$105 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$195 plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$75
Violating traffic control signal	8-1508	\$75
Violating pedestrian control signal	8-1509	\$45
Violating flashing traffic signals	8-1510	\$75
Violating lane-control signal	8-1511	\$75
Unauthorized sign, signal, marking or device	8-1512	\$45
Driving on left side of roadway	8-1514	\$75
Failure to keep right to pass oncoming vehicle	8-1515	\$75

1	Improper passing; increasing	8-1516	\$75
2	speed when passed		
3	Improper passing on right	8-1517	\$75
4	Passing on left with insuffi-	8-1518	\$75
5	cient clearance		
6	Driving on left side where	8-1519	\$75
7	curve, grade, intersec-		
8	tion railroad crossing, or		
9	obstructed view		
10	Driving on left in no-passing	8-1520	\$75
11	zone		
12	Unlawful passing of stopped	8-1520a	\$75
13	emergency vehicle		
14	Driving wrong direction on	8-1521	\$75
15	one-way road		
16	Improper driving on laned	8-1522	\$75
17	roadway		
18	Following too close	8-1523	\$75
19	Improper crossover on	8-1524	\$45
20	divided highway		
21	Failure to yield right-of-way	8-1526	\$75
22	at uncontrolled intersection		
23	Failure to yield to approach-	8-1527	\$75
24	ing vehicle when turning		
25	left		
26	Failure to yield at stop or	8-1528	\$75
27	yield sign		
28	Failure to yield from private	8-1529	\$75
29	road or driveway		
30	Failure to yield to emergency	8-1530	\$195
31	vehicle		
32	Failure to yield to pedestrian	8-1531	\$105
33	or vehicle working on		
34	roadway		
35	Failure to comply with re-	8-1531a	\$45
36	strictions in road con-		
37	struction zone		
38	Disobeying pedestrian traffic	8-1532	\$45
39	control device		
40	Failure to yield to pedestrian	8-1533	\$75
41	in crosswalk; pedestrian		
42	suddenly entering road-		
43	way; passing vehicle		

1	stopped for pedestrian at		
2	crosswalk		
3	Improper pedestrian crossing	8-1534	\$45
4	Failure to exercise due care in	8-1535	\$45
5	regard to pedestrian		
6	Improper pedestrian move-	8-1536	\$45
7	ment in crosswalk		
8	Improper use of roadway by	8-1537	\$45
9	pedestrian		
10	Soliciting ride or business	8-1538	\$45
11	on roadway		
12	Driving through safety zone	8-1539	\$45
13	Failure to yield to pedestrian	8-1540	\$45
14	on sidewalk		
15	Failure of pedestrian to yield	8-1541	\$45
16	to emergency vehicle		
17	Failure to yield to blind	8-1542	\$45
18	pedestrian		
19	Pedestrian disobeying bridge	8-1544	\$45
20	or railroad signal		
21	Improper turn or approach	8-1545	\$75
22	Improper "U" turn	8-1546	\$75
23	Unsafe starting of stopped	8-1547	\$45
24	vehicle		
25	Unsafe turning or stopping,	8-1548	\$75
26	failure to give proper sig-		
27	nal; using turn signal un-		
28	lawfully		
29	Improper method of giving	8-1549	\$45
30	notice of intention to turn		
31	Improper hand signal	8-1550	\$45
32	Failure to stop or obey	8-1551	\$195
33	road crossing signal		
34	Failure to stop at railroad	8-1552	\$135
35	crossing stop sign		
36	Certain hazardous vehicles	8-1553	\$195
37	failure to stop at railroad		
38	crossing		
39	Improper moving of heavy	8-1554	\$75
40	equipment at railroad		
41	crossing		
42	Vehicle emerging from alley,	8-1555	\$75
43	private roadway, building		

1	or driveway		
2	Improper passing of school	8-1556	\$315
3	bus; improper use of		
4	school bus signals		
5	Improper passing of church	8-1556a	\$195
6	or day-care bus; improper		
7	use of signals		
8	Impeding normal traffic	8-1561	\$45
9	by slow speed		
10	Speeding on motor-driven	8-1562	\$75
11	cycle		
12	Speeding in certain vehicles	8-1563	\$45
13	or on posted bridge		
14	Improper stopping, standing	8-1569	\$45
15	or parking on roadway		
16	Parking, standing or stopping	8-1571	\$45
17	in prohibited area		
18	Improper parking	8-1572	\$45
19	Unattended vehicle	8-1573	\$45
20	Improper backing	8-1574	\$45
21	Driving on sidewalk	8-1575	\$45
22	Driving with view or driving	8-1576	\$45
23	mechanism obstructed		
24	Unsafe opening of vehicle	8-1577	\$45
25	door		
26	Riding in house trailer	8-1578	\$45
27	Unlawful riding on vehicle	8-1578a	\$75
28	Improper driving in defiles,	8-1579	\$45
29	canyons, or on grades		
30	Coasting	8-1580	\$45
31	Following fire apparatus too	8-1581	\$75
32	closely		
33	Driving over fire hose	8-1582	\$45
34	Putting glass, etc., on high-	8-1583	\$105
35	way		
36	Driving into intersection,	8-1584	\$45
37	crosswalk, or crossing		
38	without sufficient space		
39	on other side		
40	Improper operation of snow-	8-1585	\$45
41	mobile on highway		
42	Parental responsibility of	8-1586	\$45
43	child riding bicycle		

1	Not riding on bicycle seat;	8-1588	\$45
2	too many persons on		
3	bicycle		
4	Clinging to other vehicle	8-1589	\$45
5	Improper riding of bicycle on	8-1590	\$45
6	roadway		
7	Carrying articles on bicycle;	8-1591	\$45
8	one hand on handlebars		
9	Improper bicycle lamps,	8-1592	\$45
10	brakes or reflectors		
11	Improper operation of	8-1594	\$45
12	motorcycle; seats; passen-		
13	gers, bundles		
14	Improper operation of motor	8-1595	\$75
15	cycle on laned roadway		
16	Motorcycle clinging to other	8-1596	\$45
17	vehicle		
18	Improper motorcycle handle-	8-1597	\$75
19	bars or passenger		
20	equipment		
21	Motorcycle helmet and eye-	8-1598	\$45
22	protection requirements		
23	Unlawful operation of all-ter-	8-15,100	\$75
24	rain vehicle		
25	Unlawful operation of	8-15,101	\$75
26	low-speed vehicle		
27	Littering	8-15,102	\$115
28	Disobeying school crossing	8-15,103	\$75
29	guard		
30	Unlawful operation of micro	8-15,106	\$75
31	utility truck		
32	Failure to remove vehicles in	8-15,107	\$75
33	accidents		
34	Unlawful operation of golf	8-15,108	\$75
35	cart		
36	Unlawful operation of work-	8-15,109	\$75
37	site utility vehicle		
38	Unlawful display of license	8-15,110	\$60
39	plate		
40	Unlawful text messaging	8-15,111	\$60
41	Unlawful passing of a waste	8-15,112	\$45
42	collection vehicle		
43	Unlawful operation of	8-15,113	\$45

1	electric-assisted scooter		
2	Unlawful passing of a utility or	8-15,114	\$105
3	telecommunications vehicle		
4	<i>Unlawful passing of a</i>	<i>section 1</i>	<i>\$75</i>
5	<i>stationary vehicle</i>		
6	Equipment offenses that are	8-1701	\$75
7	not misdemeanors		
8	Driving without lights when	8-1703	\$45
9	needed		
10	Defective headlamps	8-1705	\$45
11	Defective tail lamps	8-1706	\$45
12	Defective reflector	8-1707	\$45
13	Improper stop lamp or turn	8-1708	\$45
14	signal		
15	Improper lighting equipment	8-1710	\$45
16	on certain vehicles		
17	Improper lamp color on cer-	8-1711	\$45
18	tain vehicles		
19	Improper mounting of re-	8-1712	\$45
20	flectors and lamps on cer-		
21	tain vehicles		
22	Improper visibility of reflec-	8-1713	\$45
23	tors and lamps on certain		
24	vehicles		
25	No lamp or flag on projecting	8-1715	\$75
26	load		
27	Improper lamps on parked	8-1716	\$45
28	vehicle		
29	Improper lights, lamps, re-	8-1717	\$45
30	flectors and emblems on		
31	farm tractors or slow-		
32	moving vehicles		
33	Improper lamps and equip-	8-1718	\$45
34	ment on implements of		
35	husbandry, road machin-		
36	ery or animal-drawn		
37	vehicles		
38	Unlawful use of spot, fog, or	8-1719	\$45
39	auxiliary lamp		
40	Improper lamps or lights on	8-1720	\$45
41	emergency vehicle		
42	Improper stop or turn signal	8-1721	\$45
43	Improper vehicular hazard	8-1722	\$45

1	warning lamp		
2	Unauthorized additional	8-1723	\$45
3	lighting equipment		
4	Improper multiple-beam lights	8-1724	\$45
5	Failure to dim headlights	8-1725	\$75
6	Improper single-beam head-	8-1726	\$45
7	lights		
8	Improper speed with alter-	8-1727	\$45
9	nate lighting		
10	Improper number of driving	8-1728	\$45
11	lamps		
12	Unauthorized lights and sig-	8-1729	\$45
13	nals		
14	Improper school bus lighting	8-1730	\$45
15	equipment and warning		
16	devices		
17	Unauthorized lights and de-	8-1730a	\$45
18	vices on church or day-		
19	care bus		
20	Improper lights on highway	8-1731	\$45
21	construction or maintenance		
22	vehicles		
23	Defective brakes	8-1734	\$45
24	Defective or improper use of	8-1738	\$45
25	horn or warning device		
26	Defective muffler	8-1739	\$45
27	Defective mirror	8-1740	\$45
28	Defective wipers; obstructed	8-1741	\$45
29	windshield or windows		
30	Improper tires	8-1742	\$45
31	Improper flares or warning	8-1744	\$45
32	devices		
33	Improper use of vehicular	8-1745	\$45
34	hazard warning lamps		
35	and devices		
36	Improper air-conditioning	8-1747	\$45
37	equipment		
38	Improper safety belt or	8-1749	\$45
39	shoulder harness		
40	Improper wide-based single	8-1742b	\$75
41	tires		
42	Improper compression re-	8-1761	\$75
43	lease engine braking sys-		

1	tem		
2	Defective motorcycle head-	8-1801	\$45
3	lamp		
4	Defective motorcycle tail	8-1802	\$45
5	lamp		
6	Defective motorcycle reflec-	8-1803	\$45
7	tor		
8	Defective motorcycle stop	8-1804	\$45
9	lamps and turn signals		
10	Defective multiple-beam	8-1805	\$45
11	lighting		
12	Improper road-lighting equip-	8-1806	\$45
13	ment on motor-driven cy-		
14	cles		
15	Defective motorcycle or mo-	8-1807	\$45
16	tor-driven cycle brakes		
17	Improper performance abil-	8-1808	\$45
18	ity of brakes		
19	Operating motorcycle with	8-1809	\$45
20	disapproved braking sys-		
21	tem		
22	Defective horn, muffler, mir-	8-1810	\$45
23	rors or tires		
24	Unlawful statehouse parking	75-4510a	\$30
25	Exceeding gross weight of	8-1909	Pounds Overweight
26	vehicle or combination		up to 1000.....\$40
27			1001 to 2000.....3¢
28			per pound
29			2001 to 5000.....5¢
30			per pound
31			5001 to 7500.....7¢
32			per pound
33			7501 and over.....10¢
34			per pound
35	Exceeding gross weight on	8-1908	Pounds Overweight
36	any axle or tandem,		up to 1000.....\$40
37	triple or quad axles		1001 to 2000.....3¢
38			per pound
39			2001 to 5000.....5¢
40			per pound
41			5001 to 7500.....7¢
42			per pound
43			7501 and over.....10¢

1			per pound
2	Failure to obtain proper re-	66-1324	\$287
3	gistration, clearance or		
4	to have current cer-		
5	tification		
6	Insufficient liability insur-	66-1,128	\$137
7	ance for motor carriers	or 66-1314	
8	Failure to obtain interstate	79-34,122	\$137
9	motor fuel tax author-		
10	ization		
11	No authority as private or	66-1,111	\$137
12	common carrier		
13	Violation of motor carrier	66-1,129	\$115
14	safety rules and regula-		
15	tions, except for viola-		
16	tions specified in K.S.A.		
17	66-1,130(b)(2), and		
18	amendments thereto		

19 (d) Traffic offenses classified as traffic infractions by this section
 20 shall be classified as ordinance traffic infractions by those cities adopting
 21 ordinances prohibiting the same offenses. A schedule of fines for all
 22 ordinance traffic infractions shall be established by the municipal judge in
 23 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
 24 fines may vary from those contained in the uniform fine schedule
 25 contained in subsection (c).

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

32 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
 33 amendments thereto, within two years after a prior conviction of K.S.A. 8-
 34 1908 or 8-1909, and amendments thereto, such person, upon conviction
 35 shall be fined 1½ times the applicable amount from one, but not both, of
 36 the schedules listed in the uniform fine schedule contained in subsection
 37 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments
 38 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or
 39 8-1909, and amendments thereto, such person, upon conviction shall be
 40 fined two times the applicable amount from one, but not both, of the
 41 schedules listed in the uniform fine schedule contained in subsection (c).
 42 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,
 43 and amendments thereto, within two years after three prior convictions of

1 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
2 conviction shall be fined $2\frac{1}{2}$ times the applicable amount from one, but
3 not both, of the schedules listed in the uniform fine schedule contained in
4 subsection (c).

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

9 (h) For a second violation of K.S.A. 8-1556, and amendments thereto,
10 within five years after a prior conviction of K.S.A. 8-1556, and
11 amendments thereto, such person, upon conviction, shall be fined \$750 for
12 the second violation. For a third and each succeeding violation of K.S.A.
13 8-1556, and amendments thereto, within five years after two prior
14 convictions of K.S.A. 8-1556, and amendments thereto, such person, upon
15 conviction, shall be fined \$1,000 for the third and each succeeding
16 violation.

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

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