

SENATE BILL No. 335

By Committee on Transportation

1-10

1 AN ACT concerning traffic regulations; relating to unlawful passing of
2 stationary authorized emergency vehicle; increasing penalties for
3 certain violations; creating a crime for injuring or causing death of
4 certain authorized emergency vehicle operators and providing a penalty
5 therefor; amending K.S.A. 8-1520a, 8-2116 and 8-2118 and repealing
6 the existing sections.

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

9 Section 1. K.S.A. 8-1520a is hereby amended to read as follows: 8-
10 1520a. (a) The driver of a vehicle shall not overtake and pass another
11 vehicle when approaching within 100 feet of:

12 (1) A stationary authorized emergency vehicle on a highway that
13 consists of two lanes carrying traffic in opposite directions, when the
14 authorized emergency vehicle is making use of visual signals meeting the
15 requirements of K.S.A. 8-1720, ~~and amendments thereto, or subsection (d)~~
16 ~~of K.S.A. 8-1722(d), and amendments thereto;~~ or

17 (2) a stationary authorized vehicle ~~which~~ *that* is obviously and
18 actually engaged in work on a highway that consists of two lanes carrying
19 traffic in opposite directions, when such vehicle displays flashing lights
20 meeting the requirements of K.S.A. 8-1731, and amendments thereto.

21 ~~(b) From and after the effective date of this act, and prior to July 1,~~
22 ~~2007, a law enforcement officer shall issue a warning citation to anyone~~
23 ~~violating the provisions of paragraph (2) of subsection (a) (1) Except as~~
24 ~~provided in paragraph (2) or (3), a violation of subsection (a) is a traffic~~
25 ~~infraction and shall be subject to a fine of \$400.~~

26 (2) *Except as provided in paragraph (3), a violation of subsection (a)*
27 *that results in injury or great bodily harm to any person operating an*
28 *authorized emergency vehicle that is a fire department vehicle, police*
29 *bicycle, police vehicle or an ambulance is a severity level 6, person felony.*

30 (3) *Violation of subsection (a) that results in death to any person*
31 *operating authorized emergency vehicle that is a fire department vehicle,*
32 *police bicycle, police vehicle or an ambulance is a severity level 4, person*
33 *felony.*

34 (4) *In addition to the penalty described in paragraph (2), the court*
35 *shall impose a fine of \$1,000.*

36 (5) *In addition to the penalty described in paragraph (3), the court*

1 *shall impose a fine of \$7,500.*

2 (c) This section shall be a part of and supplemental to the uniform act
3 regulating traffic on highways.

4 Sec. 2. K.S.A. 8-2116 is hereby amended to read as follows: 8-2116.

5 (a) Every person convicted of violating K.S.A. 8-1520a(b)(1) and 8-2503,
6 and amendments thereto, or violating any of the sections listed in the
7 uniform fine schedule in K.S.A. 8-2118, and amendments thereto, is guilty
8 of a traffic infraction.

9 (b) Except where another penalty or class of misdemeanor is
10 provided by statute, every person convicted of violating any provision of
11 the uniform act regulating traffic on highways designated as a
12 misdemeanor is guilty of a class C misdemeanor, except that upon a
13 second such offense committed within one year after the date of the first
14 such offense, upon conviction thereof, such person is guilty of a class B
15 misdemeanor, and upon a third or subsequent such offense committed
16 within one year after the first such offense, upon conviction thereof, such
17 person is guilty of a class A misdemeanor.

18 Sec. 3. K.S.A. 8-2118 is hereby amended to read as follows: 8-2118.

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

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

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

42 <i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
43 Unsafe speed for prevailing	8-1557	\$75

1	conditions		
2	Exceeding maximum speed	8-1558	1-10 mph over the
3	limit; or speeding in zone	to	limit, \$45
4	posted by the state depart-	8-1560	
5	ment of transportation; or	8-1560a	11-20 mph over the
6	speeding in locally posted	or	limit, \$45 plus \$6
7	zone	8-1560b	per mph over 10
8			mph over the limit;
9			21-30 mph over the
10			limit, \$105 plus \$9
11			per mph over 20
12			mph over the limit;
13			31 and more mph
14			over the limit, \$195
15			plus \$15 per mph
16			over 30 mph over
17			the limit;
18	Disobeying traffic control de-	8-1507	\$75
19	vice		
20	Violating traffic control signal	8-1508	\$75
21	Violating pedestrian control	8-1509	\$45
22	signal		
23	Violating flashing traffic signals	8-1510	\$75
24	Violating lane-control signal	8-1511	\$75
25	Unauthorized sign, signal,	8-1512	\$45
26	marking or device		
27	Driving on left side of roadway	8-1514	\$75
28	Failure to keep right to pass	8-1515	\$75
29	oncoming vehicle		
30	Improper passing; increasing	8-1516	\$75
31	speed when passed		
32	Improper passing on right	8-1517	\$75
33	Passing on left with insuffi-	8-1518	\$75
34	cient clearance		
35	Driving on left side where	8-1519	\$75
36	curve, grade, intersec-		
37	tion railroad crossing, or		
38	obstructed view		
39	Driving on left in no-passing	8-1520	\$75
40	zone		
41	Unlawful passing of stopped	8-1520a	\$75
42	emergency vehicle		
43	Driving wrong direction on	8-1521	\$75

1	one-way road		
2	Improper driving on laned	8-1522	\$75
3	roadway		
4	Following too close	8-1523	\$75
5	Improper crossover on di-	8-1524	\$45
6	vided highway		
7	Failure to yield right-of-way	8-1526	\$75
8	at uncontrolled intersection		
9	Failure to yield to approach-	8-1527	\$75
10	ing vehicle when turning		
11	left		
12	Failure to yield at stop or	8-1528	\$75
13	yield sign		
14	Failure to yield from private	8-1529	\$75
15	road or driveway		
16	Failure to yield to emergency	8-1530	\$195
17	vehicle		
18	Failure to yield to pedestrian	8-1531	\$105
19	or vehicle working on		
20	roadway		
21	Failure to comply with re-	8-1531a	\$45
22	strictions in road con-		
23	struction zone		
24	Disobeying pedestrian traffic	8-1532	\$45
25	control device		
26	Failure to yield to pedestrian	8-1533	\$75
27	in crosswalk; pedestrian		
28	suddenly entering road-		
29	way; passing vehicle		
30	stopped for pedestrian at		
31	crosswalk		
32	Improper pedestrian crossing	8-1534	\$45
33	Failure to exercise due care in	8-1535	\$45
34	regard to pedestrian		
35	Improper pedestrian move-	8-1536	\$45
36	ment in crosswalk		
37	Improper use of roadway by	8-1537	\$45
38	pedestrian		
39	Soliciting ride or business	8-1538	\$45
40	on roadway		
41	Driving through safety zone	8-1539	\$45
42	Failure to yield to pedestrian	8-1540	\$45
43	on sidewalk		

1	Failure of pedestrian to yield	8-1541	\$45
2	to emergency vehicle		
3	Failure to yield to blind pe-	8-1542	\$45
4	destrian		
5	Pedestrian disobeying bridge	8-1544	\$45
6	or railroad signal		
7	Improper turn or approach	8-1545	\$75
8	Improper "U" turn	8-1546	\$75
9	Unsafe starting of stopped	8-1547	\$45
10	vehicle		
11	Unsafe turning or stopping,	8-1548	\$75
12	failure to give proper sig-		
13	nal; using turn signal un-		
14	lawfully		
15	Improper method of giving	8-1549	\$45
16	notice of intention to turn		
17	Improper hand signal	8-1550	\$45
18	Failure to stop or obey	8-1551	\$195
19	road crossing signal		
20	Failure to stop at railroad	8-1552	\$135
21	crossing stop sign		
22	Certain hazardous vehicles	8-1553	\$195
23	failure to stop at railroad		
24	crossing		
25	Improper moving of heavy	8-1554	\$75
26	equipment at railroad		
27	crossing		
28	Vehicle emerging from alley,	8-1555	\$75
29	private roadway, building		
30	or driveway		
31	Improper passing of school	8-1556	\$315
32	bus; improper use of		
33	school bus signals		
34	Improper passing of church	8-1556a	\$195
35	or day-care bus; improper		
36	use of signals		
37	Impeding normal traffic	8-1561	\$45
38	by slow speed		
39	Speeding on motor-driven	8-1562	\$75
40	cycle		
41	Speeding in certain vehicles	8-1563	\$45
42	or on posted bridge		
43	Improper stopping, standing	8-1569	\$45

1	or parking on roadway		
2	Parking, standing or stopping	8-1571	\$45
3	in prohibited area		
4	Improper parking	8-1572	\$45
5	Unattended vehicle	8-1573	\$45
6	Improper backing	8-1574	\$45
7	Driving on sidewalk	8-1575	\$45
8	Driving with view or driving	8-1576	\$45
9	mechanism obstructed		
10	Unsafe opening of vehicle	8-1577	\$45
11	door		
12	Riding in house trailer	8-1578	\$45
13	Unlawful riding on vehicle	8-1578a	\$75
14	Improper driving in defiles,	8-1579	\$45
15	canyons, or on grades		
16	Coasting	8-1580	\$45
17	Following fire apparatus too	8-1581	\$75
18	closely		
19	Driving over fire hose	8-1582	\$45
20	Putting glass, etc., on high-	8-1583	\$105
21	way		
22	Driving into intersection,	8-1584	\$45
23	crosswalk, or crossing		
24	without sufficient space		
25	on other side		
26	Improper operation of snow-	8-1585	\$45
27	mobile on highway		
28	Parental responsibility of	8-1586	\$45
29	child riding bicycle		
30	Not riding on bicycle seat;	8-1588	\$45
31	too many persons on		
32	bicycle		
33	Clinging to other vehicle	8-1589	\$45
34	Improper riding of bicycle on	8-1590	\$45
35	roadway		
36	Carrying articles on bicycle;	8-1591	\$45
37	one hand on handlebars		
38	Improper bicycle lamps,	8-1592	\$45
39	brakes or reflectors		
40	Improper operation of mo-	8-1594	\$45
41	torcycle; seats; passen-		
42	gers, bundles		
43	Improper operation of motor	8-1595	\$75

1	cycle on laned roadway		
2	Motorcycle clinging to other	8-1596	\$45
3	vehicle		
4	Improper motorcycle handle-	8-1597	\$75
5	bars or passenger		
6	equipment		
7	Motorcycle helmet and eye-	8-1598	\$45
8	protection requirements		
9	Unlawful operation of all-ter-	8-15,100	\$75
10	rain vehicle		
11	Unlawful operation of	8-15,101	\$75
12	low-speed vehicle		
13	Littering	8-15,102	\$115
14	Disobeying school crossing	8-15,103	\$75
15	guard		
16	Unlawful operation of micro	8-15,106	\$75
17	utility truck		
18	Failure to remove vehicles in	8-15,107	\$75
19	accidents		
20	Unlawful operation of golf	8-15,108	\$75
21	cart		
22	Unlawful operation of work-	8-15,109	\$75
23	site utility vehicle		
24	Unlawful display of license	8-15,110	\$60
25	plate		
26	Unlawful text messaging	8-15,111	\$60
27	Unlawful passing of a waste	8-15,112	\$45
28	collection vehicle		
29	Unlawful operation of	8-15,113	\$45
30	electric-assisted scooter		
31	Unlawful passing of a utility or	8-15,114	\$105
32	telecommunications vehicle		
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. 4. K.S.A. 8-1520a, 8-2116 and 8-2118 are hereby repealed.

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