

**21-6324. Unlawful possession or use of a traffic control signal preemption device.** (a) Unlawful possession or use of a traffic control signal preemption device is knowingly:

- (1) Possessing a traffic control signal preemption device;
  - (2) using a traffic control signal preemption device;
  - (3) selling a traffic control signal preemption device; or
  - (4) purchasing a traffic control signal preemption device.
- (b) Unlawful possession or use of a traffic control signal preemption device as defined in:
- (1) Subsection (a)(1) is a class B misdemeanor;
  - (2) subsection (a)(2):
    - (A) Is a severity level 9, nonperson felony, except as provided in subsection (b)(2)(B) or (b)(2)(C);
    - (B) which results in a traffic accident causing injury to any person or damage to any vehicle or other property is a severity level 7, person felony; and
    - (C) which results in a traffic accident causing the death of any person is a severity level 5, person felony.
  - (3) Subsection (a)(3) or (a)(4) is a severity level 9, nonperson felony.
- (c) The provisions of this section shall not apply to the operator, passenger or owner of any of the following authorized emergency vehicles, in the course of such person's emergency duties:
- (1) Publicly owned fire department vehicles;
  - (2) publicly owned police vehicles; or
  - (3) motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6101 et seq., and amendments thereto.
- (d) As used in this section, "traffic control signal preemption device" means any device, instrument or mechanism designed, intended or used to interfere with the operation or cycle of a traffic-control signal, as defined in K.S.A. 8-1478, and amendments thereto.
- (e) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for battery or any homicide.

**History:** L. 2010, ch. 136, § 209; L. 2011, ch. 30, § 56; July 1.