

HOUSE BILL No. 2276

By Representative Vickrey

2-12

1 AN ACT regulating traffic; concerning the operation of a motor vehicle in
2 a school zone or a construction zone; use of a wireless communication
3 device; amending K.S.A. 2018 Supp. 8-2118 and repealing the existing
4 section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) As used in this section:

8 (1) "Hands-free device" means speakerphone capability or a
9 telephone attachment or other piece of equipment, regardless of whether
10 permanently installed in the motor vehicle, that allows use of the wireless
11 communication device without use of either of the operator's hands.

12 (2) "Wireless communication device" has the same meaning as
13 defined in K.S.A. 2018 Supp. 8-15,111, and amendments thereto.

14 (b) On and after January 1, 2020, no person shall operate a motor
15 vehicle in a school zone established by K.S.A. 8-1560(a), and amendments
16 thereto, or K.S.A. 2018 Supp. 8-1560e, and amendments thereto, or a road
17 construction zone, as that term is defined in K.S.A. 8-1458a, and
18 amendments thereto, while using a wireless communication device.

19 (c) The provisions of subsection (b) shall not apply to:

20 (1) A law enforcement officer or emergency service personnel acting
21 within the course and scope of the law enforcement officer's or emergency
22 service personnel's employment;

23 (2) a motor vehicle that is stopped; or

24 (3) a wireless communication device that is being used with a hands-
25 free device.

26 (d) The provisions of subsection (b) shall not prohibit a person from
27 using a wireless communication device while operating a motor vehicle in
28 a school zone or road construction zone to:

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

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

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

32 (4) relay information between a transit or for-hire operator and the
33 operator's dispatcher, in which the device is permanently affixed to the
34 motor vehicle.

35 (e) Any conviction under the provisions of this section shall not be
36 construed as a moving traffic violation for the purpose of K.S.A. 8-255,

1 and amendments thereto.

2 (f) Holding a wireless communication device while operating a motor
 3 vehicle in a school zone or a road construction zone shall constitute prima
 4 facie evidence of a violation of subsection (b).

5 (g) From and after July 1, 2019, and prior to January 1, 2020, a law
 6 enforcement officer shall issue a warning citation to anyone violating
 7 subsection (b).

8 (h) This section shall be part of and supplemental to the uniform act
 9 regulating traffic on highways.

10 Sec. 2. K.S.A. 2018 Supp. 8-2118 is hereby amended to read as
 11 follows: 8-2118. (a) A person charged with a traffic infraction shall, except
 12 as provided in subsection (b), appear at the place and time specified in the
 13 notice to appear. If the person enters an appearance, waives right to trial,
 14 pleads guilty or no contest, the fine shall be no greater than that specified
 15 in the uniform fine schedule in subsection (c) and court costs shall be
 16 taxed as provided by law.

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
34 Refusal to submit to a prelim- 35 inary breath test	8-1012	\$105
36 Unsafe speed for prevailing 37 conditions	8-1557	\$75
38 Exceeding maximum speed 39 limit; or speeding in zone 40 posted by the state depart- 41 ment of transportation; or 42 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

1	zone	8-1560b	per mph over 10
2			mph over the limit;
3			21-30 mph over the
4			limit, \$105 plus \$9
5			per mph over 20
6			mph over the limit;
7			31 and more mph
8			over the limit, \$195
9			plus \$15 per mph
10			over 30 mph over
11			the limit;
12	Disobeying traffic control de-	8-1507	\$75
13	vice		
14	Violating traffic control signal	8-1508	\$75
15	Violating pedestrian control	8-1509	\$45
16	signal		
17	Violating flashing traffic signals	8-1510	\$75
18	Violating lane-control signal	8-1511	\$75
19	Unauthorized sign, signal,	8-1512	\$45
20	marking or device		
21	Driving on left side of roadway	8-1514	\$75
22	Failure to keep right to pass	8-1515	\$75
23	oncoming vehicle		
24	Improper passing; increasing	8-1516	\$75
25	speed when passed		
26	Improper passing on right	8-1517	\$75
27	Passing on left with insuffi-	8-1518	\$75
28	cient clearance		
29	Driving on left side where	8-1519	\$75
30	curve, grade, intersec-		
31	tion railroad crossing, or		
32	obstructed view		
33	Driving on left in no-passing	8-1520	\$75
34	zone		
35	Unlawful passing of stopped	8-1520a	\$75
36	emergency vehicle		
37	Driving wrong direction on	8-1521	\$75
38	one-way road		
39	Improper driving on laned	8-1522	\$75
40	roadway		
41	Following too close	8-1523	\$75
42	Improper crossover on di-	8-1524	\$45
43	vided highway		

1	Failure to yield right-of-way	8-1526	\$75
2	at uncontrolled intersection		
3	Failure to yield to approach-	8-1527	\$75
4	ing vehicle when turning		
5	left		
6	Failure to yield at stop or	8-1528	\$75
7	yield sign		
8	Failure to yield from private	8-1529	\$75
9	road or driveway		
10	Failure to yield to emergency	8-1530	\$195
11	vehicle		
12	Failure to yield to pedestrian	8-1531	\$105
13	or vehicle working on		
14	roadway		
15	Failure to comply with re-	8-1531a	\$45
16	strictions in road con-		
17	struction zone		
18	Disobeying pedestrian traffic	8-1532	\$45
19	control device		
20	Failure to yield to pedestrian	8-1533	\$75
21	in crosswalk; pedestrian		
22	suddenly entering road-		
23	way; passing vehicle		
24	stopped for pedestrian at		
25	crosswalk		
26	Improper pedestrian crossing	8-1534	\$45
27	Failure to exercise due care in	8-1535	\$45
28	regard to pedestrian		
29	Improper pedestrian move-	8-1536	\$45
30	ment in crosswalk		
31	Improper use of roadway by	8-1537	\$45
32	pedestrian		
33	Soliciting ride or business	8-1538	\$45
34	on roadway		
35	Driving through safety zone	8-1539	\$45
36	Failure to yield to pedestrian	8-1540	\$45
37	on sidewalk		
38	Failure of pedestrian to yield	8-1541	\$45
39	to emergency vehicle		
40	Failure to yield to blind pe-	8-1542	\$45
41	destrian		
42	Pedestrian disobeying bridge	8-1544	\$45
43	or railroad signal		

1	Improper turn or approach	8-1545	\$75
2	Improper "U" turn	8-1546	\$75
3	Unsafe starting of stopped	8-1547	\$45
4	vehicle		
5	Unsafe turning or stopping,	8-1548	\$75
6	failure to give proper sig-		
7	nal; using turn signal un-		
8	lawfully		
9	Improper method of giving	8-1549	\$45
10	notice of intention to turn		
11	Improper hand signal	8-1550	\$45
12	Failure to stop or obey	8-1551	\$195
13	road crossing signal		
14	Failure to stop at railroad	8-1552	\$135
15	crossing stop sign		
16	Certain hazardous vehicles	8-1553	\$195
17	failure to stop at railroad		
18	crossing		
19	Improper moving of heavy	8-1554	\$75
20	equipment at railroad		
21	crossing		
22	Vehicle emerging from alley,	8-1555	\$75
23	private roadway, building		
24	or driveway		
25	Improper passing of school	8-1556	\$315
26	bus; improper use of		
27	school bus signals		
28	Improper passing of church	8-1556a	\$195
29	or day-care bus; improper		
30	use of signals		
31	Impeding normal traffic	8-1561	\$45
32	by slow speed		
33	Speeding on motor-driven	8-1562	\$75
34	cycle		
35	Speeding in certain vehicles	8-1563	\$45
36	or on posted bridge		
37	Improper stopping, standing	8-1569	\$45
38	or parking on roadway		
39	Parking, standing or stopping	8-1571	\$45
40	in prohibited area		
41	Improper parking	8-1572	\$45
42	Unattended vehicle	8-1573	\$45
43	Improper backing	8-1574	\$45

1	Driving on sidewalk	8-1575	\$45
2	Driving with view or driving	8-1576	\$45
3	mechanism obstructed		
4	Unsafe opening of vehicle	8-1577	\$45
5	door		
6	Riding in house trailer	8-1578	\$45
7	Unlawful riding on vehicle	8-1578a	\$75
8	Improper driving in defiles,	8-1579	\$45
9	canyons, or on grades		
10	Coasting	8-1580	\$45
11	Following fire apparatus too	8-1581	\$75
12	closely		
13	Driving over fire hose	8-1582	\$45
14	Putting glass, etc., on high-	8-1583	\$105
15	way		
16	Driving into intersection,	8-1584	\$45
17	crosswalk, or crossing		
18	without sufficient space		
19	on other side		
20	Improper operation of snow-	8-1585	\$45
21	mobile on highway		
22	Parental responsibility of	8-1586	\$45
23	child riding bicycle		
24	Not riding on bicycle seat;	8-1588	\$45
25	too many persons on		
26	bicycle		
27	Clinging to other vehicle	8-1589	\$45
28	Improper riding of bicycle on	8-1590	\$45
29	roadway		
30	Carrying articles on bicycle;	8-1591	\$45
31	one hand on handlebars		
32	Improper bicycle lamps,	8-1592	\$45
33	brakes or reflectors		
34	Improper operation of mo-	8-1594	\$45
35	torcycle; seats; passen-		
36	gers, bundles		
37	Improper operation of motor	8-1595	\$75
38	cycle on laned roadway		
39	Motorcycle clinging to other	8-1596	\$45
40	vehicle		
41	Improper motorcycle handle-	8-1597	\$75
42	bars or passenger		
43	equipment		

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	<i>Unlawful use of wireless</i>	<i>section 1</i>	<i>\$60</i>
24	<i> communication device in a school</i>		
25	<i> zone or road construction zone</i>		
26	Equipment offenses that are	8-1701	\$75
27	not misdemeanors		
28	Driving without lights when	8-1703	\$45
29	needed		
30	Defective headlamps	8-1705	\$45
31	Defective tail lamps	8-1706	\$45
32	Defective reflector	8-1707	\$45
33	Improper stop lamp or turn	8-1708	\$45
34	signal		
35	Improper lighting equipment	8-1710	\$45
36	on certain vehicles		
37	Improper lamp color on cer-	8-1711	\$45
38	tain vehicles		
39	Improper mounting of re-	8-1712	\$45
40	flectors and lamps on cer-		
41	tain vehicles		
42	Improper visibility of reflec-	8-1713	\$45
43	tors and lamps on certain		

1	vehicles		
2	No lamp or flag on projecting	8-1715	\$75
3	load		
4	Improper lamps on parked	8-1716	\$45
5	vehicle		
6	Improper lights, lamps, re-	8-1717	\$45
7	flectors and emblems on		
8	farm tractors or slow-		
9	moving vehicles		
10	Improper lamps and equip-	8-1718	\$45
11	ment on implements of		
12	husbandry, road machin-		
13	ery or animal-drawn ve-		
14	hicles		
15	Unlawful use of spot, fog, or	8-1719	\$45
16	auxiliary lamp		
17	Improper lamps or lights on	8-1720	\$45
18	emergency vehicle		
19	Improper stop or turn signal	8-1721	\$45
20	Improper vehicular hazard	8-1722	\$45
21	warning lamp		
22	Unauthorized additional	8-1723	\$45
23	lighting equipment		
24	Improper multiple-beam lights	8-1724	\$45
25	Failure to dim headlights	8-1725	\$75
26	Improper single-beam head-	8-1726	\$45
27	lights		
28	Improper speed with alter-	8-1727	\$45
29	nate lighting		
30	Improper number of driving	8-1728	\$45
31	lamps		
32	Unauthorized lights and sig-	8-1729	\$45
33	nals		
34	Improper school bus lighting	8-1730	\$45
35	equipment and warning		
36	devices		
37	Unauthorized lights and de-	8-1730a	\$45
38	VICES on church or day-		
39	care bus		
40	Improper lights on highway	8-1731	\$45
41	construction or maintenance		
42	vehicles		
43	Defective brakes	8-1734	\$45

1	Defective or improper use of	8-1738	\$45
2	horn or warning device		
3	Defective muffler	8-1739	\$45
4	Defective mirror	8-1740	\$45
5	Defective wipers; obstructed	8-1741	\$45
6	windshield or windows		
7	Improper tires	8-1742	\$45
8	Improper flares or warning	8-1744	\$45
9	devices		
10	Improper use of vehicular	8-1745	\$45
11	hazard warning lamps		
12	and devices		
13	Improper air-conditioning	8-1747	\$45
14	equipment		
15	Improper safety belt or	8-1749	\$45
16	shoulder harness		
17	Improper wide-based single	8-1742b	\$75
18	tires		
19	Improper compression re-	8-1761	\$75
20	lease engine braking sys-		
21	tem		
22	Defective motorcycle head-	8-1801	\$45
23	lamp		
24	Defective motorcycle tail	8-1802	\$45
25	lamp		
26	Defective motorcycle reflec-	8-1803	\$45
27	tor		
28	Defective motorcycle stop	8-1804	\$45
29	lamps and turn signals		
30	Defective multiple-beam	8-1805	\$45
31	lighting		
32	Improper road-lighting equip-	8-1806	\$45
33	ment on motor-driven cy-		
34	cles		
35	Defective motorcycle or mo-	8-1807	\$45
36	tor-driven cycle brakes		
37	Improper performance abil-	8-1808	\$45
38	ity of brakes		
39	Operating motorcycle with	8-1809	\$45
40	disapproved braking sys-		
41	tem		
42	Defective horn, muffler, mir-	8-1810	\$45
43	rors or tires		

1	Unlawful statehouse parking	75-4510a	\$30
2	Exceeding gross weight of	8-1909	Pounds Overweight
3	vehicle or combination		up to 1000.....\$40
4			1001 to 2000.....3¢
5			per pound
6			2001 to 5000.....5¢
7			per pound
8			5001 to 7500.....7¢
9			per pound
10			7501 and over.....10¢
11			per pound
12	Exceeding gross weight on	8-1908	Pounds Overweight
13	any axle or tandem,		up to 1000.....\$40
14	triple or quad axles		1001 to 2000.....3¢
15			per pound
16			2001 to 5000.....5¢
17			per pound
18			5001 to 7500.....7¢
19			per pound
20			7501 and over.....10¢
21			per pound
22	Failure to obtain proper re-	66-1324	\$287
23	gistration, clearance or		
24	to have current cer-		
25	tification		
26	Insufficient liability insur-	66-1,128	\$137
27	ance for motor carriers	or 66-1314	
28	Failure to obtain interstate	79-34,122	\$137
29	motor fuel tax author-		
30	ization		
31	No authority as private or	66-1,111	\$137
32	common carrier		
33	Violation of motor carrier	66-1,129	\$115
34	safety rules and regula-		
35	tions, except for viola-		
36	tions specified in K.S.A.		
37	66-1,130(b)(2), and		
38	amendments thereto		
39	(d) Traffic offenses classified as traffic infractions by this section		
40	shall be classified as ordinance traffic infractions by those cities adopting		
41	ordinances prohibiting the same offenses. A schedule of fines for all		
42	ordinance traffic infractions shall be established by the municipal judge in		
43	the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such		

1 fines may vary from those contained in the uniform fine schedule
2 contained in subsection (c).

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

9 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
10 amendments thereto, within two years after a prior conviction of K.S.A. 8-
11 1908 or 8-1909, and amendments thereto, such person, upon conviction
12 shall be fined 1½ times the applicable amount from one, but not both, of
13 the schedules listed in the uniform fine schedule contained in subsection
14 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments
15 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or
16 8-1909, and amendments thereto, such person, upon conviction shall be
17 fined two times the applicable amount from one, but not both, of the
18 schedules listed in the uniform fine schedule contained in subsection (c).
19 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,
20 and amendments thereto, within two years after three prior convictions of
21 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
22 conviction shall be fined 2½ times the applicable amount from one, but not
23 both, of the schedules listed in the uniform fine schedule contained in
24 subsection (c).

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

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

37 Sec. 3. K.S.A. 2018 Supp. 8-2118 is hereby repealed.

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