

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2432** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 8 through 36;

By striking all on pages 2 through 24;

On page 25, by striking all in lines 1 through 26 and inserting:

"New Section 1. (a) Sections 1 through 4, and amendments thereto, shall be known and may be cited as the safety corridor act.

(b) The provisions of this act shall expire on July 1, 2015.

New Sec. 2. As used in the safety corridor act:

(a) "Department" means the department of transportation.

(b) "Secretary" means the secretary of transportation.

(c) "Executive safety council" means a group of representatives appointed by the secretary who are charged with developing and maintaining the strategic highway safety plan. Representatives may be appointed from the Kansas department of transportation, Kansas department of revenue, Kansas department of health and environment, the Kansas legislature, transportation safety academia, transportation safety businesses, law enforcement, or local governments.

(d) "Safety corridor" means a segment of highway designated by the secretary of

transportation pursuant to the provisions of this act identified by posted or moving signs as being a safety corridor. The corridor starts at the first sign identifying the corridor and continues until a posted or moving sign indicates that the corridor has ended.

New Sec. 3. (a) The secretary of transportation is hereby authorized and empowered to establish and administer a safety corridor program.

(b) The secretary shall establish criteria and designate safety corridors at the recommendation of the executive safety council. The following criteria shall be used in determining designation as a safety corridor, which shall include, but not be limited to:

(1) Accident rates and accident fatality rates, which account for the number of crashes;

(2) number of crashes resulting in serious injury or death; and

(3) traffic volumes.

(c) The secretary shall use the same criteria on all highways in determining whether a highway segment shall be designated as a safety corridor.

(d) The secretary shall designate not more than two safety corridors.

(e) The secretary shall have authority to designate highway safety corridors on highways that are designated as interstate, United States or state highways.

(f) The secretary shall not designate a safety corridor on an interstate, United States or state highway within the corporate limits of any city unless the governing body of such city has passed a resolution supporting the designation of a safety corridor by the secretary. If the governing body of such city passes a resolution revoking its support for

the designation of a safety corridor within its corporate limits, upon notification to the secretary that such resolution has passed, the secretary shall remove the safety corridor designation from such highway that is within the corporate limits of the city. All signage regarding its designation as a safety corridor shall be removed from the highway. However, failure to remove the signage shall not affect the status of the highway that is no longer a designated safety corridor and increased fines cannot be assessed for moving violations that occur within the sign marked area.

(g) The secretary shall establish guidelines to evaluate whether a highway segment designated as a safety corridor continues to meet established criteria. If the secretary determines the criteria no longer applies to the segment, the designation shall be revoked, the signage shall be removed and the segment shall cease to be a safety corridor.

(h) Annually, prior to the 10th day of each regular session of the legislature, the secretary shall report to the house committee on transportation and senate committee on transportation concerning implementation and operation of the program authorized by this section.

New Sec. 4. (a) There is hereby created in the state treasury the safety corridor fund to be administered by the secretary of transportation. All moneys credited to the safety corridor fund shall be used solely for programs within designated safety corridors, including appropriate signage, education, enforcement and such other purposes deemed appropriate by the secretary. All fines collected pursuant to subsection (h) of K.S.A. 8-2118, and amendments thereto, shall be remitted to the state treasurer in accordance with

the provisions of K.S.A. 75-4215, and amendments thereto. The state treasurer shall credit all moneys received from fines pursuant to subsection (h) of K.S.A. 8-2118, and amendments thereto, in accordance with K.S.A. 74-7336, and amendments thereto.

(b) Each municipality or other governmental entity that enacts an ordinance or resolution that is substantially similar to subsection (h) of K.S.A. 8-2118, and amendments thereto, shall remit one half of the doubled fine that is collected as a result of the conviction of a moving violation relating to exceeding the maximum speed limit in a safety corridor to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the safety corridor fund.

Sec. 5. K.S.A. 2011 Supp. 8-1560c is hereby amended to read as follows: 8-1560c.

(a) (1) Any conviction or forfeiture of bail or bond for violating a maximum posted or authorized speed limit of 30 miles per hour or more but not exceeding 54 miles per hour on any highway, by not more than six miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto, (2) except that a conviction of exceeding the maximum speed limit within a safety corridor by more than six miles per hour shall be considered a moving violation pursuant to K.S.A. 8-255, and amendments thereto.

(b) (1) Any conviction or forfeiture of bail or bond for violating the maximum posted or authorized speed limit of 55 miles per hour or more but not exceeding 75 miles

per hour on any highway, by not more than 10 miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto, (2) except that a conviction of exceeding the maximum speed limit within a safety corridor by more than six miles per hour shall be considered a moving violation pursuant to K.S.A. 8-255, and amendments thereto.

(c) The provisions of subsections (a)(2) and (b)(2) shall expire on July 1, 2015.

Sec. 6. K.S.A. 2011 Supp. 8-1560d is hereby amended to read as follows: 8-1560d.

(a) Except as provided by subsection (b), convictions for violating a maximum posted speed limit of 55 miles per hour or more but not exceeding 75 miles per hour, by not more than 10 miles per hour in excess of such maximum speed limit, or a maximum posted speed limit of 30 miles per hour or more but not exceeding 54 miles per hour, by not more than six miles per hour in excess of such maximum speed limit, shall not be reported by the division and shall not be considered by any insurance company in determining the rate charged for any automobile liability insurance policy or whether to cancel any such policy under the provisions of subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto.

(b) Convictions for violating a maximum speed limit within a safety corridor by not more than six miles per hour shall not be reported by the division and shall not be considered by any insurance company in determining the rate charged for any automobile liability insurance policy under the provisions of subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto. The provisions of this subsection shall expire on July 1, 2015.

Sec. 7. K.S.A. 2011 Supp. 8-2118 is hereby amended to read as follows: 8-2118.

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

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Refusal to submit to a prelim-	8-1012	\$105

inary breath test		
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
Improper passing; increasing speed when passed	8-1516	\$75
Improper passing on right	8-1517	\$75
Passing on left with insufficient clearance	8-1518	\$75
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$75
Driving on left in no-passing	8-1520	\$75

zone		
Unlawful passing of stopped emergency vehicle	8-1520a	\$75
Driving wrong direction on one-way road	8-1521	\$75
Improper driving on laned roadway	8-1522	\$75
Following too close	8-1523	\$75
Improper crossover on divided highway	8-1524	\$45
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$75
Failure to yield to approaching vehicle when turning left	8-1527	\$75
Failure to yield at stop or yield sign	8-1528	\$75
Failure to yield from private road or driveway	8-1529	\$75
Failure to yield to emergency vehicle	8-1530	\$195
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$105
Failure to comply with restrictions in road construction zone	8-1531a	\$45
Disobeying pedestrian traffic control device	8-1532	\$45
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$75
Improper pedestrian crossing	8-1534	\$45
Failure to exercise due care in regard to pedestrian	8-1535	\$45
Improper pedestrian movement in crosswalk	8-1536	\$45
Improper use of roadway by pedestrian	8-1537	\$45
Soliciting ride or business	8-1538	\$45

on roadway		
Driving through safety zone	8-1539	\$45
Failure to yield to pedestrian on sidewalk	8-1540	\$45
Failure of pedestrian to yield to emergency vehicle	8-1541	\$45
Failure to yield to blind pe- destrian	8-1542	\$45
Pedestrian disobeying bridge or railroad signal	8-1544	\$45
Improper turn or approach	8-1545	\$75
Improper "U" turn	8-1546	\$75
Unsafe starting of stopped vehicle	8-1547	\$45
Unsafe turning or stopping, failure to give proper sig- nal; using turn signal un- lawfully	8-1548	\$75
Improper method of giving notice of intention to turn	8-1549	\$45
Improper hand signal	8-1550	\$45
Failure to stop or obey road crossing signal	8-1551	\$195
Failure to stop at railroad crossing stop sign	8-1552	\$135
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$195
Improper moving of heavy equipment at railroad crossing	8-1554	\$75
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$75
Improper passing of school bus; improper use of school bus signals	8-1556	\$315
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$195
Impeding normal traffic by slow speed	8-1561	\$45

Speeding on motor-driven cycle	8-1562	\$75
Speeding in certain vehicles or on posted bridge	8-1563	\$45
Improper stopping, standing or parking on roadway	8-1569	\$45
Parking, standing or stopping in prohibited area	8-1571	\$45
Improper parking	8-1572	\$45
Unattended vehicle	8-1573	\$45
Improper backing	8-1574	\$45
Driving on sidewalk	8-1575	\$45
Driving with view or driving mechanism obstructed	8-1576	\$45
Unsafe opening of vehicle door	8-1577	\$45
Riding in house trailer	8-1578	\$45
Unlawful riding on vehicle	8-1578a	\$75
Improper driving in defiles, canyons, or on grades	8-1579	\$45
Coasting	8-1580	\$45
Following fire apparatus too closely	8-1581	\$75
Driving over fire hose	8-1582	\$45
Putting glass, etc., on highway	8-1583	\$105
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$45
Improper operation of snow-mobile on highway	8-1585	\$45
Parental responsibility of child riding bicycle	8-1586	\$45
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$45
Clinging to other vehicle	8-1589	\$45
Improper riding of bicycle on roadway	8-1590	\$45
Carrying articles on bicycle; one hand on handlebars	8-1591	\$45
Improper bicycle lamps,	8-1592	\$45

brakes or reflectors		
Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$45
Improper operation of motorcycle on laned roadway	8-1595	\$75
Motorcycle clinging to other vehicle	8-1596	\$45
Improper motorcycle handlebars or passenger equipment	8-1597	\$75
Motorcycle helmet and eye-protection requirements	8-1598	\$45
Unlawful operation of all-terrain vehicle	8-15,100	\$75
Unlawful operation of low-speed vehicle	8-15,101	\$75
Littering	8-15,102	\$115
Disobeying school crossing guard	8-15,103	\$75
Unlawful operation of micro utility truck	8-15,106	\$75
Failure to remove vehicles in accidents	8-15,107	\$75
Unlawful operation of golf cart	8-15,108	\$75
Unlawful operation of work-site utility vehicle	8-15,109	\$75
Unlawful display of license plate	8-15,110	\$60
Unlawful text messaging	8-15,111	\$60
Equipment offenses that are not misdemeanors	8-1701	\$75
Driving without lights when needed	8-1703	\$45
Defective headlamps	8-1705	\$45
Defective tail lamps	8-1706	\$45
Defective reflector	8-1707	\$45
Improper stop lamp or turn signal	8-1708	\$45
Improper lighting equipment	8-1710	\$45

on certain vehicles		
Improper lamp color on certain vehicles	8-1711	\$45
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$45
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$45
No lamp or flag on projecting load	8-1715	\$75
Improper lamps on parked vehicle	8-1716	\$45
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$45
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$45
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$45
Improper lamps or lights on emergency vehicle	8-1720	\$45
Improper stop or turn signal	8-1721	\$45
Improper vehicular hazard warning lamp	8-1722	\$45
Unauthorized additional lighting equipment	8-1723	\$45
Improper multiple-beam lights	8-1724	\$45
Failure to dim headlights	8-1725	\$75
Improper single-beam headlights	8-1726	\$45
Improper speed with alternate lighting	8-1727	\$45
Improper number of driving lamps	8-1728	\$45
Unauthorized lights and signals	8-1729	\$45
Improper school bus lighting	8-1730	\$45

equipment and warning devices		
Unauthorized lights and devices on church or day-care bus	8-1730a	\$45
Improper lights on highway construction or maintenance vehicles	8-1731	\$45
Defective brakes	8-1734	\$45
Defective or improper use of horn or warning device	8-1738	\$45
Defective muffler	8-1739	\$45
Defective mirror	8-1740	\$45
Defective wipers; obstructed windshield or windows	8-1741	\$45
Improper tires	8-1742	\$45
Improper flares or warning devices	8-1744	\$45
Improper use of vehicular hazard warning lamps and devices	8-1745	\$45
Improper air-conditioning equipment	8-1747	\$45
Improper safety belt or shoulder harness	8-1749	\$45
Improper wide-based single tires	8-1742b	\$75
Improper compression release engine braking system	8-1761	\$75
Defective motorcycle headlamp	8-1801	\$45
Defective motorcycle tail lamp	8-1802	\$45
Defective motorcycle reflector	8-1803	\$45
Defective motorcycle stop lamps and turn signals	8-1804	\$45
Defective multiple-beam lighting	8-1805	\$45
Improper road-lighting equipment on motor-driven cy-	8-1806	\$45

cles		
Defective motorcycle or motor-driven cycle brakes	8-1807	\$45
Improper performance ability of brakes	8-1808	\$45
Operating motorcycle with disapproved braking system	8-1809	\$45
Defective horn, muffler, mirrors or tires	8-1810	\$45
Unlawful statehouse parking	75-4510a	\$30
Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight up to 1000\$40 1001 to 2000.....3¢ per pound 2001 to 5000.....5¢ per pound 5001 to 7500.....7¢ per pound 7501 and over....10¢ per pound
Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight up to 1000\$40 1001 to 2000.....3¢ per pound 2001 to 5000.....5¢ per pound 5001 to 7500.....7¢ per pound 7501 and over....10¢ per pound
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$287
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$137
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$137
No authority as private or common carrier	66-1,111	\$137
Violation of motor carrier safety rules and regulations, except for	66-1,129	\$115

violations specified in subsection
(b)(2) of K.S.A. 66-1,130, and
amendments thereto

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

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

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule

contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

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

(h) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any safety corridor designated pursuant to section 3, and amendments thereto. A person may not enter into a diversion agreement in lieu of further criminal proceedings that would prevent such person's conviction of exceeding the maximum speed limit in a safety corridor from appearing on the person's record. The provisions of this subsection shall expire on July 1, 2015.

Sec. 8. K.S.A. 2011 Supp. 74-7336 is hereby amended to read as follows: 74-7336.

(a) Except as provided by subsection (c) of the remittances of fines, penalties and forfeitures received from clerks of the district court, at least monthly, the state treasurer

shall credit:

- (1) 10.94% to the crime victims compensation fund;
- (2) 2.24% to the crime victims assistance fund;
- (3) 2.75% to the community alcoholism and intoxication programs fund;
- (4) 7.65% to the department of corrections alcohol and drug abuse treatment fund;
- (5) 0.16% to the boating fee fund;
- (6) 0.11% to the children's advocacy center fund;
- (7) 2.28% to the EMS revolving fund;
- (8) 2.28% to the trauma fund;
- (9) 2.28% to the traffic records enhancement fund;
- (10) 2.91% to the criminal justice information system line fund; ~~and~~
- (11) 0.9% to the safety corridor fund; and
- ~~(11)~~(12) the remainder of the remittances to the state general fund.

(b) The county treasurer shall deposit grant moneys as provided in subsection (a), from the crime victims assistance fund, to the credit of a special fund created for use by the county or district attorney in establishing and maintaining programs to aid witnesses and victims of crime.

(c) The credit required by subsection (a)(11) of this section shall expire on July 1, 2015.

Sec. 9. K.S.A. 2011 Supp. 8-2009a is hereby amended to read as follows: 8-2009a.

(a) Every school bus, as defined in K.S.A. 8-1461, and amendments thereto, shall be

governed by the requirements of law and rules and regulations of the state board of education applicable to design, lighting equipment, distinctive markings, special warning devices, and any other equipment which are in effect on the date any such school bus is purchased or otherwise acquired, and shall be exempt from the requirements of law and rules and regulations which become effective at any time ~~during a period of 25 years from~~ after the date of manufacture of such school bus, except that, on and after July 1, 2016, such school buses shall be exempt from the requirements of law and rules and regulations which become effective at any time during a period of 25 years from the date of manufacture of such school bus. The state board of education is hereby required to approve any such school bus as to design, and as to lighting equipment, special warning devices, distinctive markings, and any other equipment required by law and rules and regulations, for operation as a school bus during such exemption period upon submission of a request for such approval.

(b) The state board of education is authorized to establish the procedure to be followed when request for approval of any such school bus is submitted under this section. The approval shall be in writing and a copy of the written approval shall be carried in the school bus at all times, but failure to carry such copy of the written approval shall not affect the status of the school bus as an approved school bus. The state board of education shall maintain a list of all such school buses which have been approved by the board.

Sec. 10. K.S.A. 2011 Supp. 8-1560c, 8-1560d, 8-2009a, 8-2118 and 74-7336 are

hereby repealed.";

And by renumbering remaining sections accordingly;

Also on page 25, in line 28, by striking "January 1, 2013, and";

On page 1, in the title, in line 1, by striking "distinctive license plates;"; by striking all in lines 2 through 5 and inserting "traffic regulation; designating certain highway segments as safety corridors; establishing the traffic safety corridor fund; regulating school buses; amending K.S.A. 2011 Supp. 8-1560c, 8-1560d, 8-2009a, 8-2118 and 74-7336 and repealing the existing sections.";

And your committee on conference recommends the adoption of this report.

Conferees on part of Senate

Conferees on part of House