

HOUSE BILL No. 2534

By Committee on Corrections and Juvenile Justice

Proposed Amendments on HB 2534 - Jennings
House Corrections and Juvenile Justice
Prepared by: Natalie Scott, Assistant Revisor
February 7, 2018

1 AN ACT regulating traffic; concerning racing on highways; exhibition of
2 speed or acceleration, definition; amending K.S.A. 8-1565 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 8-1565 is hereby amended to read as follows: 8-
7 1565. (a) No person shall drive any vehicle in any race, speed competition
8 or contest, drag race or acceleration contest, test of physical endurance,
9 exhibition of speed or acceleration, or for the purpose of making a speed
10 record, and no person shall in any manner participate in any such race,
11 competition, contest, test or exhibition.

strike

12 (b) As used in this section, "drag race" means the operation of two or
13 more vehicles from a point side by side at accelerating speeds in a
14 competitive attempt to out-distance each other, or the operation of one or
15 more vehicles over a common selected course, from the same point to the
16 same point, for the purpose of comparing the relative speeds or power of
17 acceleration of such vehicle or vehicles within a certain distance or time
18 limit.

New Section 1. No person shall operate any vehicle under normal road conditions in a manner that, whether from a stationary position or while the car is in motion, causes:
(a) The tires of the vehicle to break traction with the surface of the road;
(b) the tires to spin leaving marks on the road; or
(c) squealing of tires
Sec. 2. K.S.A. 2017 Supp. 8-2118 is hereby amended to read as follows: See page 4 of attachment

19 (c) As used in this section, "racing" means the use of one or more
20 vehicles in an attempt to out-gain, out-distance or prevent another vehicle
21 from passing, to arrive at a given destination ahead of another vehicle or
22 vehicles, or to test the physical stamina or endurance of drivers over long
23 distance driving routes.

24 (d) As used in this section, "exhibition of speed or acceleration"
25 means those acts that:

26 (1) Cause or create unnecessary rapid acceleration, unnecessary tire
27 squeal, skid, smoke or slide upon acceleration or stopping, including the
28 casting of tread, gravel, dirt or other road surface materials from the tires;

29 (2) simulate a temporary race; or

30 (3) cause the vehicle to unnecessarily turn abruptly, sway or lose
31 traction with the road surface.

Renumber sections

32 (d)(e) Violation of this section is a misdemeanor.

33 Sec. 2. K.S.A. 8-1565 is hereby repealed.

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

8-2118. Uniform fine schedule for traffic infractions; payment by mail with plea, when; full payment required; ordinance traffic infractions; doubling of fine in road construction zone and school zone. (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 compiled 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.

Statute	Fine
8-1012	\$105
8-1557	\$75
8-1558	1-10 mph over the limit, \$45 to 1-20 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;
8-1507	\$75
8-1508	\$75
8-1509	\$45
8-1510	\$75
8-1511	\$75
8-1512	\$45
8-1514	\$75
8-1515	\$75
8-1516	\$75
8-1517	\$75
8-1518	\$75
8-1519	\$75
8-1520	\$75
8-1520a	\$75
8-1521	\$75
8-1522	\$75
8-1523	\$75
8-1524	\$45
8-1526	\$75
8-1527	\$75
8-1528	\$75
8-1529	\$75
8-1530	\$195
8-1531	\$105
8-1531a	\$45
8-1532	\$45
8-1533	\$75

Statute	Description of Offense
8-1507	Disobeying traffic control device
8-1508	Violating traffic control signal
8-1509	Violating pedestrian control signal
8-1510	Violating flashing traffic signals
8-1511	Violating lane-control signal
8-1512	Unauthorized sign, signal, marking or device
8-1514	Driving on left side of roadway
8-1515	Failure to keep right to pass oncoming vehicle
8-1516	Improper passing; increasing speed when passed
8-1517	Improper passing on right
8-1518	Passing on left with insufficient clearance
8-1519	Driving on left side where curve, grade, intersection railroad crossing, or obstructed view
8-1520	Driving on left in no-passing zone
8-1520a	Unlawful passing of stopped emergency vehicle
8-1521	Driving wrong direction on one-way road
8-1522	Improper driving on laned roadway
8-1523	Following too close
8-1524	Improper crossover on divided highway
8-1526	Failure to yield right-of-way at uncontrolled intersection
8-1527	Failure to yield to approaching vehicle when turning left
8-1528	Failure to yield at stop or yield sign
8-1529	Failure to yield from private road or driveway
8-1530	Failure to yield to emergency vehicle
8-1531	Failure to yield to pedestrian or vehicle working on roadway
8-1531a	Failure to comply with restrictions in road construction zone
8-1532	Disobeying pedestrian traffic control device
8-1533	Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk

Failure to exercise due care in regard to pedestrian	<u>8-1535</u>	\$45
Improper pedestrian movement in crosswalk	<u>8-1536</u>	\$45
Improper use of roadway by pedestrian	<u>8-1537</u>	\$45
Soliciting ride or business on roadway	<u>8-1538</u>	\$45
Driving through safety zone	<u>8-1539</u>	\$45
Failure to yield to pedestrian on sidewalk	<u>8-1540</u>	\$45
Failure of pedestrian to yield to emergency vehicle	<u>8-1541</u>	\$45
Failure to yield to blind pedestrian	<u>8-1542</u>	\$45
Pedestrian disobeying bridge or railroad signal	<u>8-1544</u>	\$45
Improper turn or approach	<u>8-1545</u>	\$75
Improper "U" turn	<u>8-1546</u>	\$75
Unsafe starting of stopped vehicle	<u>8-1547</u>	\$45
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	<u>8-1548</u>	\$75
Improper method of giving notice of intention to turn	<u>8-1549</u>	\$45
Improper hand signal	<u>8-1550</u>	\$45
Failure to stop or obey road crossing signal	<u>8-1551</u>	\$195
Failure to stop at railroad crossing stop sign	<u>8-1552</u>	\$135
Certain hazardous vehicles failure to stop at railroad crossing	<u>8-1553</u>	\$195
Improper moving of heavy equipment at railroad crossing	<u>8-1554</u>	\$75
Vehicle emerging from alley, private roadway, building or driveway	<u>8-1555</u>	\$75
Improper passing of school bus; improper use of school bus signals	<u>8-1556</u>	\$315
Improper passing of church or day-care bus; improper use of signals	<u>8-1556a</u>	\$195
Impeding normal traffic by slow speed	<u>8-1561</u>	\$45
Speeding on motor-driven cycle	<u>8-1562</u>	\$75
Speeding in certain vehicles or on posted bridge	<u>8-1563</u>	\$45
Improper stopping, standing or parking on roadway	<u>8-1569</u>	\$45
Parking, standing or stopping in prohibited area	<u>8-1571</u>	\$45
Improper parking	<u>8-1572</u>	\$45
Unattended vehicle	<u>8-1573</u>	\$45
Improper backing	<u>8-1574</u>	\$45
Driving on sidewalk	<u>8-1575</u>	\$45
Driving with view or driving mechanism obstructed	<u>8-1576</u>	\$45
Unsafe opening of vehicle door	<u>8-1577</u>	\$45
Riding in house trailer	<u>8-1578</u>	\$45
Unlawful riding on vehicle	<u>8-1578a</u>	\$75
Improper driving in defiles, canyons, or on grades	<u>8-1579</u>	\$45
Coasting	<u>8-1580</u>	\$45
Following fire apparatus too closely	<u>8-1581</u>	\$75
Driving over fire hose	<u>8-1582</u>	\$45
Putting glass, etc., on highway	<u>8-1583</u>	\$105
Driving into intersection, crosswalk, or crossing without sufficient space on other side	<u>8-1584</u>	\$45
Improper operation of snowmobile on highway	<u>8-1585</u>	\$45
Parental responsibility of child riding bicycle	<u>8-1586</u>	\$45
Not riding on bicycle seat; too many persons on bicycle	<u>8-1588</u>	\$45
Clinging to other vehicle	<u>8-1589</u>	\$45
Improper riding of bicycle on roadway	<u>8-1590</u>	\$45

\$45	8-1591	Carrying articles on bicycle: one hand on handlebars
\$45	8-1592	Improper bicycle lamps, brakes or reflectors
\$45	8-1594	Improper operation of motorcycle: seats, passengers, bundles
\$75	8-1595	Improper operation of motorcycle on hanced roadway
\$45	8-1596	Motorcycle chinging to other vehicle
\$75	8-1597	Improper motorcycle handlebars or passenger equipment
\$45	8-1598	Motorcycle helmet and eye protection requirements
\$75	8-15.100	Unlawful operation of all-terrain vehicle
\$75	8-15.101	Unlawful operation of low-speed vehicle
\$115	8-15.102	Littering
\$75	8-15.103	Disobeying school crossing guard
\$75	8-15.106	Unlawful operation of micro utility truck
\$75	8-15.107	Failure to remove vehicles in accidents
\$75	8-15.108	Unlawful operation of golf cart
\$75	8-15.109	Unlawful operation of work-site utility vehicle
\$60	8-15.110	Unlawful display of license plate
\$60	8-15.111	Unlawful text messaging
\$75	8-1701	Equipment offenses that are not misdemeanors
\$45	8-1703	Driving without lights when needed
\$45	8-1705	Defective headlamps
\$45	8-1706	Defective tail lamps
\$45	8-1707	Defective reflector
\$45	8-1708	Improper stop lamp or turn signal
\$45	8-1710	Improper lighting equipment on certain vehicles
\$45	8-1711	Improper lamp color on certain vehicles
\$45	8-1712	Improper mounting of reflectors and lamps on certain vehicles
\$45	8-1713	Improper visibility of reflectors and lamps on certain vehicles
\$75	8-1715	No lamp or flag on projecting load
\$45	8-1716	Improper lamps on parked vehicle
\$45	8-1717	Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles
\$45	8-1718	Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles
\$45	8-1719	Unlawful use of spot, fog, or auxiliary lamp
\$45	8-1720	Improper lamps or lights on emergency vehicle
\$45	8-1721	Improper stop or turn signal
\$45	8-1722	Improper vehicular hazard warning lamp
\$45	8-1723	Unauthorized additional lighting equipment
\$45	8-1724	Improper multiple-beam lights
\$75	8-1725	Failure to dim headlights
\$45	8-1726	Improper single-beam head lights
\$45	8-1727	Improper speed with alternate lighting
\$45	8-1728	Improper number of driving lamps
\$45	8-1729	Unauthorized lights and signals
\$45	8-1730	Improper school bus lighting equipment and warning devices
\$45	8-1730a	Unauthorized lights and devices on church or daycare bus
\$45	8-1731	Improper lights on highway construction or maintenance vehicles
\$45	8-1734	Defective brakes
\$45	8-1738	Defective or improper use of horn or warning device

Defective mirror	<u>8-1740</u>	\$45
Defective wipers; obstructed windshield or windows	<u>8-1741</u>	\$45
Improper tires	<u>8-1742</u>	\$45
Improper flares or warning devices	<u>8-1744</u>	\$45
Improper use of vehicular hazard warning lamps and devices	<u>8-1745</u>	\$45
Improper air-conditioning equipment	<u>8-1747</u>	\$45
Improper safety belt or shoulder harness	<u>8-1749</u>	\$45
Improper wide-based single tires	<u>8-1742b</u>	\$75
Improper compression release engine braking system	<u>8-1761</u>	\$75
Defective motorcycle headlamp	<u>8-1801</u>	\$45
Defective motorcycle tail lamp	<u>8-1802</u>	\$45
Defective motorcycle reflector	<u>8-1803</u>	\$45
Defective motorcycle stop lamps and turn signals	<u>8-1804</u>	\$45
Defective multiple-beam lighting	<u>8-1805</u>	\$45
Improper road-lighting equipment on motor-driven cycles	<u>8-1806</u>	\$45
Defective motorcycle or motor-driven cycle brakes	<u>8-1807</u>	\$45
Improper performance ability of brakes	<u>8-1808</u>	\$45
Operating motorcycle with disapproved braking system	<u>8-1809</u>	\$45
Defective horn, muffler, mirrors or tires	<u>8-1810</u>	\$45
Unlawful statehouse parking	<u>75-4510a</u>	\$30
Exceeding gross weight of vehicle or combination	<u>8-1909</u>	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	<u>8-1908</u>	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	<u>66-1324</u>	\$287
Insufficient liability insurance for motor carriers	<u>66-1.128</u> or <u>66-1314</u>	\$137
Failure to obtain interstate motor fuel tax authorization	<u>79-34.122</u>	\$137
No authority as private or common carrier	<u>66-1.111</u>	\$137
Violation of motor carrier safety rules and regulations, except for violations specified in subsection (b)(2) of K.S.A. <u>66-1.130</u> , and amendments thereto	<u>66-1.129</u>	\$115

Excessive acceleration...section 1...\$100

(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

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.