

Substitute for HOUSE BILL No. 2040

Committee on Transportation

2-20

1 AN ACT regulating traffic; concerning ~~the~~ **negligent driving**; overtaking  
2 and passing of school buses; increasing the penalties for subsequent  
3 violations thereof; amending K.S.A. 2017 Supp. 8-2118 and repealing  
4 the existing section.

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

7  
8 ***New Section 1. (a) No person shall operate or halt any vehicle in***  
9 ***such a manner as to indicate a careless or heedless disregard for the***  
10 ***right or the safety of others, or inattentively in such a manner as to***  
11 ***endanger, or be likely to endanger, any person or property.***

12 ***(b) This section shall be a part of and supplemental to the uniform***  
13 ***act regulating traffic on highways.***

14 ~~Section 1.~~ **Sec. 2.** K.S.A. 2017 Supp. 8-2118 is hereby amended to  
15 read as follows: 8-2118. (a) A person charged with a traffic infraction shall,  
16 except as provided in subsection (b), appear at the place and time specified  
17 in the notice to appear. If the person enters an appearance, waives right to  
18 trial, pleads guilty or no contest, the fine shall be no greater than that  
19 specified in the uniform fine schedule in subsection (c) and court costs  
20 shall be taxed as provided by law.

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

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

1	only and is not a legal definition.		
2	<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
3	Refusal to submit to a prelim-	8-1012	\$105
4	inary breath test		
5	Unsafe speed for prevailing	8-1557	\$75
6	conditions		
7	Exceeding maximum speed	8-1558	1-10 mph over the
8	limit; or speeding in zone	to	limit, \$45
9	posted by the state depart-	8-1560	11-20 mph over the
10	ment of transportation; or	8-1560a	limit, \$45 plus \$6
11	speeding in locally posted	or	per mph over 10
12	zone	8-1560b	mph over the limit;
13			21-30 mph over the
14			limit, \$105 plus \$9
15			per mph over 20
16			mph over the limit;
17			31 and more mph
18			over the limit, \$195
19			plus \$15 per mph
20			over 30 mph over
21			the limit;
22	Disobeying traffic control de-	8-1507	\$75
23	vice		
24	Violating traffic control signal	8-1508	\$75
25	Violating pedestrian control	8-1509	\$45
26	signal		
27	Violating flashing traffic sig-	8-1510	\$75
28	nals		
29	Violating lane-control signal	8-1511	\$75
30	Unauthorized sign, signal,	8-1512	\$45
31	marking or device		
32	Driving on left side of road-	8-1514	\$75
33	way		
34	Failure to keep right to pass	8-1515	\$75
35	oncoming vehicle		
36	Improper passing; increasing	8-1516	\$75
37	speed when passed		
38	Improper passing on right	8-1517	\$75
39	Passing on left with insuffi-	8-1518	\$75
40	cient clearance		
41	Driving on left side where	8-1519	\$75
42	curve, grade, intersec-		
43	tion railroad crossing, or		

1	obstructed view		
2	Driving on left in no-passing	8-1520	\$75
3	zone		
4	Unlawful passing of stopped	8-1520a	\$75
5	emergency vehicle		
6	Driving wrong direction on	8-1521	\$75
7	one-way road		
8	Improper driving on laned	8-1522	\$75
9	roadway		
10	Following too close	8-1523	\$75
11	Improper crossover on di-	8-1524	\$45
12	vided highway		
13	Failure to yield right-of-way	8-1526	\$75
14	at uncontrolled intersection		
15	Failure to yield to approach-	8-1527	\$75
16	ing vehicle when turning		
17	left		
18	Failure to yield at stop or	8-1528	\$75
19	yield sign		
20	Failure to yield from private	8-1529	\$75
21	road or driveway		
22	Failure to yield to emergency	8-1530	\$195
23	vehicle		
24	Failure to yield to pedestrian	8-1531	\$105
25	or vehicle working on		
26	roadway		
27	Failure to comply with re-	8-1531a	\$45
28	strictions in road con-		
29	struction zone		
30	Disobeying pedestrian traffic	8-1532	\$45
31	control device		
32	Failure to yield to pedestrian	8-1533	\$75
33	in crosswalk; pedestrian		
34	suddenly entering road-		
35	way; passing vehicle		
36	stopped for pedestrian at		
37	crosswalk		
38	Improper pedestrian crossing	8-1534	\$45
39	Failure to exercise due care in	8-1535	\$45
40	regard to pedestrian		
41	Improper pedestrian move-	8-1536	\$45
42	ment in crosswalk		
43	Improper use of roadway by	8-1537	\$45

1	pedestrian		
2	Soliciting ride or business	8-1538	\$45
3	on roadway		
4	Driving through safety zone	8-1539	\$45
5	Failure to yield to pedestrian	8-1540	\$45
6	on sidewalk		
7	Failure of pedestrian to yield	8-1541	\$45
8	to emergency vehicle		
9	Failure to yield to blind pe-	8-1542	\$45
10	destrian		
11	Pedestrian disobeying bridge	8-1544	\$45
12	or railroad signal		
13	Improper turn or approach	8-1545	\$75
14	Improper "U" turn	8-1546	\$75
15	Unsafe starting of stopped	8-1547	\$45
16	vehicle		
17	Unsafe turning or stopping,	8-1548	\$75
18	failure to give proper sig-		
19	nal; using turn signal un-		
20	lawfully		
21	Improper method of giving	8-1549	\$45
22	notice of intention to turn		
23	Improper hand signal	8-1550	\$45
24	Failure to stop or obey	8-1551	\$195
25	road crossing signal		
26	Failure to stop at railroad	8-1552	\$135
27	crossing stop sign		
28	Certain hazardous vehicles	8-1553	\$195
29	failure to stop at railroad		
30	crossing		
31	Improper moving of heavy	8-1554	\$75
32	equipment at railroad		
33	crossing		
34	Vehicle emerging from alley,	8-1555	\$75
35	private roadway, building		
36	or driveway		
37	Improper passing of school	8-1556	\$315
38	bus; improper use of		
39	school bus signals		
40	Improper passing of church	8-1556a	\$195
41	or day-care bus; improper		
42	use of signals		
43	Impeding normal traffic	8-1561	\$45

1	by slow speed		
2	Speeding on motor-driven	8-1562	\$75
3	cycle		
4	Speeding in certain vehicles	8-1563	\$45
5	or on posted bridge		
6	Improper stopping, standing	8-1569	\$45
7	or parking on roadway		
8	Parking, standing or stopping	8-1571	\$45
9	in prohibited area		
10	Improper parking	8-1572	\$45
11	Unattended vehicle	8-1573	\$45
12	Improper backing	8-1574	\$45
13	Driving on sidewalk	8-1575	\$45
14	Driving with view or driving	8-1576	\$45
15	mechanism obstructed		
16	Unsafe opening of vehicle	8-1577	\$45
17	door		
18	Riding in house trailer	8-1578	\$45
19	Unlawful riding on vehicle	8-1578a	\$75
20	Improper driving in defiles,	8-1579	\$45
21	canyons, or on grades		
22	Coasting	8-1580	\$45
23	Following fire apparatus too	8-1581	\$75
24	closely		
25	Driving over fire hose	8-1582	\$45
26	Putting glass, etc., on high-	8-1583	\$105
27	way		
28	Driving into intersection,	8-1584	\$45
29	crosswalk, or crossing		
30	without sufficient space		
31	on other side		
32	Improper operation of snow-	8-1585	\$45
33	mobile on highway		
34	Parental responsibility of	8-1586	\$45
35	child riding bicycle		
36	Not riding on bicycle seat;	8-1588	\$45
37	too many persons on		
38	bicycle		
39	Clinging to other vehicle	8-1589	\$45
40	Improper riding of bicycle on	8-1590	\$45
41	roadway		
42	Carrying articles on bicycle;	8-1591	\$45
43	one hand on handlebars		

1	Improper bicycle lamps,	8-1592	\$45
2	brakes or reflectors		
3	Improper operation of mo-	8-1594	\$45
4	torcycle; seats; passen-		
5	gers, bundles		
6	Improper operation of mo-	8-1595	\$75
7	torcycle on laned road		
8	way		
9	Motorcycle clinging to other	8-1596	\$45
10	vehicle		
11	Improper motorcycle handle-	8-1597	\$75
12	bars or passenger		
13	equipment		
14	Motorcycle helmet and eye-	8-1598	\$45
15	protection requirements		
16	Unlawful operation of all-ter-	8-15,100	\$75
17	rain vehicle		
18	Unlawful operation of	8-15,101	\$75
19	low-speed vehicle		
20	Littering	8-15,102	\$115
21	Disobeying school crossing	8-15,103	\$75
22	guard		
23	Unlawful operation of micro	8-15,106	\$75
24	utility truck		
25	Failure to remove vehicles in	8-15,107	\$75
26	accidents		
27	Unlawful operation of golf	8-15,108	\$75
28	cart		
29	Unlawful operation of work-	8-15,109	\$75
30	site utility vehicle		
31	Unlawful display of license	8-15,110	\$60
32	plate		
33	Unlawful text messaging	8-15,111	\$60
34	<b><i>Negligent driving</i></b>	<b><i>section 1</i></b>	<b><i>\$45</i></b>
35	Equipment offenses that are	8-1701	\$75
36	not misdemeanors		
37	Driving without lights when	8-1703	\$45
38	needed		
39	Defective headlamps	8-1705	\$45
40	Defective tail lamps	8-1706	\$45
41	Defective reflector	8-1707	\$45
42	Improper stop lamp or turn	8-1708	\$45
43	signal		

1	Improper lighting equipment	8-1710	\$45
2	on certain vehicles		
3	Improper lamp color on cer-	8-1711	\$45
4	tain vehicles		
5	Improper mounting of re-	8-1712	\$45
6	flectors and lamps on cer-		
7	tain vehicles		
8	Improper visibility of reflec-	8-1713	\$45
9	tors and lamps on certain		
10	vehicles		
11	No lamp or flag on projecting	8-1715	\$75
12	load		
13	Improper lamps on parked	8-1716	\$45
14	vehicle		
15	Improper lights, lamps, re-	8-1717	\$45
16	flectors and emblems on		
17	farm tractors or slow-		
18	moving vehicles		
19	Improper lamps and equip-	8-1718	\$45
20	ment on implements of		
21	husbandry, road machin-		
22	ery or animal-drawn ve-		
23	hicles		
24	Unlawful use of spot, fog, or	8-1719	\$45
25	auxiliary lamp		
26	Improper lamps or lights on	8-1720	\$45
27	emergency vehicle		
28	Improper stop or turn signal	8-1721	\$45
29	Improper vehicular hazard	8-1722	\$45
30	warning lamp		
31	Unauthorized additional	8-1723	\$45
32	lighting equipment		
33	Improper multiple-beam lights	8-1724	\$45
34	Failure to dim headlights	8-1725	\$75
35	Improper single-beam head-	8-1726	\$45
36	lights		
37	Improper speed with alter-	8-1727	\$45
38	nate lighting		
39	Improper number of driving	8-1728	\$45
40	lamps		
41	Unauthorized lights and sig-	8-1729	\$45
42	nals		
43	Improper school bus lighting	8-1730	\$45

1	equipment and warning		
2	devices		
3	Unauthorized lights and de-	8-1730a	\$45
4	vices on church or day-		
5	care bus		
6	Improper lights on highway	8-1731	\$45
7	construction or maintenance		
8	vehicles		
9	Defective brakes	8-1734	\$45
10	Defective or improper use of	8-1738	\$45
11	horn or warning device		
12	Defective muffler	8-1739	\$45
13	Defective mirror	8-1740	\$45
14	Defective wipers; obstructed	8-1741	\$45
15	windshield or windows		
16	Improper tires	8-1742	\$45
17	Improper flares or warning	8-1744	\$45
18	devices		
19	Improper use of vehicular	8-1745	\$45
20	hazard warning lamps		
21	and devices		
22	Improper air-conditioning	8-1747	\$45
23	equipment		
24	Improper safety belt or	8-1749	\$45
25	shoulder harness		
26	Improper wide-based single	8-1742b	\$75
27	tires		
28	Improper compression re-	8-1761	\$75
29	lease engine braking sys-		
30	tem		
31	Defective motorcycle head-	8-1801	\$45
32	lamp		
33	Defective motorcycle tail	8-1802	\$45
34	lamp		
35	Defective motorcycle reflec-	8-1803	\$45
36	tor		
37	Defective motorcycle stop	8-1804	\$45
38	lamps and turn signals		
39	Defective multiple-beam	8-1805	\$45
40	lighting		
41	Improper road-lighting equip-	8-1806	\$45
42	ment on motor-driven cy-		
43	cles		



1	Defective motorcycle or mo-	8-1807	\$45
2	tor-driven cycle brakes		
3	Improper performance abil-	8-1808	\$45
4	ity of brakes		
5	Operating motorcycle with	8-1809	\$45
6	disapproved braking sys-		
7	tem		
8	Defective horn, muffler, mir-	8-1810	\$45
9	rors or tires		
10	Unlawful statehouse parking	75-4510a	\$30
11	Exceeding gross weight of	8-1909	Pounds Overweight
12	vehicle or combination		up to 1000.....\$40
13			1001 to 2000.....3¢
14			per pound
15			2001 to 5000.....5¢
16			per pound
17			5001 to 7500.....7¢
18			per pound
19			7501 and over.....10¢
20			per pound
21	Exceeding gross weight on	8-1908	Pounds Overweight
22	any axle or tandem,		up to 1000.....\$40
23	triple or quad axles		1001 to 2000.....3¢
24			per pound
25			2001 to 5000.....5¢
26			per pound
27			5001 to 7500.....7¢
28			per pound
29			7501 and over.....10¢
30			per pound
31	Failure to obtain proper re-	66-1324	\$287
32	gistration, clearance or		
33	to have current cer-		
34	tification		
35	Insufficient liability insur-	66-1,128	\$137
36	ance for motor carriers	or 66-1314	
37	Failure to obtain interstate	79-34,122	\$137
38	motor fuel tax author-		
39	ization		
40	No authority as private or	66-1,111	\$137
41	common carrier		
42	Violation of motor carrier	66-1,129	\$115
43	safety rules and regula-		

1 tions, except for viola-  
2 tions specified in sub-  
3 —section (b)(2) of K.S.A.  
4 66-1,130(b)(2), and amend-  
5 ments thereto

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

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

19 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and  
20 amendments thereto, within two years after a prior conviction of K.S.A. 8-  
21 1908 or 8-1909, and amendments thereto, such person, upon conviction  
22 shall be fined 1½ times the applicable amount from one, but not both, of  
23 the schedules listed in the uniform fine schedule contained in subsection  
24 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments  
25 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or  
26 8-1909, and amendments thereto, such person, upon conviction shall be  
27 fined two times the applicable amount from one, but not both, of the  
28 schedules listed in the uniform fine schedule contained in subsection (c).  
29 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,  
30 and amendments thereto, within two years after three prior convictions of  
31 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon  
32 conviction shall be fined 2½ times the applicable amount from one, but not  
33 both, of the schedules listed in the uniform fine schedule contained in  
34 subsection (c).

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

40 (h) *For a second violation of K.S.A. 8-1556, and amendments thereto,*  
41 *within five years after a prior conviction of K.S.A. 8-1556, and*  
42 *amendments thereto, such person, upon conviction, shall be fined \$750 for*  
43 *the second violation. For a third and each succeeding violation of K.S.A.*

1 *8-1556, and amendments thereto, within five years after two prior*  
2 *convictions of K.S.A. 8-1556, and amendments thereto, such person, upon*  
3 *conviction, shall be fined \$1,000 for the third and each succeeding*  
4 *violation.*

5     Sec. ~~2~~ 3. K.S.A. 2017 Supp. 8-2118 is hereby repealed.

6     Sec. ~~3~~ 4. This act shall take effect and be in force from and after its  
7 publication in the statute book.