

## HOUSE BILL No. 2497

By Committee on Transportation

1-24

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1 AN ACT concerning traffic regulations; relating to the duty of drivers  
2 approaching stationary vehicles; penalty for unlawful passing;  
3 amending K.S.A. 2019 Supp. 8-2118 and repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) The driver of a motor vehicle, upon approaching  
7 a stationary vehicle displaying vehicular hazard warning signal lamps, as  
8 required by K.S.A. 8-1722, and amendments thereto, shall do either of the  
9 following:

10 (1) If the driver of the motor vehicle is traveling on a highway that  
11 consists of at least two lanes that carry traffic in the same direction of  
12 travel as that of the driver's motor vehicle, the driver shall proceed with  
13 due caution and, if possible and with due regard to the road, weather and  
14 traffic conditions, shall change lanes into a lane that is not adjacent to that  
15 of the stationary vehicle; or

16 (2) if the driver is not traveling on a highway of a type described in  
17 paragraph (1), or if the driver is traveling on a highway of that type but it  
18 is not possible to change lanes or if to do so would be unsafe, the driver  
19 shall proceed with due caution, reduce the speed of the motor vehicle and  
20 maintain a safe speed for the road, weather and traffic conditions.

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

23 Sec. 2. K.S.A. 2019 Supp. 8-2118 is hereby amended to read as  
24 follows: 8-2118. (a) A person charged with a traffic infraction shall,  
25 except as provided in subsection (b), appear at the place and time specified  
26 in the notice to appear. If the person enters an appearance, waives right to  
27 trial, pleads guilty or no contest, the fine shall be no greater than that  
28 specified in the uniform fine schedule in subsection (c) and court costs  
29 shall be taxed as provided by law.

30 (b) Prior to the time specified in the notice to appear, a person  
31 charged with a traffic infraction may enter a written appearance, waive  
32 right to trial, plead guilty or no contest and pay the fine for the violation as  
33 specified in the uniform fine schedule in subsection (c) and court costs  
34 provided by law. Payment may be made in any manner accepted by the  
35 court. The traffic citation shall not have been complied with if the payment  
36 is not honored for any reason, or if the fine and court costs are not paid in

1 full. When a person charged with a traffic infraction makes payment  
 2 without executing a written waiver of right to trial and plea of guilty or no  
 3 contest, the payment shall be deemed such an appearance, waiver of right  
 4 to trial and plea of no contest.

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
11 Unsafe speed for prevailing 12 conditions	8-1557	\$75
13 Exceeding maximum speed 14 limit; or speeding in zone 15 posted by the state depart- 16 ment of transportation; or 17 speeding in locally posted 18 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;
20 Disobeying traffic control de- 21 vice	8-1507	\$75
22 Violating traffic control signal	8-1508	\$75
23 Violating pedestrian control 24 signal	8-1509	\$45
25 Violating flashing traffic signals	8-1510	\$75
26 Violating lane-control signal	8-1511	\$75
27 Unauthorized sign, signal, 28 marking or device	8-1512	\$45
29 Driving on left side of roadway	8-1514	\$75
30 Failure to keep right to pass 31 oncoming vehicle	8-1515	\$75
32 Improper passing; increasing 33 speed when passed	8-1516	\$75

1	Improper passing on right	8-1517	\$75
2	Passing on left with insuffi-	8-1518	\$75
3	cient clearance		
4	Driving on left side where	8-1519	\$75
5	curve, grade, intersec-		
6	tion railroad crossing, or		
7	obstructed view		
8	Driving on left in no-passing	8-1520	\$75
9	zone		
10	Unlawful passing of stopped	8-1520a	\$75
11	emergency vehicle		
12	Driving wrong direction on	8-1521	\$75
13	one-way road		
14	Improper driving on laned	8-1522	\$75
15	roadway		
16	Following too close	8-1523	\$75
17	Improper crossover on di-	8-1524	\$45
18	vided highway		
19	Failure to yield right-of-way	8-1526	\$75
20	at uncontrolled intersection		
21	Failure to yield to approach-	8-1527	\$75
22	ing vehicle when turning		
23	left		
24	Failure to yield at stop or	8-1528	\$75
25	yield sign		
26	Failure to yield from private	8-1529	\$75
27	road or driveway		
28	Failure to yield to emergency	8-1530	\$195
29	vehicle		
30	Failure to yield to pedestrian	8-1531	\$105
31	or vehicle working on		
32	roadway		
33	Failure to comply with re-	8-1531a	\$45
34	strictions in road con-		
35	struction zone		
36	Disobeying pedestrian traffic	8-1532	\$45
37	control device		
38	Failure to yield to pedestrian	8-1533	\$75
39	in crosswalk; pedestrian		
40	suddenly entering road-		
41	way; passing vehicle		
42	stopped for pedestrian at		
43	crosswalk		

1	Improper pedestrian crossing	8-1534	\$45
2	Failure to exercise due care in	8-1535	\$45
3	regard to pedestrian		
4	Improper pedestrian move-	8-1536	\$45
5	ment in crosswalk		
6	Improper use of roadway by	8-1537	\$45
7	pedestrian		
8	Soliciting ride or business	8-1538	\$45
9	on roadway		
10	Driving through safety zone	8-1539	\$45
11	Failure to yield to pedestrian	8-1540	\$45
12	on sidewalk		
13	Failure of pedestrian to yield	8-1541	\$45
14	to emergency vehicle		
15	Failure to yield to blind pe-	8-1542	\$45
16	destrian		
17	Pedestrian disobeying bridge	8-1544	\$45
18	or railroad signal		
19	Improper turn or approach	8-1545	\$75
20	Improper "U" turn	8-1546	\$75
21	Unsafe starting of stopped	8-1547	\$45
22	vehicle		
23	Unsafe turning or stopping,	8-1548	\$75
24	failure to give proper sig-		
25	nal; using turn signal un-		
26	lawfully		
27	Improper method of giving	8-1549	\$45
28	notice of intention to turn		
29	Improper hand signal	8-1550	\$45
30	Failure to stop or obey	8-1551	\$195
31	road crossing signal		
32	Failure to stop at railroad	8-1552	\$135
33	crossing stop sign		
34	Certain hazardous vehicles	8-1553	\$195
35	failure to stop at railroad		
36	crossing		
37	Improper moving of heavy	8-1554	\$75
38	equipment at railroad		
39	crossing		
40	Vehicle emerging from alley,	8-1555	\$75
41	private roadway, building		
42	or driveway		
43	Improper passing of school	8-1556	\$315

1	bus; improper use of		
2	school bus signals		
3	Improper passing of church	8-1556a	\$195
4	or day-care bus; improper		
5	use of signals		
6	Impeding normal traffic	8-1561	\$45
7	by slow speed		
8	Speeding on motor-driven	8-1562	\$75
9	cycle		
10	Speeding in certain vehicles	8-1563	\$45
11	or on posted bridge		
12	Improper stopping, standing	8-1569	\$45
13	or parking on roadway		
14	Parking, standing or stopping	8-1571	\$45
15	in prohibited area		
16	Improper parking	8-1572	\$45
17	Unattended vehicle	8-1573	\$45
18	Improper backing	8-1574	\$45
19	Driving on sidewalk	8-1575	\$45
20	Driving with view or driving	8-1576	\$45
21	mechanism obstructed		
22	Unsafe opening of vehicle	8-1577	\$45
23	door		
24	Riding in house trailer	8-1578	\$45
25	Unlawful riding on vehicle	8-1578a	\$75
26	Improper driving in defiles,	8-1579	\$45
27	canyons, or on grades		
28	Coasting	8-1580	\$45
29	Following fire apparatus too	8-1581	\$75
30	closely		
31	Driving over fire hose	8-1582	\$45
32	Putting glass, etc., on high-	8-1583	\$105
33	way		
34	Driving into intersection,	8-1584	\$45
35	crosswalk, or crossing		
36	without sufficient space		
37	on other side		
38	Improper operation of snow-	8-1585	\$45
39	mobile on highway		
40	Parental responsibility of	8-1586	\$45
41	child riding bicycle		
42	Not riding on bicycle seat;	8-1588	\$45
43	too many persons on		

1	bicycle		
2	Clinging to other vehicle	8-1589	\$45
3	Improper riding of bicycle on	8-1590	\$45
4	roadway		
5	Carrying articles on bicycle;	8-1591	\$45
6	one hand on handlebars		
7	Improper bicycle lamps,	8-1592	\$45
8	brakes or reflectors		
9	Improper operation of mo-	8-1594	\$45
10	torcycle; seats; passen-		
11	gers, bundles		
12	Improper operation of motor	8-1595	\$75
13	cycle on laned roadway		
14	Motorcycle clinging to other	8-1596	\$45
15	vehicle		
16	Improper motorcycle handle-	8-1597	\$75
17	bars or passenger		
18	equipment		
19	Motorcycle helmet and eye-	8-1598	\$45
20	protection requirements		
21	Unlawful operation of all-ter-	8-15,100	\$75
22	rain vehicle		
23	Unlawful operation of	8-15,101	\$75
24	low-speed vehicle		
25	Littering	8-15,102	\$115
26	Disobeying school crossing	8-15,103	\$75
27	guard		
28	Unlawful operation of micro	8-15,106	\$75
29	utility truck		
30	Failure to remove vehicles in	8-15,107	\$75
31	accidents		
32	Unlawful operation of golf	8-15,108	\$75
33	cart		
34	Unlawful operation of work-	8-15,109	\$75
35	site utility vehicle		
36	Unlawful display of license	8-15,110	\$60
37	plate		
38	Unlawful text messaging	8-15,111	\$60
39	Unlawful passing of a waste	8-15,112	\$45
40	collection vehicle		
41	<i>Unlawful passing of a</i>		
42	<i>stationary vehicle</i>	<i>section 1</i>	<i>\$45</i>
43	Equipment offenses that are	8-1701	\$75

1	not misdemeanors		
2	Driving without lights when	8-1703	\$45
3	needed		
4	Defective headlamps	8-1705	\$45
5	Defective tail lamps	8-1706	\$45
6	Defective reflector	8-1707	\$45
7	Improper stop lamp or turn	8-1708	\$45
8	signal		
9	Improper lighting equipment	8-1710	\$45
10	on certain vehicles		
11	Improper lamp color on cer-	8-1711	\$45
12	tain vehicles		
13	Improper mounting of re-	8-1712	\$45
14	flectors and lamps on cer-		
15	tain vehicles		
16	Improper visibility of reflec-	8-1713	\$45
17	tors and lamps on certain		
18	vehicles		
19	No lamp or flag on projecting	8-1715	\$75
20	load		
21	Improper lamps on parked	8-1716	\$45
22	vehicle		
23	Improper lights, lamps, re-	8-1717	\$45
24	flectors and emblems on		
25	farm tractors or slow-		
26	moving vehicles		
27	Improper lamps and equip-	8-1718	\$45
28	ment on implements of		
29	husbandry, road machin-		
30	ery or animal-drawn ve-		
31	hicles		
32	Unlawful use of spot, fog, or	8-1719	\$45
33	auxiliary lamp		
34	Improper lamps or lights on	8-1720	\$45
35	emergency vehicle		
36	Improper stop or turn signal	8-1721	\$45
37	Improper vehicular hazard	8-1722	\$45
38	warning lamp		
39	Unauthorized additional	8-1723	\$45
40	lighting equipment		
41	Improper multiple-beam lights	8-1724	\$45
42	Failure to dim headlights	8-1725	\$75
43	Improper single-beam head-	8-1726	\$45

1	lights		
2	Improper speed with alter-	8-1727	\$45
3	nate lighting		
4	Improper number of driving	8-1728	\$45
5	lamps		
6	Unauthorized lights and sig-	8-1729	\$45
7	nals		
8	Improper school bus lighting	8-1730	\$45
9	equipment and warning		
10	devices		
11	Unauthorized lights and de-	8-1730a	\$45
12	vices on church or day-		
13	care bus		
14	Improper lights on highway	8-1731	\$45
15	construction or maintenance		
16	vehicles		
17	Defective brakes	8-1734	\$45
18	Defective or improper use of	8-1738	\$45
19	horn or warning device		
20	Defective muffler	8-1739	\$45
21	Defective mirror	8-1740	\$45
22	Defective wipers; obstructed	8-1741	\$45
23	windshield or windows		
24	Improper tires	8-1742	\$45
25	Improper flares or warning	8-1744	\$45
26	devices		
27	Improper use of vehicular	8-1745	\$45
28	hazard warning lamps		
29	and devices		
30	Improper air-conditioning	8-1747	\$45
31	equipment		
32	Improper safety belt or	8-1749	\$45
33	shoulder harness		
34	Improper wide-based single	8-1742b	\$75
35	tires		
36	Improper compression re-	8-1761	\$75
37	lease engine braking sys-		
38	tem		
39	Defective motorcycle head-	8-1801	\$45
40	lamp		
41	Defective motorcycle tail	8-1802	\$45
42	lamp		
43	Defective motorcycle reflec-	8-1803	\$45



1	tor		
2	Defective motorcycle stop	8-1804	\$45
3	lamps and turn signals		
4	Defective multiple-beam	8-1805	\$45
5	lighting		
6	Improper road-lighting equip-	8-1806	\$45
7	ment on motor-driven cy-		
8	cles		
9	Defective motorcycle or mo-	8-1807	\$45
10	tor-driven cycle brakes		
11	Improper performance abil-	8-1808	\$45
12	ity of brakes		
13	Operating motorcycle with	8-1809	\$45
14	disapproved braking sys-		
15	tem		
16	Defective horn, muffler, mir-	8-1810	\$45
17	rors or tires		
18	Unlawful statehouse parking	75-4510a	\$30
19	Exceeding gross weight of	8-1909	Pounds Overweight
20	vehicle or combination		up to 1000.....\$40
21			1001 to 2000.....3¢
22			per pound
23			2001 to 5000.....5¢
24			per pound
25			5001 to 7500.....7¢
26			per pound
27			7501 and over.....10¢
28			per pound
29	Exceeding gross weight on	8-1908	Pounds Overweight
30	any axle or tandem,		up to 1000.....\$40
31	triple or quad axles		1001 to 2000.....3¢
32			per pound
33			2001 to 5000.....5¢
34			per pound
35			5001 to 7500.....7¢
36			per pound
37			7501 and over.....10¢
38			per pound
39	Failure to obtain proper re-	66-1324	\$287
40	gistration, clearance or		
41	to have current cer-		
42	tification		
43	Insufficient liability insur-	66-1,128	\$137

1	ance for motor carriers	or 66-1314	
2	Failure to obtain interstate	79-34,122	\$137
3	motor fuel tax author-		
4	ization		
5	No authority as private or	66-1,111	\$137
6	common carrier		
7	Violation of motor carrier	66-1,129	\$115
8	safety rules and regula-		
9	tions, except for viola-		
10	tions specified in K.S.A.		
11	66-1,130(b)(2), and		
12	amendments thereto		

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

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

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

42 (g) Fines listed in the uniform fine schedule contained in subsection  
 43 (c) relating to exceeding the maximum speed limit, shall be doubled if a

1 person is convicted of exceeding the maximum speed limit in a school  
2 zone authorized under K.S.A. 8-1560(a)(4), and amendments thereto.

3 (h) For a second violation of K.S.A. 8-1556, and amendments thereto,  
4 within five years after a prior conviction of K.S.A. 8-1556, and  
5 amendments thereto, such person, upon conviction, shall be fined \$750 for  
6 the second violation. For a third and each succeeding violation of K.S.A.  
7 8-1556, and amendments thereto, within five years after two prior  
8 convictions of K.S.A. 8-1556, and amendments thereto, such person, upon  
9 conviction, shall be fined \$1,000 for the third and each succeeding  
10 violation.

11 Sec. 3. K.S.A. 2019 Supp. 8-2118 is hereby repealed.

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