

SENATE BILL No. 267

By Senator Doll

1-15

1 AN ACT concerning traffic regulations; relating to ~~the penalties for~~  
2 ~~violation of size and weight laws; classifying violations of~~ **exempting**  
3 **the transport of agricultural forage commodities from** the secured  
4 loads statute as a traffic infraction; amending K.S.A. 2019 Supp. 8-  
5 2116 **8-1906** and repealing the existing section.

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

8 Section 1. ~~K.S.A. 2019 Supp. 8-2116 is hereby amended to read as~~  
9 ~~follows: 8-2116. (a) Every person convicted of violating K.S.A. 8-1906,~~  
10 ~~8-2503, and amendments thereto, or violating any of the sections listed in~~  
11 ~~the uniform fine schedule in K.S.A. 8-2118, and amendments thereto, is~~  
12 ~~guilty of a traffic infraction.~~

13 ~~(b) Except where another penalty or class of misdemeanor is~~  
14 ~~provided by statute, every person convicted of violating any provision of~~  
15 ~~the uniform act regulating traffic on highways designated as a~~  
16 ~~misdemeanor is guilty of a class C misdemeanor, except that upon a~~  
17 ~~second such offense committed within one year after the date of the first~~  
18 ~~such offense, upon conviction thereof, such person is guilty of a class B~~  
19 ~~misdemeanor, and upon a third or subsequent such offense committed~~  
20 ~~within one year after the first such offense, upon conviction thereof, such~~  
21 ~~person is guilty of a class A misdemeanor.~~

22 **Section 1. K.S.A. 8-1906 is hereby amended to read as follows: 8-**  
23 **1906. (a) No vehicle shall be driven or moved on any highway unless**  
24 **such vehicle is so constructed or loaded as to prevent any of its load**  
25 **from dropping, sifting, leaking or otherwise escaping therefrom, except**  
26 **that:**

27 **(1) This section shall not prohibit the necessary spreading of any**  
28 **substance in highway maintenance or construction operations; and**

29 **(2) (A) subsections (a) and (c) shall not apply to:**

30 **(i) Trailers or semitrailers when hauling livestock if such trailers or**  
31 **semitrailers are properly equipped with a cleanout trap and such trap is**  
32 **operated in a closed position unless material is intentionally spilled**  
33 **when the trap is in a closed position; or**

34 **(ii) trucks, trailers or semitrailers when hauling agricultural forage**  
35 **commodities intrastate from the place of production to a market or place**  
36 **of storage. The provisions of this subsection (a)(2)(A)(ii) shall not apply to**

1 *trucks, trailers or semitrailers hauling:*

2 *(a) Hay bales; or*

3 *(b) other packaged or bundled forage commodities.*

4 ***(B) Paragraph (2)(A)(i) shall not apply to trailers or semitrailers***  
5 ***used for hauling livestock when livestock are not being hauled in such***  
6 ***trailers or semitrailers.***

7 ***(b) All trailers or semitrailers used for hauling livestock shall be***  
8 ***cleaned out periodically.***

9 ***(c) No person shall operate on any highway any vehicle with any***  
10 ***load unless such load and any covering thereon is securely fastened so***  
11 ***as to prevent the covering or load from becoming loose, detached or in***  
12 ***any manner a hazard to other users of the highway.***

13 Sec. 2. ~~K.S.A. 2019 Supp. 8-2116~~ ***8-1906*** is hereby repealed.

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