

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2107

By Representative Collins

1-21

1 AN ACT concerning funeral processions; relating to the regulation thereof;
2 creating a violation for not yielding the right-of-way to funeral
3 processions; amending K.S.A. 2020 Supp. 8-2118 and repealing the
4 existing section; also repealing K.S.A. 2020 Supp. 8-2118c.

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

7 New Section 1. As used in sections 1 through § 4, and amendments
8 thereto:

9 (a) "Funeral procession" means two or more vehicles accompanying
10 the body of a deceased person, or traveling to the cemetery, church, chapel
11 or other location where the funeral service is to be held, in the daylight
12 hours, including a funeral lead vehicle or a funeral escort.

13 (b) "Funeral lead vehicle" means any authorized law enforcement or
14 nonlaw enforcement motor vehicle properly equipped pursuant to K.S.A.
15 8-1723, and amendments thereto, or a funeral escort vehicle being used to
16 lead and facilitate the movement of a funeral procession. A funeral hearse
17 may serve as a funeral lead vehicle.

18 (c) "Funeral escort" means a person or entity that provides escort
19 services for funeral processions, including law enforcement personnel and
20 agencies and groups designated to escort ~~military~~ funeral processions.

21 New Sec. 2. (a) Notwithstanding any provision of state law or local
22 ordinance relating to traffic control devices or right-of-way provisions,
23 pedestrians and operators of all vehicles, except as stated in subsection (c),
24 shall yield the right-of-way to any vehicle that is a part of a funeral
25 procession being led by a funeral lead vehicle or accompanied by a funeral
26 escort.

27 (b) Except as provided in subsection (c), when the funeral lead
28 vehicle lawfully enters an intersection, either by reason of a traffic control
29 device or at the direction of law enforcement personnel, the remaining
30 vehicles in the funeral procession may follow such funeral lead vehicle
31 through the intersection regardless of any traffic control devices or right-
32 of-way provisions prescribed by state law, city ordinance or county
33 resolution.

34 (c) Funeral processions shall have the right-of-way at intersections
35 regardless of traffic control devices, subject to the following conditions
36 and exceptions:

1 (1) Operators of vehicles in a funeral procession shall yield the right-
2 of-way to an approaching authorized emergency vehicle, as defined in
3 K.S.A. 8-1404, and amendments thereto, using an audible signal meeting
4 the requirements of K.S.A. 8-1738, and amendments thereto, or a visual
5 signal meeting the requirements of K.S.A. 8-1720, and amendments
6 thereto;

7 (2) operators of vehicles in a funeral procession shall yield the right-
8 of-way when directed by a police officer;

9 (3) operators of vehicles in a funeral procession shall exercise due
10 care when participating in a funeral procession and avoid colliding with
11 any other vehicle or pedestrian in accordance with K.S.A. 8-1535, and
12 amendments thereto; and

13 (4) an operator of a vehicle in a funeral procession shall not have the
14 right-of-way at an intersection, if the vehicle is more than 300 feet behind
15 the immediately preceding vehicle in the funeral procession.

16 New Sec. 3. (a) All vehicles comprising a funeral procession shall
17 follow the preceding vehicle in the funeral procession as closely as is
18 practical and safe.

19 (b) In accordance with K.S.A. 8-1523, and amendments thereto, any
20 state law, city ordinance or county resolution stating that motor vehicles
21 shall be operated to allow sufficient space, enabling any other vehicle to
22 enter and occupy such space without danger, shall not be applicable to
23 funeral processions.

24 (c) Each vehicle that is a part of a funeral procession shall have such
25 vehicle's headlights, either high beam or low beam, and tail lights lighted
26 and may also use flashing hazard lights if the vehicle is so equipped.

27 New Sec. 4. Nothing in sections 1 through 3, and amendments
28 thereto, shall be construed to prohibit any city or county from requiring:

29 (a) A law enforcement or nonlaw enforcement funeral lead vehicle or
30 funeral escort for a funeral procession. A city or county and may require
31 prior notice of a planned funeral procession be given to the city police
32 department or the county sheriff; or

33 (b) compliance with any other city ordinance or county resolution,
34 not in conflict with the provisions of sections 1 through 3, **and**
35 **amendments thereto.**

36 **New Sec. 5. Sections 1 through 4, and amendments thereto, shall be**
37 **a part of and supplemental to the uniform act regulating traffic on**
38 **highways.**

39 ~~Sec. 6.~~ K.S.A. 2020 Supp. 8-2118 is hereby amended to read as
40 follows: 8-2118. (a) A person charged with a traffic infraction shall, except
41 as provided in subsection (b), appear at the place and time specified in the
42 notice to appear. If the person enters an appearance, waives right to trial,
43 pleads guilty or no contest, the fine shall be no greater than that specified

1 in the uniform fine schedule in subsection (c) and court costs shall be
 2 taxed as provided by law.

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
20 Unsafe speed for prevailing	8-1557	\$75
21 conditions		
22 Exceeding maximum speed	8-1558	1-10 mph over the
23 limit; or speeding in zone	to	limit, \$45
24 posted by the state depart-	8-1560	
25 ment of transportation; or	8-1560a	11-20 mph over the
26 speeding in locally posted	or	limit, \$45 plus \$6
27 zone	8-1560b	per mph over 10
28		mph over the limit;
29		21-30 mph over the
30		limit, \$105 plus \$9
31		per mph over 20
32		mph over the limit;
33		31 and more mph
34		over the limit, \$195
35		plus \$15 per mph
36		over 30 mph over
37		the limit;
38		
39 Disobeying traffic control de-	8-1507	\$75
40 vice		
41 Violating traffic control signal	8-1508	\$75
42 Violating pedestrian control	8-1509	\$45
43 signal		

1	Violating flashing traffic signals	8-1510	\$75
2	Violating lane-control signal	8-1511	\$75
3	Unauthorized sign, signal,	8-1512	\$45
4	marking or device		
5	Driving on left side of roadway	8-1514	\$75
6	Failure to keep right to pass	8-1515	\$75
7	oncoming vehicle		
8	Improper passing; increasing	8-1516	\$75
9	speed when passed		
10	Improper passing on right	8-1517	\$75
11	Passing on left with insuffi-	8-1518	\$75
12	cient clearance		
13	Driving on left side where	8-1519	\$75
14	curve, grade, intersec-		
15	tion railroad crossing, or		
16	obstructed view		
17	Driving on left in no-passing	8-1520	\$75
18	zone		
19	Unlawful passing of stopped	8-1520a	\$75
20	emergency vehicle		
21	Driving wrong direction on	8-1521	\$75
22	one-way road		
23	Improper driving on laned	8-1522	\$75
24	roadway		
25	Following too close	8-1523	\$75
26	Improper crossover on di-	8-1524	\$45
27	vided highway		
28	Failure to yield right-of-way	8-1526	\$75
29	at uncontrolled intersection		
30	Failure to yield to approach-	8-1527	\$75
31	ing vehicle when turning		
32	left		
33	Failure to yield at stop or	8-1528	\$75
34	yield sign		
35	Failure to yield from private	8-1529	\$75
36	road or driveway		
37	Failure to yield to emergency	8-1530	\$195
38	vehicle		
39	Failure to yield to pedestrian	8-1531	\$105
40	or vehicle working on		
41	roadway		
42	Failure to comply with re-	8-1531a	\$45
43	strictions in road con-		

1	struction zone		
2	Disobeying pedestrian traffic	8-1532	\$45
3	control device		
4	Failure to yield to pedestrian	8-1533	\$75
5	in crosswalk; pedestrian		
6	suddenly entering road-		
7	way; passing vehicle		
8	stopped for pedestrian at		
9	crosswalk		
10	Improper pedestrian crossing	8-1534	\$45
11	Failure to exercise due care in	8-1535	\$45
12	regard to pedestrian		
13	Improper pedestrian move-	8-1536	\$45
14	ment in crosswalk		
15	Improper use of roadway by	8-1537	\$45
16	pedestrian		
17	Soliciting ride or business	8-1538	\$45
18	on roadway		
19	Driving through safety zone	8-1539	\$45
20	Failure to yield to pedestrian	8-1540	\$45
21	on sidewalk		
22	Failure of pedestrian to yield	8-1541	\$45
23	to emergency vehicle		
24	Failure to yield to blind pe-	8-1542	\$45
25	destrian		
26	Pedestrian disobeying bridge	8-1544	\$45
27	or railroad signal		
28	Improper turn or approach	8-1545	\$75
29	Improper "U" turn	8-1546	\$75
30	Unsafe starting of stopped	8-1547	\$45
31	vehicle		
32	Unsafe turning or stopping,	8-1548	\$75
33	failure to give proper sig-		
34	nal; using turn signal un-		
35	lawfully		
36	Improper method of giving	8-1549	\$45
37	notice of intention to turn		
38	Improper hand signal	8-1550	\$45
39	Failure to stop or obey	8-1551	\$195
40	road crossing signal		
41	Failure to stop at railroad	8-1552	\$135
42	crossing stop sign		
43	Certain hazardous vehicles	8-1553	\$195

1	failure to stop at railroad		
2	crossing		
3	Improper moving of heavy	8-1554	\$75
4	equipment at railroad		
5	crossing		
6	Vehicle emerging from alley,	8-1555	\$75
7	private roadway, building		
8	or driveway		
9	Improper passing of school	8-1556	\$315
10	bus; improper use of		
11	school bus signals		
12	Improper passing of church	8-1556a	\$195
13	or day-care bus; improper		
14	use of signals		
15	Impeding normal traffic	8-1561	\$45
16	by slow speed		
17	Speeding on motor-driven	8-1562	\$75
18	cycle		
19	Speeding in certain vehicles	8-1563	\$45
20	or on posted bridge		
21	Improper stopping, standing	8-1569	\$45
22	or parking on roadway		
23	Parking, standing or stopping	8-1571	\$45
24	in prohibited area		
25	Improper parking	8-1572	\$45
26	Unattended vehicle	8-1573	\$45
27	Improper backing	8-1574	\$45
28	Driving on sidewalk	8-1575	\$45
29	Driving with view or driving	8-1576	\$45
30	mechanism obstructed		
31	Unsafe opening of vehicle	8-1577	\$45
32	door		
33	Riding in house trailer	8-1578	\$45
34	Unlawful riding on vehicle	8-1578a	\$75
35	Improper driving in defiles,	8-1579	\$45
36	canyons, or on grades		
37	Coasting	8-1580	\$45
38	Following fire apparatus too	8-1581	\$75
39	closely		
40	Driving over fire hose	8-1582	\$45
41	Putting glass, etc., on high-	8-1583	\$105
42	way		
43	Driving into intersection,	8-1584	\$45

1	crosswalk, or crossing		
2	without sufficient space		
3	on other side		
4	Improper operation of snow-	8-1585	\$45
5	mobile on highway		
6	Parental responsibility of	8-1586	\$45
7	child riding bicycle		
8	Not riding on bicycle seat;	8-1588	\$45
9	too many persons on		
10	bicycle		
11	Clinging to other vehicle	8-1589	\$45
12	Improper riding of bicycle on	8-1590	\$45
13	roadway		
14	Carrying articles on bicycle;	8-1591	\$45
15	one hand on handlebars		
16	Improper bicycle lamps,	8-1592	\$45
17	brakes or reflectors		
18	Improper operation of mo-	8-1594	\$45
19	torcycle; seats; passen-		
20	gers, bundles		
21	Improper operation of motor	8-1595	\$75
22	cycle on laned roadway		
23	Motorcycle clinging to other	8-1596	\$45
24	vehicle		
25	Improper motorcycle handle-	8-1597	\$75
26	bars or passenger		
27	equipment		
28	Motorcycle helmet and eye-	8-1598	\$45
29	protection requirements		
30	Unlawful operation of all-ter-	8-15,100	\$75
31	rain vehicle		
32	Unlawful operation of	8-15,101	\$75
33	low-speed vehicle		
34	Littering	8-15,102	\$115
35	Disobeying school crossing	8-15,103	\$75
36	guard		
37	Unlawful operation of micro	8-15,106	\$75
38	utility truck		
39	Failure to remove vehicles in	8-15,107	\$75
40	accidents		
41	Unlawful operation of golf	8-15,108	\$75
42	cart		
43	Unlawful operation of work-	8-15,109	\$75

1	site utility vehicle		
2	Unlawful display of license	8-15,110	\$60
3	plate		
4	Unlawful text messaging	8-15,111	\$60
5	Unlawful passing of a waste	8-15,112	\$45
6	collection vehicle		
7	<i>Unlawful operation of electric-</i>	<i>8-15,113</i>	<i>\$45</i>
8	<i>assisted scooter</i>		
9	<i>Failure to yield right-of-way</i>	<i>section 2</i>	<i>\$20</i>
10	<i>to funeral procession</i>		
11	Equipment offenses that are	8-1701	\$75
12	not misdemeanors		
13	Driving without lights when	8-1703	\$45
14	needed		
15	Defective headlamps	8-1705	\$45
16	Defective tail lamps	8-1706	\$45
17	Defective reflector	8-1707	\$45
18	Improper stop lamp or turn	8-1708	\$45
19	signal		
20	Improper lighting equipment	8-1710	\$45
21	on certain vehicles		
22	Improper lamp color on cer-	8-1711	\$45
23	tain vehicles		
24	Improper mounting of re-	8-1712	\$45
25	flectors and lamps on cer-		
26	tain vehicles		
27	Improper visibility of reflec-	8-1713	\$45
28	tors and lamps on certain		
29	vehicles		
30	No lamp or flag on projecting	8-1715	\$75
31	load		
32	Improper lamps on parked	8-1716	\$45
33	vehicle		
34	Improper lights, lamps, re-	8-1717	\$45
35	flectors and emblems on		
36	farm tractors or slow-		
37	moving vehicles		
38	Improper lamps and equip-	8-1718	\$45
39	ment on implements of		
40	husbandry, road machin-		
41	ery or animal-drawn ve-		
42	hicles		
43	Unlawful use of spot, fog, or	8-1719	\$45

1	auxiliary lamp		
2	Improper lamps or lights on	8-1720	\$45
3	emergency vehicle		
4	Improper stop or turn signal	8-1721	\$45
5	Improper vehicular hazard	8-1722	\$45
6	warning lamp		
7	Unauthorized additional	8-1723	\$45
8	lighting equipment		
9	Improper multiple-beam lights	8-1724	\$45
10	Failure to dim headlights	8-1725	\$75
11	Improper single-beam head-	8-1726	\$45
12	lights		
13	Improper speed with alter-	8-1727	\$45
14	nate lighting		
15	Improper number of driving	8-1728	\$45
16	lamps		
17	Unauthorized lights and sig-	8-1729	\$45
18	nals		
19	Improper school bus lighting	8-1730	\$45
20	equipment and warning		
21	devices		
22	Unauthorized lights and de-	8-1730a	\$45
23	vices on church or day-		
24	care bus		
25	Improper lights on highway	8-1731	\$45
26	construction or maintenance		
27	vehicles		
28	Defective brakes	8-1734	\$45
29	Defective or improper use of	8-1738	\$45
30	horn or warning device		
31	Defective muffler	8-1739	\$45
32	Defective mirror	8-1740	\$45
33	Defective wipers; obstructed	8-1741	\$45
34	windshield or windows		
35	Improper tires	8-1742	\$45
36	Improper flares or warning	8-1744	\$45
37	devices		
38	Improper use of vehicular	8-1745	\$45
39	hazard warning lamps		
40	and devices		
41	Improper air-conditioning	8-1747	\$45
42	equipment		
43	Improper safety belt or	8-1749	\$45

1	shoulder harness		
2	Improper wide-based single	8-1742b	\$75
3	tires		
4	Improper compression re-	8-1761	\$75
5	lease engine braking sys-		
6	tem		
7	Defective motorcycle head-	8-1801	\$45
8	lamp		
9	Defective motorcycle tail	8-1802	\$45
10	lamp		
11	Defective motorcycle reflec-	8-1803	\$45
12	tor		
13	Defective motorcycle stop	8-1804	\$45
14	lamps and turn signals		
15	Defective multiple-beam	8-1805	\$45
16	lighting		
17	Improper road-lighting equip-	8-1806	\$45
18	ment on motor-driven cy-		
19	cles		
20	Defective motorcycle or mo-	8-1807	\$45
21	tor-driven cycle brakes		
22	Improper performance abil-	8-1808	\$45
23	ity of brakes		
24	Operating motorcycle with	8-1809	\$45
25	disapproved braking sys-		
26	tem		
27	Defective horn, muffler, mir-	8-1810	\$45
28	rors or tires		
29	Unlawful statehouse parking	75-4510a	\$30
30	Exceeding gross weight of	8-1909	Pounds Overweight
31	vehicle or combination		up to 1000.....\$40
32			1001 to 2000.....3¢
33			per pound
34			2001 to 5000.....5¢
35			per pound
36			5001 to 7500.....7¢
37			per pound
38			7501 and over.....10¢
39			per pound
40	Exceeding gross weight on	8-1908	Pounds Overweight
41	any axle or tandem,		up to 1000.....\$40
42	triple or quad axles		1001 to 2000.....3¢
43			per pound

1			2001 to 5000.....5¢
2			per pound
3			5001 to 7500.....7¢
4			per pound
5			7501 and over.....10¢
6			per pound
7	Failure to obtain proper re-	66-1324	\$287
8	gistration, clearance or		
9	to have current cer-		
10	tification		
11	Insufficient liability insur-	66-1,128	\$137
12	ance for motor carriers	or 66-1314	
13	Failure to obtain interstate	79-34,122	\$137
14	motor fuel tax author-		
15	ization		
16	No authority as private or	66-1,111	\$137
17	common carrier		
18	Violation of motor carrier	66-1,129	\$115
19	safety rules and regula-		
20	tions, except for viola-		
21	tions specified in K.S.A.		
22	66-1,130(b)(2), and		
23	amendments thereto		

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

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

37 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
 38 amendments thereto, within two years after a prior conviction of K.S.A. 8-
 39 1908 or 8-1909, and amendments thereto, such person, upon conviction
 40 shall be fined 1½ times the applicable amount from one, but not both, of
 41 the schedules listed in the uniform fine schedule contained in subsection
 42 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments
 43 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or

1 8-1909, and amendments thereto, such person, upon conviction shall be
2 fined two times the applicable amount from one, but not both, of the
3 schedules listed in the uniform fine schedule contained in subsection (c).
4 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,
5 and amendments thereto, within two years after three prior convictions of
6 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
7 conviction shall be fined 2½ times the applicable amount from one, but
8 not both, of the schedules listed in the uniform fine schedule contained in
9 subsection (c).

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

14 (h) For a second violation of K.S.A. 8-1556, and amendments thereto,
15 within five years after a prior conviction of K.S.A. 8-1556, and
16 amendments thereto, such person, upon conviction, shall be fined \$750 for
17 the second violation. For a third and each succeeding violation of K.S.A.
18 8-1556, and amendments thereto, within five years after two prior
19 convictions of K.S.A. 8-1556, and amendments thereto, such person, upon
20 conviction, shall be fined \$1,000 for the third and each succeeding
21 violation.

22 ~~Sec.—6. 7.~~ K.S.A. 2020 Supp. 8-2118 and 8-2118c are hereby
23 repealed.

24 ~~Sec.—7. 8.~~ This act shall take effect and be in force from and after its
25 publication in the statute book.