

As Amended by Senate Committee

Session of 2022

SENATE BILL No. 332

By Committee on Transportation

1-12

1 AN ACT concerning the regulation of traffic; prohibiting the use of a
2 mobile telephone while operating in a school zone or in a road
3 construction zone or by individuals under 18 years of age; amending
4 K.S.A. 2021 Supp. 8-2118 and repealing the existing section.

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

7 New Section 1. (a) No person under the age of 18 years of age shall
8 use a mobile telephone while operating a motor vehicle.

9 (b) No person shall use a mobile telephone while operating a motor
10 vehicle in a school zone at a time when a reduced speed limit is enforced
11 as established by K.S.A. 8-1560(a) or 8-1560e, and amendments thereto,
12 or in a road construction zone, as that term is defined in K.S.A. 8-1458a,
13 and amendments thereto, ***while workers are present***.

14 (c) The provisions of subsections (a) and (b) shall not apply to:

15 (1) A law enforcement officer or emergency service personnel acting
16 within the course and scope of the law enforcement officer's or emergency
17 service personnel's employment;

18 (2) a person operating a motor vehicle while such vehicle is lawfully
19 parked; or

20 (3) a mobile telephone that is being used with a hands-free device.

21 (d) The provisions of subsections (a) or (b) shall not prohibit a person
22 from using a mobile telephone while operating a motor vehicle that would
23 otherwise violate subsections (a) or (b) to:

24 (1) Report current or ongoing illegal activity to law enforcement;

25 (2) prevent imminent injury to a person or property;

26 (3) summon medical or other emergency assistance; or

27 (4) relay information between a transit or for-hire operator and the
28 operator's dispatcher, if the device is permanently affixed to the motor
29 vehicle.

30 (e) Holding a mobile telephone shall constitute prima facie evidence
31 of a violation of:

32 (1) Subsection (a) for persons under the age of 18 years of age; or

33 (2) subsection (b) for persons operating a motor vehicle in a school
34 zone or a road construction zone.

35 (f) As used in this section:

36 (1) "Hands-free device" means speakerphone capability or a

1 telephone attachment or other piece of equipment, regardless of whether or
 2 not the hands-free device is permanently installed in the motor vehicle,
 3 that allows use of the mobile telephone without use of either of the
 4 operator's hands.

5 (2) "Mobile telephone" does not include a commercial two-way radio
 6 communication device or its functional equivalent, subscription-based
 7 emergency communication device, prescribed medical device, amateur or
 8 ham radio device or remote diagnostics system.

9 (g) A law enforcement officer shall issue a warning citation to anyone
 10 violating the provisions of subsections (a) or (b). The provisions of this
 11 subsection shall expire and have no effect on and after January 1, 2023.

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

14 Sec. 2. K.S.A. 2021 Supp. 8-2118 is hereby amended to read as
 15 follows: 8-2118. (a) A person charged with a traffic infraction shall, except
 16 as provided in subsection (b), appear at the place and time specified in the
 17 notice to appear. If the person enters an appearance, waives right to trial,
 18 pleads guilty or no contest, the fine shall be no greater than that specified
 19 in the uniform fine schedule in subsection (c) and court costs shall be
 20 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 that 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
 37 only and is not a legal definition.

38 <i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
39 Unsafe speed for prevailing 40 conditions	8-1557	\$75
41 Exceeding maximum speed 42 limit; or speeding in zone 43 posted by the state depart-	8-1558 to 8-1560	1-10 mph over the limit, \$45

1	ment of transportation; or	8-1560a	11-20 mph over the
2	speeding in locally posted	or	limit, \$45 plus \$6
3	zone	8-1560b	per mph over 10
4			mph over the limit;
5			21-30 mph over the
6			limit, \$105 plus \$9
7			per mph over 20
8			mph over the limit;
9			31 and more mph
10			over the limit, \$195
11			plus \$15 per mph
12			over 30 mph over
13			the limit;
14	Disobeying traffic control de-	8-1507	\$75
15	vice		
16	Violating traffic control signal	8-1508	\$75
17	Violating pedestrian control	8-1509	\$45
18	signal		
19	Violating flashing traffic signals	8-1510	\$75
20	Violating lane-control signal	8-1511	\$75
21	Unauthorized sign, signal,	8-1512	\$45
22	marking or device		
23	Driving on left side of roadway	8-1514	\$75
24	Failure to keep right to pass	8-1515	\$75
25	oncoming vehicle		
26	Improper passing; increasing	8-1516	\$75
27	speed when passed		
28	Improper passing on right	8-1517	\$75
29	Passing on left with insuffi-	8-1518	\$75
30	cient clearance		
31	Driving on left side where	8-1519	\$75
32	curve, grade, intersec-		
33	tion railroad crossing, or		
34	obstructed view		
35	Driving on left in no-passing	8-1520	\$75
36	zone		
37	Unlawful passing of stopped	8-1520a	\$75
38	emergency vehicle		
39	Driving wrong direction on	8-1521	\$75
40	one-way road		
41	Improper driving on laned	8-1522	\$75
42	roadway		
43	Following too close	8-1523	\$75

1	Improper crossover on di-	8-1524	\$45
2	vided highway		
3	Failure to yield right-of-way	8-1526	\$75
4	at uncontrolled intersection		
5	Failure to yield to approach-	8-1527	\$75
6	ing vehicle when turning		
7	left		
8	Failure to yield at stop or	8-1528	\$75
9	yield sign		
10	Failure to yield from private	8-1529	\$75
11	road or driveway		
12	Failure to yield to emergency	8-1530	\$195
13	vehicle		
14	Failure to yield to pedestrian	8-1531	\$105
15	or vehicle working on		
16	roadway		
17	Failure to comply with re-	8-1531a	\$45
18	strictions in road con-		
19	struction zone		
20	Disobeying pedestrian traffic	8-1532	\$45
21	control device		
22	Failure to yield to pedestrian	8-1533	\$75
23	in crosswalk; pedestrian		
24	suddenly entering road-		
25	way; passing vehicle		
26	stopped for pedestrian at		
27	crosswalk		
28	Improper pedestrian crossing	8-1534	\$45
29	Failure to exercise due care in	8-1535	\$45
30	regard to pedestrian		
31	Improper pedestrian move-	8-1536	\$45
32	ment in crosswalk		
33	Improper use of roadway by	8-1537	\$45
34	pedestrian		
35	Soliciting ride or business	8-1538	\$45
36	on roadway		
37	Driving through safety zone	8-1539	\$45
38	Failure to yield to pedestrian	8-1540	\$45
39	on sidewalk		
40	Failure of pedestrian to yield	8-1541	\$45
41	to emergency vehicle		
42	Failure to yield to blind pe-	8-1542	\$45
43	destrian		

1	Pedestrian disobeying bridge	8-1544	\$45
2	or railroad signal		
3	Improper turn or approach	8-1545	\$75
4	Improper "U" turn	8-1546	\$75
5	Unsafe starting of stopped	8-1547	\$45
6	vehicle		
7	Unsafe turning or stopping,	8-1548	\$75
8	failure to give proper sig-		
9	nal; using turn signal un-		
10	lawfully		
11	Improper method of giving	8-1549	\$45
12	notice of intention to turn		
13	Improper hand signal	8-1550	\$45
14	Failure to stop or obey	8-1551	\$195
15	road crossing signal		
16	Failure to stop at railroad	8-1552	\$135
17	crossing stop sign		
18	Certain hazardous vehicles	8-1553	\$195
19	failure to stop at railroad		
20	crossing		
21	Improper moving of heavy	8-1554	\$75
22	equipment at railroad		
23	crossing		
24	Vehicle emerging from alley,	8-1555	\$75
25	private roadway, building		
26	or driveway		
27	Improper passing of school	8-1556	\$315
28	bus; improper use of		
29	school bus signals		
30	Improper passing of church	8-1556a	\$195
31	or day-care bus; improper		
32	use of signals		
33	Impeding normal traffic	8-1561	\$45
34	by slow speed		
35	Speeding on motor-driven	8-1562	\$75
36	cycle		
37	Speeding in certain vehicles	8-1563	\$45
38	or on posted bridge		
39	Improper stopping, standing	8-1569	\$45
40	or parking on roadway		
41	Parking, standing or stopping	8-1571	\$45
42	in prohibited area		
43	Improper parking	8-1572	\$45

1	Unattended vehicle	8-1573	\$45
2	Improper backing	8-1574	\$45
3	Driving on sidewalk	8-1575	\$45
4	Driving with view or driving	8-1576	\$45
5	mechanism obstructed		
6	Unsafe opening of vehicle	8-1577	\$45
7	door		
8	Riding in house trailer	8-1578	\$45
9	Unlawful riding on vehicle	8-1578a	\$75
10	Improper driving in defiles,	8-1579	\$45
11	canyons, or on grades		
12	Coasting	8-1580	\$45
13	Following fire apparatus too	8-1581	\$75
14	closely		
15	Driving over fire hose	8-1582	\$45
16	Putting glass, etc., on high-	8-1583	\$105
17	way		
18	Driving into intersection,	8-1584	\$45
19	crosswalk, or crossing		
20	without sufficient space		
21	on other side		
22	Improper operation of snow-	8-1585	\$45
23	mobile on highway		
24	Parental responsibility of	8-1586	\$45
25	child riding bicycle		
26	Not riding on bicycle seat;	8-1588	\$45
27	too many persons on		
28	bicycle		
29	Clinging to other vehicle	8-1589	\$45
30	Improper riding of bicycle on	8-1590	\$45
31	roadway		
32	Carrying articles on bicycle;	8-1591	\$45
33	one hand on handlebars		
34	Improper bicycle lamps,	8-1592	\$45
35	brakes or reflectors		
36	Improper operation of mo-	8-1594	\$45
37	torcycle; seats; passen-		
38	gers, bundles		
39	Improper operation of motor	8-1595	\$75
40	cycle on laned roadway		
41	Motorcycle clinging to other	8-1596	\$45
42	vehicle		
43	Improper motorcycle handle-	8-1597	\$75

1	bars or passenger		
2	equipment		
3	Motorcycle helmet and eye-	8-1598	\$45
4	protection requirements		
5	Unlawful operation of all-ter-	8-15,100	\$75
6	rain vehicle		
7	Unlawful operation of	8-15,101	\$75
8	low-speed vehicle		
9	Littering	8-15,102	\$115
10	Disobeying school crossing	8-15,103	\$75
11	guard		
12	Unlawful operation of micro	8-15,106	\$75
13	utility truck		
14	Failure to remove vehicles in	8-15,107	\$75
15	accidents		
16	Unlawful operation of golf	8-15,108	\$75
17	cart		
18	Unlawful operation of work-	8-15,109	\$75
19	site utility vehicle		
20	Unlawful display of license	8-15,110	\$60
21	plate		
22	Unlawful text messaging	8-15,111	\$60
23	Unlawful passing of a waste	8-15,112	\$45
24	collection vehicle		
25	Unlawful operation of	8-15,113	\$45
26	electric-assisted scooter		
27	Unlawful passing of a utility or	8-15,114	\$105
28	telecommunications vehicle		
29	<i>Unlawful use of mobile telephone</i>	<i>Section 1</i>	<i>\$60</i>
30	Equipment offenses that are	8-1701	\$75
31	not misdemeanors		
32	Driving without lights when	8-1703	\$45
33	needed		
34	Defective headlamps	8-1705	\$45
35	Defective tail lamps	8-1706	\$45
36	Defective reflector	8-1707	\$45
37	Improper stop lamp or turn	8-1708	\$45
38	signal		
39	Improper lighting equipment	8-1710	\$45
40	on certain vehicles		
41	Improper lamp color on cer-	8-1711	\$45
42	tain vehicles		
43	Improper mounting of re-	8-1712	\$45

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

1	Improper lights on highway	8-1731	\$45
2	construction or maintenance		
3	vehicles		
4	Defective brakes	8-1734	\$45
5	Defective or improper use of	8-1738	\$45
6	horn or warning device		
7	Defective muffler	8-1739	\$45
8	Defective mirror	8-1740	\$45
9	Defective wipers; obstructed	8-1741	\$45
10	windshield or windows		
11	Improper tires	8-1742	\$45
12	Improper flares or warning	8-1744	\$45
13	devices		
14	Improper use of vehicular	8-1745	\$45
15	hazard warning lamps		
16	and devices		
17	Improper air-conditioning	8-1747	\$45
18	equipment		
19	Improper safety belt or	8-1749	\$45
20	shoulder harness		
21	Improper wide-based single	8-1742b	\$75
22	tires		
23	Improper compression re-	8-1761	\$75
24	lease engine braking sys-		
25	tem		
26	Defective motorcycle head-	8-1801	\$45
27	lamp		
28	Defective motorcycle tail	8-1802	\$45
29	lamp		
30	Defective motorcycle reflec-	8-1803	\$45
31	tor		
32	Defective motorcycle stop	8-1804	\$45
33	lamps and turn signals		
34	Defective multiple-beam	8-1805	\$45
35	lighting		
36	Improper road-lighting equip-	8-1806	\$45
37	ment on motor-driven cy-		
38	cles		
39	Defective motorcycle or mo-	8-1807	\$45
40	tor-driven cycle brakes		
41	Improper performance abil-	8-1808	\$45
42	ity of brakes		
43	Operating motorcycle with	8-1809	\$45

1	disapproved braking sys-		
2	tem		
3	Defective horn, muffler, mir-	8-1810	\$45
4	rors or tires		
5	Unlawful statehouse parking	75-4510a	\$30
6	Exceeding gross weight of	8-1909	Pounds Overweight
7	vehicle or combination		up to 1000.....\$40
8			1001 to 2000.....3¢
9			per pound
10			2001 to 5000.....5¢
11			per pound
12			5001 to 7500.....7¢
13			per pound
14			7501 and over.....10¢
15			per pound
16	Exceeding gross weight on	8-1908	Pounds Overweight
17	any axle or tandem,		up to 1000.....\$40
18	triple or quad axles		1001 to 2000.....3¢
19			per pound
20			2001 to 5000.....5¢
21			per pound
22			5001 to 7500.....7¢
23			per pound
24			7501 and over.....10¢
25			per pound
26	Failure to obtain proper re-	66-1324	\$287
27	gistration, clearance or		
28	to have current cer-		
29	tification		
30	Insufficient liability insur-	66-1,128	\$137
31	ance for motor carriers	or 66-1314	
32	Failure to obtain interstate	79-34,122	\$137
33	motor fuel tax author-		
34	ization		
35	No authority as private or	66-1,111	\$137
36	common carrier		
37	Violation of motor carrier	66-1,129	\$115
38	safety rules and regula-		
39	tions, except for viola-		
40	tions specified in K.S.A.		
41	66-1,130(b)(2), and		
42	amendments thereto		
43	(d) Traffic offenses classified as traffic infractions by this section		

1 shall be classified as ordinance traffic infractions by those cities adopting
2 ordinances prohibiting the same offenses. A schedule of fines for all
3 ordinance traffic infractions shall be established by the municipal judge in
4 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
5 fines may vary from those contained in the uniform fine schedule
6 contained in subsection (c).

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

13 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
14 amendments thereto, within two years after a prior conviction of K.S.A. 8-
15 1908 or 8-1909, and amendments thereto, such person, upon conviction
16 shall be fined $1\frac{1}{2}$ times the applicable amount from one, but not both, of
17 the schedules listed in the uniform fine schedule contained in subsection
18 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments
19 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or
20 8-1909, and amendments thereto, such person, upon conviction shall be
21 fined two times the applicable amount from one, but not both, of the
22 schedules listed in the uniform fine schedule contained in subsection (c).
23 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,
24 and amendments thereto, within two years after three prior convictions of
25 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
26 conviction shall be fined $2\frac{1}{2}$ times the applicable amount from one, but
27 not both, of the schedules listed in the uniform fine schedule contained in
28 subsection (c).

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

33 (h) For a second violation of K.S.A. 8-1556, and amendments thereto,
34 within five years after a prior conviction of K.S.A. 8-1556, and
35 amendments thereto, such person, upon conviction, shall be fined \$750 for
36 the second violation. For a third and each succeeding violation of K.S.A.
37 8-1556, and amendments thereto, within five years after two prior
38 convictions of K.S.A. 8-1556, and amendments thereto, such person, upon
39 conviction, shall be fined \$1,000 for the third and each succeeding
40 violation.

41 Sec. 3. K.S.A. 2021 Supp. 8-2118 is hereby repealed.

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