

## HOUSE BILL No. 2500

By Committee on Transportation

1-23

1 AN ACT relating to crimes and punishment; prohibiting text messaging  
2 while operating a moving motor vehicle; amending K.S.A. 2013 Supp.  
3 8-15,111 and 8-2118 and repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2013 Supp. 8-15,111 is hereby amended to read as  
7 follows: 8-15,111. (a) As used in this section:

8 (1) "Wireless communication device" means any wireless electronic  
9 communication device that provides for voice or data communication  
10 between two or more parties, including, but not limited to, a mobile or  
11 cellular telephone, a text messaging device, a personal digital assistant that  
12 sends or receives messages, an audio-video player that sends or receives  
13 messages or a laptop computer. "Wireless communication device" does not  
14 include a device which is voice-operated and which allows the user to send  
15 or receive a text based communication without the use of either hand,  
16 except to activate or deactivate a feature or function.

17 (2) "Write, send or read a written communication" means using a  
18 wireless communication device to manually type, send or read a written  
19 communication, including, but not limited to, a text message, instant  
20 message or electronic mail.

21 (b) Except as provided in subsections (c) and (d), no person shall  
22 operate a motor vehicle on a public road or highway while using a wireless  
23 communications device to write, send or read a written communication.

24 (c) The provisions of subsection (b) shall not apply to:

25 (1) A law enforcement officer or emergency service personnel acting  
26 within the course and scope of the law enforcement officer's or emergency  
27 service personnel's employment;

28 (2) a motor vehicle stopped off the regular traveled portion of the  
29 roadway;

30 (3) a person who *for the purpose of making or receiving a phone call*  
31 *using a wireless communications device either reads, selects, or enters a*  
32 *telephone number or name in a such wireless communications device for*  
33 *the purpose of making or receiving a phone call;*

34 ~~(4) a person who receives an emergency, traffic or weather alert~~  
35 ~~message; or~~

36 ~~(5)~~(4) a person receiving a message related to the operation or

1 navigation of the motor vehicle.

2 (d) The provisions of subsection (b) shall not prohibit a person from  
3 using a wireless communications device while operating a moving motor  
4 vehicle to:

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

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

7 (3) relay information between transit or for-hire operator and the  
8 operator's dispatcher, in which the device is permanently affixed to the  
9 motor vehicle.

10 (e) ~~From and after the effective date of this act and prior to January 1,~~  
11 ~~2011, a law enforcement officer shall issue a warning citation to anyone~~  
12 ~~violating subsection (b) Violation of this section is an unclassified~~  
13 ~~misdemeanor punishable by a fine:~~

14 (1) *Not exceeding \$60, except as provided further;*

15 (2) *not exceeding \$120 for a second conviction within five years*  
16 *immediately preceding the violation; or*

17 (3) *not exceeding \$240 for a third or subsequent conviction within*  
18 *five years immediately preceding the violation.*

19 *For purposes of this subsection, the number of violations within five*  
20 *years shall be measured by the date the violations occur.*

21 (f) *Any conviction for a violation of this section is a moving violation.*

22 ~~(g)~~(g) This section shall be part of and supplemental to the uniform  
23 act regulating traffic on highways.

24 Sec. 2. K.S.A. 2013 Supp. 8-2118 is hereby amended to read as  
25 follows: 8-2118. (a) A person charged with a traffic infraction shall, except  
26 as provided in subsection (b), appear at the place and time specified in the  
27 notice to appear. If the person enters an appearance, waives right to trial,  
28 pleads guilty or no contest, the fine shall be no greater than that specified  
29 in the uniform fine schedule in subsection (c) and court costs shall be  
30 taxed as provided by law.

31 (b) Prior to the time specified in the notice to appear, a person  
32 charged with a traffic infraction may enter a written appearance, waive  
33 right to trial, plead guilty or no contest and pay the fine for the violation as  
34 specified in the uniform fine schedule in subsection (c) and court costs  
35 provided by law. Payment may be made in any manner accepted by the  
36 court. The traffic citation shall not have been complied with if the payment  
37 is not honored for any reason, or if the fine and court costs are not paid in  
38 full. When a person charged with a traffic infraction makes payment  
39 without executing a written waiver of right to trial and plea of guilty or no  
40 contest, the payment shall be deemed such an appearance, waiver of right  
41 to trial and plea of no contest.

42 (c) The following uniform fine schedule shall apply uniformly  
43 throughout the state but shall not limit the fine which may be imposed

1 following a court appearance, except an appearance made for the purpose  
 2 of pleading and payment as permitted by subsection (a). The description of  
 3 offense contained in the following uniform fine schedule is for reference  
 4 only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
5 Refusal to submit to a prelim-	8-1012	\$105
6 inary breath test		
7 Unsafe speed for prevailing	8-1557	\$75
8 conditions		
9 Exceeding maximum speed	8-1558	1-10 mph over the
10 limit; or speeding in zone	to	limit, \$45
11 posted by the state depart-	8-1560	11-20 mph over the
12 ment of transportation; or	8-1560a	limit, \$45 plus \$6
13 speeding in locally posted	or	per mph over 10
14 zone	8-1560b	mph over the limit;
15		21-30 mph over the
16		limit, \$105 plus \$9
17		per mph over 20
18		mph over the limit;
19		31 and more mph
20		over the limit, \$195
21		plus \$15 per mph
22		over 30 mph over
23		the limit;
24		
25 Disobeying traffic control de-	8-1507	\$75
26 vice		
27 Violating traffic control signal	8-1508	\$75
28 Violating pedestrian control	8-1509	\$45
29 signal		
30 Violating flashing traffic sig-	8-1510	\$75
31 nals		
32 Violating lane-control signal	8-1511	\$75
33 Unauthorized sign, signal,	8-1512	\$45
34 marking or device		
35 Driving on left side of road-	8-1514	\$75
36 way		
37 Failure to keep right to pass	8-1515	\$75
38 oncoming vehicle		
39 Improper passing; increasing	8-1516	\$75
40 speed when passed		
41 Improper passing on right	8-1517	\$75
42 Passing on left with insuffi-	8-1518	\$75
43 cient clearance		

1	Driving on left side where	8-1519	\$75
2	curve, grade, intersec-		
3	tion railroad crossing, or		
4	obstructed view		
5	Driving on left in no-passing	8-1520	\$75
6	zone		
7	Unlawful passing of stopped	8-1520a	\$75
8	emergency vehicle		
9	Driving wrong direction on	8-1521	\$75
10	one-way road		
11	Improper driving on laned	8-1522	\$75
12	roadway		
13	Following too close	8-1523	\$75
14	Improper crossover on di-	8-1524	\$45
15	vided highway		
16	Failure to yield right-of-way	8-1526	\$75
17	at uncontrolled intersection		
18	Failure to yield to approach-	8-1527	\$75
19	ing vehicle when turning		
20	left		
21	Failure to yield at stop or	8-1528	\$75
22	yield sign		
23	Failure to yield from private	8-1529	\$75
24	road or driveway		
25	Failure to yield to emergency	8-1530	\$195
26	vehicle		
27	Failure to yield to pedestrian	8-1531	\$105
28	or vehicle working on		
29	roadway		
30	Failure to comply with re-	8-1531a	\$45
31	strictions in road con-		
32	struction zone		
33	Disobeying pedestrian traffic	8-1532	\$45
34	control device		
35	Failure to yield to pedestrian	8-1533	\$75
36	in crosswalk; pedestrian		
37	suddenly entering road-		
38	way; passing vehicle		
39	stopped for pedestrian at		
40	crosswalk		
41	Improper pedestrian crossing	8-1534	\$45
42	Failure to exercise due care in	8-1535	\$45
43	regard to pedestrian		

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

1	or day-care bus; improper		
2	use of signals		
3	Impeding normal traffic	8-1561	\$45
4	by slow speed		
5	Speeding on motor-driven	8-1562	\$75
6	cycle		
7	Speeding in certain vehicles	8-1563	\$45
8	or on posted bridge		
9	Improper stopping, standing	8-1569	\$45
10	or parking on roadway		
11	Parking, standing or stopping	8-1571	\$45
12	in prohibited area		
13	Improper parking	8-1572	\$45
14	Unattended vehicle	8-1573	\$45
15	Improper backing	8-1574	\$45
16	Driving on sidewalk	8-1575	\$45
17	Driving with view or driving	8-1576	\$45
18	mechanism obstructed		
19	Unsafe opening of vehicle	8-1577	\$45
20	door		
21	Riding in house trailer	8-1578	\$45
22	Unlawful riding on vehicle	8-1578a	\$75
23	Improper driving in defiles,	8-1579	\$45
24	canyons, or on grades		
25	Coasting	8-1580	\$45
26	Following fire apparatus too	8-1581	\$75
27	closely		
28	Driving over fire hose	8-1582	\$45
29	Putting glass, etc., on high-	8-1583	\$105
30	way		
31	Driving into intersection,	8-1584	\$45
32	crosswalk, or crossing		
33	without sufficient space		
34	on other side		
35	Improper operation of snow-	8-1585	\$45
36	mobile on highway		
37	Parental responsibility of	8-1586	\$45
38	child riding bicycle		
39	Not riding on bicycle seat;	8-1588	\$45
40	too many persons on		
41	bicycle		
42	Clinging to other vehicle	8-1589	\$45
43	Improper riding of bicycle on	8-1590	\$45

1	roadway		
2	Carrying articles on bicycle;	8-1591	\$45
3	one hand on handlebars		
4	Improper bicycle lamps,	8-1592	\$45
5	brakes or reflectors		
6	Improper operation of mo-	8-1594	\$45
7	torcycle; seats; passen-		
8	gers, bundles		
9	Improper operation of mo-	8-1595	\$75
10	torcycle on laned road		
11	way		
12	Motorcycle clinging to other	8-1596	\$45
13	vehicle		
14	Improper motorcycle handle-	8-1597	\$75
15	bars or passenger		
16	equipment		
17	Motorcycle helmet and eye-	8-1598	\$45
18	protection requirements		
19	Unlawful operation of all-ter-	8-15,100	\$75
20	rain vehicle		
21	Unlawful operation of	8-15,101	\$75
22	low-speed vehicle		
23	Littering	8-15,102	\$115
24	Disobeying school crossing	8-15,103	\$75
25	guard		
26	Unlawful operation of micro	8-15,106	\$75
27	utility truck		
28	Failure to remove vehicles in	8-15,107	\$75
29	accidents		
30	Unlawful operation of golf	8-15,108	\$75
31	cart		
32	Unlawful operation of work-	8-15,109	\$75
33	site utility vehicle		
34	Unlawful display of license	8-15,110	\$60
35	plate		
36	<del>Unlawful text messaging</del>	<del>8-15,111</del>	<del>\$60</del>
37	Equipment offenses that are	8-1701	\$75
38	not misdemeanors		
39	Driving without lights when	8-1703	\$45
40	needed		
41	Defective headlamps	8-1705	\$45
42	Defective tail lamps	8-1706	\$45
43	Defective reflector	8-1707	\$45

1	Improper stop lamp or turn	8-1708	\$45
2	signal		
3	Improper lighting equipment	8-1710	\$45
4	on certain vehicles		
5	Improper lamp color on cer-	8-1711	\$45
6	tain vehicles		
7	Improper mounting of re-	8-1712	\$45
8	flectors and lamps on cer-		
9	tain vehicles		
10	Improper visibility of reflec-	8-1713	\$45
11	tors and lamps on certain		
12	vehicles		
13	No lamp or flag on projecting	8-1715	\$75
14	load		
15	Improper lamps on parked	8-1716	\$45
16	vehicle		
17	Improper lights, lamps, re-	8-1717	\$45
18	flectors and emblems on		
19	farm tractors or slow-		
20	moving vehicles		
21	Improper lamps and equip-	8-1718	\$45
22	ment on implements of		
23	husbandry, road machin-		
24	ery or animal-drawn ve-		
25	hicles		
26	Unlawful use of spot, fog, or	8-1719	\$45
27	auxiliary lamp		
28	Improper lamps or lights on	8-1720	\$45
29	emergency vehicle		
30	Improper stop or turn signal	8-1721	\$45
31	Improper vehicular hazard	8-1722	\$45
32	warning lamp		
33	Unauthorized additional	8-1723	\$45
34	lighting equipment		
35	Improper multiple-beam lights	8-1724	\$45
36	Failure to dim headlights	8-1725	\$75
37	Improper single-beam head-	8-1726	\$45
38	lights		
39	Improper speed with alter-	8-1727	\$45
40	nate lighting		
41	Improper number of driving	8-1728	\$45
42	lamps		
43	Unauthorized lights and sig-	8-1729	\$45



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

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

1 Violation of motor carrier 66-1,129 \$115  
 2 safety rules and regula-  
 3 tions, except for viola-  
 4 tions specified in sub-  
 5 section (b)(2) of K.S.A.  
 6 66-1,130, and amend-  
 7 ments thereto

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

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

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

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

42 Sec. 3. K.S.A. 2013 Supp. 8-15,111 and 8-2118 are hereby repealed.

43 Sec. 4. This act shall take effect and be in force from and after its

- 1 publication in the statute book.