

**Substitute for SENATE BILL No. 272**

By Committee on Transportation

2-15

1 AN ACT regulating traffic; concerning passing on streets and highways;  
2 waste collectors; amending K.S.A. 2017 Supp. 8-2118 and repealing  
3 the existing section.

4  
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 a  
7 stationary waste collection vehicle obviously and actually engaged in  
8 waste collection and displaying vehicular hazard warning signal lamps as  
9 required by K.S.A. 8-1722, and amendments thereto, shall do either of the  
10 following:

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

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

22 (b) For purposes of this section, a waste collection vehicle is a vehicle  
23 specifically designed and equipped and used exclusively for garbage,  
24 refuse, recycling or solid waste collection or disposal operations.

25 (c) From and after the effective date of this act and prior to July 1,  
26 2019, a law enforcement officer shall issue a warning citation to anyone  
27 violating the provisions of subsection (a).

28 (d) This section shall not operate to relieve the driver of a waste  
29 collection vehicle from the duty to drive with due regard for the safety of  
30 all persons using the highway.

31 Sec. 2. K.S.A. 2017 Supp. 8-2118 is hereby amended to read as  
32 follows: 8-2118. (a) A person charged with a traffic infraction shall, except  
33 as provided in subsection (b), appear at the place and time specified in the  
34 notice to appear. If the person enters an appearance, waives right to trial,  
35 pleads guilty or no contest, the fine shall be no greater than that specified  
36 in the uniform fine schedule in subsection (c) and court costs shall be

1 taxed as provided by law.

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Refusal to submit to a preliminary breath test	8-1012	\$105
Unsafe speed for prevailing conditions	8-1557	\$75
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted 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;
Disobeying traffic control device	8-1507	\$75
Violating traffic control signal	8-1508	\$75
Violating pedestrian control signal	8-1509	\$45

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

1	Failure to comply with re-	8-1531a	\$45
2	strictions in road con-		
3	struction zone		
4	Disobeying pedestrian traffic	8-1532	\$45
5	control device		
6	Failure to yield to pedestrian	8-1533	\$75
7	in crosswalk; pedestrian		
8	suddenly entering road-		
9	way; passing vehicle		
10	stopped for pedestrian at		
11	crosswalk		
12	Improper pedestrian crossing	8-1534	\$45
13	Failure to exercise due care in	8-1535	\$45
14	regard to pedestrian		
15	Improper pedestrian move-	8-1536	\$45
16	ment in crosswalk		
17	Improper use of roadway by	8-1537	\$45
18	pedestrian		
19	Soliciting ride or business	8-1538	\$45
20	on roadway		
21	Driving through safety zone	8-1539	\$45
22	Failure to yield to pedestrian	8-1540	\$45
23	on sidewalk		
24	Failure of pedestrian to yield	8-1541	\$45
25	to emergency vehicle		
26	Failure to yield to blind pe-	8-1542	\$45
27	destrian		
28	Pedestrian disobeying bridge	8-1544	\$45
29	or railroad signal		
30	Improper turn or approach	8-1545	\$75
31	Improper "U" turn	8-1546	\$75
32	Unsafe starting of stopped	8-1547	\$45
33	vehicle		
34	Unsafe turning or stopping,	8-1548	\$75
35	failure to give proper sig-		
36	nal; using turn signal un-		
37	lawfully		
38	Improper method of giving	8-1549	\$45
39	notice of intention to turn		
40	Improper hand signal	8-1550	\$45
41	Failure to stop or obey	8-1551	\$195
42	road crossing signal		
43	Failure to stop at railroad	8-1552	\$135

1	crossing stop sign		
2	Certain hazardous vehicles	8-1553	\$195
3	failure to stop at railroad		
4	crossing		
5	Improper moving of heavy	8-1554	\$75
6	equipment at railroad		
7	crossing		
8	Vehicle emerging from alley,	8-1555	\$75
9	private roadway, building		
10	or driveway		
11	Improper passing of school	8-1556	\$315
12	bus; improper use of		
13	school bus signals		
14	Improper passing of church	8-1556a	\$195
15	or day-care bus; improper		
16	use of signals		
17	Impeding normal traffic	8-1561	\$45
18	by slow speed		
19	Speeding on motor-driven	8-1562	\$75
20	cycle		
21	Speeding in certain vehicles	8-1563	\$45
22	or on posted bridge		
23	Improper stopping, standing	8-1569	\$45
24	or parking on roadway		
25	Parking, standing or stopping	8-1571	\$45
26	in prohibited area		
27	Improper parking	8-1572	\$45
28	Unattended vehicle	8-1573	\$45
29	Improper backing	8-1574	\$45
30	Driving on sidewalk	8-1575	\$45
31	Driving with view or driving	8-1576	\$45
32	mechanism obstructed		
33	Unsafe opening of vehicle	8-1577	\$45
34	door		
35	Riding in house trailer	8-1578	\$45
36	Unlawful riding on vehicle	8-1578a	\$75
37	Improper driving in defiles,	8-1579	\$45
38	canyons, or on grades		
39	Coasting	8-1580	\$45
40	Following fire apparatus too	8-1581	\$75
41	closely		
42	Driving over fire hose	8-1582	\$45
43	Putting glass, etc., on high-	8-1583	\$105

1	way		
2	Driving into intersection,	8-1584	\$45
3	crosswalk, or crossing		
4	without sufficient space		
5	on other side		
6	Improper operation of snow-	8-1585	\$45
7	mobile on highway		
8	Parental responsibility of	8-1586	\$45
9	child riding bicycle		
10	Not riding on bicycle seat;	8-1588	\$45
11	too many persons on		
12	bicycle		
13	Clinging to other vehicle	8-1589	\$45
14	Improper riding of bicycle on	8-1590	\$45
15	roadway		
16	Carrying articles on bicycle;	8-1591	\$45
17	one hand on handlebars		
18	Improper bicycle lamps,	8-1592	\$45
19	brakes or reflectors		
20	Improper operation of mo-	8-1594	\$45
21	torcycle; seats; passen-		
22	gers, bundles		
23	Improper operation of mo-	8-1595	\$75
24	torcycle on laned road		
25	way		
26	Motorcycle clinging to other	8-1596	\$45
27	vehicle		
28	Improper motorcycle handle-	8-1597	\$75
29	bars or passenger		
30	equipment		
31	Motorcycle helmet and eye-	8-1598	\$45
32	protection requirements		
33	Unlawful operation of all-ter-	8-15,100	\$75
34	rain vehicle		
35	Unlawful operation of	8-15,101	\$75
36	low-speed vehicle		
37	Littering	8-15,102	\$115
38	Disobeying school crossing	8-15,103	\$75
39	guard		
40	Unlawful operation of micro	8-15,106	\$75
41	utility truck		
42	Failure to remove vehicles in	8-15,107	\$75
43	accidents		

1	Unlawful operation of golf	8-15,108	\$75
2	cart		
3	Unlawful operation of work-	8-15,109	\$75
4	site utility vehicle		
5	Unlawful display of license	8-15,110	\$60
6	plate		
7	Unlawful text messaging	8-15,111	\$60
8	<i>Unlawful passing of a waste</i>	<i>section 1</i>	<i>\$45</i>
9	<i>collection vehicle</i>		
10	Equipment offenses that are	8-1701	\$75
11	not misdemeanors		
12	Driving without lights when	8-1703	\$45
13	needed		
14	Defective headlamps	8-1705	\$45
15	Defective tail lamps	8-1706	\$45
16	Defective reflector	8-1707	\$45
17	Improper stop lamp or turn	8-1708	\$45
18	signal		
19	Improper lighting equipment	8-1710	\$45
20	on certain vehicles		
21	Improper lamp color on cer-	8-1711	\$45
22	tain vehicles		
23	Improper mounting of re-	8-1712	\$45
24	flectors and lamps on cer-		
25	tain vehicles		
26	Improper visibility of reflec-	8-1713	\$45
27	tors and lamps on certain		
28	vehicles		
29	No lamp or flag on projecting	8-1715	\$75
30	load		
31	Improper lamps on parked	8-1716	\$45
32	vehicle		
33	Improper lights, lamps, re-	8-1717	\$45
34	flectors and emblems on		
35	farm tractors or slow-		
36	moving vehicles		
37	Improper lamps and equip-	8-1718	\$45
38	ment on implements of		
39	husbandry, road machin-		
40	ery or animal-drawn ve-		
41	hicles		
42	Unlawful use of spot, fog, or	8-1719	\$45
43	auxiliary lamp		

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



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

1			per pound
2			5001 to 7500.....7¢
3			per pound
4			7501 and over.....10¢
5			per pound
6	Failure to obtain proper re-	66-1324	\$287
7	gistration, clearance or		
8	to have current cer-		
9	tification		
10	Insufficient liability insur-	66-1,128	\$137
11	ance for motor carriers	or 66-1314	
12	Failure to obtain interstate	79-34,122	\$137
13	motor fuel tax author-		
14	ization		
15	No authority as private or	66-1,111	\$137
16	common carrier		
17	Violation of motor carrier	66-1,129	\$115
18	safety rules and regula-		
19	tions, except for viola-		
20	tions specified in <del>sub-</del>		
21	<del>section (b)(2) of K.S.A.</del>		
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 not  
8 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 ~~subsection (a)(4) of~~ K.S.A. 8-1560(a)(4), and  
14 amendments thereto.

15 Sec. 3. K.S.A. 2017 Supp. 8-2118 is hereby repealed.

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