

SENATE BILL No. 441

By Committee on Ways and Means

3-7

1 AN ACT regulating traffic; concerning negligent driving, penalty;
2 amending K.S.A. 2017 Supp. 8-2118 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 New Section 1. (a) No person shall operate or halt any vehicle in such
6 a manner as to indicate a careless or heedless disregard for the right or the
7 safety of others, or inattentively in such a manner as to endanger, or be
8 likely to endanger, any person or property.

9 (b) This section shall be part of and supplemental to the uniform act
10 regulating traffic on highways.

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

18 (b) Prior to the time specified in the notice to appear, a person
19 charged with a traffic infraction may enter a written appearance, waive
20 right to trial, plead guilty or no contest and pay the fine for the violation as
21 specified in the uniform fine schedule in subsection (c) and court costs
22 provided by law. Payment may be made in any manner accepted by the
23 court. The traffic citation shall not have been complied with if the payment
24 is not honored for any reason, or if the fine and court costs are not paid in
25 full. When a person charged with a traffic infraction makes payment
26 without executing a written waiver of right to trial and plea of guilty or no
27 contest, the payment shall be deemed such an appearance, waiver of right
28 to trial and plea of no contest.

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
35 Refusal to submit to a prelim-	8-1012	\$105

1	inary breath test		
2	Unsafe speed for prevailing	8-1557	\$75
3	conditions		
4	Exceeding maximum speed	8-1558	1-10 mph over the
5	limit; or speeding in zone	to	limit, \$45
6	posted by the state depart-	8-1560	11-20 mph over the
7	ment of transportation; or	8-1560a	limit, \$45 plus \$6
8	speeding in locally posted	or	per mph over 10
9	zone	8-1560b	mph over the limit;
10			21-30 mph over the
11			limit, \$105 plus \$9
12			per mph over 20
13			mph over the limit;
14			31 and more mph
15			over the limit, \$195
16			plus \$15 per mph
17			over 30 mph over
18			the limit;
19	Disobeying traffic control de-	8-1507	\$75
20	vice		
21	Violating traffic control signal	8-1508	\$75
22	Violating pedestrian control	8-1509	\$45
23	signal		
24	Violating flashing traffic sig-	8-1510	\$75
25	nals		
26	Violating lane-control signal	8-1511	\$75
27	Unauthorized sign, signal,	8-1512	\$45
28	marking or device		
29	Driving on left side of road-	8-1514	\$75
30	way		
31	Failure to keep right to pass	8-1515	\$75
32	oncoming vehicle		
33	Improper passing; increasing	8-1516	\$75
34	speed when passed		
35	Improper passing on right	8-1517	\$75
36	Passing on left with insuffi-	8-1518	\$75
37	cient clearance		
38	Driving on left side where	8-1519	\$75
39	curve, grade, intersec-		
40	tion railroad crossing, or		
41	obstructed view		
42	Driving on left in no-passing	8-1520	\$75
43	zone		

1	Unlawful passing of stopped	8-1520a	\$75
2	emergency vehicle		
3	Driving wrong direction on	8-1521	\$75
4	one-way road		
5	Improper driving on laned	8-1522	\$75
6	roadway		
7	Following too close	8-1523	\$75
8	Improper crossover on di-	8-1524	\$45
9	vided highway		
10	Failure to yield right-of-way	8-1526	\$75
11	at uncontrolled intersection		
12	Failure to yield to approach-	8-1527	\$75
13	ing vehicle when turning		
14	left		
15	Failure to yield at stop or	8-1528	\$75
16	yield sign		
17	Failure to yield from private	8-1529	\$75
18	road or driveway		
19	Failure to yield to emergency	8-1530	\$195
20	vehicle		
21	Failure to yield to pedestrian	8-1531	\$105
22	or vehicle working on		
23	roadway		
24	Failure to comply with re-	8-1531a	\$45
25	strictions in road con-		
26	struction zone		
27	Disobeying pedestrian traffic	8-1532	\$45
28	control device		
29	Failure to yield to pedestrian	8-1533	\$75
30	in crosswalk; pedestrian		
31	suddenly entering road-		
32	way; passing vehicle		
33	stopped for pedestrian at		
34	crosswalk		
35	Improper pedestrian crossing	8-1534	\$45
36	Failure to exercise due care in	8-1535	\$45
37	regard to pedestrian		
38	Improper pedestrian move-	8-1536	\$45
39	ment in crosswalk		
40	Improper use of roadway by	8-1537	\$45
41	pedestrian		
42	Soliciting ride or business	8-1538	\$45
43	on roadway		

1	Driving through safety zone	8-1539	\$45
2	Failure to yield to pedestrian	8-1540	\$45
3	on sidewalk		
4	Failure of pedestrian to yield	8-1541	\$45
5	to emergency vehicle		
6	Failure to yield to blind pe-	8-1542	\$45
7	destrian		
8	Pedestrian disobeying bridge	8-1544	\$45
9	or railroad signal		
10	Improper turn or approach	8-1545	\$75
11	Improper "U" turn	8-1546	\$75
12	Unsafe starting of stopped	8-1547	\$45
13	vehicle		
14	Unsafe turning or stopping,	8-1548	\$75
15	failure to give proper sig-		
16	nal; using turn signal un-		
17	lawfully		
18	Improper method of giving	8-1549	\$45
19	notice of intention to turn		
20	Improper hand signal	8-1550	\$45
21	Failure to stop or obey	8-1551	\$195
22	road crossing signal		
23	Failure to stop at railroad	8-1552	\$135
24	crossing stop sign		
25	Certain hazardous vehicles	8-1553	\$195
26	failure to stop at railroad		
27	crossing		
28	Improper moving of heavy	8-1554	\$75
29	equipment at railroad		
30	crossing		
31	Vehicle emerging from alley,	8-1555	\$75
32	private roadway, building		
33	or driveway		
34	Improper passing of school	8-1556	\$315
35	bus; improper use of		
36	school bus signals		
37	Improper passing of church	8-1556a	\$195
38	or day-care bus; improper		
39	use of signals		
40	Impeding normal traffic	8-1561	\$45
41	by slow speed		
42	Speeding on motor-driven	8-1562	\$75
43	cycle		

1	Speeding in certain vehicles	8-1563	\$45
2	or on posted bridge		
3	Improper stopping, standing	8-1569	\$45
4	or parking on roadway		
5	Parking, standing or stopping	8-1571	\$45
6	in prohibited area		
7	Improper parking	8-1572	\$45
8	Unattended vehicle	8-1573	\$45
9	Improper backing	8-1574	\$45
10	Driving on sidewalk	8-1575	\$45
11	Driving with view or driving	8-1576	\$45
12	mechanism obstructed		
13	Unsafe opening of vehicle	8-1577	\$45
14	door		
15	Riding in house trailer	8-1578	\$45
16	Unlawful riding on vehicle	8-1578a	\$75
17	Improper driving in defiles,	8-1579	\$45
18	canyons, or on grades		
19	Coasting	8-1580	\$45
20	Following fire apparatus too	8-1581	\$75
21	closely		
22	Driving over fire hose	8-1582	\$45
23	Putting glass, etc., on high-	8-1583	\$105
24	way		
25	Driving into intersection,	8-1584	\$45
26	crosswalk, or crossing		
27	without sufficient space		
28	on other side		
29	Improper operation of snow-	8-1585	\$45
30	mobile on highway		
31	Parental responsibility of	8-1586	\$45
32	child riding bicycle		
33	Not riding on bicycle seat;	8-1588	\$45
34	too many persons on		
35	bicycle		
36	Clinging to other vehicle	8-1589	\$45
37	Improper riding of bicycle on	8-1590	\$45
38	roadway		
39	Carrying articles on bicycle;	8-1591	\$45
40	one hand on handlebars		
41	Improper bicycle lamps,	8-1592	\$45
42	brakes or reflectors		
43	Improper operation of mo-	8-1594	\$45

1	torcycle; seats; passen-		
2	gers, bundles		
3	Improper operation of mo-	8-1595	\$75
4	torcycle on laned road		
5	way		
6	Motorcycle clinging to other	8-1596	\$45
7	vehicle		
8	Improper motorcycle handle-	8-1597	\$75
9	bars or passenger		
10	equipment		
11	Motorcycle helmet and eye-	8-1598	\$45
12	protection requirements		
13	Unlawful operation of all-ter-	8-15,100	\$75
14	rain vehicle		
15	Unlawful operation of	8-15,101	\$75
16	low-speed vehicle		
17	Littering	8-15,102	\$115
18	Disobeying school crossing	8-15,103	\$75
19	guard		
20	Unlawful operation of micro	8-15,106	\$75
21	utility truck		
22	Failure to remove vehicles in	8-15,107	\$75
23	accidents		
24	Unlawful operation of golf	8-15,108	\$75
25	cart		
26	Unlawful operation of work-	8-15,109	\$75
27	site utility vehicle		
28	Unlawful display of license	8-15,110	\$60
29	plate		
30	Unlawful text messaging	8-15,111	\$60
31	<i>Negligent driving</i>	<i>section 1</i>	<i>\$45</i>
32	Equipment offenses that are	8-1701	\$75
33	not misdemeanors		
34	Driving without lights when	8-1703	\$45
35	needed		
36	Defective headlamps	8-1705	\$45
37	Defective tail lamps	8-1706	\$45
38	Defective reflector	8-1707	\$45
39	Improper stop lamp or turn	8-1708	\$45
40	signal		
41	Improper lighting equipment	8-1710	\$45
42	on certain vehicles		
43	Improper lamp color on cer-	8-1711	\$45

1	tain vehicles		
2	Improper mounting of re-	8-1712	\$45
3	flectors and lamps on cer-		
4	tain vehicles		
5	Improper visibility of reflec-	8-1713	\$45
6	tors and lamps on certain		
7	vehicles		
8	No lamp or flag on projecting	8-1715	\$75
9	load		
10	Improper lamps on parked	8-1716	\$45
11	vehicle		
12	Improper lights, lamps, re-	8-1717	\$45
13	flectors and emblems on		
14	farm tractors or slow-		
15	moving vehicles		
16	Improper lamps and equip-	8-1718	\$45
17	ment on implements of		
18	husbandry, road machin-		
19	ery or animal-drawn ve-		
20	hicles		
21	Unlawful use of spot, fog, or	8-1719	\$45
22	auxiliary lamp		
23	Improper lamps or lights on	8-1720	\$45
24	emergency vehicle		
25	Improper stop or turn signal	8-1721	\$45
26	Improper vehicular hazard	8-1722	\$45
27	warning lamp		
28	Unauthorized additional	8-1723	\$45
29	lighting equipment		
30	Improper multiple-beam lights	8-1724	\$45
31	Failure to dim headlights	8-1725	\$75
32	Improper single-beam head-	8-1726	\$45
33	lights		
34	Improper speed with alter-	8-1727	\$45
35	nate lighting		
36	Improper number of driving	8-1728	\$45
37	lamps		
38	Unauthorized lights and sig-	8-1729	\$45
39	nals		
40	Improper school bus lighting	8-1730	\$45
41	equipment and warning		
42	devices		
43	Unauthorized lights and de-	8-1730a	\$45

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

1	ity of brakes		
2	Operating motorcycle with	8-1809	\$45
3	disapproved braking sys-		
4	tem		
5	Defective horn, muffler, mir-	8-1810	\$45
6	rors or tires		
7	Unlawful statehouse parking	75-4510a	\$30
8	Exceeding gross weight of	8-1909	Pounds Overweight
9	vehicle or combination		up to 1000\$40
10			1001 to 2000.....3¢
11			per pound
12			2001 to 5000.....5¢
13			per pound
14			5001 to 7500.....7¢
15			per pound
16			7501 and over.....10¢
17			per pound
18	Exceeding gross weight on	8-1908	Pounds Overweight
19	any axle or tandem,		up to 1000\$40
20	triple or quad axles		1001 to 2000.....3¢
21			per pound
22			2001 to 5000.....5¢
23			per pound
24			5001 to 7500.....7¢
25			per pound
26			7501 and over.....10¢
27			per pound
28	Failure to obtain proper re-	66-1324	\$287
29	gistration, clearance or		
30	to have current cer-		
31	tification		
32	Insufficient liability insur-	66-1,128	\$137
33	ance for motor carriers	or 66-1314	
34	Failure to obtain interstate	79-34,122	\$137
35	motor fuel tax author-		
36	ization		
37	No authority as private or	66-1,111	\$137
38	common carrier		
39	Violation of motor carrier	66-1,129	\$115
40	safety rules and regula-		
41	tions, except for viola-		
42	tions specified in sub-		
43	—section (b)(2) of K.S.A.		

1 66-1,130(b)(2), and amend-
2 ments thereto

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

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

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

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

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

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