

HOUSE BILL No. 2709

By Committee on Transportation

2-4

AN ACT relating to motor vehicles; concerning motorized skateboards; relating to the regulation thereof; amending K.S.A. 8-1437, 8-1575 and 8-2118 and K.S.A. 2003 Supp. 8-126 and 8-1486 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. "Motorized skateboard" means a self-propelled device which has a motor or engine, a deck on which a person may ride and at least two wheels in contact with the ground.

New Sec. 2. (a) It shall be unlawful for any person to operate a motorized skateboard on any street, road or highway in this state.

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

Sec. 3. K.S.A. 2003 Supp. 8-126 is hereby amended to read as follows: 8-126. The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor vehicle" means every vehicle, other than a motorized bicycle ~~or~~, a motorized wheelchair *or motorized skateboard*, which is self-propelled.

(c) "Truck" means a motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(d) "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

(e) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

(f) "Farm tractor" means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

- 1 (g) "Road tractor" means every motor vehicle designed and used for
2 drawing other vehicles, and not so constructed as to carry any load
3 thereon independently, or any part of the weight of a vehicle or load so
4 drawn.
- 5 (h) "Trailer" means every vehicle without motive power designed to
6 carry property or passengers wholly on its own structure and to be drawn
7 by a motor vehicle.
- 8 (i) "Semitrailer" means every vehicle of the trailer type so designed
9 and used in conjunction with a motor vehicle that some part of its own
10 weight and that of its own load rests upon or is carried by another vehicle.
- 11 (j) "Pole trailer" means any two-wheel vehicle used as a trailer with
12 bolsters that support the load, and do not have a rack or body extending
13 to the tractor drawing the load.
- 14 (k) "Specially constructed vehicle" means any vehicle which shall not
15 have been originally constructed under a distinctive name, make, model
16 or type, or which, if originally otherwise constructed shall have been ma-
17 terially altered by the removal of essential parts, or by the addition or
18 substitution of essential parts, new or used, derived from other vehicles
19 or makes of vehicles.
- 20 (l) "Foreign vehicle" means every motor vehicle, trailer or semitrailer
21 which shall be brought into this state otherwise than in ordinary course
22 of business by or through a manufacturer or dealer and which has not
23 been registered in this state.
- 24 (m) "Person" means every natural person, firm, partnership, associ-
25 ation or corporation.
- 26 (n) "Owner" means a person who holds the legal title of a vehicle, or
27 in the event a vehicle is the subject of an agreement for the conditional
28 sale thereof with the right of purchase upon performance of the condi-
29 tions stated in the agreement and with an immediate right of possession
30 vested in the conditional vendee or in the event a vehicle is subject to a
31 lease of 30 days or more with an immediate right of possession vested in
32 the lessee; or in the event a party having a security interest in a vehicle
33 is entitled to possession, then such conditional vendee or lessee or secured
34 party shall be deemed the owner for the purpose of this act.
- 35 (o) "Nonresident" means every person who is not a resident of this
36 state.
- 37 (p) "Manufacturer" means every person engaged in the business of
38 manufacturing motor vehicles, trailers or semitrailers.
- 39 (q) "New vehicle dealer" means every person actively engaged in the
40 business of buying, selling or exchanging new motor vehicles, travel trail-
41 ers, trailers or vehicles and who holds a dealer's contract therefor from a
42 manufacturer or distributor and who has an established place of business
43 in this state.

- 1 (r) "Used vehicle dealer" means every person actively engaged in the
2 business of buying, selling or exchanging used vehicles, and having an
3 established place of business in this state and who does not hold a dealer's
4 contract for the sale of new motor vehicles, travel trailers, trailers or
5 vehicles.
- 6 (s) "Highway" means every way or place of whatever nature open to
7 the use of the public as a matter of right for the purpose of vehicular
8 travel. The term "highway" shall not be deemed to include a roadway or
9 driveway upon grounds owned by private owners, colleges, universities
10 or other institutions.
- 11 (t) "Department" or "motor vehicle department" or "vehicle depart-
12 ment" means the division of vehicles of the department of revenue, acting
13 directly or through its duly authorized officers and agents.
- 14 (u) "Commission" or "state highway commission" means the director
15 of vehicles of the department of revenue.
- 16 (v) "Division" means the division of vehicles of the department of
17 revenue.
- 18 (w) "Travel trailer" means every vehicle without motive power de-
19 signed to be towed by a motor vehicle constructed primarily for recrea-
20 tional purposes.
- 21 (x) "Passenger vehicle" means every motor vehicle, as herein defined,
22 which is designed primarily to carry 10 or fewer passengers, and which
23 is not used as a truck.
- 24 (y) "Self-propelled farm implement" means every farm implement
25 designed for specific use applications with its motive power unit perma-
26 nently incorporated in its structural design.
- 27 (z) "Farm trailer" means every trailer as defined in subsection (h) of
28 this section and every semitrailer as defined in subsection (i) of this sec-
29 tion, designed and used primarily as a farm vehicle.
- 30 (aa) "Motorized bicycle" means every device having two tandem
31 wheels or three wheels, which may be propelled by either human power
32 or helper motor, or by both, and which has:
- 33 (1) A motor which produces not more than 3.5 brake horsepower;
 - 34 (2) a cylinder capacity of not more than 130 cubic centimeters;
 - 35 (3) an automatic transmission; and
 - 36 (4) the capability of a maximum design speed of no more than 30
37 miles per hour.
- 38 (bb) "All-terrain vehicle" means any motorized nonhighway vehicle
39 45 inches or less in width, having a dry weight of 650 pounds or less,
40 traveling on three or more low-pressure tires, having a seat designed to
41 be straddled by the operator. As used in this subsection, low-pressure tire
42 means any pneumatic tire six inches or more in width, designed for use
43 on wheels with rim diameter of 12 inches or less, and utilizing an oper-

1 ating pressure of 10 pounds per square inch or less as recommended by
2 the vehicle manufacturer.

3 (cc) “Implement of husbandry” means every vehicle designed or
4 adapted and used exclusively for agricultural operations, including feed-
5 lots, and only incidentally moved or operated upon the highways. Such
6 term shall include, but not be limited to:

7 (1) A farm tractor;

8 (2) a self-propelled farm implement;

9 (3) a fertilizer spreader, nurse tank or truck permanently mounted
10 with a spreader used exclusively for dispensing or spreading water, dust
11 or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202,
12 and amendments thereto, regardless of ownership;

13 (4) a truck mounted with a fertilizer spreader used or manufactured
14 principally to spread animal dung;

15 (5) a mixer-feed truck owned and used by a feedlot, as defined in
16 K.S.A. 47-1501, and amendments thereto, and specially designed and
17 used exclusively for dispensing food to livestock in such feedlot.

18 (dd) “Motorized wheelchair” means any self-propelled vehicle de-
19 signed specifically for use by a physically disabled person that is incapable
20 of a speed in excess of 15 miles per hour.

21 (ee) “Oil well servicing, oil well clean-out or oil well drilling machin-
22 ery or equipment” means a vehicle constructed as a machine used exclu-
23 sively for servicing, cleaning-out or drilling an oil well and consisting in
24 general of a mast, an engine for power, a draw works and a chassis per-
25 manently constructed or assembled for one or more of those purposes.
26 The passenger capacity of the cab of a vehicle shall not be considered in
27 determining whether such vehicle is an oil well servicing, oil well clean-
28 out or oil well drilling machinery or equipment.

29 (ff) “Electric personal assistive mobility device” means a self-balanc-
30 ing two nontandem wheeled device, designed to transport only one per-
31 son, with an electric propulsion system that limits the maximum speed of
32 the device to 15 miles per hour or less.

33 (gg) “Electronic certificate of title” means any electronic record of
34 ownership, including any lien or liens that may be recorded, retained by
35 the division in accordance with K.S.A. 2003 Supp. 8-135d, and amend-
36 ments thereto.

37 (hh) *“Motorized skateboard” means a self-propelled device which has*
38 *a motor or engine, a deck on which a person may ride and at least two*
39 *wheels in contact with the ground.*

40 Sec. 4. K.S.A. 8-1437 is hereby amended to read as follows: 8-1437.
41 “Motor vehicle” means every vehicle, other than a motorized bicycle ~~or~~,
42 a motorized wheelchair *or a motorized skateboard*, which is self-propelled
43 and every vehicle which is propelled by electric power obtained from

1 overhead trolley wires, but not operated upon rails.
 2 Sec. 5. K.S.A. 2003 Supp. 8-1486 is hereby amended to read as fol-
 3 lows: 8-1486, K.S.A. 8-1402a, 8-1414a, 8-1439c, 8-1458a, 8-1459a, 8-
 4 1475a, 8-1487, 8-1488, 8-1489 and 8-1490 and amendments thereto, and
 5 K.S.A. 2003 Supp. 8-1491, and amendments thereto, *and section 1, and*
 6 *amendments thereto*, shall be a part of, and supplemental to, the uniform
 7 act regulating traffic on highways.

8 Sec. 6. K.S.A. 8-1575 is hereby amended to read as follows: 8-1575.
 9 No person shall drive any vehicle upon a sidewalk or sidewalk area except
 10 upon a permanent or duly authorized temporary driveway. *This section*
 11 *shall not apply to any vehicle moved exclusively by human power nor to*
 12 *any motorized wheelchair.*

13 Sec. 7. K.S.A. 8-2118 is hereby amended to read as follows: 8-2118.
 14 (a) A person charged with a traffic infraction shall, except as provided in
 15 subsection (b), appear at the place and time specified in the notice to
 16 appear. If the person enters an appearance, waives right to trial, pleads
 17 guilty or no contest, the fine shall be no greater than that specified in the
 18 uniform fine schedule in subsection (c) and court costs shall be taxed as
 19 provided by law.

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
37 Refusal to submit to a preliminary breath test	8-1012	\$90
38 Unsafe speed for prevailing conditions	8-1557	\$60
39 Exceeding maximum speed limit; or speeding	8-1558	1-10 mph over the limit, \$30
40 in zone posted by the state department of	to	
42 transportation; or speeding in locally	8-1560	
43 posted zone		

1		8-1560a	11-20 mph over the limit,
2		or	\$30 plus \$6 per mph over
3		8-1560b	10 mph over the limit;
4			
5			21-30 mph over the limit,
6			\$90 plus \$9 per mph over
7			20 mph over the limit;
8			
9			31 and more mph over
10			the limit, \$180 plus \$15 per
11			mph over 30 mph over
12			the limit;
13	Disobeying traffic control device	8-1507	\$60
14	Violating traffic control signal	8-1508	\$60
15	Violating pedestrian control signal	8-1509	\$30
16	Violating flashing traffic signals	8-1510	\$60
17	Violating lane-control signal	8-1511	\$60
18	Unauthorized sign, signal, marking or device	8-1512	\$30
19	Driving on left side of roadway	8-1514	\$60
20	Failure to keep right to pass oncoming vehicle	8-1515	\$60
21	Improper passing; increasing speed when	8-1516	\$60
22	passed		
23	Improper passing on right	8-1517	\$60
24	Passing on left with insufficient clearance	8-1518	\$60
25	Driving on left side where curve, grade, in-	8-1519	\$60
26	tersection railroad crossing, or obstructed		
27	view		
28	Driving on left in no-passing zone	8-1520	\$60
29	Unlawful passing of stopped emergency ve-	8-1520a	\$60
30	hicle		
31	Driving wrong direction on one-way road	8-1521	\$60
32	Improper driving on laned roadway	8-1522	\$60
33	Following too close	8-1523	\$60
34	Improper crossover on divided highway	8-1524	\$30
35	Failure to yield right-of-way at uncontrolled	8-1526	\$60
36	intersection		
37	Failure to yield to approaching vehicle when	8-1527	\$60
38	turning left		
39	Failure to yield at stop or yield sign	8-1528	\$60
40	Failure to yield from private road or driveway	8-1529	\$60
41	Failure to yield to emergency vehicle	8-1530	\$180
42	Failure to yield to pedestrian or vehicle work-	8-1531	\$30
43	ing on roadway		

1	Failure to comply with restrictions in road	8-1531a	\$30
2	construction zone		
3	Disobeying pedestrian traffic control device	8-1532	\$30
4	Failure to yield to pedestrian in crosswalk; pe-	8-1533	\$60
5	destrian suddenly entering roadway; pass-		
6	ing vehicle stopped for pedestrian at cross-		
7	walk		
8	Improper pedestrian crossing	8-1534	\$30
9	Failure to exercise due care in regard to pe-	8-1535	\$30
10	destrian		
11	Improper pedestrian movement in crosswalk	8-1536	\$30
12	Improper use of roadway by pedestrian	8-1537	\$30
13	Soliciting ride or business on roadway	8-1538	\$30
14	Driving through safety zonedefined.	8-1539	\$30
15	Failure to yield to pedestrian on sidewalk	8-1540	\$30
16	Failure of pedestrian to yield to emergency	8-1541	\$30
17	vehicle		
18	Failure to yield to blind pedestrian	8-1542	\$30
19	Pedestrian disobeying bridge or railroad signal	8-1544	\$30
20	Improper turn or approach	8-1545	\$60
21	Improper "U" turn	8-1546	\$60
22	Unsafe starting of stopped vehicle	8-1547	\$30
23	Unsafe turning or stopping, failure to give	8-1548	\$60
24	proper signal; using turn signal unlawfully		
25	Improper method of giving notice of intention	8-1549	\$30
26	to turn		
27	Improper hand signal	8-1550	\$30
28	Failure to stop or obey railroad crossing signal	8-1551	\$180
29	Failure to stop at railroad crossing stop sign	8-1552	\$120
30	Certain hazardous vehicles failure to stop at	8-1553	\$180
31	railroad crossing		
32	Improper moving of heavy equipment at rail-	8-1554	\$60
33	road crossing		
34	Vehicle emerging from alley, private roadway,	8-1555	\$60
35	building or driveway		
36	Improper passing of school bus; improper use	8-1556	\$300
37	of school bus signals		
38	Improper passing of church or day-care bus;	8-1556a	\$180
39	improper use of signals		
40	Impeding normal traffic by slow speed	8-1561	\$30
41	Speeding on motor-driven cycle	8-1562	\$60
42	Speeding in certain vehicles or on posted	8-1563	\$30
43	bridge		

1	Improper stopping, standing or parking on	8-1569	\$30
2	roadway		
3	Parking, standing or stopping in prohibited	8-1571	\$30
4	area		
5	Improper parking	8-1572	\$30
6	Unattended vehicle	8-1573	\$30
7	Improper backing	8-1574	\$30
8	Driving on sidewalk	8-1575	\$30
9	Driving with view or driving mechanism ob-	8-1576	\$30
10	structed		
11	Unsafe opening of vehicle door	8-1577	\$30
12	Riding in house trailer	8-1578	\$30
13	Improper driving in defiles, canyons, or on	8-1579	\$30
14	grades		
15	Coasting	8-1580	\$30
16	Following fire apparatus too closely	8-1581	\$60
17	Driving over fire hose	8-1582	\$30
18	Putting glass, etc., on highway	8-1583	\$90
19	Driving into intersection, crosswalk, or	8-1584	\$30
20	crossing without sufficient space on other		
21	side		
22	Improper operation of snowmobile on high-	8-1585	\$30
23	way		
24	Parental responsibility of child riding bicycle	8-1586	\$30
25	Not riding on bicycle seat; too many persons	8-1588	\$30
26	on bicycle		
27	Clinging to other vehicle	8-1589	\$30
28	Improper riding of bicycle on roadway	8-1590	\$30
29	Carrying articles on bicycle; one hand on	8-1591	\$30
30	handlebars		
31	Improper bicycle lamps, brakes or reflectors	8-1592	\$30
32	Improper operation of motorcycle; seats; pas-	8-1594	\$30
33	sengers, bundles		
34	Improper operation of motorcycle on laned	8-1595	\$60
35	roadway		
36	Motorcycle clinging to other vehicle	8-1596	\$30
37	Improper motorcycle handlebars or passenger	8-1597	\$60
38	equipment		
39	Motorcycle helmet and eye-protection	8-1598	\$30
40	requirements		
41	Unlawful riding on vehicle	8-1578a	\$60
42	Unlawful operation of all-terrain vehicle	8-15,100	\$60
43	Unlawful operation of low-speed vehicle	8-15,101	\$60

1	<i>Unlawful operation of motorized skateboard</i>	<i>section 2</i>	\$30
2	Equipment offenses that are not misdemean-	8-1701	\$60
3	ors		
4	Driving without lights when needed	8-1703	\$30
5	Defective headlamps	8-1705	\$30
6	Defective tail lamps	8-1706	\$30
7	Defective reflector	8-1707	\$30
8	Improper stop lamp or turn signal	8-1708	\$30
9	Improper lighting equipment on certain ve-	8-1710	\$30
10	hicles		
11	Improper lamp color on certain vehicles	8-1711	\$30
12	Improper mounting of reflectors and lamps	8-1712	\$30
13	on certain vehicles		
14	Improper visibility of reflectors and lamps on	8-1713	\$30
15	certain vehicles		
16	No lamp or flag on projecting load	8-1715	\$60
17	Improper lamps on parked vehicle	8-1716	\$30
18	Improper lights, lamps, reflectors and em-	8-1717	\$30
19	blems on farm tractors or slow-moving ve-		
20	hicles		
21	Improper lamps and equipment on imple-	8-1718	\$30
22	ments of husbandry, road machinery or		
23	animal-drawn vehicles		
24	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
25	Improper lamps or lights on emergency ve-	8-1720	\$30
26	hicle		
27	Improper stop or turn signal	8-1721	\$30
28	Improper vehicular hazard warning lamp	8-1722	\$30
29	Unauthorized additional lighting equipment	8-1723	\$30
30	Improper multiple-beam lights	8-1724	\$30
31	Failure to dim headlights	8-1725	\$60
32	Improper single-beam headlights	8-1726	\$30
33	Improper speed with alternate lighting	8-1727	\$30
34	Improper number of driving lamps	8-1728	\$30
35	Unauthorized lights and signals	8-1729	\$30
36	Improper school bus lighting equipment and	8-1730	\$30
37	warning devices		
38	Unauthorized lights and devices on church or	8-1730a	\$30
39	day-care bus		
40	Improper lights on highway construction or	8-1731	\$30
41	maintenance vehicles		
42	Defective brakes	8-1734	\$30
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1	Defective or improper use of horn or warning	8-1738	\$30
2	device		
3	Defective muffler	8-1739	\$30
4	Defective mirror	8-1740	\$30
5	Defective wipers; obstructed windshield or	8-1741	\$30
6	windows		
7	Improper tires	8-1742	\$30
8	Improper flares or warning devices	8-1744	\$30
9	Improper use of vehicular hazard warning	8-1745	\$30
10	lamps and devices		
11	Improper air-conditioning equipment	8-1747	\$30
12	TV screen visible to driver	8-1748	\$30
13	Improper safety belt or shoulder harness	8-1749	\$30
14	Improper wide-based single tires	8-1742b	\$60
15	Defective motorcycle headlamp	8-1801	\$30
16	Defective motorcycle tail lamp	8-1802	\$30
17	Defective motorcycle reflector	8-1803	\$30
18	Defective motorcycle stop lamps and turn sig-	8-1804	\$30
19	nals		
20	Defective multiple-beam lighting	8-1805	\$30
21	Improper road-lighting equipment on motor-	8-1806	\$30
22	driven cycles		
23	Defective motorcycle or motor-driven cycle	8-1807	\$30
24	brakes		
25	Improper performance ability of brakes	8-1808	\$30
26	Operating motorcycle with disapproved brak-	8-1809	\$30
27	ing system		
28	Defective horn, muffler, mirrors or tires	8-1810	\$30
29	Unlawful statehouse parking	75-4510a	\$15

30 (d) Traffic offenses classified as traffic infractions by this section shall
 31 be classified as ordinance traffic infractions by those cities adopting or-
 32 dinances prohibiting the same offenses. A schedule of fines for all ordi-
 33 nance traffic infractions shall be established by the municipal judge in the
 34 manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
 35 fines may vary from those contained in the uniform fine schedule con-
 36 tained in subsection (c).

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

43 Sec. 8. K.S.A. 8-1437, 8-1575 and 8-2118 and K.S.A. 2003 Supp. 8-

1 126 and 8-1486 are hereby repealed.
2 Sec. 9. This act shall take effect and be in force from and after its
3 publication in the statute book.
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