

## HOUSE BILL No. 2756

By Committee on Transportation

2-5

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9 AN ACT regulating traffic; concerning fines in road construction zones;  
10 amending K.S.A. 8-2004 and K.S.A. 2007 Supp. 8-2118 and repealing  
11 the existing sections.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 8-2004 is hereby amended to read as follows: 8-  
15 2004. (a) The secretary of transportation shall place and maintain such  
16 traffic-control devices, conforming to the manual and specifications  
17 adopted under K.S.A. 8-2003, and amendments thereto, upon all state  
18 highways as the secretary shall deem necessary to indicate and to carry  
19 out the provisions of this act or to regulate, warn or guide traffic.

20 (b) No local authority shall place or maintain any traffic-control de-  
21 vice upon any highway under the jurisdiction of the secretary of trans-  
22 portation, except by the latter's permission.

23 (c) The secretary of transportation shall post signs informing motor-  
24 ists that conviction of a traffic infraction, which is defined as a moving  
25 violation in accordance with rules and regulations adopted pursuant to  
26 K.S.A. 8-249, and amendments thereto, committed within a road con-  
27 struction zone, as defined in K.S.A. 8-1458a, shall result in a fine which  
28 is double the fine listed in the uniform fine schedule in K.S.A. 8-2118,  
29 and amendments thereto, *plus a fine of \$250*.

30 Sec. 2. K.S.A. 2007 Supp. 8-2118 is hereby amended to read as fol-  
31 lows: 8-2118. (a) A person charged with a traffic infraction shall, except  
32 as provided in subsection (b), appear at the place and time specified in  
33 the notice to appear. If the person enters an appearance, waives right to  
34 trial, pleads guilty or no contest, the fine shall be no greater than that  
35 specified in the uniform fine schedule in subsection (c) and court costs  
36 shall be taxed as provided by law.

37 (b) Prior to the time specified in the notice to appear, a person  
38 charged with a traffic infraction may enter a written appearance, waive  
39 right to trial, plead guilty or no contest and pay the fine for the violation  
40 as specified in the uniform fine schedule in subsection (c) and court costs  
41 provided by law. Payment may be made by mail or in person and may be  
42 by personal check. The traffic citation shall not have been complied with  
43 if a check is not honored for any reason, or if the fine and court costs are

1 not paid in full. When a person charged with a traffic infraction makes  
 2 payment without executing a written waiver of right to trial and plea of  
 3 guilty or no contest, the payment shall be deemed such an appearance,  
 4 waiver of right to trial and plea of no contest.

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
11 Refusal to submit to a preliminary breath test	8-1012	\$90
12 Unsafe speed for prevailing conditions	8-1557	\$60
13 Exceeding maximum speed limit; or speeding	8-1558	1-10 mph over the limit, \$30
14 in zone posted by the state department of	to	11-20 mph over the limit, \$30
15 transportation; or speeding in locally posted	8-1560	plus \$6 per mph over 10 mph
16 zone	8-1560a	over the limit;
17	or	21-30 mph over the limit, \$90
18	8-1560b	plus \$9 per mph over 20 mph
19		over the limit;
20		31 and more mph over the
21		limit, \$180 plus \$15 per mph
22		over 30 mph over the limit;
23		
24 Disobeying traffic control device	8-1507	\$60
25 Violating traffic control signal	8-1508	\$60
26 Violating pedestrian control signal	8-1509	\$30
27 Violating flashing traffic signals	8-1510	\$60
28 Violating lane-control signal	8-1511	\$60
29 Unauthorized sign, signal, marking or device	8-1512	\$30
30 Driving on left side of roadway	8-1514	\$60
31 Failure to keep right to pass oncoming vehicle	8-1515	\$60
32 Improper passing; increasing speed when	8-1516	\$60
33 passed		
34 Improper passing on right	8-1517	\$60
35 Passing on left with insufficient clearance	8-1518	\$60
36 Driving on left side where curve, grade,	8-1519	\$60
37 intersection railroad crossing, or obstructed		
38 view		
39 Driving on left in no-passing zone	8-1520	\$60
40 Unlawful passing of stopped emergency	8-1520a	\$60
41 vehicle		
42 Driving wrong direction on one-way road	8-1521	\$60
43 Improper driving on laned roadway	8-1522	\$60

1	Following too close	8-1523	\$60
2	Improper crossover on divided highway	8-1524	\$30
3	Failure to yield right-of-way at uncontrolled	8-1526	\$60
4	intersection		
5	Failure to yield to approaching vehicle when	8-1527	\$60
6	turning left		
7	Failure to yield at stop or yield sign	8-1528	\$60
8	Failure to yield from private road or driveway	8-1529	\$60
9	Failure to yield to emergency vehicle	8-1530	\$180
10	Failure to yield to pedestrian or vehicle	8-1531	\$90
11	working on roadway		
12	Failure to comply with restrictions in road	8-1531a	\$30
13	construction zone		
14	Disobeying pedestrian traffic control device	8-1532	\$30
15	Failure to yield to pedestrian in crosswalk;	8-1533	\$60
16	pedestrian suddenly entering roadway;		
17	passing vehicle stopped for pedestrian at		
18	crosswalk		
19	Improper pedestrian crossing	8-1534	\$30
20	Failure to exercise due care in regard to	8-1535	\$30
21	pedestrian		
22	Improper pedestrian movement in crosswalk	8-1536	\$30
23	Improper use of roadway by pedestrian	8-1537	\$30
24	Soliciting ride or business on roadway	8-1538	\$30
25	Driving through safety zone	8-1539	\$30
26	Failure to yield to pedestrian on sidewalk	8-1540	\$30
27	Failure of pedestrian to yield to emergency	8-1541	\$30
28	vehicle		
29	Failure to yield to blind pedestrian	8-1542	\$30
30	Pedestrian disobeying bridge or railroad signal	8-1544	\$30
31	Improper turn or approach	8-1545	\$60
32	Improper "U" turn	8-1546	\$60
33	Unsafe starting of stopped vehicle	8-1547	\$30
34	Unsafe turning or stopping, failure to give	8-1548	\$60
35	proper signal; using turn signal unlawfully		
36	Improper method of giving notice of intention	8-1549	\$30
37	to turn		
38	Improper hand signal	8-1550	\$30
39	Failure to stop or obey railroad crossing signal	8-1551	\$180
40	Failure to stop at railroad crossing stop sign	8-1552	\$120
41	Certain hazardous vehicles failure to stop at	8-1553	\$180
42	railroad crossing		

1	Improper moving of heavy equipment at	8-1554	\$60
2	railroad crossing		
3	Vehicle emerging from alley, private roadway,	8-1555	\$60
4	building or driveway		
5	Improper passing of school bus; improper use	8-1556	\$300
6	of school bus signals		
7	Improper passing of church or day-care bus;	8-1556a	\$180
8	improper use of signals		
9	Impeding normal traffic by slow speed	8-1561	\$30
10	Speeding on motor-driven cycle	8-1562	\$60
11	Speeding in certain vehicles or on posted	8-1563	\$30
12	bridge		
13	Improper stopping, standing or parking on	8-1569	\$30
14	roadway		
15	Parking, standing or stopping in prohibited	8-1571	\$30
16	area		
17	Improper parking	8-1572	\$30
18	Unattended vehicle	8-1573	\$30
19	Improper backing	8-1574	\$30
20	Driving on sidewalk	8-1575	\$30
21	Driving with view or driving mechanism	8-1576	\$30
22	obstructed		
23	Unsafe opening of vehicle door	8-1577	\$30
24	Riding in house trailer	8-1578	\$30
25	Improper driving in defiles, canyons, or on	8-1579	\$30
26	grades		
27	Coasting	8-1580	\$30
28	Following fire apparatus too closely	8-1581	\$60
29	Driving over fire hose	8-1582	\$30
30	Putting glass, etc., on highway	8-1583	\$90
31	Driving into intersection, crosswalk, or	8-1584	\$30
32	crossing without sufficient space on other		
33	side		
34	Improper operation of snowmobile on	8-1585	\$30
35	highway		
36	Parental responsibility of child riding bicycle	8-1586	\$30
37	Not riding on bicycle seat; too many persons	8-1588	\$30
38	on bicycle		
39	Clinging to other vehicle	8-1589	\$30
40	Improper riding of bicycle on roadway	8-1590	\$30
41	Carrying articles on bicycle; one hand on	8-1591	\$30
42	handlebars		
43	Improper bicycle lamps, brakes or reflectors	8-1592	\$30

1	Improper operation of motorcycle; seats;	8-1594	\$30
2	passengers, bundles		
3	Improper operation of motorcycle on laned	8-1595	\$60
4	roadway		
5	Motorcycle clinging to other vehicle	8-1596	\$30
6	Improper motorcycle handlebars or passenger	8-1597	\$60
7	equipment		
8	Motorcycle helmet and eye-protection	8-1598	\$30
9	requirements		
10	Unlawful riding on vehicle	8-1578a	\$60
11	Unlawful operation of all-terrain vehicle	8-15,100	\$60
12	Unlawful operation of low-speed vehicle	8-15,101	\$60
13	Littering	8-15,102	\$100
14	Disobeying school crossing guard	8-15,103	\$60
15	Unlawful operation of work-site utility vehicle	8-15,105	\$60
16	Equipment offenses that are not	8-1701	\$60
17	misdemeanors		
18	Driving without lights when needed	8-1703	\$30
19	Defective headlamps	8-1705	\$30
20	Defective tail lamps	8-1706	\$30
21	Defective reflector	8-1707	\$30
22	Improper stop lamp or turn signal	8-1708	\$30
23	Improper lighting equipment on certain	8-1710	\$30
24	vehicles		
25	Improper lamp color on certain vehicles	8-1711	\$30
26	Improper mounting of reflectors and lamps on	8-1712	\$30
27	certain vehicles		
28	Improper visibility of reflectors and lamps on	8-1713	\$30
29	certain vehicles		
30	No lamp or flag on projecting load	8-1715	\$60
31	Improper lamps on parked vehicle	8-1716	\$30
32	Improper lights, lamps, reflectors and	8-1717	\$30
33	emblems on farm tractors or slow-moving		
34	vehicles		
35	Improper lamps and equipment on	8-1718	\$30
36	implements of husbandry, road machinery		
37	or animal-drawn vehicles		
38	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
39	Improper lamps or lights on emergency	8-1720	\$30
40	vehicle		
41	Improper stop or turn signal	8-1721	\$30
42	Improper vehicular hazard warning lamp	8-1722	\$30
43	Unauthorized additional lighting equipment	8-1723	\$30

1	Improper multiple-beam lights	8-1724	\$30
2	Failure to dim headlights	8-1725	\$60
3	Improper single-beam headlights	8-1726	\$30
4	Improper speed with alternate lighting	8-1727	\$30
5	Improper number of driving lamps	8-1728	\$30
6	Unauthorized lights and signals	8-1729	\$30
7	Improper school bus lighting equipment and	8-1730	\$30
8	warning devices		
9	Unauthorized lights and devices on church or	8-1730a	\$30
10	day-care bus		
11	Improper lights on highway construction or	8-1731	\$30
12	maintenance vehicles		
13	Defective brakes	8-1734	\$30
14	Defective or improper use of horn or warning	8-1738	\$30
15	device		
16	Defective muffler	8-1739	\$30
17	Defective mirror	8-1740	\$30
18	Defective wipers; obstructed windshield or	8-1741	\$30
19	windows		
20	Improper tires	8-1742	\$30
21	Improper flares or warning devices	8-1744	\$30
22	Improper use of vehicular hazard warning	8-1745	\$30
23	lamps and devices		
24	Improper air-conditioning equipment	8-1747	\$30
25	Improper safety belt or shoulder harness	8-1749	\$30
26	Improper wide-based single tires	8-1742b	\$60
27	Improper compression release engine braking	8-1761	\$60
28	system		
29	Defective motorcycle headlamp	8-1801	\$30
30	Defective motorcycle tail lamp	8-1802	\$30
31	Defective motorcycle reflector	8-1803	\$30
32	Defective motorcycle stop lamps and turn	8-1804	\$30
33	signals		
34	Defective multiple-beam lighting	8-1805	\$30
35	Improper road-lighting equipment on motor-	8-1806	\$30
36	driven cycles		
37	Defective motorcycle or motor-driven cycle	8-1807	\$30
38	brakes		
39	Improper performance ability of brakes	8-1808	\$30
40	Operating motorcycle with disapproved	8-1809	\$30
41	braking system		
42	Defective horn, muffler, mirrors or tires	8-1810	\$30
43	Unlawful statehouse parking	75-4510a	\$15

1	Exceeding gross weight of vehicle or	8-1909	Pounds Overweight
2	combination		up to 1000 ..... \$25
3			1001 to 2000 ..... 3¢ per pound
4			2001 to 5000 ..... 5¢ per pound
5			5001 to 7500 ..... 7¢ per pound
6			7501 and over .. 10¢ per pound
7	Exceeding gross weight on any axle or tandem,	8-1908	Pounds Overweight
8	triple or quad axles		up to 1000 ..... \$25
9			1001 to 2000 ..... 3¢ per pound
10			2001 to 5000 ..... 5¢ per pound
11			5001 to 7500 ..... 7¢ per pound
12			7501 and over .. 10¢ per pound
13	Failure to obtain proper registration, clearance	66-1324	\$272
14	or to have current certification		
15	Insufficient liability insurance for motor	66-1,128	\$122
16	carriers	or 66-1314	
17	Failure to obtain interstate motor fuel tax	79-34,122	\$122
18	authorization		
19	No authority as private or common carrier	66-1,111	\$122
20	Violation of motor carrier safety rules and	66-1,129	\$100

21 regulations, except for violations specified in  
 22 subsection (b)(2) of K.S.A. 66-1,130, and  
 23 amendments thereto

24 (d) Traffic offenses classified as traffic infractions by this section shall  
 25 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  
 28 in the manner prescribed by K.S.A. 12-4305, and amendments thereto.  
 29 Such fines may vary from those contained in the uniform fine schedule  
 30 contained in subsection (c).

31 (e) (1) Fines listed in the uniform fine schedule contained in  
 32 subsection (c) shall be doubled if a person is convicted of a traffic  
 33 infraction, which is defined as a moving violation in accordance with rules  
 34 and regulations adopted pursuant to K.S.A. 8-249, and amendments  
 35 thereto, committed within any road construction zone as defined in K.S.A.  
 36 8-1458a, and amendments thereto.

37 (2) *In addition to the fines under paragraph (1), a person convicted*  
 38 *of a traffic infraction committed within any road construction zone under*  
 39 *paragraph (1), shall be fined \$250.*

40 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and  
 41 amendments thereto, within two years after a prior conviction of K.S.A.  
 42 8-1908 or 8-1909, and amendments thereto, such person, upon conviction  
 43 shall be fined 1½ times the applicable amount from one, but not both,

1 of the schedules listed in the uniform fine schedule contained in  
2 subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and  
3 amendments thereto, within two years, after two prior convictions of  
4 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon  
5 conviction shall be fined two times the applicable amount from one, but  
6 not both, of the schedules listed in the uniform fine schedule contained  
7 in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-  
8 1908 or 8-1909, and amendments thereto, within two years after three  
9 prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto,  
10 such person, upon conviction shall be fined 2½ times the applicable  
11 amount from one, but not both, of the schedules listed in the uniform  
12 fine schedule contained in subsection (c).

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

18 Sec. 3. K.S.A. 8-2004 and K.S.A. 2007 Supp. 8-2118 are hereby  
19 repealed.

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