

HOUSE BILL No. 2556

By Commerce and Labor

1-27

9 AN ACT regulating traffic; restricting the use of certain wireless com-
10 munication devices while operating a moving motor vehicle; amending
11 K.S.A. 2009 Supp. 8-2118 and repealing the existing section.
12

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

14 New Section 1. (a) As used in this section:

15 (1) “Wireless communication device” means any wireless electronic
16 communication device that provides for voice or data communication be-
17 tween two or more parties, including, but not limited to, a mobile or
18 cellular telephone, a text messaging device, a personal digital assistant
19 that sends or receives messages, an audio-video player that sends or re-
20 ceives messages or a laptop computer.

21 (2) “Hands-free wireless communication device” means a wireless
22 communication device that has an internal feature or function, or that is
23 equipped with an attachment or addition, whether or not permanently
24 part of such device, by which the user engages in a conversation without
25 the use of either hand, except that this definition shall not preclude the
26 use of either hand to activate, deactivate or initiate a function of the
27 device.

28 (3) “Hands-free accessory” means an attachment, add-on, built-in
29 feature or addition to a wireless communication device, whether or not
30 permanently installed in a motor vehicle, that, when used, allows the
31 motor vehicle operator to maintain both hands on the steering wheel.

32 (4) “Data communication” means a communication in the form of
33 electronic text or one or more electronic images sent by a person from a
34 telephone or computer to another person’s telephone or computer by
35 addressing the communication to the person’s telephone number.

36 (b) Except as provided in subsection (c), it shall be unlawful for a
37 person to use a wireless communication device for voice or data com-
38 munications while driving a moving motor vehicle on a public road or
39 highway in this state.

40 (c) The provisions of subsection (b) shall not prohibit a person from
41 using:

42 (1) A hands-free wireless communication device or hands-free acces-
43 sory while driving a moving motor vehicle; or

- 1 (2) a handheld wireless communication device while driving a moving
2 motor vehicle:
- 3 (A) During a medical emergency;
- 4 (B) when reporting a safety hazard or requesting assistance relating
5 to a safety hazard;
- 6 (C) when reporting criminal activity or requesting assistance relating
7 to criminal activity;
- 8 (D) when providing roadside or medical assistance; or
- 9 (E) when used by a law enforcement officer or emergency service
10 personnel acting within the course and scope of the law enforcement
11 officer's or emergency service personnel's employment.
- 12 (d) The provisions of this section shall be applicable and uniform
13 throughout the state and no city, county, subdivision or local authority
14 shall enact or enforce any law, ordinance, rule, regulation or resolution
15 in conflict with, in addition to or supplemental to the provisions of this
16 section.
- 17 (e) This section shall be part of and supplemental to the uniform act
18 regulating traffic on highways.
- 19 Sec. 2. K.S.A. 2009 Supp. 8-2118 is hereby amended to read as fol-
20 lows: 8-2118. (a) A person charged with a traffic infraction shall, except
21 as provided in subsection (b), appear at the place and time specified in
22 the notice to appear. If the person enters an appearance, waives right to
23 trial, pleads guilty or no contest, the fine shall be no greater than that
24 specified in the uniform fine schedule in subsection (c) and court costs
25 shall be taxed as provided by law.
- 26 (b) Prior to the time specified in the notice to appear, a person
27 charged with a traffic infraction may enter a written appearance, waive
28 right to trial, plead guilty or no contest and pay the fine for the violation
29 as specified in the uniform fine schedule in subsection (c) and court costs
30 provided by law. Payment may be made by mail or in person and may be
31 by personal check. The traffic citation shall not have been complied with
32 if a check is not honored for any reason, or if the fine and court costs are
33 not paid in full. When a person charged with a traffic infraction makes
34 payment without executing a written waiver of right to trial and plea of
35 guilty or no contest, the payment shall be deemed such an appearance,
36 waiver of right to trial and plea of no contest.
- 37 (c) The following uniform fine schedule shall apply uniformly
38 throughout the state but shall not limit the fine which may be imposed
39 following a court appearance, except an appearance made for the purpose
40 of pleading and payment as permitted by subsection (a). The description
41 of offense contained in the following uniform fine schedule is for refer-
42 ence only and is not a legal definition.
- 43

| 1 | <i>Description of Offense</i> | <i>Statute</i> | <i>Fine</i> |
|----|--|----------------|-------------------------------|
| 2 | Refusal to submit to a preliminary breath test | 8-1012 | \$90 |
| 3 | Unsafe speed for prevailing conditions | 8-1557 | \$60 |
| 4 | Exceeding maximum speed limit; or speeding | 8-1558 | 1-10 mph over the limit, \$30 |
| 5 | in zone posted by the state department of | to | |
| 6 | transportation; or speeding in locally posted | 8-1560 | 11-20 mph over the limit, |
| 7 | zone | 8-1560a | \$30 plus \$6 per mph over |
| 8 | | or | 10 mph over the limit; |
| 9 | | 8-1560b | |
| 10 | | | 21-30 mph over the limit, |
| 11 | | | \$90 plus \$9 per mph over |
| 12 | | | 20 mph over the limit; |
| 13 | | | |
| 14 | | | 31 and more mph over the |
| 15 | | | limit, \$180 plus \$15 per |
| 16 | | | mph over 30 mph over the |
| 17 | | | limit; |
| 18 | Disobeying traffic control device | 8-1507 | \$60 |
| 19 | Violating traffic control signal | 8-1508 | \$60 |
| 20 | Violating pedestrian control signal | 8-1509 | \$30 |
| 21 | Violating flashing traffic signals | 8-1510 | \$60 |
| 22 | Violating lane-control signal | 8-1511 | \$60 |
| 23 | Unauthorized sign, signal, marking or device | 8-1512 | \$30 |
| 24 | Driving on left side of roadway | 8-1514 | \$60 |
| 25 | Failure to keep right to pass oncoming vehicle | 8-1515 | \$60 |
| 26 | Improper passing; increasing speed when | 8-1516 | \$60 |
| 27 | passed | | |
| 28 | Improper passing on right | 8-1517 | \$60 |
| 29 | Passing on left with insufficient clearance | 8-1518 | \$60 |
| 30 | Driving on left side where curve, grade, | 8-1519 | \$60 |
| 31 | intersection railroad crossing, or obstructed | | |
| 32 | view | | |
| 33 | Driving on left in no-passing zone | 8-1520 | \$60 |
| 34 | Unlawful passing of stopped emergency | 8-1520a | \$60 |
| 35 | vehicle | | |
| 36 | Driving wrong direction on one-way road | 8-1521 | \$60 |
| 37 | Improper driving on laned roadway | 8-1522 | \$60 |
| 38 | Following too close | 8-1523 | \$60 |
| 39 | Improper crossover on divided highway | 8-1524 | \$30 |
| 40 | Failure to yield right-of-way at uncontrolled | 8-1526 | \$60 |
| 41 | intersection | | |
| 42 | Failure to yield to approaching vehicle when | 8-1527 | \$60 |
| 43 | turning left | | |

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|----|--|---------|-------|
| 1 | Failure to yield at stop or yield sign | 8-1528 | \$60 |
| 2 | Failure to yield from private road or driveway | 8-1529 | \$60 |
| 3 | Failure to yield to emergency vehicle | 8-1530 | \$180 |
| 4 | Failure to yield to pedestrian or vehicle | 8-1531 | \$90 |
| 5 | working on roadway | | |
| 6 | Failure to comply with restrictions in road | 8-1531a | \$30 |
| 7 | construction zone | | |
| 8 | Disobeying pedestrian traffic control device | 8-1532 | \$30 |
| 9 | Failure to yield to pedestrian in crosswalk; | 8-1533 | \$60 |
| 10 | pedestrian suddenly entering roadway; | | |
| 11 | passing vehicle stopped for pedestrian at | | |
| 12 | crosswalk | | |
| 13 | Improper pedestrian crossing | 8-1534 | \$30 |
| 14 | Failure to exercise due care in regard to | 8-1535 | \$30 |
| 15 | pedestrian | | |
| 16 | Improper pedestrian movement in crosswalk | 8-1536 | \$30 |
| 17 | Improper use of roadway by pedestrian | 8-1537 | \$30 |
| 18 | Soliciting ride or business on roadway | 8-1538 | \$30 |
| 19 | Driving through safety zone | 8-1539 | \$30 |
| 20 | Failure to yield to pedestrian on sidewalk | 8-1540 | \$30 |
| 21 | Failure of pedestrian to yield to emergency | 8-1541 | \$30 |
| 22 | vehicle | | |
| 23 | Failure to yield to blind pedestrian | 8-1542 | \$30 |
| 24 | Pedestrian disobeying bridge or railroad signal | 8-1544 | \$30 |
| 25 | Improper turn or approach | 8-1545 | \$60 |
| 26 | Improper "U" turn | 8-1546 | \$60 |
| 27 | Unsafe starting of stopped vehicle | 8-1547 | \$30 |
| 28 | Unsafe turning or stopping, failure to give | 8-1548 | \$60 |
| 29 | proper signal; using turn signal unlawfully | | |
| 30 | Improper method of giving notice of intention | 8-1549 | \$30 |
| 31 | to turn | | |
| 32 | Improper hand signal | 8-1550 | \$30 |
| 33 | Failure to stop or obey railroad crossing signal | 8-1551 | \$180 |
| 34 | Failure to stop at railroad crossing stop sign | 8-1552 | \$120 |
| 35 | Certain hazardous vehicles failure to stop at | 8-1553 | \$180 |
| 36 | railroad crossing | | |
| 37 | Improper moving of heavy equipment at | 8-1554 | \$60 |
| 38 | railroad crossing | | |
| 39 | Vehicle emerging from alley, private roadway, | 8-1555 | \$60 |
| 40 | building or driveway | | |
| 41 | Improper passing of school bus; improper use | 8-1556 | \$300 |
| 42 | of school bus signals | | |
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|----|---|---------|-------|
| 1 | Improper passing of church or day-care bus; | 8-1556a | \$180 |
| 2 | improper use of signals | | |
| 3 | Impeding normal traffic by slow speed | 8-1561 | \$30 |
| 4 | Speeding on motor-driven cycle | 8-1562 | \$60 |
| 5 | Speeding in certain vehicles or on posted | 8-1563 | \$30 |
| 6 | bridge | | |
| 7 | Improper stopping, standing or parking on | 8-1569 | \$30 |
| 8 | roadway | | |
| 9 | Parking, standing or stopping in prohibited | 8-1571 | \$30 |
| 10 | area | | |
| 11 | Improper parking | 8-1572 | \$30 |
| 12 | Unattended vehicle | 8-1573 | \$30 |
| 13 | Improper backing | 8-1574 | \$30 |
| 14 | Driving on sidewalk | 8-1575 | \$30 |
| 15 | Driving with view or driving mechanism | 8-1576 | \$30 |
| 16 | obstructed | | |
| 17 | Unsafe opening of vehicle door | 8-1577 | \$30 |
| 18 | Riding in house trailer | 8-1578 | \$30 |
| 19 | Improper driving in defiles, canyons, or on | 8-1579 | \$30 |
| 20 | grades | | |
| 21 | Coasting | 8-1580 | \$30 |
| 22 | Following fire apparatus too closely | 8-1581 | \$60 |
| 23 | Driving over fire hose | 8-1582 | \$30 |
| 24 | Putting glass, etc., on highway | 8-1583 | \$90 |
| 25 | Driving into intersection, crosswalk, or | 8-1584 | \$30 |
| 26 | crossing without sufficient space on other | | |
| 27 | side | | |
| 28 | Improper operation of snowmobile on | 8-1585 | \$30 |
| 29 | highway | | |
| 30 | Parental responsibility of child riding bicycle | 8-1586 | \$30 |
| 31 | Not riding on bicycle seat; too many persons | 8-1588 | \$30 |
| 32 | on bicycle | | |
| 33 | Clinging to other vehicle | 8-1589 | \$30 |
| 34 | Improper riding of bicycle on roadway | 8-1590 | \$30 |
| 35 | Carrying articles on bicycle; one hand on | 8-1591 | \$30 |
| 36 | handlebars | | |
| 37 | Improper bicycle lamps, brakes or reflectors | 8-1592 | \$30 |
| 38 | Improper operation of motorcycle; seats; | 8-1594 | \$30 |
| 39 | passengers, bundles | | |
| 40 | Improper operation of motorcycle on laned | 8-1595 | \$60 |
| 41 | roadway | | |
| 42 | Motorcycle clinging to other vehicle | 8-1596 | \$30 |
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|----|--|------------------|--------------|
| 1 | Improper motorcycle handlebars or passenger | 8-1597 | \$60 |
| 2 | equipment | | |
| 3 | Motorcycle helmet and eye-protection | 8-1598 | \$30 |
| 4 | requirements | | |
| 5 | Unlawful riding on vehicle | 8-1578a | \$60 |
| 6 | Unlawful operation of all-terrain vehicle | 8-15,100 | \$60 |
| 7 | Unlawful operation of low-speed vehicle | 8-15,101 | \$60 |
| 8 | Littering | 8-15,102 | \$100 |
| 9 | Disobeying school crossing guard | 8-15,103 | \$60 |
| 10 | Unlawful operation of micro utility truck | 8-15,106 | \$60 |
| 11 | Failure to remove vehicles in accidents | 8-15,107 | \$60 |
| 12 | Unlawful operation of golf cart | 8-15,108 | \$60 |
| 13 | Unlawful operation of work-site utility vehicle | 8-15,109 | \$60 |
| 14 | <i>Unlawful use of wireless communication device</i> | <i>section 1</i> | <i>\$100</i> |
| 15 | Equipment offenses that are not | 8-1701 | \$60 |
| 16 | misdemeanors | | |
| 17 | Driving without lights when needed | 8-1703 | \$30 |
| 18 | Defective headlamps | 8-1705 | \$30 |
| 19 | Defective tail lamps | 8-1706 | \$30 |
| 20 | Defective reflector | 8-1707 | \$30 |
| 21 | Improper stop lamp or turn signal | 8-1708 | \$30 |
| 22 | Improper lighting equipment on certain | 8-1710 | \$30 |
| 23 | vehicles | | |
| 24 | Improper lamp color on certain vehicles | 8-1711 | \$30 |
| 25 | Improper mounting of reflectors and lamps on | 8-1712 | \$30 |
| 26 | certain vehicles | | |
| 27 | Improper visibility of reflectors and lamps on | 8-1713 | \$30 |
| 28 | certain vehicles | | |
| 29 | No lamp or flag on projecting load | 8-1715 | \$60 |
| 30 | Improper lamps on parked vehicle | 8-1716 | \$30 |
| 31 | Improper lights, lamps, reflectors and | 8-1717 | \$30 |
| 32 | emblems on farm tractors or slow-moving | | |
| 33 | vehicles | | |
| 34 | Improper lamps and equipment on | 8-1718 | \$30 |
| 35 | implements of husbandry, road machinery | | |
| 36 | or animal-drawn vehicles | | |
| 37 | Unlawful use of spot, fog, or auxiliary lamp | 8-1719 | \$30 |
| 38 | Improper lamps or lights on emergency | 8-1720 | \$30 |
| 39 | vehicle | | |
| 40 | Improper stop or turn signal | 8-1721 | \$30 |
| 41 | Improper vehicular hazard warning lamp | 8-1722 | \$30 |
| 42 | Unauthorized additional lighting equipment | 8-1723 | \$30 |
| 43 | Improper multiple-beam lights | 8-1724 | \$30 |

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

| | | | |
|----|--|------------|--------------------------------|
| 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) 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
 33 is 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.
 39 8-1908 or 8-1909, and amendments thereto, such person, upon conviction
 40 shall be fined 1½ times the applicable amount from one, but not both,
 41 of the schedules listed in the uniform fine schedule contained in
 42 subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and
 43 amendments thereto, within two years, after two prior convictions of

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

15 Sec. 3. K.S.A. 2009 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.