

As Amended by Senate Committee

[As Amended by House Committee of the Whole]

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Session of 2011

HOUSE BILL No. 2192

By Committee on Transportation

2-7

1 ~~AN ACT concerning motor vehicles; relating to regulating traffic;~~
2 ~~concerning safety belts; uniform act regulating traffic on highways~~
3 ~~traffic controlled lights; *passing bicycles*; amending K.S.A. 8-1508~~
4 ~~and 8-2204 and K.S.A. 2010 Supp. 8-2503 and 8-2504 *8-1516* and~~
5 ~~repealing the existing sections.~~
6

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

8 **Section 1. K.S.A. 8-1508 is hereby amended to read as follows: 8-**
9 **1508. Whenever traffic is controlled by traffic-control signals**
10 **exhibiting different colored lights, or colored lighted arrows,**
11 **successively one at a time or in combination, only the colors green, red**
12 **and yellow shall be used, except for special pedestrian signals carrying**
13 **a word legend, and said lights shall indicate and apply to drivers of**
14 **vehicles and pedestrians as follows:**

15 (a) *Green indication.* (1) Vehicular traffic facing a circular green
16 signal may proceed straight through or turn right or left, unless a sign
17 at such place prohibits either such turn; but vehicular traffic,
18 including vehicles turning right or left, shall yield the right-of-way to
19 other vehicles and to pedestrians lawfully within the intersection or an
20 adjacent crosswalk at the time such signal is exhibited.

21 (2) Vehicular traffic facing a green arrow signal, shown alone or
22 in combination with another indication, may enter the intersection
23 cautiously only to make the movement indicated by such arrow, or
24 such other movement as is permitted by other indications shown at the
25 same time. Such vehicular traffic shall yield the right-of-way to
26 pedestrians lawfully within an adjacent crosswalk and to other traffic
27 lawfully using the intersection.

28 (3) Unless otherwise directed by a pedestrian-control signal, as
29 provided in K.S.A. 8-1509, and amendments thereto, pedestrians
30 facing any green signal, except when the sole green signal is a turn
31 arrow, may proceed across the roadway within any marked or
32 unmarked crosswalk.

1 (b) *Steady yellow indication.* (1) Vehicular traffic facing a steady
2 circular yellow or yellow arrow signal is thereby warned that the
3 related green movement is being terminated or that a red indication
4 will be exhibited immediately thereafter when vehicular traffic shall
5 not enter the intersection.

6 (2) Pedestrians facing a steady circular yellow or yellow arrow
7 signal, unless otherwise directed by a pedestrian-control signal as
8 provided in K.S.A. 8-1509, and amendments thereto, are thereby
9 advised that there is insufficient time to cross the roadway before a
10 red indication is shown, and no pedestrian shall then start to cross the
11 roadway.

12 (c) *Steady red indication.* (1) Vehicular traffic facing a steady
13 circular red or red arrow signal alone shall stop at a clearly marked
14 stop line, but if none, before entering the crosswalk on the near side of
15 the intersection, or if none, then before entering the intersection, and
16 shall remain standing until an indication to proceed is shown, except
17 as provided in paragraphs (2) ~~and~~, (3) *and* (4) of this subsection. Any
18 turn provided for in ~~said~~ paragraphs (2) ~~and~~, (3) *and* (4) shall be
19 governed by the applicable provisions of K.S.A. 8-1545, and
20 amendments thereto.

21 (2) Unless a sign is in place prohibiting a turn, vehicular traffic
22 facing a steady red signal may cautiously enter the intersection to
23 make a right turn after stopping as required by paragraph (1) of this
24 subsection. After stopping, the driver shall yield the right-of-way to
25 any vehicle in the intersection or approaching on another roadway so
26 closely as to constitute an immediate hazard during the time such
27 driver is moving across or within the intersection or junction of
28 roadways. Such vehicular traffic shall yield the right-of-way to
29 pedestrians lawfully within an adjacent crosswalk and to other traffic
30 lawfully using the intersection.

31 (3) Unless a sign is in place prohibiting a turn, vehicular traffic
32 upon a roadway restricted to one-way traffic facing a steady red signal
33 at the intersection of such roadway with another roadway restricted to
34 one-way traffic which is proceeding to the left of such vehicular
35 traffic, may cautiously enter the intersection to make a left turn after
36 stopping as required by paragraph (1) of this subsection. After
37 stopping, the driver shall yield the right-of-way to any vehicle in the
38 intersection or approaching on another roadway so closely as to
39 constitute an immediate hazard during the time such driver is moving
40 across or within the intersection or junction of roadways. Such
41 vehicular traffic shall yield the right-of-way to pedestrians lawfully
42 within an adjacent crosswalk and to other traffic lawfully using the
43 intersection.

1 (4) *The driver of a motorcycle or a person riding a bicycle facing any*
2 *steady red signal, which fails to change to a green light within a*
3 *reasonable period of time because of a signal malfunction or because the*
4 *signal has failed to detect the arrival of the motorcycle or bicycle because*
5 *of its size or weight, shall have the right to proceed subject to the rules*
6 ~~*applicable after making a stop at a stop sign under K.S.A. 8-1528, and*~~
7 ~~*amendments thereto [stated herein. After stopping, the driver or rider*~~
8 **shall yield the right-of-way to any vehicle in or near the intersection or**
9 **approaching on a roadway so closely as to constitute an immediate**
10 **hazard during the time such driver or rider is moving across or within**
11 **the intersection or junction of roadways. Such motorcycle or bicycle**
12 **traffic shall yield the right-of-way to pedestrians lawfully within an**
13 **adjacent crosswalk and to other traffic lawfully using the**
14 **intersection.]**

15 ~~(4)~~ (5) Unless otherwise directed by a pedestrian-control signal as
16 provided in K.S.A. 8-1509, and amendments thereto, pedestrians
17 facing a steady circular red or red arrow signal alone shall not enter
18 the roadway.

19 (d) In the event an official traffic-control signal is erected and
20 maintained at a place other than an intersection, the provisions of this
21 section shall be applicable except as to those provisions which by their
22 nature can have no application. Any stop required shall be made at a
23 sign or marking on the pavement indicating where the stop shall be
24 made, but in the absence of any such sign or marking the stop shall be
25 made at the signal.]

26 Sec. 2. *K.S.A. 8-1516 is hereby amended to read as follows: 8-1516.*
27 *The following rules shall govern the overtaking and passing of vehicles*
28 *and bicycles proceeding in the same direction, subject to those*
29 *limitations, exceptions and special rules hereinafter stated:*

30 (a) *The driver of a vehicle overtaking another vehicle proceeding in*
31 *the same direction shall pass to the left thereof at a safe distance and*
32 *shall not again drive to the right side of the roadway until safely clear of*
33 *the overtaken vehicle.*

34 (b) *Except when overtaking and passing on the right is permitted,*
35 *the driver of an overtaken vehicle shall give way to the right in favor of*
36 *the overtaking vehicle on audible signal and shall not increase the speed*
37 *of his or her vehicle until completely passed by the overtaking vehicle.*

38 (c) (1) *The driver of a vehicle overtaking a bicycle proceeding in the*
39 *same direction shall pass to the left thereof at a distance of not less than*
40 *three feet and shall not again drive to the right side of the roadway until*
41 *safely clear of the overtaken bicycle.*

42 (2) *The driver of a vehicle may pass a bicycle proceeding in the same*
43 *direction in a no-passing zone with the duty to execute the pass only when*

1 *it is safe to do so.*

2 ~~Section 1. Sec. 2. K.S.A. 8-2204 is hereby amended to read as~~
3 ~~follows: 8-2204. This act shall be known and may be cited as the uniform~~
4 ~~act regulating traffic on highways. The uniform act regulating traffic on~~
5 ~~highways includes K.S.A. 8-1560a through 8-1560d; all sections located in~~
6 ~~articles 10, and 14 through 22 and 25 of chapter 8 of Kansas Statutes~~
7 ~~Annotated; K.S.A. 8-1,129, 8-1,130a, 8-1428a, 8-1742a, 8-2118 and~~
8 ~~K.S.A. 8-1599, and amendments thereto.~~

9 ~~Sec. 2. 3. K.S.A. 2010 Supp. 8-2503 is hereby amended to read as~~
10 ~~follows: 8-2503. (a) Except as provided in K.S.A. 8-1344 and 8-1345, and~~
11 ~~amendments thereto, and in subsection (b) or (c) subsection (b);~~

12 ~~(1) Each occupant of a passenger car manufactured with safety belts~~
13 ~~in compliance with federal motor vehicle safety standard no. 208, who is~~
14 ~~18 years of age or older, shall have a safety belt properly fastened about~~
15 ~~such person's body at all times when the passenger car is in motion ; and~~

16 ~~(b)(2) each occupant of a passenger car manufactured with safety~~
17 ~~belts in compliance with federal motor vehicle safety standard no. 208,~~
18 ~~who is at least 14 years of age but less than 18 years of age, shall have a~~
19 ~~safety belt properly fastened about such person's body at all times when~~
20 ~~the passenger car is in motion.~~

21 ~~(c)(b) This section does not apply to:~~

22 ~~(1) An occupant of a passenger car who possesses a written statement~~
23 ~~from a licensed physician that such person is unable for medical reasons to~~
24 ~~wear a safety belt system;~~

25 ~~(2) carriers of United States mail while actually engaged in delivery~~
26 ~~and collection of mail along their specified routes; or~~

27 ~~(3) newspaper delivery persons while actually engaged in delivery of~~
28 ~~newspapers along their specified routes; or~~

29 ~~(4) an occupant of a passenger car required to be protected by a safety~~
30 ~~restraining system under the child passenger safety act.~~

31 ~~(d)(c) The secretary of transportation shall initiate an educational~~
32 ~~program designed to encourage compliance with the safety belt usage~~
33 ~~provisions of this act.~~

34 ~~(e)(d) The secretary shall evaluate the effectiveness of this act and~~
35 ~~shall include a report of its findings in the annual evaluation report on its~~
36 ~~highway safety plan that it submits under 23 U.S.C. § 402.~~

37 ~~(f)(c) Law enforcement officers shall not stop drivers for violations of~~
38 ~~subsection (a)(1) by a back seat occupant in the absence of another~~
39 ~~violation of law. A citation for violation of subsection (a)(1) by a back seat~~
40 ~~occupant shall not be issued without citing the violation that initially~~
41 ~~caused the officer to effect the enforcement stop.~~

42 ~~Sec. 3. 4. K.S.A. 2010 Supp. 8-2504 is hereby amended to read as~~
43 ~~follows: 8-2504. (a) (1) From and after the effective date of this act and~~

1 ~~prior to June 30, 2010, a law enforcement officer shall issue a warning~~
2 ~~citation to anyone violating subsection (a) of K.S.A. 8-2503, and~~
3 ~~amendments thereto;~~

4 ~~(2) from and after June 30, 2010, until July 1, 2011, Persons violating~~
5 ~~subsection (a)(1) of K.S.A. 8-2503, and amendments thereto, shall be fined~~
6 ~~\$5 including and no court costs;~~

7 ~~(3) and, from and after July 1, 2011, persons violating subsection (a)~~
8 ~~(1) of K.S.A. 8-2503, and amendments thereto, shall be fined \$10~~
9 ~~including and no court costs; and~~

10 ~~(4)(2) persons violating subsection (b)(a)(2) of K.S.A. 8-2503, and~~
11 ~~amendments thereto, shall be fined \$60 including and no court costs;~~

12 ~~(b) No court shall report violation of this act to the department of~~
13 ~~revenue;~~

14 ~~(c) Evidence of failure of any person to use a safety belt shall not be~~
15 ~~admissible in any action for the purpose of determining any aspect of~~
16 ~~comparative negligence or mitigation of damages;~~

17 ~~(d) The provisions of this section shall be applicable and uniform~~
18 ~~throughout the state and no city, county, subdivision or local authority~~
19 ~~shall enact or enforce any law, ordinance, rule, regulation or resolution in~~
20 ~~conflict with, in addition to, or supplemental to, the provisions of this~~
21 ~~section;~~

22 ~~Sec. 4-5. 3. K.S.A. 8-1508 and 8-2204 and K.S.A. 2010 Supp. 8-2503~~
23 ~~and 8-2504 8-1516 are hereby repealed.~~

24 ~~Sec. 5-6. 4. This act shall take effect and be in force from and after its~~
25 ~~publication in the Kansas register *statute book*.~~
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