Session of 2024

## SENATE BILL No. 335

By Committee on Transportation

1-10

AN ACT concerning traffic regulations; relating to unlawful passing of
 stationary authorized emergency vehicle; increasing penalties for
 certain violations; creating a crime for injuring or causing death of
 certain authorized emergency vehicle operators and providing a penalty
 therefor; amending K.S.A. 8-1520a, 8-2116 and 8-2118 and repealing
 the existing sections.

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

9 Section 1. K.S.A. 8-1520a is hereby amended to read as follows: 8-10 1520a. (a) The driver of a vehicle shall not overtake and pass another 11 vehicle when approaching within 100 feet of:

12 (1) A stationary authorized emergency vehicle on a highway that 13 consists of two lanes carrying traffic in opposite directions, when the 14 authorized emergency vehicle is making use of visual signals meeting the 15 requirements of K.S.A. 8-1720, and amendments thereto, or subsection (d) 16 of K.S.A. 8-1722(d), and amendments thereto; or

17 (2) a stationary authorized vehicle—which *that* is obviously and 18 actually engaged in work on a highway that consists of two lanes carrying 19 traffic in opposite directions, when such vehicle displays flashing lights 20 meeting the requirements of K.S.A. 8-1731, and amendments thereto.

(b) From and after the effective date of this act, and prior to July 1,
2007, a law enforcement officer shall issue a warning citation to anyone
violating the provisions of paragraph (2) of subsection (a) (1) Except as
provided in paragraph (2) or (3), a violation of subsection (a) is a traffic
infraction and shall be subject to a fine of \$400.

(2) Except as provided in paragraph (3), a violation of subsection (a)
that results in injury or great bodily harm to any person operating an
authorized emergency vehicle that is a fire department vehicle, police
bicycle, police vehicle or an ambulance is a severity level 6, person felony.

30 (3) Violation of subsection (a) that results in death to any person
31 operating authorized emergency vehicle that is a fire department vehicle,
32 police bicycle, police vehicle or an ambulance is a severity level 4, person
33 felony.

*(4)* In addition to the penalty described in paragraph (2), the court
shall impose a fine of \$1,000.

36 (5) In addition to the penalty described in paragraph (3), the court

1 shall impose a fine of \$7,500.

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

Sec. 2. K.S.A. 8-2116 is hereby amended to read as follows: 8-2116. (a) Every person convicted of violating K.S.A. 8-1520a(b)(1) and 8-2503, and amendments thereto, or violating any of the sections listed in the uniform fine schedule in K.S.A. 8-2118, and amendments thereto, is guilty of a traffic infraction.

9 (b) Except where another penalty or class of misdemeanor is 10 provided by statute, every person convicted of violating any provision of the uniform act regulating traffic on highways designated as a 11 misdemeanor is guilty of a class C misdemeanor, except that upon a 12 13 second such offense committed within one year after the date of the first 14 such offense, upon conviction thereof, such person is guilty of a class B 15 misdemeanor, and upon a third or subsequent such offense committed 16 within one year after the first such offense, upon conviction thereof, such 17 person is guilty of a class A misdemeanor.

Sec. 3. K.S.A. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

25 (b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive 26 27 right to trial, plead guilty or no contest and pay the fine for the violation as 28 specified in the uniform fine schedule in subsection (c) and court costs 29 provided by law. Payment may be made in any manner accepted by the 30 court. The traffic citation shall not have been complied with if the payment 31 is not honored for any reason, or if the fine and court costs are not paid in 32 full. When a person charged with a traffic infraction makes payment 33 without executing a written waiver of right to trial and plea of guilty or no 34 contest, the payment shall be deemed such an appearance, waiver of right 35 to trial and plea of no contest.

36 (c) The following uniform fine schedule shall apply uniformly 37 throughout the state but shall not limit the fine that may be imposed 38 following a court appearance, except an appearance made for the purpose 39 of pleading and payment as permitted by subsection (a). The description of 40 offense contained in the following uniform fine schedule is for reference 41 only and is not a legal definition.

Statute

Fine

4? Description of Offense

	Deservprion of offense	Statute	1 1110
43	Unsafe speed for prevailing	8-1557	\$75

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	conditions Exceeding maximum speed limit; or speeding in zone posted by the state depart- ment of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$45 11-20 mph over the limit, \$45 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$105 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$195 plus \$15 per mph
16 17			over 30 mph over the limit;
17	Disobeying traffic control de-	8-1507	\$75
19	vice	0 1007	<b>\$75</b>
20	Violating traffic control signal	8-1508	\$75
21	Violating pedestrian control	8-1509	\$45
22	signal		
23	Violating flashing traffic signals	8-1510	\$75
24	Violating lane-control signal	8-1511	\$75
25	Unauthorized sign, signal,	8-1512	\$45
26	marking or device		
27	Driving on left side of roadway	8-1514	\$75
28	Failure to keep right to pass	8-1515	\$75
29	oncoming vehicle	0.1516	<b>•--</b>
30	Improper passing; increasing	8-1516	\$75
31 32	speed when passed Improper passing on right	8-1517	\$75
32 33	Passing on left with insuffi-	8-1517	\$73 \$75
33 34	cient clearance	0-1310	\$75
35	Driving on left side where	8-1519	\$75
36	curve, grade, intersec-	0 1517	ψ15
37	tion railroad crossing, or		
38	obstructed view		
39	Driving on left in no-passing	8-1520	\$75
40	zone		
41	Unlawful passing of stopped	<del>8-1520a</del>	<del>\$75</del>
42	emergency vehicle		
43	Driving wrong direction on	8-1521	\$75

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32Improper pedestrian crossing Failure to exercise due care in regard to pedestrian8-1534\$4533Failure to exercise due care in regard to pedestrian8-1535\$4534regard to pedestrian8-1536\$4535Improper pedestrian move- ment in crosswalk8-1536\$4536ment in crosswalk8-1537\$4537Improper use of roadway by pedestrian8-1537\$4539Soliciting ride or business on roadway8-1538\$4540on roadway8-1539\$4541Driving through safety zone Failure to yield to pedestrian 8-1540\$45				
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34regard to pedestrian35Improper pedestrian move- ment in crosswalk8-1536\$4536ment in crosswalk8-1537\$4537Improper use of roadway by pedestrian8-1537\$4539Soliciting ride or business on roadway8-1538\$4540on roadway8-1539\$4541Driving through safety zone Failure to yield to pedestrian8-1540\$45				
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36ment in crosswalk37Improper use of roadway by8-1537\$4538pedestrian39Soliciting ride or business8-1538\$4540on roadway41Driving through safety zone8-1539\$4542Failure to yield to pedestrian8-1540\$45			8-1536	\$45
37Improper use of roadway by pedestrian8-1537\$4538pedestrian*********************************			0 1000	<b>\$</b> .0
38pedestrian39Soliciting ride or business8-1538\$4540on roadway4141Driving through safety zone8-1539\$4542Failure to yield to pedestrian8-1540\$45	37	Improper use of roadway by	8-1537	\$45
39Soliciting ride or business8-1538\$4540on roadway4141Driving through safety zone8-1539\$4542Failure to yield to pedestrian8-1540\$45	38			
41Driving through safety zone8-1539\$4542Failure to yield to pedestrian8-1540\$45	39		8-1538	\$45
41Driving through safety zone8-1539\$4542Failure to yield to pedestrian8-1540\$45	40	on roadway		
	41		8-1539	\$45
43 on sidewalk			8-1540	\$45
	43	on sidewalk		

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1	Failure of pedestrian to yield	8-1541	\$45
2	to emergency vehicle		
3 4	Failure to yield to blind pe- destrian	8-1542	\$45
4 5		0 1544	¢ 45
5 6	Pedestrian disobeying bridge or railroad signal	8-1544	\$45
7	Improper turn or approach	8-1545	\$75
8	Improper "U" turn	8-1545	\$75 \$75
o 9	Unsafe starting of stopped	8-1540	\$73 \$45
9 10	vehicle	0-1347	\$45
11	Unsafe turning or stopping,	8-1548	\$75
12	failure to give proper sig-	0-1040	\$15
12	nal; using turn signal un-		
14	lawfully		
15	Improper method of giving	8-1549	\$45
16	notice of intention to turn	0-1049	9 <b>+</b> 9
17	Improper hand signal	8-1550	\$45
18	Failure to stop or obey	8-1551	\$195
19	road crossing signal	0 1551	ψ1)5
20	Failure to stop at railroad	8-1552	\$135
21	crossing stop sign	0 1552	ψ155
22	Certain hazardous vehicles	8-1553	\$195
23	failure to stop at railroad	0 1000	ψı)e
24	crossing		
25	Improper moving of heavy	8-1554	\$75
26	equipment at railroad		4,2
27	crossing		
28	Vehicle emerging from alley,	8-1555	\$75
29	private roadway, building		
30	or driveway		
31	Improper passing of school	8-1556	\$315
32	bus; improper use of		
33	school bus signals		
34	Improper passing of church	8-1556a	\$195
35	or day-care bus; improper		
36	use of signals		
37	Impeding normal traffic	8-1561	\$45
38	by slow speed		
39	Speeding on motor-driven	8-1562	\$75
40	cycle		
41	Speeding in certain vehicles	8-1563	\$45
42	or on posted bridge		
43	Improper stopping, standing	8-1569	\$45

1	or parking on roadway		
2	Parking, standing or stopping	8-1571	\$45
3	in prohibited area		
4	Improper parking	8-1572	\$45
5	Unattended vehicle	8-1573	\$45
6	Improper backing	8-1574	\$45
7	Driving on sidewalk	8-1575	\$45
8	Driving with view or driving	8-1576	\$45
9	mechanism obstructed		
10	Unsafe opening of vehicle	8-1577	\$45
11	door		
12	Riding in house trailer	8-1578	\$45
13	Unlawful riding on vehicle	8-1578a	\$75
14	Improper driving in defiles,	8-1579	\$45
15	canyons, or on grades		
16	Coasting	8-1580	\$45
17	Following fire apparatus too	8-1581	\$75
18	closely		
19	Driving over fire hose	8-1582	\$45
20	Putting glass, etc., on high-	8-1583	\$105
21	way		
22	Driving into intersection,	8-1584	\$45
23	crosswalk, or crossing		
24	without sufficient space		
25	on other side		÷
26	Improper operation of snow-	8-1585	\$45
27	mobile on highway		÷
28	Parental responsibility of	8-1586	\$45
29	child riding bicycle	0.4.500	÷
30	Not riding on bicycle seat;	8-1588	\$45
31	too many persons on		
32	bicycle	0.1500	<b>.</b>
33	Clinging to other vehicle	8-1589	\$45
34	Improper riding of bicycle on	8-1590	\$45
35	roadway	0.1501	<b>.</b>
36	Carrying articles on bicycle;	8-1591	\$45
37	one hand on handlebars	0.1500	<b>.</b>
38	Improper bicycle lamps,	8-1592	\$45
39	brakes or reflectors	0.1504	ф.4. <del>с</del>
40	Improper operation of mo-	8-1594	\$45
41	torcycle; seats; passen-		
42 43	gers, bundles	0 1505	¢75
43	Improper operation of motor	8-1595	\$75

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1	cycle on laned roadway		÷
2	Motorcycle clinging to other	8-1596	\$45
3	vehicle	0.1507	<b>A7</b> 5
4	Improper motorcycle handle-	8-1597	\$75
5 6	bars or passenger		
6 7	equipment	8-1598	\$45
8	Motorcycle helmet and eye- protection requirements	8-1398	\$43
8 9	Unlawful operation of all-ter-	8-15,100	\$75
10	rain vehicle	8-15,100	\$15
11	Unlawful operation of	8-15,101	\$75
12	low-speed vehicle	0 10,101	$\psi / \delta$
13	Littering	8-15,102	\$115
14	Disobeying school crossing	8-15,103	\$75
15	guard	,	475
16	Unlawful operation of micro	8-15,106	\$75
17	utility truck	,	
18	Failure to remove vehicles in	8-15,107	\$75
19	accidents		
20	Unlawful operation of golf	8-15,108	\$75
21	cart		
22	Unlawful operation of work-	8-15,109	\$75
23	site utility vehicle		
24	Unlawful display of license	8-15,110	\$60
25	plate		
26	Unlawful text messaging	8-15,111	\$60
27	Unlawful passing of a waste	8-15,112	\$45
28	collection vehicle	0.15.110	<b>.</b>
29	Unlawful operation of	8-15,113	\$45
30	electric-assisted scooter	0 15 114	¢105
31 32	Unlawful passing of a utility or	8-15,114	\$105
32 33	telecommunications vehicle	9 1701	\$75
33 34	Equipment offenses that are not misdemeanors	8-1701	\$75
34 35	Driving without lights when	8-1703	\$45
35 36	needed	8-1703	\$45
37	Defective headlamps	8-1705	\$45
38	Defective tail lamps	8-1706	\$ <del>4</del> 5 \$45
39	Defective reflector	8-1707	\$ <del>4</del> 5 \$45
40	Improper stop lamp or turn	8-1708	\$ <del>4</del> 5 \$45
41	signal	0 1700	ψισ
42	Improper lighting equipment	8-1710	\$45
43	on certain vehicles		÷
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1	Improper lamp color on cer-	8-1711	\$45
2	tain vehicles		
3	Improper mounting of re-	8-1712	\$45
4	flectors and lamps on cer-		
5	tain vehicles		
6	Improper visibility of reflec-	8-1713	\$45
7	tors and lamps on certain		
8	vehicles		
9	No lamp or flag on projecting	8-1715	\$75
10	load		
11	Improper lamps on parked	8-1716	\$45
12	vehicle		
13	Improper lights, lamps, re-	8-1717	\$45
14	flectors and emblems on		
15	farm tractors or slow-		
16	moving vehicles		
17	Improper lamps and equip-	8-1718	\$45
18	ment on implements of		
19	husbandry, road machin-		
20	ery or animal-drawn ve-		
21	hicles		
22	Unlawful use of spot, fog, or	8-1719	\$45
23	auxiliary lamp		
24	Improper lamps or lights on	8-1720	\$45
25	emergency vehicle		
26	Improper stop or turn signal	8-1721	\$45
27	Improper vehicular hazard	8-1722	\$45
28	warning lamp		
29	Unauthorized additional	8-1723	\$45
30	lighting equipment		
31	Improper multiple-beam lights	8-1724	\$45
32	Failure to dim headlights	8-1725	\$75
33	Improper single-beam head-	8-1726	\$45
34	lights	0 1/20	ψισ
35	Improper speed with alter-	8-1727	\$45
36	nate lighting	0 1/2/	ψισ
37	Improper number of driving	8-1728	\$45
38	lamps	0 1720	ψισ
39	Unauthorized lights and sig-	8-1729	\$45
40	nals	0 1/2)	ΨŦIJ
40	Improper school bus lighting	8-1730	\$45
42	equipment and warning	0 1750	ψŦJ
43	devices		
45			

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1 2	Unauthorized lights and de- vices on church or day-	8-1730a	\$45
3	care bus		
4	Improper lights on highway	8-1731	\$45
5	construction or maintenance		
6	vehicles		
7	Defective brakes	8-1734	\$45
8	Defective or improper use of	8-1738	\$45
9	horn or warning device		
10	Defective muffler	8-1739	\$45
11	Defective mirror	8-1740	\$45
12	Defective wipers; obstructed	8-1741	\$45
13	windshield or windows		
14	Improper tires	8-1742	\$45
15	Improper flares or warning	8-1744	\$45
16	devices		
17	Improper use of vehicular	8-1745	\$45
18	hazard warning lamps		
19	and devices		
20	Improper air-conditioning	8-1747	\$45
21	equipment		
22	Improper safety belt or	8-1749	\$45
23	shoulder harness		
24	Improper wide-based single	8-1742b	\$75
25	tires		
26	Improper compression re-	8-1761	\$75
27	lease engine braking sys-		
28	tem		
29	Defective motorcycle head-	8-1801	\$45
30	lamp		
31	Defective motorcycle tail	8-1802	\$45
32	lamp		
33	Defective motorcycle reflec-	8-1803	\$45
34	tor		
35	Defective motorcycle stop	8-1804	\$45
36	lamps and turn signals		
37	Defective multiple-beam	8-1805	\$45
38	lighting		
39	Improper road-lighting equip-	8-1806	\$45
40	ment on motor-driven cy-		
41	cles		
42	Defective motorcycle or mo-	8-1807	\$45
43	tor-driven cycle brakes		

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1	Improper performance abil-	8-1808	\$45
2	ity of brakes		A / -
3	Operating motorcycle with	8-1809	\$45
4	disapproved braking sys-		
5	tem		<b></b>
6	Defective horn, muffler, mir-	8-1810	\$45
7	rors or tires		<b>**</b>
8	Unlawful statehouse parking	75-4510a	\$30
9	Exceeding gross weight of	8-1909	Pounds Overweight
10	vehicle or combination		up to 1000\$40
11			1001 to 20003¢
12			per pound
13			2001 to 50005¢
14			per pound
15			5001 to 75007¢
16			per pound
17 18			7501 and over10¢
18 19	Europeine managemeicht an	0 1000	per pound
	Exceeding gross weight on	8-1908	Pounds Overweight
20 21	any axle or tandem, triple or quad axles		up to 1000\$40 1001 to 20003¢
21	utple of quad axies		per pound
22			2001 to 50005¢
23 24			per pound
24 25			5001 to 75007¢
23 26			per pound
20 27			7501 and over10¢
28			per pound
20 29	Failure to obtain proper re-	66-1324	\$287
30	gistration, clearance or	00 1021	¢ <b>2</b> 07
31	to have current cer-		
32	tification		
33	Insufficient liability insur-	66-1,128	\$137
34	ance for motor carriers	or 66-1314	• - ·
35	Failure to obtain interstate	79-34,122	\$137
36	motor fuel tax author-	,	
37	ization		
38	No authority as private or	66-1,111	\$137
39	common carrier	-	
40	Violation of motor carrier	66-1,129	\$115
41	safety rules and regula-		
42	tions, except for viola-		
10			

42 tions, except for viola-43 tions specified in K.S.A.

1 66-1,130(b)(2), and

2 amendments thereto

(d) Traffic offenses classified as traffic infractions by this section
shall be classified as ordinance traffic infractions by those cities adopting
ordinances prohibiting the same offenses. A schedule of fines for all
ordinance traffic infractions shall be established by the municipal judge in
the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
fines may vary from those contained in the uniform fine schedule
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 For a second violation of K.S.A. 8-1908 or 8-1909, and (f)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  $1^{1}/_{2}$  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 conviction shall be fined  $2^{1}/_{2}$  times the applicable amount from one, but 29 30 not both, of the schedules listed in the uniform fine schedule contained in 31 subsection (c).

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

36 (h) For a second violation of K.S.A. 8-1556, and amendments thereto, 37 within five years after a prior conviction of K.S.A. 8-1556, and 38 amendments thereto, such person, upon conviction, shall be fined \$750 for 39 the second violation. For a third and each succeeding violation of K.S.A. 40 8-1556, and amendments thereto, within five years after two prior 41 convictions of K.S.A. 8-1556, and amendments thereto, such person, upon 42 conviction, shall be fined \$1,000 for the third and each succeeding 43 violation.

- 1 Sec. 4. K.S.A. 8-1520a, 8-2116 and 8-2118 are hereby repealed.
- 2 Sec. 5. This act shall take effect and be in force from and after its
- 3 publication in the statute book.