

HOUSE BILL No. 2005

By Representative Carmichael

1-5

1 AN ACT concerning traffic regulations; relating to operating a vehicle
2 while fatigued; creating a traffic infraction thereof; amending K.S.A. 8-
3 2118 and repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) No person shall operate a vehicle while such
7 person's ability or alertness is so impaired by fatigue as to make it unsafe
8 to begin or continue to operate a vehicle.

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

11 Sec. 2. K.S.A. 8-2118 is hereby amended to read as follows: 8-2118.

12 (a) A person charged with a traffic infraction shall, except as provided in
13 subsection (b), appear at the place and time specified in the notice to
14 appear. If the person enters an appearance, waives right to trial, pleads
15 guilty or no contest, the fine shall be no greater than that specified in the
16 uniform fine schedule in subsection (c) and court costs shall be taxed as
17 provided by law.

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
35 Unsafe speed for prevailing	8-1557	\$75

1	conditions		
2	Exceeding maximum speed	8-1558	1-10 mph over the
3	limit; or speeding in zone	to	limit, \$45
4	posted by the state depart-	8-1560	
5	ment of transportation; or	8-1560a	11-20 mph over the
6	speeding in locally posted	or	limit, \$45 plus \$6
7	zone	8-1560b	per mph over 10
8			mph over the limit;
9			21-30 mph over the
10			limit, \$105 plus \$9
11			per mph over 20
12			mph over the limit;
13			31 and more mph
14			over the limit, \$195
15			plus \$15 per mph
16			over 30 mph over
17			the limit;
18	Disobeying traffic control de-	8-1507	\$75
19	vice		
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		
30	Improper passing; increasing	8-1516	\$75
31	speed when passed		
32	Improper passing on right	8-1517	\$75
33	Passing on left with insuffi-	8-1518	\$75
34	cient clearance		
35	Driving on left side where	8-1519	\$75
36	curve, grade, intersec-		
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	8-1520a	\$75
42	emergency vehicle		
43	Driving wrong direction on	8-1521	\$75

1	one-way road		
2	Improper driving on laned	8-1522	\$75
3	roadway		
4	Following too close	8-1523	\$75
5	Improper crossover on di-	8-1524	\$45
6	vided highway		
7	Failure to yield right-of-way	8-1526	\$75
8	at uncontrolled intersection		
9	Failure to yield to approach-	8-1527	\$75
10	ing vehicle when turning		
11	left		
12	Failure to yield at stop or	8-1528	\$75
13	yield sign		
14	Failure to yield from private	8-1529	\$75
15	road or driveway		
16	Failure to yield to emergency	8-1530	\$195
17	vehicle		
18	Failure to yield to pedestrian	8-1531	\$105
19	or vehicle working on		
20	roadway		
21	Failure to comply with re-	8-1531a	\$45
22	strictions in road con-		
23	struction zone		
24	Disobeying pedestrian traffic	8-1532	\$45
25	control device		
26	Failure to yield to pedestrian	8-1533	\$75
27	in crosswalk; pedestrian		
28	suddenly entering road-		
29	way; passing vehicle		
30	stopped for pedestrian at		
31	crosswalk		
32	Improper pedestrian crossing	8-1534	\$45
33	Failure to exercise due care in	8-1535	\$45
34	regard to pedestrian		
35	Improper pedestrian move-	8-1536	\$45
36	ment in crosswalk		
37	Improper use of roadway by	8-1537	\$45
38	pedestrian		
39	Soliciting ride or business	8-1538	\$45
40	on roadway		
41	Driving through safety zone	8-1539	\$45
42	Failure to yield to pedestrian	8-1540	\$45
43	on sidewalk		

1	Failure of pedestrian to yield	8-1541	\$45
2	to emergency vehicle		
3	Failure to yield to blind pe-	8-1542	\$45
4	destrian		
5	Pedestrian disobeying bridge	8-1544	\$45
6	or railroad signal		
7	Improper turn or approach	8-1545	\$75
8	Improper "U" turn	8-1546	\$75
9	Unsafe starting of stopped	8-1547	\$45
10	vehicle		
11	Unsafe turning or stopping,	8-1548	\$75
12	failure to give proper sig-		
13	nal; using turn signal un-		
14	lawfully		
15	Improper method of giving	8-1549	\$45
16	notice of intention to turn		
17	Improper hand signal	8-1550	\$45
18	Failure to stop or obey	8-1551	\$195
19	road crossing signal		
20	Failure to stop at railroad	8-1552	\$135
21	crossing stop sign		
22	Certain hazardous vehicles	8-1553	\$195
23	failure to stop at railroad		
24	crossing		
25	Improper moving of heavy	8-1554	\$75
26	equipment at railroad		
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		
30	Not riding on bicycle seat;	8-1588	\$45
31	too many persons on		
32	bicycle		
33	Clinging to other vehicle	8-1589	\$45
34	Improper riding of bicycle on	8-1590	\$45
35	roadway		
36	Carrying articles on bicycle;	8-1591	\$45
37	one hand on handlebars		
38	Improper bicycle lamps,	8-1592	\$45
39	brakes or reflectors		
40	Improper operation of mo-	8-1594	\$45
41	torcycle; seats; passen-		
42	gers, bundles		
43	Improper operation of motor	8-1595	\$75

1	cycle on laned roadway		
2	Motorcycle clinging to other	8-1596	\$45
3	vehicle		
4	Improper motorcycle handle-	8-1597	\$75
5	bars or passenger		
6	equipment		
7	Motorcycle helmet and eye-	8-1598	\$45
8	protection requirements		
9	Unlawful operation of all-ter-	8-15,100	\$75
10	rain vehicle		
11	Unlawful operation of	8-15,101	\$75
12	low-speed vehicle		
13	Littering	8-15,102	\$115
14	Disobeying school crossing	8-15,103	\$75
15	guard		
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		
29	Unlawful operation of	8-15,113	\$45
30	electric-assisted scooter		
31	Unlawful passing of a utility or	8-15,114	\$105
32	telecommunications vehicle		
33	<i>Operating vehicle while</i>		
34	<i>fatigued</i>	<i>section 1</i>	<i>\$75</i>
35	Equipment offenses that are	8-1701	\$75
36	not misdemeanors		
37	Driving without lights when	8-1703	\$45
38	needed		
39	Defective headlamps	8-1705	\$45
40	Defective tail lamps	8-1706	\$45
41	Defective reflector	8-1707	\$45
42	Improper stop lamp or turn	8-1708	\$45
43	signal		

1	Improper lighting equipment	8-1710	\$45
2	on certain vehicles		
3	Improper lamp color on cer-	8-1711	\$45
4	tain vehicles		
5	Improper mounting of re-	8-1712	\$45
6	flectors and lamps on cer-		
7	tain vehicles		
8	Improper visibility of reflec-	8-1713	\$45
9	tors and lamps on certain		
10	vehicles		
11	No lamp or flag on projecting	8-1715	\$75
12	load		
13	Improper lamps on parked	8-1716	\$45
14	vehicle		
15	Improper lights, lamps, re-	8-1717	\$45
16	flectors and emblems on		
17	farm tractors or slow-		
18	moving vehicles		
19	Improper lamps and equip-	8-1718	\$45
20	ment on implements of		
21	husbandry, road machin-		
22	ery or animal-drawn ve-		
23	hicles		
24	Unlawful use of spot, fog, or	8-1719	\$45
25	auxiliary lamp		
26	Improper lamps or lights on	8-1720	\$45
27	emergency vehicle		
28	Improper stop or turn signal	8-1721	\$45
29	Improper vehicular hazard	8-1722	\$45
30	warning lamp		
31	Unauthorized additional	8-1723	\$45
32	lighting equipment		
33	Improper multiple-beam lights	8-1724	\$45
34	Failure to dim headlights	8-1725	\$75
35	Improper single-beam head-	8-1726	\$45
36	lights		
37	Improper speed with alter-	8-1727	\$45
38	nate lighting		
39	Improper number of driving	8-1728	\$45
40	lamps		
41	Unauthorized lights and sig-	8-1729	\$45
42	nals		
43	Improper school bus lighting	8-1730	\$45

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

1	Defective motorcycle or mo-	8-1807	\$45
2	tor-driven cycle brakes		
3	Improper performance abil-	8-1808	\$45
4	ity of brakes		
5	Operating motorcycle with	8-1809	\$45
6	disapproved braking sys-		
7	tem		
8	Defective horn, muffler, mir-	8-1810	\$45
9	rors or tires		
10	Unlawful statehouse parking	75-4510a	\$30
11	Exceeding gross weight of	8-1909	Pounds Overweight
12	vehicle or combination		up to 1000.....\$40
13			1001 to 2000.....3¢
14			per pound
15			2001 to 5000.....5¢
16			per pound
17			5001 to 7500.....7¢
18			per pound
19			7501 and over.....10¢
20			per pound
21	Exceeding gross weight on	8-1908	Pounds Overweight
22	any axle or tandem,		up to 1000.....\$40
23	triple or quad axles		1001 to 2000.....3¢
24			per pound
25			2001 to 5000.....5¢
26			per pound
27			5001 to 7500.....7¢
28			per pound
29			7501 and over.....10¢
30			per pound
31	Failure to obtain proper re-	66-1324	\$287
32	gistration, clearance or		
33	to have current cer-		
34	tification		
35	Insufficient liability insur-	66-1,128	\$137
36	ance for motor carriers	or 66-1314	
37	Failure to obtain interstate	79-34,122	\$137
38	motor fuel tax author-		
39	ization		
40	No authority as private or	66-1,111	\$137
41	common carrier		
42	Violation of motor carrier	66-1,129	\$115
43	safety rules and regula-		

1 tions, except for viola-
2 tions specified in K.S.A.
3 66-1,130(b)(2), and
4 amendments thereto

5 (d) Traffic offenses classified as traffic infractions by this section
6 shall be classified as ordinance traffic infractions by those cities adopting
7 ordinances prohibiting the same offenses. A schedule of fines for all
8 ordinance traffic infractions shall be established by the municipal judge in
9 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
10 fines may vary from those contained in the uniform fine schedule
11 contained in subsection (c).

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

18 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
19 amendments thereto, within two years after a prior conviction of K.S.A. 8-
20 1908 or 8-1909, and amendments thereto, such person, upon conviction
21 shall be fined $1\frac{1}{2}$ times the applicable amount from one, but not both, of
22 the schedules listed in the uniform fine schedule contained in subsection
23 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments
24 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or
25 8-1909, and amendments thereto, such person, upon conviction shall be
26 fined two times the applicable amount from one, but not both, of the
27 schedules listed in the uniform fine schedule contained in subsection (c).
28 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,
29 and amendments thereto, within two years after three prior convictions of
30 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
31 conviction shall be fined $2\frac{1}{2}$ times the applicable amount from one, but
32 not both, of the schedules listed in the uniform fine schedule contained in
33 subsection (c).

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

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

1 conviction, shall be fined \$1,000 for the third and each succeeding
2 violation.

3 Sec. 3. K.S.A. 8-2118 is hereby repealed.

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