SENATE BILL No. 267

By Senator Doll

1-15

AN ACT concerning traffic regulations; relating to the penalties for violation of size and weight laws; classifying violations of exempting the transport of agricultural forage commodities from the secured loads statute as a traffic infraction; amending K.S.A.-2019 Supp. 8-2116-8-1906 and repealing the existing section.

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

Section 1. K.S.A. 2019 Supp. 8-2116 is hereby amended to read as follows: 8-2116. (a) Every person convicted of violating K.S.A. 8-1906, 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.

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

Section 1. K.S.A. 8-1906 is hereby amended to read as follows: 8-1906. (a) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that:

(1) This section shall not prohibit the necessary spreading of any substance in highway maintenance or construction operations; and

(2) (A) subsections (a) and (c) shall not apply to:

(i) Trailers or semitrailers when hauling livestock if such trailers or semitrailers are properly equipped with a cleanout trap and such trap is operated in a closed position unless material is intentionally spilled when the trap is in a closed position; or

(ii) trucks, trailers or semitrailers when hauling agricultural forage commodities intrastate from the place of production to a market or place of storage. The provisions of this subsection (a)(2)(A)(ii) shall not apply to
trucks, trailers or semitrailers hauling:
(a) Hay bales; or
(b) other packaged or bundled forage commodities.
(B) Paragraph (2)(A)(i) shall not apply to trailers or semitrailers used for hauling livestock when livestock are not being hauled in such trailers or semitrailers.
(b) All trailers or semitrailers used for hauling livestock shall be cleaned out periodically.
(c) No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.
Sec. 2. K.S.A. 2019 Supp. 8-2116 - 8-1906 is hereby repealed.
Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.