

Substitute for SENATE BILL No. 272

By Committee on Transportation

2-15

1 AN ACT regulating traffic; concerning passing on streets and highways;
2 waste collectors; amending K.S.A. 2017 Supp. 8-2118 and repealing
3 the existing section.

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

6 New Section 1. (a) The driver of a motor vehicle, upon approaching a
7 stationary waste collection vehicle obviously and actually engaged in
8 waste collection and displaying vehicular hazard warning signal lamps as
9 required by K.S.A. 8-1722, and amendments thereto, shall do either of the
10 following:

11 (1) If the driver of the motor vehicle is traveling on a highway that
12 consists of at least two lanes that carry traffic in the same direction of
13 travel as that of the driver's motor vehicle, the driver shall proceed with
14 due caution and, if possible and with due regard to the road, weather and
15 traffic conditions, shall change lanes into a lane that is not adjacent to that
16 of the stationary waste collection vehicle; or

17 (2) if the driver is not traveling on a highway of a type described in
18 paragraph (1), or if the driver is traveling on a highway of that type but it
19 is not possible to change lanes or if to do so would be unsafe, the driver
20 shall proceed with due caution, reduce the speed of the motor vehicle and
21 maintain a safe speed for the road, weather and traffic conditions.

22 (b) For purposes of this section, a waste collection vehicle is a vehicle
23 specifically designed and equipped and used exclusively for garbage,
24 refuse, recycling or solid waste collection or disposal operations.

25 (c) From and after the effective date of this act and prior to July 1,
26 2019, a law enforcement officer shall issue a warning citation to anyone
27 violating the provisions of subsection (a).

28 (d) This section shall not operate to relieve the driver of a waste
29 collection vehicle from the duty to drive with due regard for the safety of
30 all persons using the highway.

31 **(e) This section shall be part of and supplemental to the uniform**
32 **act regulating traffic on highways.**

33 Sec. 2. K.S.A. 2017 Supp. 8-2118 is hereby amended to read as
34 follows: 8-2118. (a) A person charged with a traffic infraction shall, except
35 as provided in subsection (b), appear at the place and time specified in the
36 notice to appear. If the person enters an appearance, waives right to trial,

1 pleads guilty or no contest, the fine shall be no greater than that specified
 2 in the uniform fine schedule in subsection (c) and court costs shall be
 3 taxed as provided by law.

4 (b) Prior to the time specified in the notice to appear, a person
 5 charged with a traffic infraction may enter a written appearance, waive
 6 right to trial, plead guilty or no contest and pay the fine for the violation as
 7 specified in the uniform fine schedule in subsection (c) and court costs
 8 provided by law. Payment may be made in any manner accepted by the
 9 court. The traffic citation shall not have been complied with if the payment
 10 is not honored for any reason, or if the fine and court costs are not paid in
 11 full. When a person charged with a traffic infraction makes payment
 12 without executing a written waiver of right to trial and plea of guilty or no
 13 contest, the payment shall be deemed such an appearance, waiver of right
 14 to trial and plea of no contest.

15 (c) The following uniform fine schedule shall apply uniformly
 16 throughout the state but shall not limit the fine which may be imposed
 17 following a court appearance, except an appearance made for the purpose
 18 of pleading and payment as permitted by subsection (a). The description of
 19 offense contained in the following uniform fine schedule is for reference
 20 only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
21 Refusal to submit to a prelim- 22 inary breath test	8-1012	\$105
23 Unsafe speed for prevailing 24 conditions	8-1557	\$75
25 Exceeding maximum speed 26 limit; or speeding in zone 27 posted by the state depart- 28 ment of transportation; or 29 speeding in locally posted 30 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 over 30 mph over the limit;
31 Disobeying traffic control de- 32 vice	8-1507	\$75
33 Violating traffic control signal	8-1508	\$75

1	Violating pedestrian control	8-1509	\$45
2	signal		
3	Violating flashing traffic sig-	8-1510	\$75
4	nals		
5	Violating lane-control signal	8-1511	\$75
6	Unauthorized sign, signal,	8-1512	\$45
7	marking or device		
8	Driving on left side of road-	8-1514	\$75
9	way		
10	Failure to keep right to pass	8-1515	\$75
11	oncoming vehicle		
12	Improper passing; increasing	8-1516	\$75
13	speed when passed		
14	Improper passing on right	8-1517	\$75
15	Passing on left with insuffi-	8-1518	\$75
16	cient clearance		
17	Driving on left side where	8-1519	\$75
18	curve, grade, intersec-		
19	tion railroad crossing, or		
20	obstructed view		
21	Driving on left in no-passing	8-1520	\$75
22	zone		
23	Unlawful passing of stopped	8-1520a	\$75
24	emergency vehicle		
25	Driving wrong direction on	8-1521	\$75
26	one-way road		
27	Improper driving on laned	8-1522	\$75
28	roadway		
29	Following too close	8-1523	\$75
30	Improper crossover on di-	8-1524	\$45
31	vided highway		
32	Failure to yield right-of-way	8-1526	\$75
33	at uncontrolled intersection		
34	Failure to yield to approach-	8-1527	\$75
35	ing vehicle when turning		
36	left		
37	Failure to yield at stop or	8-1528	\$75
38	yield sign		
39	Failure to yield from private	8-1529	\$75
40	road or driveway		
41	Failure to yield to emergency	8-1530	\$195
42	vehicle		
43	Failure to yield to pedestrian	8-1531	\$105

1	or vehicle working on		
2	roadway		
3	Failure to comply with re-	8-1531a	\$45
4	strictions in road con-		
5	struction zone		
6	Disobeying pedestrian traffic	8-1532	\$45
7	control device		
8	Failure to yield to pedestrian	8-1533	\$75
9	in crosswalk; pedestrian		
10	suddenly entering road-		
11	way; passing vehicle		
12	stopped for pedestrian at		
13	crosswalk		
14	Improper pedestrian crossing	8-1534	\$45
15	Failure to exercise due care in	8-1535	\$45
16	regard to pedestrian		
17	Improper pedestrian move-	8-1536	\$45
18	ment in crosswalk		
19	Improper use of roadway by	8-1537	\$45
20	pedestrian		
21	Soliciting ride or business	8-1538	\$45
22	on roadway		
23	Driving through safety zone	8-1539	\$45
24	Failure to yield to pedestrian	8-1540	\$45
25	on sidewalk		
26	Failure of pedestrian to yield	8-1541	\$45
27	to emergency vehicle		
28	Failure to yield to blind pe-	8-1542	\$45
29	destrian		
30	Pedestrian disobeying bridge	8-1544	\$45
31	or railroad signal		
32	Improper turn or approach	8-1545	\$75
33	Improper "U" turn	8-1546	\$75
34	Unsafe starting of stopped	8-1547	\$45
35	vehicle		
36	Unsafe turning or stopping,	8-1548	\$75
37	failure to give proper sig-		
38	nal; using turn signal un-		
39	lawfully		
40	Improper method of giving	8-1549	\$45
41	notice of intention to turn		
42	Improper hand signal	8-1550	\$45
43	Failure to stop or obey	8-1551	\$195

1	road crossing signal		
2	Failure to stop at railroad	8-1552	\$135
3	crossing stop sign		
4	Certain hazardous vehicles	8-1553	\$195
5	failure to stop at railroad		
6	crossing		
7	Improper moving of heavy	8-1554	\$75
8	equipment at railroad		
9	crossing		
10	Vehicle emerging from alley,	8-1555	\$75
11	private roadway, building		
12	or driveway		
13	Improper passing of school	8-1556	\$315
14	bus; improper use of		
15	school bus signals		
16	Improper passing of church	8-1556a	\$195
17	or day-care bus; improper		
18	use of signals		
19	Impeding normal traffic	8-1561	\$45
20	by slow speed		
21	Speeding on motor-driven	8-1562	\$75
22	cycle		
23	Speeding in certain vehicles	8-1563	\$45
24	or on posted bridge		
25	Improper stopping, standing	8-1569	\$45
26	or parking on roadway		
27	Parking, standing or stopping	8-1571	\$45
28	in prohibited area		
29	Improper parking	8-1572	\$45
30	Unattended vehicle	8-1573	\$45
31	Improper backing	8-1574	\$45
32	Driving on sidewalk	8-1575	\$45
33	Driving with view or driving	8-1576	\$45
34	mechanism obstructed		
35	Unsafe opening of vehicle	8-1577	\$45
36	door		
37	Riding in house trailer	8-1578	\$45
38	Unlawful riding on vehicle	8-1578a	\$75
39	Improper driving in defiles,	8-1579	\$45
40	canyons, or on grades		
41	Coasting	8-1580	\$45
42	Following fire apparatus too	8-1581	\$75
43	closely		

1	Driving over fire hose	8-1582	\$45
2	Putting glass, etc., on high-	8-1583	\$105
3	way		
4	Driving into intersection,	8-1584	\$45
5	crosswalk, or crossing		
6	without sufficient space		
7	on other side		
8	Improper operation of snow-	8-1585	\$45
9	mobile on highway		
10	Parental responsibility of	8-1586	\$45
11	child riding bicycle		
12	Not riding on bicycle seat;	8-1588	\$45
13	too many persons on		
14	bicycle		
15	Clinging to other vehicle	8-1589	\$45
16	Improper riding of bicycle on	8-1590	\$45
17	roadway		
18	Carrying articles on bicycle;	8-1591	\$45
19	one hand on handlebars		
20	Improper bicycle lamps,	8-1592	\$45
21	brakes or reflectors		
22	Improper operation of mo-	8-1594	\$45
23	torcycle; seats; passen-		
24	gers, bundles		
25	Improper operation of mo-	8-1595	\$75
26	torcycle on laned road		
27	way		
28	Motorcycle clinging to other	8-1596	\$45
29	vehicle		
30	Improper motorcycle handle-	8-1597	\$75
31	bars or passenger		
32	equipment		
33	Motorcycle helmet and eye-	8-1598	\$45
34	protection requirements		
35	Unlawful operation of all-ter-	8-15,100	\$75
36	rain vehicle		
37	Unlawful operation of	8-15,101	\$75
38	low-speed vehicle		
39	Littering	8-15,102	\$115
40	Disobeying school crossing	8-15,103	\$75
41	guard		
42	Unlawful operation of micro	8-15,106	\$75
43	utility truck		

1	Failure to remove vehicles in	8-15,107	\$75
2	accidents		
3	Unlawful operation of golf	8-15,108	\$75
4	cart		
5	Unlawful operation of work-	8-15,109	\$75
6	site utility vehicle		
7	Unlawful display of license	8-15,110	\$60
8	plate		
9	Unlawful text messaging	8-15,111	\$60
10	<i>Unlawful passing of a waste</i>	<i>section 1</i>	<i>\$45</i>
11	<i>collection vehicle</i>		
12	Equipment offenses that are	8-1701	\$75
13	not misdemeanors		
14	Driving without lights when	8-1703	\$45
15	needed		
16	Defective headlamps	8-1705	\$45
17	Defective tail lamps	8-1706	\$45
18	Defective reflector	8-1707	\$45
19	Improper stop lamp or turn	8-1708	\$45
20	signal		
21	Improper lighting equipment	8-1710	\$45
22	on certain vehicles		
23	Improper lamp color on cer-	8-1711	\$45
24	tain vehicles		
25	Improper mounting of re-	8-1712	\$45
26	flectors and lamps on cer-		
27	tain vehicles		
28	Improper visibility of reflec-	8-1713	\$45
29	tors and lamps on certain		
30	vehicles		
31	No lamp or flag on projecting	8-1715	\$75
32	load		
33	Improper lamps on parked	8-1716	\$45
34	vehicle		
35	Improper lights, lamps, re-	8-1717	\$45
36	flectors and emblems on		
37	farm tractors or slow-		
38	moving vehicles		
39	Improper lamps and equip-	8-1718	\$45
40	ment on implements of		
41	husbandry, road machin-		
42	ery or animal-drawn ve-		
43	hicles		

1	Unlawful use of spot, fog, or	8-1719	\$45
2	auxiliary lamp		
3	Improper lamps or lights on	8-1720	\$45
4	emergency vehicle		
5	Improper stop or turn signal	8-1721	\$45
6	Improper vehicular hazard	8-1722	\$45
7	warning lamp		
8	Unauthorized additional	8-1723	\$45
9	lighting equipment		
10	Improper multiple-beam lights	8-1724	\$45
11	Failure to dim headlights	8-1725	\$75
12	Improper single-beam head-	8-1726	\$45
13	lights		
14	Improper speed with alter-	8-1727	\$45
15	nate lighting		
16	Improper number of driving	8-1728	\$45
17	lamps		
18	Unauthorized lights and sig-	8-1729	\$45
19	nals		
20	Improper school bus lighting	8-1730	\$45
21	equipment and warning		
22	devices		
23	Unauthorized lights and de-	8-1730a	\$45
24	vices on church or day-		
25	care bus		
26	Improper lights on highway	8-1731	\$45
27	construction or maintenance		
28	vehicles		
29	Defective brakes	8-1734	\$45
30	Defective or improper use of	8-1738	\$45
31	horn or warning device		
32	Defective muffler	8-1739	\$45
33	Defective mirror	8-1740	\$45
34	Defective wipers; obstructed	8-1741	\$45
35	windshield or windows		
36	Improper tires	8-1742	\$45
37	Improper flares or warning	8-1744	\$45
38	devices		
39	Improper use of vehicular	8-1745	\$45
40	hazard warning lamps		
41	and devices		
42	Improper air-conditioning	8-1747	\$45
43	equipment		

1	Improper safety belt or	8-1749	\$45
2	shoulder harness		
3	Improper wide-based single	8-1742b	\$75
4	tires		
5	Improper compression re-	8-1761	\$75
6	lease engine braking sys-		
7	tem		
8	Defective motorcycle head-	8-1801	\$45
9	lamp		
10	Defective motorcycle tail	8-1802	\$45
11	lamp		
12	Defective motorcycle reflec-	8-1803	\$45
13	tor		
14	Defective motorcycle stop	8-1804	\$45
15	lamps and turn signals		
16	Defective multiple-beam	8-1805	\$45
17	lighting		
18	Improper road-lighting equip-	8-1806	\$45
19	ment on motor-driven cy-		
20	cles		
21	Defective motorcycle or mo-	8-1807	\$45
22	tor-driven cycle brakes		
23	Improper performance abil-	8-1808	\$45
24	ity of brakes		
25	Operating motorcycle with	8-1809	\$45
26	disapproved braking sys-		
27	tem		
28	Defective horn, muffler, mir-	8-1810	\$45
29	rors or tires		
30	Unlawful statehouse parking	75-4510a	\$30
31	Exceeding gross weight of	8-1909	Pounds Overweight
32	vehicle or combination		up to 1000.....\$40
33			1001 to 2000.....3¢
34			per pound
35			2001 to 5000.....5¢
36			per pound
37			5001 to 7500.....7¢
38			per pound
39			7501 and over.....10¢
40			per pound
41	Exceeding gross weight on	8-1908	Pounds Overweight
42	any axle or tandem,		up to 1000.....\$40
43	triple or quad axles		1001 to 2000.....3¢

1			per pound
2		2001 to 5000.....	5¢
3			per pound
4		5001 to 7500.....	7¢
5			per pound
6		7501 and over.....	10¢
7			per pound
8	Failure to obtain proper re-	66-1324	\$287
9	gistration, clearance or		
10	to have current cer-		
11	tification		
12	Insufficient liability insur-	66-1,128	\$137
13	ance for motor carriers	or 66-1314	
14	Failure to obtain interstate	79-34,122	\$137
15	motor fuel tax author-		
16	ization		
17	No authority as private or	66-1,111	\$137
18	common carrier		
19	Violation of motor carrier	66-1,129	\$115
20	safety rules and regula-		
21	tions, except for viola-		
22	tions specified in sub-		
23	section (b)(2) of K.S.A.		
24	66-1,130(b)(2), and		
25	amendments thereto		

26 (d) Traffic offenses classified as traffic infractions by this section
 27 shall be classified as ordinance traffic infractions by those cities adopting
 28 ordinances prohibiting the same offenses. A schedule of fines for all
 29 ordinance traffic infractions shall be established by the municipal judge in
 30 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
 31 fines may vary from those contained in the uniform fine schedule
 32 contained in subsection (c).

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

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

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

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

17 Sec. 3. K.S.A. 2017 Supp. 8-2118 is hereby repealed.

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