

HOUSE BILL No. 2171

By Committee on Transportation

2-7

1 AN ACT regulating traffic; concerning United States postal service
2 vehicles; amending K.S.A. 2010 Supp. 8-1520a and 8-2118 and
3 repealing the existing sections; and also repealing K.S.A. 2010 Supp.
4 8-2118b.

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

7 New Section 1. (a) The driver of a vehicle shall yield the right-of-
8 way to any United States postal service vehicle which is obviously and
9 actually engaged in the delivery or collection of mail upon a highway.

10 (b) The driver of a motor vehicle upon approaching a stationary
11 United States postal service vehicle which is obviously and actually
12 engaged in the delivery or collection of mail upon a highway, shall do
13 either of the following:

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

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

25 (c) From and after the effective date of this act and prior to July 1,
26 2012, a law enforcement officer shall issue a warning citation to anyone
27 violating the provisions of this section.

28 (d) This section shall not operate to relieve the driver of an United
29 States postal service vehicle from the duty to drive with due regard for
30 the safety of all persons using the highway.

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

33 Sec. 2. K.S.A. 2010 Supp. 8-1520a is hereby amended to read as
34 follows: 8-1520a. (a) The driver of a vehicle shall not overtake and pass
35 another vehicle when approaching within 100 feet of:

36 (1) A stationary authorized emergency vehicle on a highway that

1 consists of two lanes carrying traffic in opposite directions, when the
 2 authorized emergency vehicle is making use of visual signals meeting the
 3 requirements of K.S.A. 8-1720, and amendments thereto, or subsection
 4 (d) of K.S.A. 8-1722, and amendments thereto; ~~or~~

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

9 (3) *a stationary United States postal service vehicle which is*
 10 *obviously and actually engaged in the delivery or collection of mail on a*
 11 *highway.*

12 (b) From and after the effective date of this act, and prior to July 1,
 13 ~~2007~~2012, a law enforcement officer shall issue a warning citation to
 14 anyone violating the provisions of paragraph ~~(2)~~(3) of subsection (a).

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

17 Sec. 3. K.S.A. 2010 Supp. 8-2118 is hereby amended to read as
 18 follows: 8-2118. (a) A person charged with a traffic infraction shall,
 19 except as provided in subsection (b), appear at the place and time
 20 specified in the notice to appear. If the person enters an appearance,
 21 waives right to trial, pleads guilty or no contest, the fine shall be no
 22 greater than that specified in the uniform fine schedule in subsection (c)
 23 and court costs shall be taxed as provided by law.

24 (b) Prior to the time specified in the notice to appear, a person
 25 charged with a traffic infraction may enter a written appearance, waive
 26 right to trial, plead guilty or no contest and pay the fine for the violation
 27 as specified in the uniform fine schedule in subsection (c) and court costs
 28 provided by law. Payment may be made ~~by mail or in person and may be~~
 29 ~~by personal check in any manner accepted by the court.~~ The traffic
 30 citation shall not have been complied with if ~~a check~~the payment is not
 31 honored for any reason, or if the fine and court costs are not paid in full.
 32 When a person charged with a traffic infraction makes payment without
 33 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 which 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
 40 of offense contained in the following uniform fine schedule is for
 41 reference only and is not a legal definition.

42 Description of Offense	Statute	Fine
43 Refusal to submit to a preliminary breath test	8-1012	\$105
44 Unsafe speed for prevailing conditions	8-1557	\$75

1	Exceeding maximum speed limit; or speeding	8-1558	1-10 mph over
2	in zone posted by the state department	to	the limit, \$45
3	of transportation; or speeding in locally	8-1560	11-20 mph over
4	posted zone	8-1860a	the limit, \$45
5		8-1860b	plus \$6 per mph
6			over 10 mph over
7			the limit;
8			21-30 mph over
9			the limit, \$105
10			plus \$9 per mph
11			over 20 mph over
12			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 device	8-1507	\$75
19	Violating traffic control signal	8-1508	\$75
20	Violating pedestrian control signal	8-1509	\$45
21	Violating flashing traffic signals	8-1510	\$75
22	Violating lane-control signal	8-1511	\$75
23	Unauthorized sign, signal, marking or device	8-1512	\$45
24	Driving on left side of roadway	8-1514	\$75
25	Failure to keep right to pass oncoming vehicle	8-1515	\$75
26	Improper passing; increasing speed when passed	8-1516	\$75
27	Improper passing on right	8-1517	\$75
28	Passing on left with insufficient clearance	8-1518	\$75
29	Driving on left side where curve, grade,		
30	intersection railroad crossing,		
31	or obstructed view	8-1519	\$75
32	Driving on left in no-passing zone	8-1520	\$75
33	Unlawful passing of stopped emergency vehicle	8-1520a	\$75
34	Driving wrong direction on one-way road	8-1521	\$75
35	Improper driving on laned roadway	8-1522	\$75
36	Following too close	8-1523	\$75
37	Improper crossover on divided highway	8-1524	\$45
38	Failure to yield right-of-way at uncontrolled intersection	8-1526	\$75
39	Failure to yield to approaching vehicle when turning left	8-1527	\$75
40	Failure to yield at stop or yield sign	8-1528	\$75
41	Failure to yield from private road or driveway	8-1529	\$75
42	Failure to yield to emergency vehicle	8-1530	\$195
43	Failure to yield to pedestrian or vehicle		
44	working on roadway	8-1531	\$105
45	Failure to comply with restrictions in road		
46	construction zone	8-1531a	\$45
47	<i>Failure to yield to United States postal</i>		
48	<i>service vehicle</i>	<i>section 1</i>	<i>\$50</i>
49	Disobeying pedestrian traffic control device	8-1532	\$45
50	Failure to yield to pedestrian in crosswalk;		
51	pedestrian suddenly entering roadway;		
52	passing vehicle stopped for pedestrian		
53	at crosswalk	8-1533	\$75
54	Improper pedestrian crossing	8-1534	\$45

1	Failure to exercise due care in regard to pedestrian	8-1535	\$45
2	Improper pedestrian movement in crosswalk	8-1536	\$45
3	Improper use of roadway by pedestrian	8-1537	\$45
4	Soliciting ride or business on roadway	8-1538	\$45
5	Driving through safety zone	8-1539	\$45
6	Failure to yield to pedestrian on sidewalk	8-1540	\$45
7	Failure of pedestrian to yield to emergency vehicle	8-1541	\$45
8	Failure to yield to blind pedestrian	8-1542	\$45
9	Pedestrian disobeying bridge or railroad signal	8-1544	\$45
10	Improper turn or approach	8-1545	\$75
11	Improper "U" turn	8-1546	\$75
12	Unsafe starting of stopped vehicle	8-1547	\$45
13	Unsafe turning or stopping, failure to give		
14	proper signal; using turn signal unlawfully	8-1548	\$75
15	Improper method of giving notice of intention to turn	8-1549	\$45
16	Improper hand signal	8-1550	\$45
17	Failure to stop or obey railroad crossing signal	8-1551	\$195
18	Failure to stop at railroad crossing stop sign	8-1552	\$135
19	Certain hazardous vehicles failure to stop		
20	at railroad crossing	8-1553	\$195
21	Improper moving of heavy equipment		
22	at railroad crossing	8-1554	\$75
23	Vehicle emerging from alley, private roadway,		
24	building or driveway	8-1555	\$75
25	Improper passing of school bus; improper		
26	use of school bus signals	8-1556	\$315
27	Improper passing of church or day-care bus;		
28	improper use of signals	8-1556a	\$195
29	Impeding normal traffic by slow speed	8-1561	\$45
30	Speeding on motor-driven cycle	8-1562	\$75
31	Speeding in certain vehicles or on posted bridge	8-1563	\$45
32	Improper stopping, standing or parking on roadway	8-1569	\$45
33	Parking, standing or stopping in prohibited area	8-1571	\$45
34	Improper parking	8-1572	\$45
35	Unattended vehicle	8-1573	\$45
36	Improper backing	8-1574	\$45
37	Driving on sidewalk	8-1575	\$45
38	Driving with view or driving mechanism obstructed	8-1576	\$45
39	Unsafe opening of vehicle door	8-1577	\$45
40	Riding in house trailer	8-1578	\$45
41	<i>Unlawful riding on vehicle</i>	<i>8-1578a</i>	<i>\$75</i>
42	Improper driving in defiles, canyons, or on grades	8-1579	\$45
43	Coasting	8-1580	\$45
44	Following fire apparatus too closely	8-1581	\$75
45	Driving over fire hose	8-1582	\$45
46	Putting glass, etc., on highway	8-1583	\$105
47	Driving into intersection, crosswalk,		
48	or crossing without sufficient space on other side	8-1584	\$45
49	Improper operation of snowmobile on highway	8-1585	\$45
50	Parental responsibility of child riding bicycle	8-1586	\$45
51	Not riding on bicycle seat; too many persons		
52	on bicycle	8-1588	\$45
53	Clinging to other vehicle	8-1589	\$45
54	Improper riding of bicycle on roadway	8-1590	\$45

1	Carrying articles on bicycle; one hand on handlebars	8-1591	\$45
2	Improper bicycle lamps, brakes or reflectors	8-1592	\$45
3	Improper operation of motorcycle; seats; passengers,		
4	bundles	8-1594	\$45
5	Improper operation of motorcycle on laned roadway	8-1595	\$75
6	Motorcycle clinging to other vehicle	8-1596	\$45
7	Improper motorcycle handlebars or passenger equipment	8-1597	\$75
8	Motorcycle helmet and eye-protection requirements	8-1598	\$45
9	Unlawful riding on vehicle	8-1578a	\$75
10	Unlawful operation of all-terrain vehicle	8-15,100	\$75
11	Unlawful operation of low-speed vehicle	8-15,101	\$75
12	Littering	8-15,102	\$115
13	Disobeying school crossing guard	8-15,103	\$75
14	Unlawful operation of micro utility truck	8-15,106	\$75
15	Failure to remove vehicles in accidents	8-15,107	\$75
16	Unlawful operation of golf cart	8-15,108	\$75
17	Unlawful operation of work-site utility vehicle	8-15,109	\$75
18	<i>Unlawful display of license plate</i>	<i>8-15,110</i>	<i>\$60</i>
19	<i>Unlawful text messaging</i>	<i>8-15,111</i>	<i>\$60</i>
20	Equipment offenses that are not misdemeanors	8-1701	\$75
21	Driving without lights when needed	8-1703	\$45
22	Defective headlamps	8-1705	\$45
23	Defective tail lamps	8-1706	\$45
24	Defective reflector	8-1707	\$45
25	Improper stop lamp or turn signal	8-1708	\$45
26	Improper lighting equipment on certain vehicles	8-1710	\$45
27	Improper lamp color on certain vehicles	8-1711	\$45
28	Improper mounting of reflectors and lamps on		
29	certain vehicles	8-1712	\$45
30	Improper visibility of reflectors and lamps on		
31	certain vehicles	8-1713	\$45
32	No lamp or flag on projecting load	8-1715	\$75
33	Improper lamps on parked vehicle	8-1716	\$45
34	Improper lights, lamps, reflectors and emblems on		
35	farm tractors or slow-moving vehicles	8-1717	\$45
36	Improper lamps and equipment on implements		
37	of husbandry, road machinery or animal-drawn		
38	vehicles	8-1718	\$45
39	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$45
40	Improper lamps or lights on emergency vehicle	8-1720	\$45
41	Improper stop or turn signal	8-1721	\$45
42	Improper vehicular hazard warning lamp	8-1722	\$45
43	Unauthorized additional lighting equipment	8-1723	\$45
44	Improper multiple-beam lights	8-1724	\$45
45	Failure to dim headlights	8-1725	\$75
46	Improper single-beam headlights	8-1726	\$45
47	Improper speed with alternate lighting	8-1727	\$45
48	Improper number of driving lamps	8-1728	\$45
49	Unauthorized lights and signals	8-1729	\$45
50	Improper school bus lighting equipment and warning		
51	devices	8-1730	\$45
52	Unauthorized lights and devices on church or		
53	day-care bus	8-1730a	\$45
54	Improper lights on highway construction or		

1	maintenance vehicles	8-1731	\$45
2	Defective brakes	8-1734	\$45
3	Defective or improper use of horn or warning device	8-1738	\$45
4	Defective muffler	8-1739	\$45
5	Defective mirror	8-1740	\$45
6	Defective wipers; obstructed windshield or windows	8-1741	\$45
7	Improper tires	8-1742	\$45
8	Improper flares or warning devices	8-1744	\$45
9	Improper use of vehicular hazard warning lamps		
10	and devices	8-1745	\$45
11	Improper air-conditioning equipment	8-1747	\$45
12	Improper safety belt or shoulder harness	8-1749	\$45
13	Improper wide-based single tires	8-1742b	\$75
14	Improper compression release engine braking system	8-1761	\$75
15	Defective motorcycle headlamp	8-1801	\$45
16	Defective motorcycle tail lamp	8-1802	\$45
17	Defective motorcycle reflector	8-1803	\$45
18	Defective motorcycle stop lamps and turn signals	8-1804	\$45
19	Defective multiple-beam lighting	8-1805	\$45
20	Improper road-lighting equipment on motor-driven cycles	8-1806	\$45
21	Defective motorcycle or motor-driven cycle brakes	8-1807	\$45
22	Improper performance ability of brakes	8-1808	\$45
23	Operating motorcycle with disapproved braking system	8-1809	\$45
24	Defective horn, muffler, mirrors or tires	8-1810	\$45
25	Unlawful statehouse parking	75-4510a	\$30
26	Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight
27			up to 1000.....\$40
28			1001 to 2000.....3¢
29			per pound
30			2001 to 5000.....5¢
31			per pound
32			5001 to 7500.....7¢
33			per pound
34			7501 and over...10¢
35			per pound
36	Exceeding gross weight on any axle or		
37	tandem, triple or quad axles	8-1908	Pounds Overweight
38			up to 1000.....\$40
39			1001 to 2000.....3¢
40			per pound
41			2001 to 5000.....5¢
42			per pound
43			5001 to 7500.....7¢
44			per pound
45			7501 and over...10¢
46			per pound
47	Failure to obtain proper registration, clearance		
48	or to have current certification	66-1324	\$287
49	Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$137
50	Failure to obtain interstate motor fuel tax		
51	authorization	79-34,122	\$137
52	No authority as private or common carrier	66-1,111	\$137
53	Violation of motor carrier safety rules and	66-1,129	\$115
54	regulations, except for violations specified		

1 in subsection (b)(2) of K.S.A. 66-1,130,
2 and amendments thereto

3 (d) Traffic offenses classified as traffic infractions by this section
4 shall be classified as ordinance traffic infractions by those cities adopting
5 ordinances prohibiting the same offenses. A schedule of fines for all
6 ordinance traffic infractions shall be established by the municipal judge in
7 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
8 fines may vary from those contained in the uniform fine schedule
9 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
12 is 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 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
17 amendments thereto, within two years after a prior conviction of K.S.A.
18 8-1908 or 8-1909, and amendments thereto, such person, upon conviction
19 shall be fined 1 ½ 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
29 conviction shall be fined 2 ½ times the applicable amount from one, but
30 not both, of the schedules listed in the uniform fine schedule contained in
31 subsection (c).

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

37 Sec. 4. K.S.A. 2010 Supp. 8-1520a, 8-2118 and 8-2118b are hereby
38 repealed.

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

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