

**As Amended by House Committee**

*Session of 2011*

**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  
4 Supp. 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  
18 and traffic conditions, shall change lanes into a lane that is not adjacent  
19 to that of the stationary United States postal service vehicle; or

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

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

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

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

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

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

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

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

17       (b) From and after the effective date of this act, and prior to July 1,  
18 ~~2007~~2012, a law enforcement officer shall issue a warning citation to  
19 anyone violating the provisions of paragraph (2)(3) of subsection (a).

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

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

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

1 right to trial and plea of no contest.

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

8 Description of Offense	9 Statute	10 Fine
9 Refusal to submit to a preliminary breath test	8-1012	\$105
10 Unsafe speed for prevailing conditions	8-1557	\$75
11 Exceeding maximum speed limit; or speeding	8-1558	1-10 mph over
12 in zone posted by the state department		to the limit, \$45
13 of transportation; or speeding in locally	8-1560	11-20 mph over
14 posted zone	8-1860a	the limit, \$45
15	8-1860b	plus \$6 per mph
16		over 10 mph over
17		the limit;
18		21-30 mph over
19		the limit, \$105
20		plus \$9 per mph
21		over 20 mph over
22		the limit;
23		31 and more mph
24		over the limit, \$195
25		plus \$15 per mph
26		over 30 mph over
27		the limit;
28 Disobeying traffic control device	8-1507	\$75
29 Violating traffic control signal	8-1508	\$75
30 Violating pedestrian control signal	8-1509	\$45
31 Violating flashing traffic signals	8-1510	\$75
32 Violating lane-control signal	8-1511	\$75
33 Unauthorized sign, signal, marking or device	8-1512	\$45
34 Driving on left side of roadway	8-1514	\$75
35 Failure to keep right to pass oncoming vehicle	8-1515	\$75
36 Improper passing; increasing speed when passed	8-1516	\$75
37 Improper passing on right	8-1517	\$75
38 Passing on left with insufficient clearance	8-1518	\$75
39 Driving on left side where curve, grade,		
40 intersection railroad crossing,		
41 or obstructed view	8-1519	\$75
42 Driving on left in no-passing zone	8-1520	\$75
43 Unlawful passing of stopped emergency vehicle	8-1520a	\$75
44 Driving wrong direction on one-way road	8-1521	\$75
45 Improper driving on laned roadway	8-1522	\$75
46 Following too close	8-1523	\$75
47 Improper crossover on divided highway	8-1524	\$45
48 Failure to yield right-of-way at uncontrolled intersection	8-1526	\$75

1	Failure to yield to approaching vehicle when turning left	8-1527	\$75
2	Failure to yield at stop or yield sign	8-1528	\$75
3	Failure to yield from private road or driveway	8-1529	\$75
4	Failure to yield to emergency vehicle	8-1530	\$195
5	Failure to yield to pedestrian or vehicle		
6	working on roadway	8-1531	\$105
7	Failure to comply with restrictions in road		
8	construction zone	8-1531a	\$45
9	<i>Failure to yield to United States postal</i>		
10	<i>service vehicle</i>	<i>section 1</i>	<i>\$50</i>
11	Disobeying pedestrian traffic control device	8-1532	\$45
12	Failure to yield to pedestrian in crosswalk;		
13	pedestrian suddenly entering roadway;		
14	passing vehicle stopped for pedestrian		
15	at crosswalk	8-1533	\$75
16	Improper pedestrian crossing	8-1534	\$45
17	Failure to exercise due care in regard to pedestrian	8-1535	\$45
18	Improper pedestrian movement in crosswalk	8-1536	\$45
19	Improper use of roadway by pedestrian	8-1537	\$45
20	Soliciting ride or business on roadway	8-1538	\$45
21	Driving through safety zone	8-1539	\$45
22	Failure to yield to pedestrian on sidewalk	8-1540	\$45
23	Failure of pedestrian to yield to emergency vehicle	8-1541	\$45
24	Failure to yield to blind pedestrian	8-1542	\$45
25	Pedestrian disobeying bridge or railroad signal	8-1544	\$45
26	Improper turn or approach	8-1545	\$75
27	Improper "U" turn	8-1546	\$75
28	Unsafe starting of stopped vehicle	8-1547	\$45
29	Unsafe turning or stopping, failure to give		
30	proper signal; using turn signal unlawfully	8-1548	\$75
31	Improper method of giving notice of intention to turn	8-1549	\$45
32	Improper hand signal	8-1550	\$45
33	Failure to stop or obey railroad crossing signal	8-1551	\$195
34	Failure to stop at railroad crossing stop sign	8-1552	\$135
35	Certain hazardous vehicles failure to stop		
36	at railroad crossing	8-1553	\$195
37	Improper moving of heavy equipment		
38	at railroad crossing	8-1554	\$75
39	Vehicle emerging from alley, private roadway,		
40	building or driveway	8-1555	\$75
41	Improper passing of school bus; improper		
42	use of school bus signals	8-1556	\$315
43	Improper passing of church or day-care bus;		
44	improper use of signals	8-1556a	\$195
45	Impeding normal traffic by slow speed	8-1561	\$45
46	Speeding on motor-driven cycle	8-1562	\$75
47	Speeding in certain vehicles or on posted bridge	8-1563	\$45
48	Improper stopping, standing or parking on roadway	8-1569	\$45
49	Parking, standing or stopping in prohibited area	8-1571	\$45
50	Improper parking	8-1572	\$45

1	Unattended vehicle	8-1573	\$45
2	Improper backing	8-1574	\$45
3	Driving on sidewalk	8-1575	\$45
4	Driving with view or driving mechanism obstructed	8-1576	\$45
5	Unsafe opening of vehicle door	8-1577	\$45
6	Riding in house trailer	8-1578	\$45
7	<i>Unlawful riding on vehicle</i>	<del>8-1578a</del>	<del>\$75</del>
8	Improper driving in defiles, canyons, or on grades	8-1579	\$45
9	Coasting	8-1580	\$45
10	Following fire apparatus too closely	8-1581	\$75
11	Driving over fire hose	8-1582	\$45
12	Putting glass, etc., on highway	8-1583	\$105
13	Driving into intersection, crosswalk,		
14	or crossing without sufficient space on other side	8-1584	\$45
15	Improper operation of snowmobile on highway	8-1585	\$45
16	Parental responsibility of child riding bicycle	8-1586	\$45
17	Not riding on bicycle seat; too many persons		
18	on bicycle	8-1588	\$45
19	Clinging to other vehicle	8-1589	\$45
20	Improper riding of bicycle on roadway	8-1590	\$45
21	Carrying articles on bicycle; one hand on handlebars	8-1591	\$45
22	Improper bicycle lamps, brakes or reflectors	8-1592	\$45
23	Improper operation of motorcycle; seats; passengers,		
24	bundles	8-1594	\$45
25	Improper operation of motorcycle on laned roadway	8-1595	\$75
26	Motorcycle clinging to other vehicle	8-1596	\$45
27	Improper motorcycle handlebars or passenger equipment	8-1597	\$75
28	Motorcycle helmet and eye-protection requirements	8-1598	\$45
29	<del>Unlawful riding on vehicle</del>	<del>8-1578a</del>	<del>\$75</del>
30	Unlawful operation of all-terrain vehicle	8-15,100	\$75
31	Unlawful operation of low-speed vehicle	8-15,101	\$75
32	Littering	8-15,102	\$115
33	Disobeying school crossing guard	8-15,103	\$75
34	Unlawful operation of micro utility truck	8-15,106	\$75
35	Failure to remove vehicles in accidents	8-15,107	\$75
36	Unlawful operation of golf cart	8-15,108	\$75
37	Unlawful operation of work-site utility vehicle	8-15,109	\$75
38	<i>Unlawful display of license plate</i>	<del>8-15,110</del>	<del>\$60</del> <b>\$75</b>
39	<i>Unlawful text messaging</i>	<del>8-15,111</del>	<del>\$60</del> <b>\$75</b>
40	Equipment offenses that are not misdemeanors	8-1701	\$75
41	Driving without lights when needed	8-1703	\$45
42	Defective headlamps	8-1705	\$45
43	Defective tail lamps	8-1706	\$45
44	Defective reflector	8-1707	\$45
45	Improper stop lamp or turn signal	8-1708	\$45
46	Improper lighting equipment on certain vehicles	8-1710	\$45
47	Improper lamp color on certain vehicles	8-1711	\$45
48	Improper mounting of reflectors and lamps on		
49	certain vehicles	8-1712	\$45

1	Improper visibility of reflectors and lamps on		
2	certain vehicles	8-1713	\$45
3	No lamp or flag on projecting load	8-1715	\$75
4	Improper lamps on parked vehicle	8-1716	\$45
5	Improper lights, lamps, reflectors and emblems on		
6	farm tractors or slow-moving vehicles	8-1717	\$45
7	Improper lamps and equipment on implements		
8	of husbandry, road machinery or animal-drawn		
9	vehicles	8-1718	\$45
10	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$45
11	Improper lamps or lights on emergency vehicle	8-1720	\$45
12	Improper stop or turn signal	8-1721	\$45
13	Improper vehicular hazard warning lamp	8-1722	\$45
14	Unauthorized additional lighting equipment	8-1723	\$45
15	Improper multiple-beam lights	8-1724	\$45
16	Failure to dim headlights	8-1725	\$75
17	Improper single-beam headlights	8-1726	\$45
18	Improper speed with alternate lighting	8-1727	\$45
19	Improper number of driving lamps	8-1728	\$45
20	Unauthorized lights and signals	8-1729	\$45
21	Improper school bus lighting equipment and warning		
22	devices	8-1730	\$45
23	Unauthorized lights and devices on church or		
24	day-care bus	8-1730a	\$45
25	Improper lights on highway construction or		
26	maintenance vehicles	8-1731	\$45
27	Defective brakes	8-1734	\$45
28	Defective or improper use of horn or warning device	8-1738	\$45
29	Defective muffler	8-1739	\$45
30	Defective mirror	8-1740	\$45
31	Defective wipers; obstructed windshield or windows	8-1741	\$45
32	Improper tires	8-1742	\$45
33	Improper flares or warning devices	8-1744	\$45
34	Improper use of vehicular hazard warning lamps		
35	and devices	8-1745	\$45
36	Improper air-conditioning equipment	8-1747	\$45
37	Improper safety belt or shoulder harness	8-1749	\$45
38	Improper wide-based single tires	8-1742b	\$75
39	Improper compression release engine braking system	8-1761	\$75
40	Defective motorcycle headlamp	8-1801	\$45
41	Defective motorcycle tail lamp	8-1802	\$45
42	Defective motorcycle reflector	8-1803	\$45
43	Defective motorcycle stop lamps and turn signals	8-1804	\$45
44	Defective multiple-beam lighting	8-1805	\$45
45	Improper road-lighting equipment on motor-driven cycles	8-1806	\$45
46	Defective motorcycle or motor-driven cycle brakes	8-1807	\$45
47	Improper performance ability of brakes	8-1808	\$45
48	Operating motorcycle with disapproved braking system	8-1809	\$45
49	Defective horn, muffler, mirrors or tires	8-1810	\$45
50	Unlawful statehouse parking	75-4510a	\$30

1	Exceeding gross weight of vehicle or combination	8-1909	Pounds
2	Overweight		
3		up to 1000.....	\$40
4		1001 to 2000.....	3¢
5		per pound	
6		2001 to 5000.....	5¢
7		per pound	
8		5001 to 7500.....	7¢
9		per pound	
10		7501 and over....	10¢
11		per pound	
12	Exceeding gross weight on any axle or		
13	tandem, triple or quad axles	8-1908	Pounds
14	Overweight	up to 1000.....	\$40
15		1001 to 2000.....	3¢
16		per pound	
17		2001 to 5000.....	5¢
18		per pound	
19		5001 to 7500.....	7¢
20		per pound	
21		7501 and over....	10¢
22		per pound	
23	Failure to obtain proper registration, clearance		
24	or to have current certification	66-1324	\$287
25	Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	
26		\$137	
27	Failure to obtain interstate motor fuel tax		
28	authorization	79-34,122	\$137
29	No authority as private or common carrier	66-1,111	\$137
30	Violation of motor carrier safety rules and	66-1,129	\$115
31	regulations, except for violations specified		
32	in subsection (b)(2) of K.S.A. 66-1,130,		
33	and amendments thereto		

34 (d) Traffic offenses classified as traffic infractions by this section  
 35 shall be classified as ordinance traffic infractions by those cities  
 36 adopting ordinances prohibiting the same offenses. A schedule of fines  
 37 for all ordinance traffic infractions shall be established by the  
 38 municipal judge in the manner prescribed by K.S.A. 12-4305, and  
 39 amendments thereto. Such fines may vary from those contained in the  
 40 uniform fine schedule contained in subsection (c).

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

1 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and  
2 amendments thereto, within two years after a prior conviction of K.S.A.  
3 8-1908 or 8-1909, and amendments thereto, such person, upon  
4 conviction shall be fined 1 ½ times the applicable amount from one, but  
5 not both, of the schedules listed in the uniform fine schedule contained  
6 in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and  
7 amendments thereto, within two years, after two prior convictions of  
8 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon  
9 conviction shall be fined two times the applicable amount from one, but  
10 not both, of the schedules listed in the uniform fine schedule contained  
11 in subsection (c). For a fourth and each succeeding violation of K.S.A.  
12 8-1908 or 8-1909, and amendments thereto, within two years after three  
13 prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto,  
14 such person, upon conviction shall be fined 2 ½ times the applicable  
15 amount from one, but not both, of the schedules listed in the uniform  
16 fine schedule contained in subsection (c).

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

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

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

26