

As Amended by House Committee

Session of 2023

SENATE BILL No. 142

By Committee on Transportation

2-2

1 AN ACT concerning traffic regulations; relating to the duty of drivers
2 approaching stationary vehicles; providing a penalty for unlawful
3 passing thereof; **prohibiting the use of a mobile telephone while**
4 **operating a vehicle in a school zone or a road construction zone or**
5 **by individuals under 18 years of age**; amending K.S.A. 8-2118 and
6 repealing the existing section.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) The driver of a motor vehicle, upon approaching a
10 stopped, standing or parked vehicle that is displaying hazard warning
11 signal lamps, road flares or caution signals, including traffic cones, caution
12 signs or reflective triangles, shall do either of the following:

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

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

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

26 **New Sec. 2. (a) No person under the age of 18 years of age shall**
27 **use a mobile telephone while operating a motor vehicle.**

28 (b) **No person shall use a mobile telephone while operating a**
29 **motor vehicle in a school zone at a time when a reduced speed limit is**
30 **enforced as established by K.S.A. 8-1560(a) or 8-1560e, and**
31 **amendments thereto, or in a road construction zone, as that term is**
32 **defined in K.S.A. 8-1458a, and amendments thereto, while workers**
33 **are present.**

34 (c) **The provisions of subsections (a) and (b) shall not apply to:**

35 (1) **A law enforcement officer or emergency service personnel**
36 **acting within the course and scope of the law enforcement officer's or**

1 emergency service personnel's employment;

2 (2) a person operating a motor vehicle that is halted at a location
3 where the vehicle can safely and lawfully remain stationary; or

4 (3) a mobile telephone that is being used with a hands-free device.

5 (d) The provisions of subsections (a) or (b) shall not prohibit a
6 person from using a mobile telephone while operating a motor vehicle
7 that would otherwise violate subsections (a) or (b) to:

8 (1) Report current or ongoing illegal activity to law enforcement;

9 (2) prevent imminent injury to a person or property;

10 (3) summon medical or other emergency assistance; or

11 (4) relay information between a transit or for-hire operator and
12 the operator's dispatcher, if the device is permanently affixed to the
13 motor vehicle.

14 (e) Holding a mobile telephone shall constitute prima facie
15 evidence of a violation of:

16 (1) Subsection (a) for persons under the age of 18 years of age; or

17 (2) subsection (b) for persons operating a motor vehicle in a
18 school zone or a road construction zone.

19 (f) As used in this section:

20 (1) "Hands-free device" means speakerphone capability or a
21 telephone attachment or other piece of equipment, regardless of
22 whether or not the hands-free device is permanently installed in the
23 motor vehicle, that allows use of the mobile telephone without use of
24 either of the operator's hands.

25 (2) "Mobile telephone" does not include a commercial two-way
26 radio communication device or its functional equivalent, subscription-
27 based emergency communication device, prescribed medical device,
28 amateur or ham radio device or remote diagnostics system.

29 (g) A law enforcement officer shall issue a warning citation to
30 anyone violating the provisions of subsections (a) or (b). The
31 provisions of this subsection shall expire and have no effect on and
32 after July 1, 2025.

33 (h) This section shall be a part of and supplemental to the
34 uniform act regulating traffic on highways.

35 Sec. 2. 3. K.S.A. 8-2118 is hereby amended to read as follows: 8-
36 2118. (a) A person charged with a traffic infraction shall, except as
37 provided in subsection (b), appear at the place and time specified in the
38 notice to appear. If the person enters an appearance, waives right to trial,
39 pleads guilty or no contest, the fine shall be no greater than that specified
40 in the uniform fine schedule in subsection (c) and court costs shall be
41 taxed as provided by law.

42 (b) Prior to the time specified in the notice to appear, a person
43 charged with a traffic infraction may enter a written appearance, waive

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

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

16 <i>Description of Offense</i>	16 <i>Statute</i>	16 <i>Fine</i>
17 Unsafe speed for prevailing 18 conditions	17 8-1557	17 \$75
19 Exceeding maximum speed 20 limit; or speeding in zone 21 posted by the state depart- 22 ment of transportation; or 23 speeding in locally posted 24 zone	19 8-1558 20 to 21 8-1560 22 8-1560a 23 or 24 8-1560b	19 1-10 mph over the 20 limit, \$45 21 11-20 mph over the 22 limit, \$45 plus \$6 23 per mph over 10 24 mph over the limit; 25 21-30 mph over the 26 limit, \$105 plus \$9 27 per mph over 20 28 mph over the limit; 29 31 and more mph 30 over the limit, \$195 31 plus \$15 per mph 32 over 30 mph over 33 the limit; 34
35 Disobeying traffic control de- 36 vice	35 8-1507	35 \$75
37 Violating traffic control signal	37 8-1508	37 \$75
38 Violating pedestrian control 39 signal	38 8-1509	38 \$45
40 Violating flashing traffic signals	40 8-1510	40 \$75
41 Violating lane-control signal	41 8-1511	41 \$75
42 Unauthorized sign, signal, 43 marking or device	42 8-1512	42 \$45

1	Driving on left side of roadway	8-1514	\$75
2	Failure to keep right to pass	8-1515	\$75
3	oncoming vehicle		
4	Improper passing; increasing	8-1516	\$75
5	speed when passed		
6	Improper passing on right	8-1517	\$75
7	Passing on left with insuffi-	8-1518	\$75
8	cient clearance		
9	Driving on left side where	8-1519	\$75
10	curve, grade, intersec-		
11	tion railroad crossing, or		
12	obstructed view		
13	Driving on left in no-passing	8-1520	\$75
14	zone		
15	Unlawful passing of stopped	8-1520a	\$75
16	emergency vehicle		
17	Driving wrong direction on	8-1521	\$75
18	one-way road		
19	Improper driving on laned	8-1522	\$75
20	roadway		
21	Following too close	8-1523	\$75
22	Improper crossover on di-	8-1524	\$45
23	vided highway		
24	Failure to yield right-of-way	8-1526	\$75
25	at uncontrolled intersection		
26	Failure to yield to approach-	8-1527	\$75
27	ing vehicle when turning		
28	left		
29	Failure to yield at stop or	8-1528	\$75
30	yield sign		
31	Failure to yield from private	8-1529	\$75
32	road or driveway		
33	Failure to yield to emergency	8-1530	\$195
34	vehicle		
35	Failure to yield to pedestrian	8-1531	\$105
36	or vehicle working on		
37	roadway		
38	Failure to comply with re-	8-1531a	\$45
39	strictions in road con-		
40	struction zone		
41	Disobeying pedestrian traffic	8-1532	\$45
42	control device		
43	Failure to yield to pedestrian	8-1533	\$75

1	in crosswalk; pedestrian		
2	suddenly entering road-		
3	way; passing vehicle		
4	stopped for pedestrian at		
5	crosswalk		
6	Improper pedestrian crossing	8-1534	\$45
7	Failure to exercise due care in	8-1535	\$45
8	regard to pedestrian		
9	Improper pedestrian move-	8-1536	\$45
10	ment in crosswalk		
11	Improper use of roadway by	8-1537	\$45
12	pedestrian		
13	Soliciting ride or business	8-1538	\$45
14	on roadway		
15	Driving through safety zone	8-1539	\$45
16	Failure to yield to pedestrian	8-1540	\$45
17	on sidewalk		
18	Failure of pedestrian to yield	8-1541	\$45
19	to emergency vehicle		
20	Failure to yield to blind pe-	8-1542	\$45
21	destrian		
22	Pedestrian disobeying bridge	8-1544	\$45
23	or railroad signal		
24	Improper turn or approach	8-1545	\$75
25	Improper "U" turn	8-1546	\$75
26	Unsafe starting of stopped	8-1547	\$45
27	vehicle		
28	Unsafe turning or stopping,	8-1548	\$75
29	failure to give proper sig-		
30	nal; using turn signal un-		
31	lawfully		
32	Improper method of giving	8-1549	\$45
33	notice of intention to turn		
34	Improper hand signal	8-1550	\$45
35	Failure to stop or obey	8-1551	\$195
36	road crossing signal		
37	Failure to stop at railroad	8-1552	\$135
38	crossing stop sign		
39	Certain hazardous vehicles	8-1553	\$195
40	failure to stop at railroad		
41	crossing		
42	Improper moving of heavy	8-1554	\$75
43	equipment at railroad		

1	crossing		
2	Vehicle emerging from alley,	8-1555	\$75
3	private roadway, building		
4	or driveway		
5	Improper passing of school	8-1556	\$315
6	bus; improper use of		
7	school bus signals		
8	Improper passing of church	8-1556a	\$195
9	or day-care bus; improper		
10	use of signals		
11	Impeding normal traffic	8-1561	\$45
12	by slow speed		
13	Speeding on motor-driven	8-1562	\$75
14	cycle		
15	Speeding in certain vehicles	8-1563	\$45
16	or on posted bridge		
17	Improper stopping, standing	8-1569	\$45
18	or parking on roadway		
19	Parking, standing or stopping	8-1571	\$45
20	in prohibited area		
21	Improper parking	8-1572	\$45
22	Unattended vehicle	8-1573	\$45
23	Improper backing	8-1574	\$45
24	Driving on sidewalk	8-1575	\$45
25	Driving with view or driving	8-1576	\$45
26	mechanism obstructed		
27	Unsafe opening of vehicle	8-1577	\$45
28	door		
29	Riding in house trailer	8-1578	\$45
30	Unlawful riding on vehicle	8-1578a	\$75
31	Improper driving in defiles,	8-1579	\$45
32	canyons, or on grades		
33	Coasting	8-1580	\$45
34	Following fire apparatus too	8-1581	\$75
35	closely		
36	Driving over fire hose	8-1582	\$45
37	Putting glass, etc., on high-	8-1583	\$105
38	way		
39	Driving into intersection,	8-1584	\$45
40	crosswalk, or crossing		
41	without sufficient space		
42	on other side		
43	Improper operation of snow-	8-1585	\$45

1	mobile on highway		
2	Parental responsibility of	8-1586	\$45
3	child riding bicycle		
4	Not riding on bicycle seat;	8-1588	\$45
5	too many persons on		
6	bicycle		
7	Clinging to other vehicle	8-1589	\$45
8	Improper riding of bicycle on	8-1590	\$45
9	roadway		
10	Carrying articles on bicycle;	8-1591	\$45
11	one hand on handlebars		
12	Improper bicycle lamps,	8-1592	\$45
13	brakes or reflectors		
14	Improper operation of mo-	8-1594	\$45
15	torcycle; seats; passen-		
16	gers, bundles		
17	Improper operation of motor	8-1595	\$75
18	cycle on laned roadway		
19	Motorcycle clinging to other	8-1596	\$45
20	vehicle		
21	Improper motorcycle handle-	8-1597	\$75
22	bars or passenger		
23	equipment		
24	Motorcycle helmet and eye-	8-1598	\$45
25	protection requirements		
26	Unlawful operation of all-ter-	8-15,100	\$75
27	rain vehicle		
28	Unlawful operation of	8-15,101	\$75
29	low-speed vehicle		
30	Littering	8-15,102	\$115
31	Disobeying school crossing	8-15,103	\$75
32	guard		
33	Unlawful operation of micro	8-15,106	\$75
34	utility truck		
35	Failure to remove vehicles in	8-15,107	\$75
36	accidents		
37	Unlawful operation of golf	8-15,108	\$75
38	cart		
39	Unlawful operation of work-	8-15,109	\$75
40	site utility vehicle		
41	Unlawful display of license	8-15,110	\$60
42	plate		
43	Unlawful text messaging	8-15,111	\$60

1	Unlawful passing of a waste	8-15,112	\$45
2	collection vehicle		
3	Unlawful operation of	8-15,113	\$45
4	electric-assisted scooter		
5	Unlawful passing of a utility or	8-15,114	\$105
6	telecommunications vehicle		
7	<i>Unlawful passing of a</i>	<i>section 1</i>	<i>\$75</i>
8	<i>stationary vehicle</i>		
9	Unlawful use of mobile telephone	section 2	\$60
10	Equipment offenses that are	8-1701	\$75
11	not misdemeanors		
12	Driving without lights when	8-1703	\$45
13	needed		
14	Defective headlamps	8-1705	\$45
15	Defective tail lamps	8-1706	\$45
16	Defective reflector	8-1707	\$45
17	Improper stop lamp or turn	8-1708	\$45
18	signal		
19	Improper lighting equipment	8-1710	\$45
20	on certain vehicles		
21	Improper lamp color on cer-	8-1711	\$45
22	tain vehicles		
23	Improper mounting of re-	8-1712	\$45
24	flectors and lamps on cer-		
25	tain vehicles		
26	Improper visibility of reflec-	8-1713	\$45
27	tors and lamps on certain		
28	vehicles		
29	No lamp or flag on projecting	8-1715	\$75
30	load		
31	Improper lamps on parked	8-1716	\$45
32	vehicle		
33	Improper lights, lamps, re-	8-1717	\$45
34	flectors and emblems on		
35	farm tractors or slow-		
36	moving vehicles		
37	Improper lamps and equip-	8-1718	\$45
38	ment on implements of		
39	husbandry, road machin-		
40	ery or animal-drawn ve-		
41	hicles		
42	Unlawful use of spot, fog, or	8-1719	\$45
43	auxiliary lamp		

1	Improper lamps or lights on	8-1720	\$45
2	emergency vehicle		
3	Improper stop or turn signal	8-1721	\$45
4	Improper vehicular hazard	8-1722	\$45
5	warning lamp		
6	Unauthorized additional	8-1723	\$45
7	lighting equipment		
8	Improper multiple-beam lights	8-1724	\$45
9	Failure to dim headlights	8-1725	\$75
10	Improper single-beam head-	8-1726	\$45
11	lights		
12	Improper speed with alter-	8-1727	\$45
13	nate lighting		
14	Improper number of driving	8-1728	\$45
15	lamps		
16	Unauthorized lights and sig-	8-1729	\$45
17	nals		
18	Improper school bus lighting	8-1730	\$45
19	equipment and warning		
20	devices		
21	Unauthorized lights and de-	8-1730a	\$45
22	vices on church or day-		
23	care bus		
24	Improper lights on highway	8-1731	\$45
25	construction or maintenance		
26	vehicles		
27	Defective brakes	8-1734	\$45
28	Defective or improper use of	8-1738	\$45
29	horn or warning device		
30	Defective muffler	8-1739	\$45
31	Defective mirror	8-1740	\$45
32	Defective wipers; obstructed	8-1741	\$45
33	windshield or windows		
34	Improper tires	8-1742	\$45
35	Improper flares or warning	8-1744	\$45
36	devices		
37	Improper use of vehicular	8-1745	\$45
38	hazard warning lamps		
39	and devices		
40	Improper air-conditioning	8-1747	\$45
41	equipment		
42	Improper safety belt or	8-1749	\$45
43	shoulder harness		

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

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

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

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

36 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
 37 amendments thereto, within two years after a prior conviction of K.S.A. 8-
 38 1908 or 8-1909, and amendments thereto, such person, upon conviction
 39 shall be fined 1½ times the applicable amount from one, but not both, of
 40 the schedules listed in the uniform fine schedule contained in subsection
 41 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments
 42 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or
 43 8-1909, and amendments thereto, such person, upon conviction shall be

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

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

13 (h) For a second violation of K.S.A. 8-1556, and amendments thereto,
14 within five years after a prior conviction of K.S.A. 8-1556, and
15 amendments thereto, such person, upon conviction, shall be fined \$750 for
16 the second violation. For a third and each succeeding violation of K.S.A.
17 8-1556, and amendments thereto, within five years after two prior
18 convictions of K.S.A. 8-1556, and amendments thereto, such person, upon
19 conviction, shall be fined \$1,000 for the third and each succeeding
20 violation.

21 ~~Sec. 3.~~ **4.** K.S.A. 8-2118 is hereby repealed.

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