

**SENATE BILL No. 25**

By Committee on Transportation

1-13

1 AN ACT concerning the regulation of traffic; prohibiting the use of a  
2 mobile telephone while operating in a school zone or in a road  
3 construction zone or by individuals under 18 years of age; amending  
4 K.S.A. 2020 Supp. 8-2118 and repealing the existing section; also  
5 repealing K.S.A. 2020 Supp. 8-2118c.  
6

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

8 New Section 1. (a) No person under the age of 18 years of age shall  
9 use a mobile telephone while operating a motor vehicle.

10 (b) No person shall use a mobile telephone while operating a motor  
11 vehicle in a school zone at a time when a reduced speed limit is enforced  
12 as established by K.S.A. 8-1560(a) or 8-1560e, and amendments thereto,  
13 or in a road construction zone, as that term is defined in K.S.A. 8-1458a,  
14 and amendments thereto.

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

16 (1) A law enforcement officer or emergency service personnel acting  
17 within the course and scope of the law enforcement officer's or emergency  
18 service personnel's employment; or

19 (2) a mobile telephone that is being used with a hands-free device.

20 (d) The provisions of subsections (a) or (b) shall not prohibit a person  
21 from using a mobile telephone while operating a motor vehicle that would  
22 otherwise violate subsections (a) or

23 (b) to:

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

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

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

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

30 (e) Holding a mobile telephone shall constitute prima facie evidence  
31 of a violation of:

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

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

35 (f) As used in this section, "hands-free device" means speakerphone  
36 capability or a telephone attachment or other piece of equipment,

1 regardless of whether or not the hands-free device is permanently installed  
 2 in the motor vehicle, that allows use of the mobile telephone without use  
 3 of either of the operator's hands.

4 (g) This section shall be a part of and supplemental to the uniform act  
 5 regulating traffic on highways.

6 Sec. 2. K.S.A. 2020 Supp. 8-2118 is hereby amended to read as  
 7 follows: 8-2118. (a) A person charged with a traffic infraction shall,  
 8 except as provided in subsection (b), appear at the place and time specified  
 9 in the notice to appear. If the person enters an appearance, waives right to  
 10 trial, pleads guilty or no contest, the fine shall be no greater than that  
 11 specified in the uniform fine schedule in subsection (c) and court costs  
 12 shall be taxed as provided by law.

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
30 Unsafe speed for prevailing 31 conditions	8-1557	\$75
32 Exceeding maximum speed 33 limit; or speeding in zone 34 posted by the state depart- 35 ment of transportation; or 36 speeding in locally posted 37 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;
38 39 40 41 42 43		

1			31 and more mph
2			over the limit, \$195
3			plus \$15 per mph
4			over 30 mph over
5			the limit;
6	Disobeying traffic control de-	8-1507	\$75
7	vice		
8	Violating traffic control signal	8-1508	\$75
9	Violating pedestrian control	8-1509	\$45
10	signal		
11	Violating flashing traffic signals	8-1510	\$75
12	Violating lane-control signal	8-1511	\$75
13	Unauthorized sign, signal,	8-1512	\$45
14	marking or device		
15	Driving on left side of roadway	8-1514	\$75
16	Failure to keep right to pass	8-1515	\$75
17	oncoming vehicle		
18	Improper passing; increasing	8-1516	\$75
19	speed when passed		
20	Improper passing on right	8-1517	\$75
21	Passing on left with insuffi-	8-1518	\$75
22	cient clearance		
23	Driving on left side where	8-1519	\$75
24	curve, grade, intersec-		
25	tion railroad crossing, or		
26	obstructed view		
27	Driving on left in no-passing	8-1520	\$75
28	zone		
29	Unlawful passing of stopped	8-1520a	\$75
30	emergency vehicle		
31	Driving wrong direction on	8-1521	\$75
32	one-way road		
33	Improper driving on laned	8-1522	\$75
34	roadway		
35	Following too close	8-1523	\$75
36	Improper crossover on di-	8-1524	\$45
37	vided highway		
38	Failure to yield right-of-way	8-1526	\$75
39	at uncontrolled intersection		
40	Failure to yield to approach-	8-1527	\$75
41	ing vehicle when turning		
42	left		
43	Failure to yield at stop or	8-1528	\$75

1	yield sign		
2	Failure to yield from private	8-1529	\$75
3	road or driveway		
4	Failure to yield to emergency	8-1530	\$195
5	vehicle		
6	Failure to yield to pedestrian	8-1531	\$105
7	or vehicle working on		
8	roadway		
9	Failure to comply with re-	8-1531a	\$45
10	strictions in road con-		
11	struction zone		
12	Disobeying pedestrian traffic	8-1532	\$45
13	control device		
14	Failure to yield to pedestrian	8-1533	\$75
15	in crosswalk; pedestrian		
16	suddenly entering road-		
17	way; passing vehicle		
18	stopped for pedestrian at		
19	crosswalk		
20	Improper pedestrian crossing	8-1534	\$45
21	Failure to exercise due care in	8-1535	\$45
22	regard to pedestrian		
23	Improper pedestrian move-	8-1536	\$45
24	ment in crosswalk		
25	Improper use of roadway by	8-1537	\$45
26	pedestrian		
27	Soliciting ride or business	8-1538	\$45
28	on roadway		
29	Driving through safety zone	8-1539	\$45
30	Failure to yield to pedestrian	8-1540	\$45
31	on sidewalk		
32	Failure of pedestrian to yield	8-1541	\$45
33	to emergency vehicle		
34	Failure to yield to blind pe-	8-1542	\$45
35	destrian		
36	Pedestrian disobeying bridge	8-1544	\$45
37	or railroad signal		
38	Improper turn or approach	8-1545	\$75
39	Improper "U" turn	8-1546	\$75
40	Unsafe starting of stopped	8-1547	\$45
41	vehicle		
42	Unsafe turning or stopping,	8-1548	\$75
43	failure to give proper sig-		

1	nal; using turn signal un-		
2	lawfully		
3	Improper method of giving	8-1549	\$45
4	notice of intention to turn		
5	Improper hand signal	8-1550	\$45
6	Failure to stop or obey	8-1551	\$195
7	road crossing signal		
8	Failure to stop at railroad	8-1552	\$135
9	crossing stop sign		
10	Certain hazardous vehicles	8-1553	\$195
11	failure to stop at railroad		
12	crossing		
13	Improper moving of heavy	8-1554	\$75
14	equipment at railroad		
15	crossing		
16	Vehicle emerging from alley,	8-1555	\$75
17	private roadway, building		
18	or driveway		
19	Improper passing of school	8-1556	\$315
20	bus; improper use of		
21	school bus signals		
22	Improper passing of church	8-1556a	\$195
23	or day-care bus; improper		
24	use of signals		
25	Impeding normal traffic	8-1561	\$45
26	by slow speed		
27	Speeding on motor-driven	8-1562	\$75
28	cycle		
29	Speeding in certain vehicles	8-1563	\$45
30	or on posted bridge		
31	Improper stopping, standing	8-1569	\$45
32	or parking on roadway		
33	Parking, standing or stopping	8-1571	\$45
34	in prohibited area		
35	Improper parking	8-1572	\$45
36	Unattended vehicle	8-1573	\$45
37	Improper backing	8-1574	\$45
38	Driving on sidewalk	8-1575	\$45
39	Driving with view or driving	8-1576	\$45
40	mechanism obstructed		
41	Unsafe opening of vehicle	8-1577	\$45
42	door		
43	Riding in house trailer	8-1578	\$45

1	Unlawful riding on vehicle	8-1578a	\$75
2	Improper driving in defiles,	8-1579	\$45
3	canyons, or on grades		
4	Coasting	8-1580	\$45
5	Following fire apparatus too	8-1581	\$75
6	closely		
7	Driving over fire hose	8-1582	\$45
8	Putting glass, etc., on high-	8-1583	\$105
9	way		
10	Driving into intersection,	8-1584	\$45
11	crosswalk, or crossing		
12	without sufficient space		
13	on other side		
14	Improper operation of snow-	8-1585	\$45
15	mobile on highway		
16	Parental responsibility of	8-1586	\$45
17	child riding bicycle		
18	Not riding on bicycle seat;	8-1588	\$45
19	too many persons on		
20	bicycle		
21	Clinging to other vehicle	8-1589	\$45
22	Improper riding of bicycle on	8-1590	\$45
23	roadway		
24	Carrying articles on bicycle;	8-1591	\$45
25	one hand on handlebars		
26	Improper bicycle lamps,	8-1592	\$45
27	brakes or reflectors		
28	Improper operation of mo-	8-1594	\$45
29	torcycle; seats; passen-		
30	gers, bundles		
31	Improper operation of motor	8-1595	\$75
32	cycle on laned roadway		
33	Motorcycle clinging to other	8-1596	\$45
34	vehicle		
35	Improper motorcycle handle-	8-1597	\$75
36	bars or passenger		
37	equipment		
38	Motorcycle helmet and eye-	8-1598	\$45
39	protection requirements		
40	Unlawful operation of all-ter-	8-15,100	\$75
41	rain vehicle		
42	Unlawful operation of	8-15,101	\$75
43	low-speed vehicle		

1	Littering	8-15,102	\$115
2	Disobeying school crossing	8-15,103	\$75
3	guard		
4	Unlawful operation of micro	8-15,106	\$75
5	utility truck		
6	Failure to remove vehicles in	8-15,107	\$75
7	accidents		
8	Unlawful operation of golf	8-15,108	\$75
9	cart		
10	Unlawful operation of work-	8-15,109	\$75
11	site utility vehicle		
12	Unlawful display of license	8-15,110	\$60
13	plate		
14	Unlawful text messaging	8-15,111	\$60
15	Unlawful passing of a waste	8-15,112	\$45
16	collection vehicle		
17	<i>Unlawful operation of electric-</i>	<i>8-15,113</i>	<i>\$45</i>
18	<i>assisted scooter</i>		
19	<i>Unlawful use of a mobile</i>	<i>Section 1</i>	<i>\$60</i>
20	<i>telephone</i>		
21	Equipment offenses that are	8-1701	\$75
22	not misdemeanors		
23	Driving without lights when	8-1703	\$45
24	needed		
25	Defective headlamps	8-1705	\$45
26	Defective tail lamps	8-1706	\$45
27	Defective reflector	8-1707	\$45
28	Improper stop lamp or turn	8-1708	\$45
29	signal		
30	Improper lighting equipment	8-1710	\$45
31	on certain vehicles		
32	Improper lamp color on cer-	8-1711	\$45
33	tain vehicles		
34	Improper mounting of re-	8-1712	\$45
35	flectors and lamps on cer-		
36	tain vehicles		
37	Improper visibility of reflec-	8-1713	\$45
38	tors and lamps on certain		
39	vehicles		
40	No lamp or flag on projecting	8-1715	\$75
41	load		
42	Improper lamps on parked	8-1716	\$45
43	vehicle		

1	Improper lights, lamps, re-	8-1717	\$45
2	flectors and emblems on		
3	farm tractors or slow-		
4	moving vehicles		
5	Improper lamps and equip-	8-1718	\$45
6	ment on implements of		
7	husbandry, road machin-		
8	ery or animal-drawn ve-		
9	hicles		
10	Unlawful use of spot, fog, or	8-1719	\$45
11	auxiliary lamp		
12	Improper lamps or lights on	8-1720	\$45
13	emergency vehicle		
14	Improper stop or turn signal	8-1721	\$45
15	Improper vehicular hazard	8-1722	\$45
16	warning lamp		
17	Unauthorized additional	8-1723	\$45
18	lighting equipment		
19	Improper multiple-beam lights	8-1724	\$45
20	Failure to dim headlights	8-1725	\$75
21	Improper single-beam head-	8-1726	\$45
22	lights		
23	Improper speed with alter-	8-1727	\$45
24	nate lighting		
25	Improper number of driving	8-1728	\$45
26	lamps		
27	Unauthorized lights and sig-	8-1729	\$45
28	nals		
29	Improper school bus lighting	8-1730	\$45
30	equipment and warning		
31	devices		
32	Unauthorized lights and de-	8-1730a	\$45
33	vices on church or day-		
34	care bus		
35	Improper lights on highway	8-1731	\$45
36	construction or maintenance		
37	vehicles		
38	Defective brakes	8-1734	\$45
39	Defective or improper use of	8-1738	\$45
40	horn or warning device		
41	Defective muffler	8-1739	\$45
42	Defective mirror	8-1740	\$45
43	Defective wipers; obstructed	8-1741	\$45



1	windshield or windows		
2	Improper tires	8-1742	\$45
3	Improper flares or warning	8-1744	\$45
4	devices		
5	Improper use of vehicular	8-1745	\$45
6	hazard warning lamps		
7	and devices		
8	Improper air-conditioning	8-1747	\$45
9	equipment		
10	Improper safety belt or	8-1749	\$45
11	shoulder harness		
12	Improper wide-based single	8-1742b	\$75
13	tires		
14	Improper compression re-	8-1761	\$75
15	lease engine braking sys-		
16	tem		
17	Defective motorcycle head-	8-1801	\$45
18	lamp		
19	Defective motorcycle tail	8-1802	\$45
20	lamp		
21	Defective motorcycle reflec-	8-1803	\$45
22	tor		
23	Defective motorcycle stop	8-1804	\$45
24	lamps and turn signals		
25	Defective multiple-beam	8-1805	\$45
26	lighting		
27	Improper road-lighting equip-	8-1806	\$45
28	ment on motor-driven cy-		
29	cles		
30	Defective motorcycle or mo-	8-1807	\$45
31	tor-driven cycle brakes		
32	Improper performance abil-	8-1808	\$45
33	ity of brakes		
34	Operating motorcycle with	8-1809	\$45
35	disapproved braking sys-		
36	tem		
37	Defective horn, muffler, mir-	8-1810	\$45
38	rors or tires		
39	Unlawful statehouse parking	75-4510a	\$30
40	Exceeding gross weight of	8-1909	Pounds Overweight
41	vehicle or combination		up to 1000.....\$40
42			1001 to 2000.....3¢
43			per pound

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

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

41 (e) Fines listed in the uniform fine schedule contained in subsection  
 42 (c) shall be doubled if a person is convicted of a traffic infraction, which is  
 43 defined as a moving violation in accordance with rules and regulations

1 adopted pursuant to K.S.A. 8-249, and amendments thereto, committed  
2 within any road construction zone as defined in K.S.A. 8-1458a, and  
3 amendments thereto.

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

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

24 (h) For a second violation of K.S.A. 8-1556, and amendments thereto,  
25 within five years after a prior conviction of K.S.A. 8-1556, and  
26 amendments thereto, such person, upon conviction, shall be fined \$750 for  
27 the second violation. For a third and each succeeding violation of K.S.A.  
28 8-1556, and amendments thereto, within five years after two prior  
29 convictions of K.S.A. 8-1556, and amendments thereto, such person, upon  
30 conviction, shall be fined \$1,000 for the third and each succeeding  
31 violation.

32 Sec. 3. K.S.A. 2020 Supp. 8-2118 and 8-2118c are hereby repealed.

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