

HOUSE BILL No. 2550

By Representative Ward
(By request)

12-16

10 AN ACT regulating traffic; concerning wheel flaps; amending K.S.A.
11 2005 Supp. 8-2118 and repealing the existing section.
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) Except as provided in this section, every truck,
15 truck-tractor, trailer, semitrailer and pole trailer shall be equipped with
16 wheel flaps or other suitable protection above and behind the rearmost
17 wheels of the vehicle or combination of vehicles to prevent, as far as
18 practicable, the wheels from throwing dirt, water or other materials on
19 the windshields of following vehicles. The flaps or protectors must be at
20 least as wide as the tires they are protecting and have a ground clearance
21 of not more than nine inches from the ground when the vehicle is empty.

22 (b) If the vehicle is so designed and constructed that the require-
23 ments of subsection (a) are accomplished by means of body construction
24 or other means of enclosure, then no wheel flaps or protectors are
25 required.

26 (c) As used in this section, “wheel flaps” or “protectors” means splash
27 guards, mud flaps, rubber, plastic or fabric aprons, or other devices di-
28 rectly behind the rearmost wheels, designed to minimize the spray of
29 water and other substances to the rear.

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

32 Sec. 2. K.S.A. 2005 Supp. 8-2118 is hereby amended to read as fol-
33 lows: 8-2118. (a) A person charged with a traffic infraction shall, except
34 as provided in subsection (b), appear at the place and time specified in
35 the notice to appear. If the person enters an appearance, waives right to
36 trial, pleads guilty or no contest, the fine shall be no greater than that
37 specified in the uniform fine schedule in subsection (c) and court costs
38 shall be taxed as provided by law.

39 (b) Prior to the time specified in the notice to appear, a person
40 charged with a traffic infraction may enter a written appearance, waive
41 right to trial, plead guilty or no contest and pay the fine for the violation
42 as specified in the uniform fine schedule in subsection (c) and court costs
43 provided by law. Payment may be made by mail or in person and may be

1 by personal check. The traffic citation shall not have been complied with
 2 if a check is not honored for any reason, or if the fine and court costs are
 3 not paid in full. When a person charged with a traffic infraction makes
 4 payment without executing a written waiver of right to trial and plea of
 5 guilty or no contest, the payment shall be deemed such an appearance,
 6 waiver of right to trial and plea of no contest.

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Refusal to submit to a preliminary breath test	8-1012	\$90
Unsafe speed for prevailing conditions	8-1557	\$60
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$30 11-20 mph over the limit, \$30 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$90 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$180 plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$60
Violating traffic control signal	8-1508	\$60
Violating pedestrian control signal	8-1509	\$30
Violating flashing traffic signals	8-1510	\$60
Violating lane-control signal	8-1511	\$60
Unauthorized sign, signal, marking or device	8-1512	\$30
Driving on left side of roadway	8-1514	\$60
Failure to keep right to pass oncoming vehicle	8-1515	\$60
Improper passing; increasing speed when passed	8-1516	\$60
Improper passing on right	8-1517	\$60
Passing on left with insufficient clearance	8-1518	\$60

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1	Driving on left side where curve, grade,	8-1519	\$60
2	intersection railroad crossing, or obstructed		
3	view		
4	Driving on left in no-passing zone	8-1520	\$60
5	Unlawful passing of stopped emergency	8-1520a	\$60
6	vehicle		
7	Driving wrong direction on one-way road	8-1521	\$60
8	Improper driving on laned roadway	8-1522	\$60
9	Following too close	8-1523	\$60
10	Improper crossover on divided highway	8-1524	\$30
11	Failure to yield right-of-way at uncontrolled	8-1526	\$60
12	intersection		
13	Failure to yield to approaching vehicle when	8-1527	\$60
14	turning left		
15	Failure to yield at stop or yield sign	8-1528	\$60
16	Failure to yield from private road or driveway	8-1529	\$60
17	Failure to yield to emergency vehicle	8-1530	\$180
18	Failure to yield to pedestrian or vehicle	8-1531	\$30
19	working on roadway		
20	Failure to comply with restrictions in road	8-1531a	\$30
21	construction zone		
22	Disobeying pedestrian traffic control device	8-1532	\$30
23	Failure to yield to pedestrian in crosswalk;	8-1533	\$60
24	pedestrian suddenly entering roadway;		
25	passing vehicle stopped for pedestrian at		
26	crosswalk		
27	Improper pedestrian crossing	8-1534	\$30
28	Failure to exercise due care in regard to	8-1535	\$30
29	pedestrian		
30	Improper pedestrian movement in crosswalk	8-1536	\$30
31	Improper use of roadway by pedestrian	8-1537	\$30
32	Soliciting ride or business on roadway	8-1538	\$30
33	Driving through safety zone	8-1539	\$30
34	Failure to yield to pedestrian on sidewalk	8-1540	\$30
35	Failure of pedestrian to yield to emergency	8-1541	\$30
36	vehicle		
37	Failure to yield to blind pedestrian	8-1542	\$30
38	Pedestrian disobeying bridge or railroad signal	8-1544	\$30
39	Improper turn or approach	8-1545	\$60
40	Improper "U" turn	8-1546	\$60
41	Unsafe starting of stopped vehicle	8-1547	\$30
42	Unsafe turning or stopping, failure to give	8-1548	\$60
43	proper signal; using turn signal unlawfully		

1	Improper method of giving notice of intention	8-1549	\$30
2	to turn		
3	Improper hand signal	8-1550	\$30
4	Failure to stop or obey railroad crossing signal	8-1551	\$180
5	Failure to stop at railroad crossing stop sign	8-1552	\$120
6	Certain hazardous vehicles failure to stop at	8-1553	\$180
7	railroad crossing		
8	Improper moving of heavy equipment at	8-1554	\$60
9	railroad crossing		
10	Vehicle emerging from alley, private roadway,	8-1555	\$60
11	building or driveway		
12	Improper passing of school bus; improper use	8-1556	\$300
13	of school bus signals		
14	Improper passing of church or day-care bus;	8-1556a	\$180
15	improper use of signals		
16	Impeding normal traffic by slow speed	8-1561	\$30
17	Speeding on motor-driven cycle	8-1562	\$60
18	Speeding in certain vehicles or on posted	8-1563	\$30
19	bridge		
20	Improper stopping, standing or parking on	8-1569	\$30
21	roadway		
22	Parking, standing or stopping in prohibited	8-1571	\$30
23	area		
24	Improper parking	8-1572	\$30
25	Unattended vehicle	8-1573	\$30
26	Improper backing	8-1574	\$30
27	Driving on sidewalk	8-1575	\$30
28	Driving with view or driving mechanism	8-1576	\$30
29	obstructed		
30	Unsafe opening of vehicle door	8-1577	\$30
31	Riding in house trailer	8-1578	\$30
32	Improper driving in defiles, canyons, or on	8-1579	\$30
33	grades		
34	Coasting	8-1580	\$30
35	Following fire apparatus too closely	8-1581	\$60
36	Driving over fire hose	8-1582	\$30
37	Putting glass, etc., on highway	8-1583	\$90
38	Driving into intersection, crosswalk, or	8-1584	\$30
39	crossing without sufficient space on other		
40	side		
41	Improper operation of snowmobile on	8-1585	\$30
42	highway		
43	Parental responsibility of child riding bicycle	8-1586	\$30

1	Not riding on bicycle seat; too many persons	8-1588	\$30
2	on bicycle		
3	Clinging to other vehicle	8-1589	\$30
4	Improper riding of bicycle on roadway	8-1590	\$30
5	Carrying articles on bicycle; one hand on	8-1591	\$30
6	handlebars		
7	Improper bicycle lamps, brakes or reflectors	8-1592	\$30
8	Improper operation of motorcycle; seats;	8-1594	\$30
9	passengers, bundles		
10	Improper operation of motorcycle on laned	8-1595	\$60
11	roadway		
12	Motorcycle clinging to other vehicle	8-1596	\$30
13	Improper motorcycle handlebars or passenger	8-1597	\$60
14	equipment		
15	Motorcycle helmet and eye-protection	8-1598	\$30
16	requirements		
17	Unlawful riding on vehicle	8-1578a	\$60
18	Unlawful operation of all-terrain vehicle	8-15,100	\$60
19	Unlawful operation of low-speed vehicle	8-15,101	\$60
20	Littering	8-15,102	\$100
21	Equipment offenses that are not	8-1701	\$60
22	misdemeanors		
23	Driving without lights when needed	8-1703	\$30
24	Defective headlamps	8-1705	\$30
25	Defective tail lamps	8-1706	\$30
26	Defective reflector	8-1707	\$30
27	Improper stop lamp or turn signal	8-1708	\$30
28	Improper lighting equipment on certain	8-1710	\$30
29	vehicles		
30	Improper lamp color on certain vehicles	8-1711	\$30
31	Improper mounting of reflectors and lamps on	8-1712	\$30
32	certain vehicles		
33	Improper visibility of reflectors and lamps on	8-1713	\$30
34	certain vehicles		
35	No lamp or flag on projecting load	8-1715	\$60
36	Improper lamps on parked vehicle	8-1716	\$30
37	Improper lights, lamps, reflectors and	8-1717	\$30
38	emblems on farm tractors or slow-moving		
39	vehicles		
40	Improper lamps and equipment on	8-1718	\$30
41	implements of husbandry, road machinery		
42	or animal-drawn vehicles		
43	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30

1	Improper lamps or lights on emergency	8-1720	\$30
2	vehicle		
3	Improper stop or turn signal	8-1721	\$30
4	Improper vehicular hazard warning lamp	8-1722	\$30
5	Unauthorized additional lighting equipment	8-1723	\$30
6	Improper multiple-beam lights	8-1724	\$30
7	Failure to dim headlights	8-1725	\$60
8	Improper single-beam headlights	8-1726	\$30
9	Improper speed with alternate lighting	8-1727	\$30
10	Improper number of driving lamps	8-1728	\$30
11	Unauthorized lights and signals	8-1729	\$30
12	Improper school bus lighting equipment and	8-1730	\$30
13	warning devices		
14	Unauthorized lights and devices on church or	8-1730a	\$30
15	day-care bus		
16	Improper lights on highway construction or	8-1731	\$30
17	maintenance vehicles		
18	Defective brakes	8-1734	\$30
19	Defective or improper use of horn or warning	8-1738	\$30
20	device		
21	Defective muffler	8-1739	\$30
22	Defective mirror	8-1740	\$30
23	Defective wipers; obstructed windshield or	8-1741	\$30
24	windows		
25	Improper tires	8-1742	\$30
26	Improper flares or warning devices	8-1744	\$30
27	Improper use of vehicular hazard warning	8-1745	\$30
28	lamps and devices		
29	Improper air-conditioning equipment	8-1747	\$30
30	TV screen visible to driver	8-1748	\$30
31	Improper safety belt or shoulder harness	8-1749	\$30
32	Improper wide-based single tires	8-1742b	\$60
33	Improper compression release engine braking	8-1761	\$60
34	system		
35	<i>Improper wheel flaps</i>	<i>section 1</i>	<i>\$60</i>
36	Defective motorcycle headlamp	8-1801	\$30
37	Defective motorcycle tail lamp	8-1802	\$30
38	Defective motorcycle reflector	8-1803	\$30
39	Defective motorcycle stop lamps and turn	8-1804	\$30
40	signals		
41	Defective multiple-beam lighting	8-1805	\$30
42	Improper road-lighting equipment on motor-	8-1806	\$30
43	driven cycles		

1	Defective motorcycle or motor-driven cycle	8-1807	\$30
2	brakes		
3	Improper performance ability of brakes	8-1808	\$30
4	Operating motorcycle with disapproved	8-1809	\$30
5	braking system		
6	Defective horn, muffler, mirrors or tires	8-1810	\$30
7	Unlawful statehouse parking	75-4510a	\$15
8	Exceeding gross weight of vehicle or	8-1909	Pounds Overweight
9	combination		up to 1000 \$25
10			1001 to 2000 3¢ per pound
11			2001 to 5000 5¢ per pound
12			5001 to 7500 7¢ per pound
13			7501 and over ... 10¢ per pound
14	Exceeding gross weight on any axle or tandem,	8-1908	Pounds Overweight
15	triple or quad axles		up to 1000 \$25
16			1001 to 2000 3¢ per pound
17			2001 to 5000 5¢ per pound
18			5001 to 7500 7¢ per pound
19			7501 and over ... 10¢ per pound
20	Failure to obtain proper registration, clearance	66-1324	\$272
21	or to have current certification		
22	Insufficient liability insurance for motor	66-1,128	\$122
23	carriers	or 66-1314	
24	Failure to obtain interstate motor fuel tax	79-34,122	\$122
25	authorization		
26	No authority as private or common carrier	66-1,111	\$122
27	Improper equipment	66-1,129	\$52
28	No current driver's daily log	66-1,129	\$52
29	Invalid or no physical examination card	66-1,129	\$52

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

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

43 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and

1 amendments thereto, within two years after a prior conviction of K.S.A.
2 8-1908 or 8-1909, and amendments thereto, such person, upon conviction
3 shall be fined 1½ times the applicable amount from one, but not both,
4 of the schedules listed in the uniform fine schedule contained in
5 subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and
6 amendments thereto, within two years, after two prior convictions of
7 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
8 conviction shall be fined two times the applicable amount from one, but
9 not both, of the schedules listed in the uniform fine schedule contained
10 in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-
11 1908 or 8-1909, and amendments thereto, within two years after three
12 prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto,
13 such person, upon conviction shall be fined 2½ times the applicable
14 amount from one, but not both, of the schedules listed in the uniform
15 fine schedule contained in subsection (c).

16 Sec. 3. K.S.A. 2005 Supp. 8-2118 is hereby repealed.

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