

SENATE Substitute for HOUSE BILL No. 2226

AN ACT concerning district court fines, penalties and forfeitures; relating to traffic fines; relating to funding of the alcohol and drug abuse treatment fund; creating the criminal justice information system line fund; amending K.S.A. 2009 Supp. 8-2118 and 74-7336 and repealing the existing sections.

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

Section 1. K.S.A. 2009 Supp. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

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

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference 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 \$105
Unsafe speed for prevailing conditions	8-1557	60 \$75
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 \$45 11-20 mph over the limit, 30 \$45 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, 90 \$105 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, 180 \$195 plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	60 \$75
Violating traffic control signal	8-1508	60 \$75
Violating pedestrian control signal	8-1509	30 \$45
Violating flashing traffic signals	8-1510	60 \$75
Violating lane-control signal	8-1511	60 \$75
Unauthorized sign, signal, marking or device	8-1512	30 \$45
Driving on left side of roadway	8-1514	60 \$75
Failure to keep right to pass oncoming vehicle	8-1515	60 \$75
Improper passing; increasing speed when passed	8-1516	60 \$75
Improper passing on right	8-1517	60 \$75
Passing on left with insufficient clearance	8-1518	60 \$75
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	60 \$75
Driving on left in no-passing zone	8-1520	60 \$75
Unlawful passing of stopped emergency vehicle	8-1520a	60 \$75
Driving wrong direction on one-way road	8-1521	60 \$75
Improper driving on laned roadway	8-1522	60 \$75
Following too close	8-1523	60 \$75
Improper crossover on divided highway	8-1524	30 \$45
Failure to yield right-of-way at uncontrolled intersection	8-1526	60 \$75
Failure to yield to approaching vehicle when turning left	8-1527	60 \$75
Failure to yield at stop or yield sign	8-1528	60 \$75
Failure to yield from private road or driveway	8-1529	60 \$75
Failure to yield to emergency vehicle	8-1530	180 \$195
Failure to yield to pedestrian or vehicle working on roadway	8-1531	90 \$105

Failure to comply with restrictions in road construction zone	8-1531a	§30 \$45
Disobeying pedestrian traffic control device	8-1532	§30 \$45
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	§60 \$75
Improper pedestrian crossing	8-1534	§30 \$45
Failure to exercise due care in regard to pedestrian	8-1535	§30 \$45
Improper pedestrian movement in crosswalk	8-1536	§30 \$45
Improper use of roadway by pedestrian	8-1537	§30 \$45
Soliciting ride or business on roadway	8-1538	§30 \$45
Driving through safety zone	8-1539	§30 \$45
Failure to yield to pedestrian on sidewalk	8-1540	§30 \$45
Failure of pedestrian to yield to emergency vehicle	8-1541	§30 \$45
Failure to yield to blind pedestrian	8-1542	§30 \$45
Pedestrian disobeying bridge or railroad signal	8-1544	§30 \$45
Improper turn or approach	8-1545	§60 \$75
Improper "U" turn	8-1546	§60 \$75
Unsafe starting of stopped vehicle	8-1547	§30 \$45
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	§60 \$75
Improper method of giving notice of intention to turn	8-1549	§30 \$45
Improper hand signal	8-1550	§30 \$45
Failure to stop or obey railroad crossing signal	8-1551	§180 \$195
Failure to stop at railroad crossing stop sign	8-1552	§120 \$135
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	§180 \$195
Improper moving of heavy equipment at railroad crossing	8-1554	§60 \$75
Vehicle emerging from alley, private roadway, building or driveway	8-1555	§60 \$75
Improper passing of school bus; improper use of school bus signals	8-1556	§300 \$315
Improper passing of church or day-care bus; improper use of signals	8-1556a	§180 \$195
Impeding normal traffic by slow speed	8-1561	§30 \$45
Speeding on motor-driven cycle	8-1562	§60 \$75
Speeding in certain vehicles or on posted bridge	8-1563	§30 \$45
Improper stopping, standing or parking on roadway	8-1569	§30 \$45
Parking, standing or stopping in prohibited area	8-1571	§30 \$45
Improper parking	8-1572	§30 \$45
Unattended vehicle	8-1573	§30 \$45
Improper backing	8-1574	§30 \$45
Driving on sidewalk	8-1575	§30 \$45
Driving with view or driving mechanism obstructed	8-1576	§30 \$45
Unsafe opening of vehicle door	8-1577	§30 \$45
Riding in house trailer	8-1578	§30 \$45
Improper driving in defiles, canyons, or on grades	8-1579	§30 \$45
Coasting	8-1580	§30 \$45
Following fire apparatus too closely	8-1581	§60 \$75
Driving over fire hose	8-1582	§30 \$45
Putting glass, etc., on highway	8-1583	§90 \$105
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	§30 \$45
Improper operation of snowmobile on highway	8-1585	§30 \$45
Parental responsibility of child riding bicycle	8-1586	§30 \$45
Not riding on bicycle seat; too many persons on bicycle	8-1588	§30 \$45
Clinging to other vehicle	8-1589	§30 \$45
Improper riding of bicycle on roadway	8-1590	§30 \$45
Carrying articles on bicycle; one hand on handlebars	8-1591	§30 \$45
Improper bicycle lamps, brakes or reflectors	8-1592	§30 \$45
Improper operation of motorcycle; seats; passengers, bundles	8-1594	§30 \$45
Improper operation of motorcycle on laned roadway	8-1595	§60 \$75
Motorcycle clinging to other vehicle	8-1596	§30 \$45
Improper motorcycle handlebars or passenger equipment	8-1597	§60 \$75
Motorcycle helmet and eye-protection requirements	8-1598	§30 \$45

Unlawful riding on vehicle	8-1578a	600 \$75
Unlawful operation of all-terrain vehicle	8-15,100	600 \$75
Unlawful operation of low-speed vehicle	8-15,101	600 \$75
Littering	8-15,102	100 \$115
Disobeying school crossing guard	8-15,103	600 \$75
Unlawful operation of micro utility truck	8-15,106	600 \$75
Failure to remove vehicles in accidents	8-15,107	600 \$75
Unlawful operation of golf cart	8-15,108	600 \$75
Unlawful operation of work-site utility vehicle	8-15,109	600 \$75
Equipment offenses that are not misdemeanors	8-1701	600 \$75
Driving without lights when needed	8-1703	300 \$45
Defective headlamps	8-1705	300 \$45
Defective tail lamps	8-1706	300 \$45
Defective reflector	8-1707	300 \$45
Improper stop lamp or turn signal	8-1708	300 \$45
Improper lighting equipment on certain vehicles	8-1710	300 \$45
Improper lamp color on certain vehicles	8-1711	300 \$45
Improper mounting of reflectors and lamps on certain vehicles	8-1712	300 \$45
Improper visibility of reflectors and lamps on certain vehicles	8-1713	300 \$45
No lamp or flag on projecting load	8-1715	600 \$75
Improper lamps on parked vehicle	8-1716	300 \$45
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	300 \$45
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	300 \$45
Unlawful use of spot, fog, or auxiliary lamp	8-1719	300 \$45
Improper lamps or lights on emergency vehicle	8-1720	300 \$45
Improper stop or turn signal	8-1721	300 \$45
Improper vehicular hazard warning lamp	8-1722	300 \$45
Unauthorized additional lighting equipment	8-1723	300 \$45
Improper multiple-beam lights	8-1724	300 \$45
Failure to dim headlights	8-1725	600 \$75
Improper single-beam headlights	8-1726	300 \$45
Improper speed with alternate lighting	8-1727	300 \$45
Improper number of driving lamps	8-1728	300 \$45
Unauthorized lights and signals	8-1729	300 \$45
Improper school bus lighting equipment and warning devices	8-1730	300 \$45
Unauthorized lights and devices on church or day-care bus	8-1730a	300 \$45
Improper lights on highway construction or maintenance vehicles	8-1731	300 \$45
Defective brakes	8-1734	300 \$45
Defective or improper use of horn or warning device	8-1738	300 \$45
Defective muffler	8-1739	300 \$45
Defective mirror	8-1740	300 \$45
Defective wipers; obstructed windshield or windows	8-1741	300 \$45
Improper tires	8-1742	300 \$45
Improper flares or warning devices	8-1744	300 \$45
Improper use of vehicular hazard warning lamps and devices	8-1745	300 \$45
Improper air-conditioning equipment	8-1747	300 \$45
Improper safety belt or shoulder harness	8-1749	300 \$45
Improper wide-based single tires	8-1742b	600 \$75
Improper compression release engine braking system	8-1761	600 \$75
Defective motorcycle headlamp	8-1801	300 \$45
Defective motorcycle tail lamp	8-1802	300 \$45
Defective motorcycle reflector	8-1803	300 \$45
Defective motorcycle stop lamps and turn signals	8-1804	300 \$45
Defective multiple-beam lighting	8-1805	300 \$45
Improper road-lighting equipment on motor-driven cycles	8-1806	300 \$45
Defective motorcycle or motor-driven cycle brakes	8-1807	300 \$45
Improper performance ability of brakes	8-1808	300 \$45
Operating motorcycle with disapproved braking system	8-1809	300 \$45
Defective horn, muffler, mirrors or tires	8-1810	300 \$45
Unlawful statehouse parking	75-4510a	15 \$30

Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight up to 1000 \$25 \$40 1001 to 2000 3c per pound 2001 to 5000 5c per pound 5001 to 7500 7c per pound 7501 and over . . . 10c per pound
Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight up to 1000 \$25 \$40 1001 to 2000 3c per pound 2001 to 5000 5c per pound 5001 to 7500 7c per pound 7501 and over . . . 10c per pound
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$272 \$287
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$122 \$137
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$122 \$137
No authority as private or common carrier	66-1,111	\$122 \$137
Violation of motor carrier safety rules and regulations, except for violations specified in subsection (b)(2) of K.S.A. 66-1,130, and amendments thereto	66-1,129	\$100 \$115

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

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

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

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

Sec. 2. K.S.A. 2009 Supp. 74-7336 is hereby amended to read as follows: 74-7336. (a) Of the remittances of fines, penalties and forfeitures received from clerks of the district court, at least monthly, the state treasurer shall credit:

- (1) ~~11.99%~~ 10.94% to the crime victims compensation fund;
- (2) ~~2.45%~~ 2.24% to the crime victims assistance fund;
- (3) ~~3.01%~~ 2.75% to the community alcoholism and intoxication programs fund;
- (4) ~~2.01%~~ 7.65% to the department of corrections alcohol and drug abuse treatment fund;

- (5) ~~0.17%~~ 0.16% to the boating fee fund;
- (6) ~~0.12%~~ 0.11% to the children's advocacy center fund;
- (7) ~~2.50%~~ 2.28% to the EMS revolving fund;
- (8) ~~2.50%~~ 2.28% to the trauma fund;
- (9) ~~2.50%~~ 2.28% to the traffic records enhancement fund; ~~and~~
- (10) 2.91% to the criminal justice information system line fund; and

~~(10)~~ (11) the remainder of the remittances to the state general fund.

(b) The county treasurer shall deposit grant moneys as provided in subsection (a), from the crime victims assistance fund, to the credit of a special fund created for use by the county or district attorney in establishing and maintaining programs to aid witnesses and victims of crime.

New Sec. 3. There is hereby created in the state treasury the criminal justice information system line fund. All moneys credited to the criminal justice information system line fund shall be used by the Kansas bureau of investigation for the purpose of providing communications lines, outlets and terminals to each county for the Kansas criminal justice information system, as required by K.S.A. 74-5702, and amendments thereto. All expenditures from the criminal justice information system line fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the Kansas bureau of investigation or the director's designee.

Sec. 4. K.S.A. 2009 Supp. 8-2118 and 74-7336 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.