

HOUSE BILL No. 2499

By Committee on Transportation

1-21

9 AN ACT regulating traffic; concerning distracted driving; amending
10 K.S.A. 2009 Supp. 8-2118 and repealing the existing section.

11

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

13 New Section 1. (a) No person while driving a motor vehicle shall be
14 so distracted as to interfere with the safe operation of such motor vehicle.

15 (b) For purposes of this section “distracted” shall include, but not
16 limited to, reading, writing, performing personal grooming, interacting
17 with pets or unsecured cargo, or engaging in any other activity which
18 causes distractions.

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

21 Sec. 2. K.S.A. 2009 Supp. 8-2118 is hereby amended to read as fol-
22 lows: 8-2118. (a) A person charged with a traffic infraction shall, except
23 as provided in subsection (b), appear at the place and time specified in
24 the notice to appear. If the person enters an appearance, waives right to
25 trial, pleads guilty or no contest, the fine shall be no greater than that
26 specified in the uniform fine schedule in subsection (c) and court costs
27 shall be taxed as provided by law.

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

39 (c) The following uniform fine schedule shall apply uniformly
40 throughout the state but shall not limit the fine which may be imposed
41 following a court appearance, except an appearance made for the purpose
42 of pleading and payment as permitted by subsection (a). The description
43 of offense contained in the following uniform fine schedule is for refer-

1	ence only and is not a legal definition.		
2	<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
3	Refusal to submit to a preliminary breath test	8-1012	\$90
4	Unsafe speed for prevailing conditions	8-1557	\$60
5	Exceeding maximum speed limit; or speeding	8-1558	1-10 mph over the limit, \$30
6	in zone posted by the state department of	to	
7	transportation; or speeding in locally posted	8-1560	11-20 mph over the limit,
8	zone	8-1560a	\$30 plus \$6 per mph over
9		or	10 mph over the limit;
10		8-1560b	
11			21-30 mph over the limit,
12			\$90 plus \$9 per mph over
13			20 mph over the limit;
14			
15			31 and more mph over the
16			limit, \$180 plus \$15 per
17			mph over 30 mph over the
18			limit;
19	Disobeying traffic control device	8-1507	\$60
20	Violating traffic control signal	8-1508	\$60
21	Violating pedestrian control signal	8-1509	\$30
22	Violating flashing traffic signals	8-1510	\$60
23	Violating lane-control signal	8-1511	\$60
24	Unauthorized sign, signal, marking or device	8-1512	\$30
25	Driving on left side of roadway	8-1514	\$60
26	Failure to keep right to pass oncoming vehicle	8-1515	\$60
27	Improper passing; increasing speed when	8-1516	\$60
28	passed		
29	Improper passing on right	8-1517	\$60
30	Passing on left with insufficient clearance	8-1518	\$60
31	Driving on left side where curve, grade,	8-1519	\$60
32	intersection railroad crossing, or obstructed		
33	view		
34	Driving on left in no-passing zone	8-1520	\$60
35	Unlawful passing of stopped emergency	8-1520a	\$60
36	vehicle		
37	Driving wrong direction on one-way road	8-1521	\$60
38	Improper driving on laned roadway	8-1522	\$60
39	Following too close	8-1523	\$60
40	Improper crossover on divided highway	8-1524	\$30
41	Failure to yield right-of-way at uncontrolled	8-1526	\$60
42	intersection		
43			

1	Failure to yield to approaching vehicle when	8-1527	\$60
2	turning left		
3	Failure to yield at stop or yield sign	8-1528	\$60
4	Failure to yield from private road or driveway	8-1529	\$60
5	Failure to yield to emergency vehicle	8-1530	\$180
6	Failure to yield to pedestrian or vehicle	8-1531	\$90
7	working on roadway		
8	Failure to comply with restrictions in road	8-1531a	\$30
9	construction zone		
10	Disobeying pedestrian traffic control device	8-1532	\$30
11	Failure to yield to pedestrian in crosswalk;	8-1533	\$60
12	pedestrian suddenly entering roadway;		
13	passing vehicle stopped for pedestrian at		
14	crosswalk		
15	Improper pedestrian crossing	8-1534	\$30
16	Failure to exercise due care in regard to	8-1535	\$30
17	pedestrian		
18	Improper pedestrian movement in crosswalk	8-1536	\$30
19	Improper use of roadway by pedestrian	8-1537	\$30
20	Soliciting ride or business on roadway	8-1538	\$30
21	Driving through safety zone	8-1539	\$30
22	Failure to yield to pedestrian on sidewalk	8-1540	\$30
23	Failure of pedestrian to yield to emergency	8-1541	\$30
24	vehicle		
25	Failure to yield to blind pedestrian	8-1542	\$30
26	Pedestrian disobeying bridge or railroad signal	8-1544	\$30
27	Improper turn or approach	8-1545	\$60
28	Improper "U" turn	8-1546	\$60
29	Unsafe starting of stopped vehicle	8-1547	\$30
30	Unsafe turning or stopping, failure to give	8-1548	\$60
31	proper signal; using turn signal unlawfully		
32	Improper method of giving notice of intention	8-1549	\$30
33	to turn		
34	Improper hand signal	8-1550	\$30
35	Failure to stop or obey railroad crossing signal	8-1551	\$180
36	Failure to stop at railroad crossing stop sign	8-1552	\$120
37	Certain hazardous vehicles failure to stop at	8-1553	\$180
38	railroad crossing		
39	Improper moving of heavy equipment at	8-1554	\$60
40	railroad crossing		
41	Vehicle emerging from alley, private roadway,	8-1555	\$60
42	building or driveway		
43			

1	Improper passing of school bus; improper use	8-1556	\$300
2	of school bus signals		
3	Improper passing of church or day-care bus;	8-1556a	\$180
4	improper use of signals		
5	Impeding normal traffic by slow speed	8-1561	\$30
6	Speeding on motor-driven cycle	8-1562	\$60
7	Speeding in certain vehicles or on posted	8-1563	\$30
8	bridge		
9	Improper stopping, standing or parking on	8-1569	\$30
10	roadway		
11	Parking, standing or stopping in prohibited	8-1571	\$30
12	area		
13	Improper parking	8-1572	\$30
14	Unattended vehicle	8-1573	\$30
15	Improper backing	8-1574	\$30
16	Driving on sidewalk	8-1575	\$30
17	Driving with view or driving mechanism	8-1576	\$30
18	obstructed		
19	Unsafe opening of vehicle door	8-1577	\$30
20	Riding in house trailer	8-1578	\$30
21	Improper driving in defiles, canyons, or on	8-1579	\$30
22	grades		
23	Coasting	8-1580	\$30
24	Following fire apparatus too closely	8-1581	\$60
25	Driving over fire hose	8-1582	\$30
26	Putting glass, etc., on highway	8-1583	\$90
27	Driving into intersection, crosswalk, or	8-1584	\$30
28	crossing without sufficient space on other		
29	side		
30	Improper operation of snowmobile on	8-1585	\$30
31	highway		
32	Parental responsibility of child riding bicycle	8-1586	\$30
33	Not riding on bicycle seat; too many persons	8-1588	\$30
34	on bicycle		
35	Clinging to other vehicle	8-1589	\$30
36	Improper riding of bicycle on roadway	8-1590	\$30
37	Carrying articles on bicycle; one hand on	8-1591	\$30
38	handlebars		
39	Improper bicycle lamps, brakes or reflectors	8-1592	\$30
40	Improper operation of motorcycle; seats;	8-1594	\$30
41	passengers, bundles		
42	Improper operation of motorcycle on laned	8-1595	\$60
43	roadway		

1	Motorcycle clinging to other vehicle	8-1596	\$30
2	Improper motorcycle handlebars or passenger	8-1597	\$60
3	equipment		
4	Motorcycle helmet and eye-protection	8-1598	\$30
5	requirements		
6	Unlawful riding on vehicle	8-1578a	\$60
7	Unlawful operation of all-terrain vehicle	8-15,100	\$60
8	Unlawful operation of low-speed vehicle	8-15,101	\$60
9	Littering	8-15,102	\$100
10	Disobeying school crossing guard	8-15,103	\$60
11	Unlawful operation of micro utility truck	8-15,106	\$60
12	Failure to remove vehicles in accidents	8-15,107	\$60
13	Unlawful operation of golf cart	8-15,108	\$60
14	Unlawful operation of work-site utility vehicle	8-15,109	\$60
15	<i>Distracted driving</i>	<i>section 1</i>	\$60
16	Equipment offenses that are not	8-1701	\$60
17	misdemeanors		
18	Driving without lights when needed	8-1703	\$30
19	Defective headlamps	8-1705	\$30
20	Defective tail lamps	8-1706	\$30
21	Defective reflector	8-1707	\$30
22	Improper stop lamp or turn signal	8-1708	\$30
23	Improper lighting equipment on certain	8-1710	\$30
24	vehicles		
25	Improper lamp color on certain vehicles	8-1711	\$30
26	Improper mounting of reflectors and lamps on	8-1712	\$30
27	certain vehicles		
28	Improper visibility of reflectors and lamps on	8-1713	\$30
29	certain vehicles		
30	No lamp or flag on projecting load	8-1715	\$60
31	Improper lamps on parked vehicle	8-1716	\$30
32	Improper lights, lamps, reflectors and	8-1717	\$30
33	emblems on farm tractors or slow-moving		
34	vehicles		
35	Improper lamps and equipment on	8-1718	\$30
36	implements of husbandry, road machinery		
37	or animal-drawn vehicles		
38	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
39	Improper lamps or lights on emergency	8-1720	\$30
40	vehicle		
41	Improper stop or turn signal	8-1721	\$30
42	Improper vehicular hazard warning lamp	8-1722	\$30
43	Unauthorized additional lighting equipment	8-1723	\$30

1	Improper multiple-beam lights	8-1724	\$30
2	Failure to dim headlights	8-1725	\$60
3	Improper single-beam headlights	8-1726	\$30
4	Improper speed with alternate lighting	8-1727	\$30
5	Improper number of driving lamps	8-1728	\$30
6	Unauthorized lights and signals	8-1729	\$30
7	Improper school bus lighting equipment and	8-1730	\$30
8	warning devices		
9	Unauthorized lights and devices on church or	8-1730a	\$30
10	day-care bus		
11	Improper lights on highway construction or	8-1731	\$30
12	maintenance vehicles		
13	Defective brakes	8-1734	\$30
14	Defective or improper use of horn or warning	8-1738	\$30
15	device		
16	Defective muffler	8-1739	\$30
17	Defective mirror	8-1740	\$30
18	Defective wipers; obstructed windshield or	8-1741	\$30
19	windows		
20	Improper tires	8-1742	\$30
21	Improper flares or warning devices	8-1744	\$30
22	Improper use of vehicular hazard warning	8-1745	\$30
23	lamps and devices		
24	Improper air-conditioning equipment	8-1747	\$30
25	Improper safety belt or shoulder harness	8-1749	\$30
26	Improper wide-based single tires	8-1742b	\$60
27	Improper compression release engine braking	8-1761	\$60
28	system		
29	Defective motorcycle headlamp	8-1801	\$30
30	Defective motorcycle tail lamp	8-1802	\$30
31	Defective motorcycle reflector	8-1803	\$30
32	Defective motorcycle stop lamps and turn	8-1804	\$30
33	signals		
34	Defective multiple-beam lighting	8-1805	\$30
35	Improper road-lighting equipment on motor-	8-1806	\$30
36	driven cycles		
37	Defective motorcycle or motor-driven cycle	8-1807	\$30
38	brakes		
39	Improper performance ability of brakes	8-1808	\$30
40	Operating motorcycle with disapproved	8-1809	\$30
41	braking system		
42	Defective horn, muffler, mirrors or tires	8-1810	\$30
43	Unlawful statehouse parking	75-4510a	\$15

1	Exceeding gross weight of vehicle or	8-1909	Pounds Overweight
2	combination		up to 1000 \$25
3			1001 to 2000 3¢ per pound
4			2001 to 5000 5¢ per pound
5			5001 to 7500 7¢ per pound
6			7501 and over .. 10¢ per pound
7	Exceeding gross weight on any axle or tandem,	8-1908	Pounds Overweight
8	triple or quad axles		up to 1000 \$25
9			1001 to 2000 3¢ per pound
10			2001 to 5000 5¢ per pound
11			5001 to 7500 7¢ per pound
12			7501 and over .. 10¢ per pound
13	Failure to obtain proper registration, clearance	66-1324	\$272
14	or to have current certification		
15	Insufficient liability insurance for motor	66-1,128	\$122
16	carriers	or 66-1314	
17	Failure to obtain interstate motor fuel tax	79-34,122	\$122
18	authorization		
19	No authority as private or common carrier	66-1,111	\$122
20	Violation of motor carrier safety rules and	66-1,129	\$100

21 regulations, except for violations specified in
 22 subsection (b)(2) of K.S.A. 66-1,130, and
 23 amendments thereto

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

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

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

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

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

15 Sec. 3. K.S.A. 2009 Supp. 8-2118 is hereby repealed.

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