

## SENATE BILL No. 426

By Committee on Transportation

1-30

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1 AN ACT concerning traffic regulations; relating to unlawful passing of  
2 stationary authorized emergency vehicle; increasing penalties for  
3 certain violations; creating a crime for injuring or causing death of  
4 certain authorized emergency vehicle operators and providing a penalty  
5 therefor; amending K.S.A. 8-1530, 8-2116 and 8-2118 and repealing  
6 the existing sections.  
7

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

9 Section 1. K.S.A. 8-1530 is hereby amended to read as follows: 8-  
10 1530. (a) Upon the immediate approach of an authorized emergency  
11 vehicle making use of an audible signal meeting the requirements of  
12 K.S.A. 8-1738(d), and amendments thereto, and visual signals meeting the  
13 requirements of K.S.A. 8-1720, and amendments thereto, or of a police  
14 vehicle properly and lawfully making use of an audible signal only, the  
15 driver of every other vehicle shall do the following unless otherwise  
16 directed by a police officer:

17 (1) Yield the right-of-way;

18 (2) immediately drive to a position parallel to and as close as possible  
19 to the right-hand edge or curb of the roadway clear of any intersection; and

20 (3) stop and remain in such position until the authorized emergency  
21 vehicle has passed.

22 (b) The driver of a motor vehicle upon approaching a stationary  
23 authorized emergency vehicle, when the authorized emergency vehicle is  
24 making use of visual signals meeting the requirements of K.S.A. 8-1720 or  
25 8-1722(d), and amendments thereto, shall do either of the following:

26 (1) If the driver of the motor vehicle is traveling on a highway that  
27 consists of at least two lanes that carry traffic in the same direction of  
28 travel as that of the driver's motor vehicle, the driver shall proceed with  
29 due caution and, if possible and with due regard to the road, weather and  
30 traffic conditions, shall change lanes into a lane that is not adjacent to that  
31 of the stationary authorized emergency vehicle; or

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

1 (c) This section shall not operate to relieve the driver of an authorized  
2 emergency vehicle from the duty to drive with due regard for the safety of  
3 all persons using the highway.

4 (d) (1) *Except as provided in paragraph (2) or (3), a violation of*  
5 *subsection (b) is a traffic infraction and shall be subject to a fine of \$400.*

6 (2) *Except as provided in paragraph (3), a violation of subsection (b)*  
7 *that results in injury or great bodily harm to any person serving as a law*  
8 *enforcement officer, an emergency medical service provider or a law*  
9 *enforcement officer and such vehicle is an authorized emergency vehicle*  
10 *that is a fire department vehicle, police bicycle, police vehicle or an*  
11 *ambulance is a severity level 6, person felony.*

12 (3) *Violation of subsection (b) that results in death to any person*  
13 *serving as a law enforcement officer, an emergency medical service*  
14 *provider or a law enforcement officer and such vehicle is an authorized*  
15 *emergency vehicle that is a fire department vehicle, police bicycle, police*  
16 *vehicle or an ambulance is a severity level 4, person felony.*

17 (4) *In addition to the penalty described in paragraph (2), the court*  
18 *shall impose a fine of not less than \$1,000.*

19 (5) *In addition to the penalty described in paragraph (3), the court*  
20 *shall impose a fine of not less than \$7,500.*

21 Sec. 2. K.S.A. 8-2116 is hereby amended to read as follows: 8-2116.

22 (a) Every person convicted of violating K.S.A. 8-1530(d)(1) and 8-2503,  
23 and amendments thereto, or violating any of the sections listed in the  
24 uniform fine schedule in K.S.A. 8-2118, and amendments thereto, is guilty  
25 of a traffic infraction.

26 (b) Except where another penalty or class of misdemeanor is  
27 provided by statute, every person convicted of violating any provision of  
28 the uniform act regulating traffic on highways designated as a  
29 misdemeanor is guilty of a class C misdemeanor, except that upon a  
30 second such offense committed within one year after the date of the first  
31 such offense, upon conviction thereof, such person is guilty of a class B  
32 misdemeanor, and upon a third or subsequent such offense committed  
33 within one year after the first such offense, upon conviction thereof, such  
34 person is guilty of a class A misdemeanor.

35 Sec. 3. K.S.A. 8-2118 is hereby amended to read as follows: 8-2118.

36 (a) A person charged with a traffic infraction shall, except as provided in  
37 subsection (b), appear at the place and time specified in the notice to  
38 appear. If the person enters an appearance, waives right to trial, pleads  
39 guilty or no contest, the fine shall be no greater than that specified in the  
40 uniform fine schedule in subsection (c) and court costs shall be taxed as  
41 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.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
16 Unsafe speed for prevailing 17 conditions	18 8-1557	19 \$75
20 Exceeding maximum speed 21 limit; or speeding in zone 22 posted by the state depart- 23 ment of transportation; or 24 speeding in locally posted 25 zone	26 8-1558 27 to 28 8-1560 29 8-1560a 30 or 31 8-1560b	32 1-10 mph over the 33 limit, \$45 34 11-20 mph over the 35 limit, \$45 plus \$6 36 per mph over 10 37 mph over the limit; 38 21-30 mph over the 39 limit, \$105 plus \$9 40 per mph over 20 41 mph over the limit; 42 31 and more mph 43 over the limit, \$195 44 plus \$15 per mph 45 over 30 mph over 46 the limit;
35 Disobeying traffic control de- 36 vice	37 8-1507	38 \$75
39 Violating traffic control signal	40 8-1508	41 \$75
42 Violating pedestrian control 43 signal	44 8-1509	45 \$45
46 Violating flashing traffic signals	47 8-1510	48 \$75
49 Violating lane-control signal	50 8-1511	51 \$75
52 Unauthorized sign, signal, 53 marking or device	54 8-1512	55 \$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 <i>in</i> 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(a)	\$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	Equipment offenses that are	8-1701	\$75
8	not misdemeanors		
9	Driving without lights when	8-1703	\$45
10	needed		
11	Defective headlamps	8-1705	\$45
12	Defective tail lamps	8-1706	\$45
13	Defective reflector	8-1707	\$45
14	Improper stop lamp or turn	8-1708	\$45
15	signal		
16	Improper lighting equipment	8-1710	\$45
17	on certain vehicles		
18	Improper lamp color on cer-	8-1711	\$45
19	tain vehicles		
20	Improper mounting of re-	8-1712	\$45
21	flectors and lamps on cer-		
22	tain vehicles		
23	Improper visibility of reflec-	8-1713	\$45
24	tors and lamps on certain		
25	vehicles		
26	No lamp or flag on projecting	8-1715	\$75
27	load		
28	Improper lamps on parked	8-1716	\$45
29	vehicle		
30	Improper lights, lamps, re-	8-1717	\$45
31	flectors and emblems on		
32	farm tractors or slow-		
33	moving vehicles		
34	Improper lamps and equip-	8-1718	\$45
35	ment on implements of		
36	husbandry, road machin-		
37	ery or animal-drawn ve-		
38	hicles		
39	Unlawful use of spot, fog, or	8-1719	\$45
40	auxiliary lamp		
41	Improper lamps or lights on	8-1720	\$45
42	emergency vehicle		
43	Improper stop or turn signal	8-1721	\$45

1	Improper vehicular hazard	8-1722	\$45
2	warning lamp		
3	Unauthorized additional	8-1723	\$45
4	lighting equipment		
5	Improper multiple-beam lights	8-1724	\$45
6	Failure to dim headlights	8-1725	\$75
7	Improper single-beam head-	8-1726	\$45
8	lights		
9	Improper speed with alter-	8-1727	\$45
10	nate lighting		
11	Improper number of driving	8-1728	\$45
12	lamps		
13	Unauthorized lights and sig-	8-1729	\$45
14	nals		
15	Improper school bus lighting	8-1730	\$45
16	equipment and warning		
17	devices		
18	Unauthorized lights and de-	8-1730a	\$45
19	vices on church or day-		
20	care bus		
21	Improper lights on highway	8-1731	\$45
22	construction or maintenance		
23	vehicles		
24	Defective brakes	8-1734	\$45
25	Defective or improper use of	8-1738	\$45
26	horn or warning device		
27	Defective muffler	8-1739	\$45
28	Defective mirror	8-1740	\$45
29	Defective wipers; obstructed	8-1741	\$45
30	windshield or windows		
31	Improper tires	8-1742	\$45
32	Improper flares or warning	8-1744	\$45
33	devices		
34	Improper use of vehicular	8-1745	\$45
35	hazard warning lamps		
36	and devices		
37	Improper air-conditioning	8-1747	\$45
38	equipment		
39	Improper safety belt or	8-1749	\$45
40	shoulder harness		
41	Improper wide-based single	8-1742b	\$75
42	tires		
43	Improper compression re-	8-1761	\$75

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

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

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

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

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

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

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

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

19 Sec. 4. K.S.A. 8-1530, 8-2116 and 8-2118 are hereby repealed.

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