

SENATE BILL No. 324

By Committee on Transportation

1-14

1 AN ACT concerning traffic regulations; prohibiting the use of a mobile
2 telephone while operating a motor vehicle in a school zone or a road
3 construction zone; amending K.S.A. 2025 Supp. 8-2118 and repealing
4 the existing section.

5

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

7 New Section 1. (a) No person shall use a mobile telephone while
8 operating a motor vehicle in a school zone at a time when a reduced speed
9 limit is enforced as established by K.S.A. 8-1560(a) or 8-1560e, and
10 amendments thereto, or in a road construction zone, as that term is defined
11 in K.S.A. 8-1458a, and amendments thereto, while workers are present.

12 (b) The provisions of subsection (a) shall not apply to:

13 (1) A law enforcement officer or emergency service personnel acting
14 within the course and scope of the law enforcement officer's or emergency
15 service personnel's employment;

16 (2) a person operating a motor vehicle that is halted at a location
17 where the vehicle can safely and lawfully remain stationary; or

18 (3) a mobile telephone that is being used with a hands-free device.

19 (c) The provisions of subsection (a) shall not prohibit a person from
20 using a mobile telephone while operating a motor vehicle that would
21 otherwise violate subsection (a) to:

22 (1) Report current or ongoing illegal activity to a law enforcement
23 agency;

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

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

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

29 (d) Holding a mobile telephone shall constitute *prima facie* evidence
30 of a violation of subsection (a) for persons operating a motor vehicle in a
31 school zone or a road construction zone.

32 (e) As used in this section:

33 (1) "Hands-free device" means speakerphone capability or a
34 telephone attachment or other piece of equipment, regardless of whether or
35 not the hands-free device is permanently installed in the motor vehicle,
36 that allows use of the mobile telephone without use of either of the

1 operator's hands.

2 (2) "Mobile telephone" does not include a commercial two-way radio
3 communication device or its functional equivalent, subscription-based
4 emergency communication device, prescribed medical device, amateur or
5 ham radio device or remote diagnostics system.

6 (f) A law enforcement officer shall issue a warning citation to anyone
7 violating the provisions of subsection (a). The provisions of this subsection
8 shall expire on and after July 1, 2027.

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

11 Sec. 2. K.S.A. 2025 Supp. 8-2118 is hereby amended to read as
12 follows: 8-2118. (a) A person charged with a traffic infraction shall, except
13 as provided in subsection (b), appear at the place and time specified in the
14 notice to appear. If the person enters an appearance, waives right to trial,
15 pleads guilty or no contest, the fine shall be no greater than that specified
16 in the uniform fine schedule in subsection (c) and court costs shall be
17 taxed as provided by law.

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Unsafe speed for prevailing conditions	8-1557	\$75
Exceeding maximum speed limit; or speeding in zone posted by the state depart- ment of transportation; or speeding in locally posted zone	8-1558 8-1560 8-1560a 8-1560b	1-10 mph over the limit, \$45 11-20 mph over the limit, \$45 plus \$6 per mph over 10

1			mph over the limit;
2			21-30 mph over the
3			limit, \$105 plus \$9
4			per mph over 20
5			mph over the limit;
6			31 and more mph
7			over the limit, \$195
8			plus \$15 per mph
9			over 30 mph over
10			the limit;
11	Disobeying traffic control de-	8-1507	\$75
12	vice		
13	Violating traffic control signal	8-1508	\$75
14	Violating pedestrian control	8-1509	\$45
15	signal		
16	Violating flashing traffic signals	8-1510	\$75
17	Violating lane-control signal	8-1511	\$75
18	Unauthorized sign, signal,	8-1512	\$45
19	marking or device		
20	Driving on left side of roadway	8-1514	\$75
21	Failure to keep right to pass	8-1515	\$75
22	oncoming vehicle		
23	Improper passing; increasing	8-1516	\$75
24	speed when passed		
25	Improper passing on right	8-1517	\$75
26	Passing on left with insuffi-	8-1518	\$75
27	cient clearance		
28	Driving on left side where	8-1519	\$75
29	curve, grade, intersec-		
30	tion railroad crossing, or		
31	obstructed view		
32	Driving on left in no-passing	8-1520	\$75
33	zone		
34	Unlawful passing of stopped	8-1520a	\$75
35	emergency vehicle		
36	Driving wrong direction on	8-1521	\$75
37	one-way road		
38	Improper driving on laned	8-1522	\$75
39	roadway		
40	Following too close	8-1523	\$75
41	Improper crossover on di-	8-1524	\$45
42	vided highway		
43	Failure to yield right-of-way	8-1526	\$75

1	at uncontrolled intersection		
2	Failure to yield to approach-	8-1527	\$75
3	ing vehicle when turning		
4	left		
5	Failure to yield at stop or	8-1528	\$75
6	yield sign		
7	Failure to yield from private	8-1529	\$75
8	road or driveway		
9	Failure to yield to emergency	8-1530	\$195
10	vehicle		
11	Failure to yield to pedestrian	8-1531	\$105
12	or vehicle working on		
13	roadway		
14	Failure to comply with re-	8-1531a	\$45
15	strictions in road con-		
16	struction zone		
17	Disobeying pedestrian traffic	8-1532	\$45
18	control device		
19	Failure to yield to pedestrian	8-1533	\$75
20	in crosswalk; pedestrian		
21	suddenly entering road-		
22	way; passing vehicle		
23	stopped for pedestrian at		
24	crosswalk		
25	Improper pedestrian crossing	8-1534	\$45
26	Failure to exercise due care in	8-1535	\$45
27	regard to pedestrian		
28	Improper pedestrian move-	8-1536	\$45
29	ment in crosswalk		
30	Improper use of roadway by	8-1537	\$45
31	pedestrian		
32	Soliciting ride or business	8-1538	\$45
33	on roadway		
34	Driving through safety zone	8-1539	\$45
35	Failure to yield to pedestrian	8-1540	\$45
36	on sidewalk		
37	Failure of pedestrian to yield	8-1541	\$45
38	to emergency vehicle		
39	Failure to yield to blind pe-	8-1542	\$45
40	destrian		
41	Pedestrian disobeying bridge	8-1544	\$45
42	or railroad signal		
43	Improper turn or approach	8-1545	\$75

1	Improper "U" turn	8-1546	\$75
2	Unsafe starting of stopped 3 vehicle	8-1547	\$45
4	Unsafe turning or stopping, 5 failure to give proper sig- 6 nal; using turn signal un- 7 lawfully	8-1548	\$75
8	Improper method of giving 9 notice of intention to turn	8-1549	\$45
10	Improper hand signal	8-1550	\$45
11	Failure to stop or obey 12 road crossing signal	8-1551	\$195
13	Failure to stop at railroad 14 crossing stop sign	8-1552	\$135
15	Certain hazardous vehicles 16 failure to stop at railroad 17 crossing	8-1553	\$195
18	Improper moving of heavy 19 equipment at railroad 20 crossing	8-1554	\$75
21	Vehicle emerging from alley, 22 private roadway, building 23 or driveway	8-1555	\$75
24	Improper passing of school 25 bus; improper use of 26 school bus signals	8-1556	\$315
27	Improper passing of church 28 or day-care bus; improper 29 use of signals	8-1556a	\$195
30	Impeding normal traffic 31 by slow speed	8-1561	\$45
32	Speeding on motor-driven 33 cycle	8-1562	\$75
34	Speeding in certain vehicles 35 or on posted bridge	8-1563	\$45
36	Improper stopping, standing 37 or parking on roadway	8-1569	\$45
38	Parking, standing or stopping 39 in prohibited area	8-1571	\$45
40	Improper parking	8-1572	\$45
41	Unattended vehicle	8-1573	\$45
42	Improper backing	8-1574	\$45
43	Driving on sidewalk	8-1575	\$45

1	Driving with view or driving 2 mechanism obstructed	8-1576	\$45
3	Unsafe opening of vehicle 4 door	8-1577	\$45
5	Riding in house trailer	8-1578	\$45
6	Unlawful riding on vehicle	8-1578a	\$75
7	Improper driving in defiles, 8 canyons, or on grades	8-1579	\$45
9	Coasting	8-1580	\$45
10	Following fire apparatus too 11 closely	8-1581	\$75
12	Driving over fire hose	8-1582	\$45
13	Putting glass, etc., on high- 14 way	8-1583	\$105
15	Driving into intersection, 16 crosswalk, or crossing 17 without sufficient space 18 on other side	8-1584	\$45
19	Improper operation of snow- 20 mobile on highway	8-1585	\$45
21	Parental responsibility of 22 child riding bicycle	8-1586	\$45
23	Not riding on bicycle seat; 24 too many persons on 25 bicycle	8-1588	\$45
26	Clinging to other vehicle	8-1589	\$45
27	Improper riding of bicycle on 28 roadway	8-1590	\$45
29	Carrying articles on bicycle; 30 one hand on handlebars	8-1591	\$45
31	Improper bicycle lamps, 32 brakes or reflectors	8-1592	\$45
33	Improper operation of mo- 34 torcycle; seats; passen- 35 gers, bundles	8-1594	\$45
36	Improper operation of motor 37 cycle on laned roadway	8-1595	\$75
38	Motorcycle clinging to other 39 vehicle	8-1596	\$45
40	Improper motorcycle handle- 41 bars or passenger 42 equipment	8-1597	\$75
43	Motorcycle helmet and eye-	8-1598	\$45

1	protection requirements		
2	Unlawful operation of all-ter-	8-15,100	\$75
3	rain vehicle		
4	Unlawful operation of	8-15,101	\$75
5	low-speed vehicle		
6	Littering	8-15,102	\$115
7	Disobeying school crossing	8-15,103	\$75
8	guard		
9	Unlawful operation of micro	8-15,106	\$75
10	utility truck		
11	Failure to remove vehicles in	8-15,107	\$75
12	accidents		
13	Unlawful operation of golf	8-15,108	\$75
14	cart		
15	Unlawful operation of work-	8-15,109	\$75
16	site utility vehicle		
17	Unlawful display of license	8-15,110	\$60
18	plate		
19	Unlawful text messaging	8-15,111	\$60
20	Unlawful passing of a waste	8-15,112	\$45
21	collection vehicle		
22	Unlawful operation of	8-15,113	\$45
23	electric-assisted scooter		
24	Unlawful passing of a utility or	8-15,114	\$105
25	telecommunications vehicle		
26	Unlawful passing of a	8-15,116	\$75
27	stationary vehicle		
28	<i>Unlawful use of mobile telephone</i>	section 1	\$60
29	Equipment offenses that are	8-1701	\$75
30	not misdemeanors		
31	Driving without lights when	8-1703	\$45
32	needed		
33	Defective headlamps	8-1705	\$45
34	Defective tail lamps	8-1706	\$45
35	Defective reflector	8-1707	\$45
36	Improper stop lamp or turn	8-1708	\$45
37	signal		
38	Improper lighting equipment	8-1710	\$45
39	on certain vehicles		
40	Improper lamp color on cer-	8-1711	\$45
41	tain vehicles		
42	Improper mounting of re-	8-1712	\$45
43	reflectors and lamps on cer-		

1	tain vehicles		
2	Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$45
3			
4	No lamp or flag on projecting load	8-1715	\$75
5			
6	Improper lamps on parked vehicle	8-1716	\$45
7			
8	Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$45
9			
10	Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$45
11			
12			
13	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$45
14			
15	Improper lamps or lights on emergency vehicle	8-1720	\$45
16			
17	Improper stop or turn signal	8-1721	\$45
18			
19	Improper vehicular hazard warning lamp	8-1722	\$45
20			
21	Unauthorized additional lighting equipment	8-1723	\$45
22			
23	Improper multiple-beam lights	8-1724	\$45
24			
25	Failure to dim headlights	8-1725	\$75
26			
27	Improper single-beam headlights	8-1726	\$45
28			
29	Improper speed with alternate lighting	8-1727	\$45
30			
31	Improper number of driving lamps	8-1728	\$45
32			
33	Unauthorized lights and signals	8-1729	\$45
34			
35	Improper school bus lighting equipment and warning devices	8-1730	\$45
36			
37	Unauthorized lights and devices on church or day-care bus	8-1730a	\$45
38			
39			
40	Improper lights on highway	8-1731	\$45
41			
42			
43			

1	construction or maintenance	
2	vehicles	
3	Defective brakes	8-1734
4	Defective or improper use of	8-1738
5	horn or warning device	\$45
6	Defective muffler	8-1739
7	Defective mirror	8-1740
8	Defective wipers; obstructed	8-1741
9	windshield or windows	\$45
10	Improper tires	8-1742
11	Improper flares or warning	8-1744
12	devices	\$45
13	Improper use of vehicular	8-1745
14	hazard warning lamps	
15	and devices	
16	Improper air-conditioning	8-1747
17	equipment	\$45
18	Improper safety belt or	8-1749
19	shoulder harness	\$45
20	Improper wide-based single	8-1742b
21	tires	\$75
22	Improper compression re-	8-1761
23	lease engine braking sys-	
24	tem	
25	Defective motorcycle head-	8-1801
26	lamp	\$45
27	Defective motorcycle tail	8-1802
28	lamp	\$45
29	Defective motorcycle reflec-	8-1803
30	tor	\$45
31	Defective motorcycle stop	8-1804
32	lamps and turn signals	\$45
33	Defective multiple-beam	8-1805
34	lighting	\$45
35	Improper road-lighting equip-	8-1806
36	ment on motor-driven cy-	
37	cles	
38	Defective motorcycle or mo-	8-1807
39	tor-driven cycle brakes	\$45
40	Improper performance abil-	8-1808
41	ity of brakes	\$45
42	Operating motorcycle with	8-1809
43	disapproved braking sys-	\$45

1	tem		
2	Defective horn, muffler, mir-	8-1810	\$45
3	rors or tires		
4	Unlawful statehouse parking	75-4510a	\$30
5	Exceeding gross weight of	8-1909	Pounds Overweight
6	vehicle or combination		up to 1000.....\$40
7			1001 to 2000.....3¢
8			per pound
9			2001 to 5000.....5¢
10			per pound
11			5001 to 7500.....7¢
12			per pound
13			7501 and over.....10¢
14			per pound
15	Exceeding gross weight on	8-1908	Pounds Overweight
16	any axle or tandem,		up to 1000.....\$40
17	triple or quad axles		1001 to 2000.....3¢
18			per pound
19			2001 to 5000.....5¢
20			per pound
21			5001 to 7500.....7¢
22			per pound
23			7501 and over.....10¢
24			per pound
25	Failure to obtain proper re-	66-1324	\$287
26	gistration, clearance or		
27	to have current cer-		
28	tification		
29	Insufficient liability insur-	66-1,128	\$137
30	ance for motor carriers	or 66-1314	
31	Failure to obtain interstate	79-34,122	\$137
32	motor fuel tax author-		
33	ization		
34	No authority as private or	66-1,111	\$137
35	common carrier		
36	Violation of motor carrier	66-1,129	\$115
37	safety rules and regula-		
38	tions, except for viola-		
39	tions specified in K.S.A.		
40	66-1,130(b)(2), and		
41	amendments thereto		
42			
43	(d) Traffic offenses classified as traffic infractions by this section		

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

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

13 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
14 amendments thereto, within two years after a prior conviction of K.S.A. 8-
15 1908 or 8-1909, and amendments thereto, such person, upon conviction
16 shall be fined $1\frac{1}{2}$ times the applicable amount from one, but not both, of
17 the schedules listed in the uniform fine schedule contained in subsection
18 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments
19 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or
20 8-1909, and amendments thereto, such person, upon conviction shall be
21 fined two times the applicable amount from one, but not both, of the
22 schedules listed in the uniform fine schedule contained in subsection (c).
23 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,
24 and amendments thereto, within two years after three prior convictions of
25 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
26 conviction shall be fined $2\frac{1}{2}$ times the applicable amount from one, but
27 not both, of the schedules listed in the uniform fine schedule contained in
28 subsection (c).

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

33 (h) For a second violation of K.S.A. 8-1556, and amendments thereto,
34 within five years after a prior conviction of K.S.A. 8-1556, and
35 amendments thereto, such person, upon conviction, shall be fined \$750 for
36 the second violation. For a third and each succeeding violation of K.S.A.
37 8-1556, and amendments thereto, within five years after two prior
38 convictions of K.S.A. 8-1556, and amendments thereto, such person, upon
39 conviction, shall be fined \$1,000 for the third and each succeeding
40 violation.

41 Sec. 3. K.S.A. 2025 Supp. 8-2118 is hereby repealed.

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