

As Amended by House Committee

Session of 2019

HOUSE BILL No. 2104

By Committee on Judiciary

1-30

1 AN ACT concerning driving under the influence; relating to testing;
2 notice; preliminary screening; amending K.S.A. 2018 Supp. 8-1001, 8-
3 1012, **8-2118** and 75-712h and repealing the existing sections; also
4 repealing K.S.A. 2018 Supp. 8-1025.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. On and after July 1, 2019, K.S.A. 2018 Supp. 8-1001 is
8 hereby amended to read as follows: 8-1001. (a) Any person who operates
9 or attempts to operate a vehicle within this state may be requested, subject
10 to the provisions of this article, to submit to one or more tests of the
11 person's blood, breath, urine or other bodily substance to determine the
12 presence of alcohol or drugs. The testing shall include all quantitative and
13 qualitative tests for alcohol and drugs. The test must be administered at the
14 direction of a law enforcement officer, and the law enforcement officer
15 shall determine which type of test is to be conducted or requested.

16 (b) (1) One or more tests may be required of a person when, at the
17 time of the request, a law enforcement officer has probable cause to
18 believe the person has committed a violation of K.S.A. 8-1567(a), and
19 amendments thereto, or to believe the person was driving a commercial
20 motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto,
21 while having alcohol or other drugs in such person's system, or to believe
22 the person is under the age of 21 years and was operating or attempting to
23 operate a vehicle while having alcohol or other drugs in such person's
24 system; and one of the following conditions exists: (A) The person has
25 been arrested or otherwise taken into custody for any violation of any state
26 statute, county resolution or city ordinance; or (B) the person has been
27 involved in a motor vehicle accident or collision resulting in property
28 damage, personal injury or death.

29 (2) The law enforcement officer directing administration of the test or
30 tests may act on personal knowledge or on the basis of the collective
31 information available to law enforcement officers involved in the
32 investigation or arrest.

33 (c) When requesting a test or tests of breath or other bodily substance
34 other than blood or urine, under this section, the person shall be given oral
35 and written notice that:

36 (1) There is no right to consult with an attorney regarding whether to

1 submit to testing, but, after the completion of the testing, the person may
2 request and has the right to consult with an attorney and may secure
3 additional testing;

4 (2) if the person refuses to submit to and complete the test or tests, ~~or~~
5 *the person's driving privileges will be suspended for a period of one year;*

6 (3) if the person fails a test, the person's driving privileges will be
7 suspended for a period of ~~at least~~ *either 30 days and up to or one year;*

8 ~~(3)~~(4) refusal to submit to testing may be used against the person at
9 any trial or hearing on a charge arising out of the operation or attempted
10 operation of a vehicle while under the influence of alcohol or drugs, or
11 both; and

12 ~~(4)~~(5) the results of the testing may be used against the person at any
13 trial or hearing on a charge arising out of the operation or attempted
14 operation of a vehicle while under the influence of alcohol or drugs, or
15 both.

16 (d) When requesting a test or tests of blood or urine, under this
17 section, the person shall be given oral and written notice that:

18 (1) If the person refuses to submit to and complete the test or tests, ~~or~~
19 *the person's driving privileges will be suspended for a period of one year;*

20 (2) if the person fails a test, the person's driving privileges will be
21 suspended for a period of ~~at least~~ *either 30 days and up to or one year;*

22 ~~(2)~~(3) the results of the testing may be used against the person at any
23 trial or hearing on a charge arising out of the operation or attempted
24 operation of a vehicle while under the influence of alcohol or drugs, or
25 both; and

26 ~~(3)~~(4) after the completion of the testing, the person may request and
27 has the right to consult with an attorney and may secure additional testing.

28 (e) Nothing in this section shall be construed to limit the right of a
29 law enforcement officer to conduct any search of a person's breath or other
30 bodily substance, other than blood or urine, incident to a lawful arrest
31 pursuant to the constitution of the United States, with or without providing
32 the person the advisories authorized in subsection (c), nor limit the
33 admissibility at any trial or hearing of alcohol or drug concentration testing
34 results obtained pursuant to such a search.

35 (f) Nothing in this section shall be construed to limit the right of a law
36 enforcement officer to conduct or obtain a blood or urine test of a person
37 pursuant to a warrant under K.S.A. 22-2502, and amendments thereto, the
38 constitution of the United States or a judicially recognized exception to the
39 search warrant requirement, with or without providing the person the
40 advisories authorized in subsection (d), nor limit the admissibility at any
41 trial or hearing of alcohol or drug concentration testing results obtained
42 pursuant to such a search.

43 (g) A law enforcement officer may direct a medical professional, as

1 described in subsection (h), to draw one or more samples of blood from a
2 person to determine the blood's alcohol or drug concentration:

3 (1) If the person has given consent, with or without the advisories in
4 subsection (d), and meets the requirements of subsection (b);

5 (2) if law enforcement has obtained a search warrant authorizing the
6 collection of blood from the person; or

7 (3) if the person refuses or is unable to consent to submit to and
8 complete a test, and another judicially recognized exception to the warrant
9 requirement applies.

10 (h) If a law enforcement officer is authorized to collect one or more
11 tests of blood under this section, the withdrawal of blood at the direction
12 of the officer may be performed only by: (1) A person licensed to practice
13 medicine and surgery, licensed as a physician assistant, or a person acting
14 under the direction of any such licensed person; (2) a registered nurse or a
15 licensed practical nurse; (3) any qualified medical technician, including,
16 but not limited to, an advanced emergency medical technician or a
17 paramedic, as those terms are defined in K.S.A. 65-6112, and amendments
18 thereto, authorized by medical protocol; or (4) a phlebotomist.

19 (i) When so directed by a law enforcement officer through a written
20 statement, the medical professional shall withdraw the sample of blood as
21 soon as practical and shall deliver the sample to the law enforcement
22 officer or another law enforcement officer as directed by the requesting
23 law enforcement officer as soon as practical, provided the collection of the
24 sample does not jeopardize the person's life, cause serious injury to the
25 person or seriously impede the person's medical assessment, care or
26 treatment. The medical professional authorized herein to withdraw the
27 blood and the medical care facility where the blood is drawn may act on
28 good faith that the requirements have been met for directing the
29 withdrawing of blood once presented with the written statement provided
30 for under this subsection. The medical professional shall not require the
31 person that is the subject of the test or tests to provide any additional
32 consent or sign any waiver form. In such a case, the person authorized to
33 withdraw blood and the medical care facility shall not be liable in any
34 action alleging lack of consent or lack of informed consent.

35 Such sample or samples shall be an independent sample and not be a
36 portion of a sample collected for medical purposes. The person collecting
37 the blood sample shall complete the collection portion of a document, if
38 provided by law enforcement.

39 (j) If a person must be restrained to collect the sample pursuant to this
40 section, law enforcement shall be responsible for applying any such
41 restraint utilizing acceptable law enforcement restraint practices. The
42 restraint shall be effective in controlling the person in a manner not to
43 jeopardize the person's safety or that of the medical professional or

1 attending medical or health care staff during the drawing of the sample and
2 without interfering with medical treatment.

3 (k) If a law enforcement officer is authorized to collect one or more
4 tests of urine, the collection of the urine sample shall be supervised by: (1)
5 A person licensed to practice medicine and surgery, licensed as a physician
6 assistant, or a person acting under the direction of any such licensed
7 person; (2) a registered nurse or a licensed practical nurse; or (3) a law
8 enforcement officer of the same sex as the person being tested. The
9 collection of the urine sample shall be conducted out of the view of any
10 person other than the persons supervising the collection of the sample and
11 the person being tested, unless the right to privacy is waived by the person
12 being tested. When possible, the supervising person shall be a law
13 enforcement officer. The results of qualitative testing for drug presence
14 shall be admissible in evidence and questions of accuracy or reliability
15 shall go to the weight rather than the admissibility of the evidence. If the
16 person is medically unable to provide a urine sample in such manner due
17 to the injuries or treatment of the injuries, the same authorization and
18 procedure as used for the collection of blood in subsections (g) and (i)
19 shall apply to the collection of a urine sample.

20 (l) No law enforcement officer who is acting in accordance with this
21 section shall be liable in any civil or criminal proceeding involving the
22 action.

23 (m) If a law enforcement officer has probable cause to believe that
24 the person has been driving a commercial motor vehicle, as defined in
25 K.S.A. 8-2,128, and amendments thereto, while having alcohol or other
26 drugs in such person's system, the person shall also be provided the oral
27 and written notice pursuant to K.S.A. 8-2,145, and amendments thereto.
28 Any failure to give the notices required by K.S.A. 8-2,145, and
29 amendments thereto, shall not invalidate any action taken as a result of the
30 requirements of this section. If a law enforcement officer has probable
31 cause to believe that the person has been operating or attempting to
32 operate a vehicle while having alcohol or other drugs in such person's
33 system and such person was under 21 years of age, the person also shall be
34 given the notices required by K.S.A. 8-1567a, and amendments thereto.
35 Any failure to give the notices required by K.S.A. 8-1567a, and
36 amendments thereto, shall not invalidate any action taken as a result of the
37 requirements of this section.

38 (n) The person's refusal shall be admissible in evidence against the
39 person at any trial on a charge arising out of the alleged operation or
40 attempted operation of a vehicle while under the influence of alcohol or
41 drugs, or both.

42 (o) If a law enforcement officer had probable cause to believe the
43 person had been driving a commercial motor vehicle, as defined in K.S.A.

1 8-2,128, and amendments thereto, and the test results show a blood or
2 breath alcohol concentration of 0.04 or greater, the person shall be
3 disqualified from driving a commercial motor vehicle, pursuant to K.S.A.
4 8-2,142, and amendments thereto. If a law enforcement officer had
5 probable cause to believe the person had been driving any motor vehicle,
6 the person fails a test, as defined in K.S.A. 8-1013(h), and amendments
7 thereto, or the person refuses a test, the person's driving privileges shall be
8 subject to suspension, or suspension and restriction, pursuant to this
9 section, in addition to being disqualified from driving a commercial motor
10 vehicle pursuant to K.S.A. 8-2,142, and amendments thereto.

11 (p) Failure of a person to provide an adequate breath sample or
12 samples as directed shall constitute a refusal unless the person shows that
13 the failure was due to physical inability caused by a medical condition
14 unrelated to any ingested alcohol or drugs.

15 (q) It shall not be a defense that the person did not understand the
16 written or oral notice authorized by this section.

17 (r) No test results shall be suppressed because of irregularities not
18 affecting the substantial rights of the accused in the consent or notice
19 authorized pursuant to this act. Failure to provide any or all of the notices
20 set forth in subsection (c) or (d) shall not be an issue or defense in any
21 action other than an administrative action regarding the subject's driving
22 privileges.

23 (s) Nothing in this section shall be construed to limit the admissibility
24 at any trial of alcohol or drug concentration testing results obtained
25 pursuant to a search warrant or other judicially recognized exception to the
26 warrant requirement.

27 (t) Upon the request of any person submitting to testing under this
28 section, a report of the results of the testing shall be made available to such
29 person when available.

30 (u) This act is remedial law and shall be liberally construed to
31 promote public health, safety and welfare.

32 Sec. 2. K.S.A. 2018 Supp. 8-1012 is hereby amended to read as
33 follows: 8-1012. ~~(a) Any person who operates or attempts to operate a~~
34 ~~vehicle within this state is deemed to have given consent to submit to a~~
35 ~~preliminary screening test of the person's breath or saliva, or both, subject~~
36 ~~to the provisions set out in subsection (b).~~

37 ~~(b)~~—A law enforcement officer may request a person who is operating
38 or attempting to operate a vehicle within this state to submit to a
39 preliminary screening test of the person's breath or ~~saliva~~ *oral fluid*, or
40 both, if the officer has reasonable suspicion to believe the person has been
41 operating or attempting to operate a vehicle while under the influence of
42 alcohol or drugs or both alcohol and drugs.

43 ~~(e)~~—At the time the test is requested, the person shall be given oral

1 ~~notice that: (1) There is no right to consult with an attorney regarding~~
2 ~~whether to submit to testing; (2) refusal to submit to testing is a traffic~~
3 ~~infraction; and (3) further testing may be required after the preliminary~~
4 ~~screening test. Failure to provide the notice shall not be an issue or defense~~
5 ~~in any action. The law enforcement officer then shall request the person to~~
6 ~~submit to the test.~~

7 ~~(d) Refusal to take and complete the test as requested is a traffic~~
8 ~~infraction.~~

9 (b) If the person submits to the test, the results shall be used for the
10 purpose of assisting law enforcement officers in determining whether an
11 arrest should be made and whether to request the tests authorized by
12 K.S.A. 8-1001, and amendments thereto. A law enforcement officer may
13 arrest a person based in whole or in part upon the results of a preliminary
14 screening test. Such results shall not be admissible in any civil or criminal
15 action concerning the operation of or attempted operation of a vehicle
16 except to aid the court or hearing officer in determining a challenge to the
17 validity of the arrest or the validity of the request to submit to a test
18 pursuant to K.S.A. 8-1001, and amendments thereto. Following the
19 preliminary screening test, additional tests may be requested pursuant to
20 K.S.A. 8-1001, and amendments thereto.

21 ~~(e)~~(c) Any preliminary screening of a person's breath shall be
22 conducted with a device approved pursuant to K.S.A. 65-1,107, and
23 amendments thereto. *Any preliminary screening of a person's oral fluid*
24 *shall be conducted in accordance with rules and regulations, if any,*
25 *approved pursuant to K.S.A. 75-712h, and amendments thereto.*

26 **Sec. 3. K.S.A. 2018 Supp. 8-2118 is hereby amended to read as**
27 **follows: 8-2118.(a) A person charged with a traffic infraction shall,**
28 **except as provided in subsection (b), appear at the place and time**
29 **specified in the notice to appear. If the person enters an appearance,**
30 **waives right to trial, pleads guilty or no contest, the fine shall be no**
31 **greater than that specified in the uniform fine schedule in subsection**
32 **(c) and court costs shall be taxed as provided by law.**

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

1 **contest.**

2 (c) The following uniform fine schedule shall apply uniformly
 3 throughout the state but shall not limit the fine which may be imposed
 4 following a court appearance, except an appearance made for the
 5 purpose of pleading and payment as permitted by subsection (a). The
 6 description of offense contained in the following uniform fine schedule
 7 is for reference only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
8 Refusal to submit to a prelim-	8-1012	\$105
9 inary breath test		
10 Unsafe speed for prevailing	8-1557	\$75
11 conditions		
12 Exceeding maximum speed	8-1558	1-10 mph over the
13 limit; or speeding in zone	to	limit, \$45
14 posted by the state depart-	8-1560	
15 ment of transportation; or	8-1560a	11-20 mph over the
16 speeding in locally posted	or	limit, \$45 plus \$6
17 zone	8-1560b	per mph over 10
18		mph over the limit;
19		21-30 mph over the
20		limit, \$105 plus \$9
21		per mph over 20
22		mph over the limit;
23		31 and more mph
24		over the limit, \$195
25		plus \$15 per mph
26		over 30 mph over
27		the limit;
28		
29 Disobeying traffic control de-	8-1507	\$75
30 vice		
31 Violating traffic control signal	8-1508	\$75
32 Violating pedestrian control	8-1509	\$45
33 signal		
34 Violating flashing traffic signals	8-1510	\$75
35 Violating lane-control signal	8-1511	\$75
36 Unauthorized sign, signal,	8-1512	\$45
37 marking or device		
38 Driving on left side of roadway	8-1514	\$75
39 Failure to keep right to pass	8-1515	\$75
40 oncoming vehicle		
41 Improper passing; increasing	8-1516	\$75
42 speed when passed		
43 Improper passing on right	8-1517	\$75

1	Passing on left with insuffi-	8-1518	\$75
2	cient clearance		
3	Driving on left side where	8-1519	\$75
4	curve, grade, intersec-		
5	tion railroad crossing,or		
6	obstructed view		
7	Driving on left in no-passing	8-1520	\$75
8	zone		
9	Unlawful passing of stopped	8-1520a	\$75
10	emergency vehicle		
11	Driving wrong direction on	8-1521	\$75
12	one-way road		
13	Improper driving on laned	8-1522	\$75
14	roadway		
15	Following too close	8-1523	\$75
16	Improper crossover on di-	8-1524	\$45
17	vided highway		
18	Failure to yield right-of-way	8-1526	\$75
19	at uncontrolled intersection		
20	Failure to yield to approach-	8-1527	\$75
21	ing vehicle when turning		
22	left		
23	Failure to yield at stop or	8-1528	\$75
24	yield sign		
25	Failure to yield from private	8-1529	\$75
26	road or driveway		
27	Failure to yield to emergency	8-1530	\$195
28	vehicle		
29	Failure to yield to pedestrian	8-1531	\$105
30	or vehicle working on		
31	roadway		
32	Failure to comply with re-	8-1531a	\$45
33	strictions in road con-		
34	struction zone		
35	Disobeying pedestrian traffic	8-1532	\$45
36	control device		
37	Failure to yield to pedestrian	8-1533	\$75
38	in crosswalk; pedestrian		
39	suddenly entering road-		
40	way; passing vehicle		
41	stopped for pedestrian at		
42	crosswalk		
43	Improper pedestrian crossing	8-1534	\$45

1	Failure to exercise due care in	8-1535	\$45
2	regard to pedestrian		
3	Improper pedestrian move-	8-1536	\$45
4	ment in crosswalk		
5	Improper use of roadway by	8-1537	\$45
6	pedestrian		
7	Soliciting ride or business	8-1538	\$45
8	on roadway		
9	Driving through safety zone	8-1539	\$45
10	Failure to yield to pedestrian	8-1540	\$45
11	on sidewalk		
12	Failure of pedestrian to yield	8-1541	\$45
13	to emergency vehicle		
14	Failure to yield to blind pe-	8-1542	\$45
15	destrian		
16	Pedestrian disobeying bridge	8-1544	\$45
17	or railroad signal		
18	Improper turn or approach	8-1545	\$75
19	Improper "U" turn	8-1546	\$75
20	Unsafe starting of stopped	8-1547	\$45
21	vehicle		
22	Unsafe turning or stopping,	8-1548	\$75
23	failure to give proper sig-		
24	nal; using turn signal un-		
25	lawfully		
26	Improper method of giving	8-1549	\$45
27	notice of intention to turn		
28	Improper hand signal	8-1550	\$45
29	Failure to stop or obey	8-1551	\$195
30	road crossing signal		
31	Failure to stop at railroad	8-1552	\$135
32	crossing stop sign		
33	Certain hazardous vehicles	8-1553	\$195
34	failure to stop at railroad		
35	crossing		
36	Improper moving of heavy	8-1554	\$75
37	equipment at railroad		
38	crossing		
39	Vehicle emerging from alley,	8-1555	\$75
40	private roadway, building		
41	or driveway		
42	Improper passing of school	8-1556	\$315
43	bus; improper use of		

1	school bus signals		
2	Improper passing of church	8-1556a	\$195
3	or day-care bus; improper		
4	use of signals		
5	Impeding normal traffic	8-1561	\$45
6	by slow speed		
7	Speeding on motor-driven	8-1562	\$75
8	cycle		
9	Speeding in certain vehicles	8-1563	\$45
10	or on posted bridge		
11	Improper stopping, standing	8-1569	\$45
12	or parking on roadway		
13	Parking, standing or stopping	8-1571	\$45
14	in prohibited area		
15	Improper parking	8-1572	\$45
16	Unattended vehicle	8-1573	\$45
17	Improper backing	8-1574	\$45
18	Driving on sidewalk	8-1575	\$45
19	Driving with view or driving	8-1576	\$45
20	mechanism obstructed		
21	Unsafe opening of vehicle	8-1577	\$45
22	door		
23	Riding in house trailer	8-1578	\$45
24	Unlawful riding on vehicle	8-1578a	\$75
25	Improper driving in defiles,	8-1579	\$45
26	canyons, or on grades		
27	Coasting	8-1580	\$45
28	Following fire apparatus too	8-1581	\$75
29	closely		
30	Driving over fire hose	8-1582	\$45
31	Putting glass, etc., on high-	8-1583	\$105
32	way		
33	Driving into intersection,	8-1584	\$45
34	crosswalk, or crossing		
35	without sufficient space		
36	on other side		
37	Improper operation of snow-	8-1585	\$45
38	mobile on highway		
39	Parental responsibility of	8-1586	\$45
40	child riding bicycle		
41	Not riding on bicycle seat;	8-1588	\$45
42	too many persons on		
43	bicycle		

1	Clinging to other vehicle	8-1589	\$45
2	Improper riding of bicycle on	8-1590	\$45
3	roadway		
4	Carrying articles on bicycle;	8-1591	\$45
5	one hand on handlebars		
6	Improper bicycle lamps,	8-1592	\$45
7	brakes or reflectors		
8	Improper operation of mo-	8-1594	\$45
9	torcycle; seats; passen-		
10	gers, bundles		
11	Improper operation of motor	8-1595	\$75
12	cycle on laned roadway		
13	Motorcycle clinging to other	8-1596	\$45
14	vehicle		
15	Improper motorcycle handle-	8-1597	\$75
16	bars or passenger		
17	equipment		
18	Motorcycle helmet and eye-	8-1598	\$45
19	protection requirements		
20	Unlawful operation of all-ter-	8-15,100	\$75
21	rain vehicle		
22	Unlawful operation of	8-15,101	\$75
23	low-speed vehicle		
24	Littering	8-15,102	\$115
25	Disobeying school crossing	8-15,103	\$75
26	guard		
27	Unlawful operation of micro	8-15,106	\$75
28	utility truck		
29	Failure to remove vehicles in	8-15,107	\$75
30	accidents		
31	Unlawful operation of golf	8-15,108	\$75
32	cart		
33	Unlawful operation of work-	8-15,109	\$75
34	site utility vehicle		
35	Unlawful display of license	8-15,110	\$60
36	plate		
37	Unlawful text messaging	8-15,111	\$60
38	Unlawful passing of a waste	8-15,112	\$45
39	collection vehicle		
40	Equipment offenses that are	8-1701	\$75
41	not misdemeanors		
42	Driving without lights when	8-1703	\$45
43	needed		

1	Defective headlamps	8-1705	\$45
2	Defective tail lamps	8-1706	\$45
3	Defective reflector	8-1707	\$45
4	Improper stop lamp or turn	8-1708	\$45
5	signal		
6	Improper lighting equipment	8-1710	\$45
7	on certain vehicles		
8	Improper lamp color on cer-	8-1711	\$45
9	tain vehicles		
10	Improper mounting of re-	8-1712	\$45
11	flectors and lamps on cer-		
12	tain vehicles		
13	Improper visibility of reflec-	8-1713	\$45
14	tors and lamps on certain		
15	vehicles		
16	No lamp or flag on projecting	8-1715	\$75
17	load		
18	Improper lamps on parked	8-1716	\$45
19	vehicle		
20	Improper lights, lamps, re-	8-1717	\$45
21	flectors and emblems on		
22	farm tractors or slow-		
23	moving vehicles		
24	Improper lamps and equip-	8-1718	\$45
25	ment on implements of		
26	husbandry, road machin-		
27	ery or animal-drawn ve-		
28	hicles		
29	Unlawful use of spot, fog, or	8-1719	\$45
30	auxiliary lamp		
31	Improper lamps or lights on	8-1720	\$45
32	emergency vehicle		
33	Improper stop or turn signal	8-1721	\$45
34	Improper vehicular hazard	8-1722	\$45
35	warning lamp		
36	Unauthorized additional	8-1723	\$45
37	lighting equipment		
38	Improper multiple-beam lights	8-1724	\$45
39	Failure to dim headlights	8-1725	\$75
40	Improper single-beam head-	8-1726	\$45
41	lights		
42	Improper speed with alter-	8-1727	\$45
43	nate lighting		

1	Improper number of driving	8-1728	\$45
2	lamps		
3	Unauthorized lights and sig-	8-1729	\$45
4	nals		
5	Improper school bus lighting	8-1730	\$45
6	equipment and warning		
7	devices		
8	Unauthorized lights and de-	8-1730a	\$45
9	vices on church or day-		
10	care bus		
11	Improper lights on highway	8-1731	\$45
12	construction or maintenance		
13	vehicles		
14	Defective brakes	8-1734	\$45
15	Defective or improper use of	8-1738	\$45
16	horn or warning device		
17	Defective muffler	8-1739	\$45
18	Defective mirror	8-1740	\$45
19	Defective wipers; obstructed	8-1741	\$45
20	windshield or windows		
21	Improper tires	8-1742	\$45
22	Improper flares or warning	8-1744	\$45
23	devices		
24	Improper use of vehicular	8-1745	\$45
25	hazard warning lamps		
26	and devices		
27	Improper air-conditioning	8-1747	\$45
28	equipment		
29	Improper safety belt or	8-1749	\$45
30	shoulder harness		
31	Improper wide-based single	8-1742b	\$75
32	tires		
33	Improper compression re-	8-1761	\$75
34	lease engine braking sys-		
35	tem		
36	Defective motorcycle head-	8-1801	\$45
37	lamp		
38	Defective motorcycle tail	8-1802	\$45
39	lamp		
40	Defective motorcycle reflec-	8-1803	\$45
41	tor		
42	Defective motorcycle stop	8-1804	\$45
43	lamps and turn signals		

1	Defective multiple-beam	8-1805	\$45
2	lighting		
3	Improper road-lighting equip-	8-1806	\$45
4	ment on motor-driven cy-		
5	cles		
6	Defective motorcycle or mo-	8-1807	\$45
7	tor-driven cycle brakes		
8	Improper performance abil-	8-1808	\$45
9	ity of brakes		
10	Operating motorcycle with	8-1809	\$45
11	disapproved braking sys-		
12	tem		
13	Defective horn, muffler, mir-	8-1810	\$45
14	rors or tires		
15	Unlawful statehouse parking	75-4510a	\$30
16	Exceeding gross weight of	8-1909	Pounds Overweight
17	vehicle or combination		up to 1000.....\$40
18			1001 to 2000.....3¢
19			per pound
20			2001 to 5000.....5¢
21			per pound
22			5001 to 7500.....7¢
23			per pound
24			7501 and over....10¢
25			per pound
26	Exceeding gross weight on	8-1908	Pounds Overweight
27	any axle or tandem,		up to 1000.....\$40
28	triple or quad axles		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	Failure to obtain proper re-	66-1324	\$287
37	gistration, clearance or		
38	to have current cer-		
39	tification		
40	Insufficient liability insur-	66-1,128	\$137
41	ance for motor carriers	or 66-1314	
42	Failure to obtain interstate	79-34,122	\$137
43	motor fuel tax author-		

1	ization		
2	No authority as private or	66-1,111	\$137
3	common carrier		
4	Violation of motor carrier	66-1,129	\$115
5	safety rules and regula-		
6	tions, except for viola-		
7	tions specified in K.S.A.		
8	66-1,130(b)(2), and		
9	amendments thereto		

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

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

23 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
 24 amendments thereto, within two years after a prior conviction of
 25 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
 26 conviction shall be fined 1½ times the applicable amount from one,
 27 but not both, of the schedules listed in the uniform fine schedule
 28 contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-
 29 1909, and amendments thereto, within two years, after two prior
 30 convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such
 31 person, upon conviction shall be fined two times the applicable
 32 amount from one, but not both, of the schedules listed in the uniform
 33 fine schedule contained in subsection (c). For a fourth and each
 34 succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments
 35 thereto, within two years after three prior convictions of K.S.A. 8-1908
 36 or 8-1909, and amendments thereto, such person, upon conviction
 37 shall be fined 2½ times the applicable amount from one, but not both,
 38 of the schedules listed in the uniform fine schedule contained in
 39 subsection (c).

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

1 **amendments thereto.**

2 **(h) For a second violation of K.S.A. 8-1556, and amendments**
3 **thereto, within five years after a prior conviction of K.S.A. 8-1556, and**
4 **amendments thereto, such person, upon conviction, shall be fined \$750**
5 **for the second violation. For a third and each succeeding violation of**
6 **K.S.A. 8-1556, and amendments thereto, within five years after two**
7 **prior convictions of K.S.A. 8-1556, and amendments thereto, such**
8 **person, upon conviction, shall be fined \$1,000 for the third and each**
9 **succeeding violation.**

10 ~~Sec.-3:~~ **4.** K.S.A. 2018 Supp. 75-712h is hereby amended to read as
11 follows: 75-712h. The director of the Kansas bureau of investigation is
12 authorized to adopt rules and regulations establishing: (a) Criteria for
13 preliminary screening devices for testing of ~~saliva~~ *oral fluid* for law
14 enforcement purposes, based on health and performance considerations;
15 and (b) a list of preliminary screening devices ~~which~~ *that* are approved for
16 testing of ~~saliva~~ *oral fluid* for law enforcement purposes and ~~which~~ *that*
17 law enforcement agencies may purchase and train officers to use as aids in
18 determining probable cause to arrest and grounds for requiring testing
19 pursuant to K.S.A. 8-1001, and amendments thereto.

20 ~~Sec.-4:~~ **5.** K.S.A. 2018 Supp. 8-1012, 8-1025, **8-2118** and 75-712h are
21 hereby repealed.

22 ~~Sec.-5:~~ **6.** On and after July 1, 2019, K.S.A. 2018 Supp. 8-1001 is
23 hereby repealed.

24 ~~Sec.-6:~~ **7.** This act shall take effect and be in force from and after its
25 publication in the Kansas register.