

SENATE BILL No. 426

By Committee on Transportation

1-30

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.

Proposed Amendments
Senate Bill No. 426

Firefighter

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

firefighter