

Legal Forum

2021 Changes to the Standard Traffic Ordinance and Uniform Public Offense Code.

By Amanda Stanley, General Counsel

The 2021 legislative session was extremely busy. There were 116 bills enrolled, many impacting the Standard Traffic Ordinance (STO) and the Uniform Public Offense Code (UPOC). This summary is to highlight the changes made to both publications.

Changes to the 48th Edition of the STO

Article 1 Definitions

In Article 1 Definitions, the following have been amended: All-Terrain Vehicle (SB 95), Antique (HB 2165), Golf Cart (SB 95), and Recreational Off-Highway Vehicle (SB 95). There are also new definitions for Authorized Utility or Telecommunication Vehicle (SB 67), Funeral Escort (SB 67), Funeral Lead Vehicle (SB 67), and Funeral Procession (SB 67).

New Section 10.1 Funeral Procession; Section 119 Parades and Processions

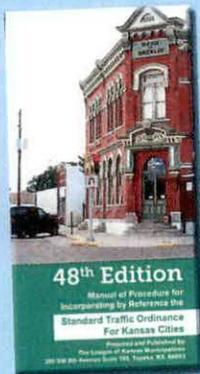
SB 67 modified how funerals are treated under the traffic code. The STO previously contained provisions relating to funerals (that the organizers notify the chief of police, and that no driver not involved in the funeral procession insert themselves into the procession of vehicles) in sections 119, Parades and processions, and Section 120 Driving through Procession.

The new requirements in SB 67 are found in New Section 10.1 of the STO. The legislation sets out the duties of both the operators of vehicles in the funeral procession and of other vehicles and pedestrians who encounter funeral processions in the context of traffic laws and right-of-way at intersections. Cities are allowed to require prior notice of a planned funeral procession and make additional requirements that go beyond, but are not in conflict with, the requirements of the act.

Section 119 Parades and Processions has been updated to remove the funeral procession provisions now in New Section 10.1.

Section 30.4 Impounded Motor Vehicle

While this section was not modified, a new editor's note has been added drawing the reader's attention to SB 36 which amended the requirements for the disposition of such vehicle.



Section 31 Fleeing or Attempting to Elude a Police Officer

Section 31 has been amended to match the language in SB 60. The intent requirement has been modified to a knowingly standard (previously a willfully standard). The sentencing language has also been modified. SB 60 elevated certain offenses to a felony.

New Section 40.2 Passing a Stationary Authorized Utility or Telecommunications Vehicle

SB 67 created a new traffic offense for failing to move over when approaching an authorized utility or telecommunications vehicle. This is contained in New Section 40.2.

Section 106 Transportation of Alcoholic Beverage

A new editor's note has been added to Section 106. HB 2137 made several changes to Kansas alcohol statutes regarding liquor and CMB to go; however, K.S.A. 8-1599 regarding the transportation of said liquor or CMB was not amended to reflect the changes. An editor's note has been added to explain this discrepancy and list the requirements establishments must follow under HB 2137.

Section 115 Unlawful Riding on Vehicles; Persons 14 years of age and older

An eagle-eyed city attorney noticed an error in (c)(1) of this section in previous editions. It has been updated accordingly.

New Section 126.1.1 Display of License Plate

Section 126.1.1 has been added to the STO in response to HB 2167 which established new rules for the locations of license plates on certain types of vehicles.

Section 179 Spilling Loads on Highway

Section 179 has been amended to match the changes made in SB 89.

Section 201.1 Failure to Comply with a Traffic Citation

Section 201.1 was amended in SB 127 to allow a person who is assessed a fine or court costs for a traffic citation to petition the court for waiver of payment of the fine or costs at any time if the amount due will impose a manifest hardship on the person or the person's immediate family. The corresponding section has been updated to match the changes to state law.

Changes in the 37th Edition of the UPOC

Section 1.1 Definitions

Two definitions were modified in Section 1.1: Class A Club and Drinking Establishment (HB 2137).

Section 3.2.1 Sexual Battery

Section 3.2.1 was amended to remove the spousal exception to sexual battery per SB 60. The editor's note was also updated in response to *City of Shawnee v. Adem*, 58 Kan. App. 2d 560 (2020).

Section 5.5 Watercraft

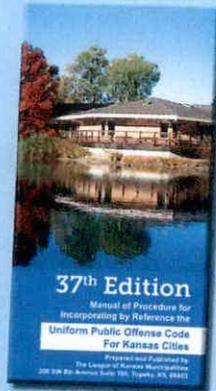
Section 5.5 was updated in response to SB 142's new requirements for approved personal flotation devices.

Section 6.2 Intent; Permanently Deprive

SB 60 made changes to this section of law when dealing with the theft of a motor vehicle. Those changes have been added to Section 6.2.

New Section 6.7.2 Trespassing on a critical infrastructure facility

SB 172 created several new criminal offenses. One of the offenses, trespassing on a critical infrastructure facility, is a misdemeanor and has been added to the UPOC in New Section 6.7.2.



New Section 7.1 Unlawfully tampering with electronic monitoring equipment

While not often used, municipal courts can require court ordered supervision in some instances. HB 2026 amended the offense of unlawfully tampering with electronic monitoring equipment. This has been added as new Section 7.1.

New Section 7.5 Distribution of unattributed applications for advance voting ballots

This is a new election offense created in HB 2323. It has been added as new Section 7.5

Section 7.14 Electioneering

HB 2183 amended the offense of electioneering and added new limitations for when a ballot can be handled by a candidate.

New Section 9.3 Violation of Executive Order under K.S.A 48-925 mandating a curfew or prohibiting public entry

The legislature made several changes to the Kansas Emergency Management Act in SB 40. One change relevant to the UPOC was making certain violations of executive orders mandating a curfew or prohibiting public entry criminal offenses. This has been added as New Section 9.3.

Section 11.3 Commercialization of Wildlife

The Legislature fixed a grammatical error in K.S.A. 32-1005. This has been updated in Section 11.3. 🍷

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