

Updates to the 2024 Standard Traffic Ordinance and the Uniform Public Offense Code

By: Nicole Proulx Aiken, Communications & Education Counsel, League of Kansas Municipalities



It is that time of year when the League updates the *Standard Traffic Ordinance* (STO) and the *Uniform Public Offense Code* (UPOC) with the changes made by the Kansas Legislature. This year also includes a change based off the Kansas Supreme Court decision, *City of Wichita v. Griffie*, 318 Kan. 510 (2024). This article describes those changes.

Changes to the STO

Sec. 23. Accident Involving Death or Personal Injuries; Duties of Drivers, Reports; Penalties.

Previously, drivers involved in an accident with more than \$1,000 of property damage that did not remain at the scene of an accident were subject to a penalty of up to one year of imprisonment and/or a fine up to \$2,500. HB 2665 amended the property damage amount to clarify the penalty applies to any property damage of \$1,000 or more.

Sec. 114.5. Unlawful Operation of a Work-Site Utility Vehicle.

The League discovered the references to all-terrain vehicles in subsection (c) were incorrect and updated the section with the correct references to work-site utility vehicles.

Sec. 201.1. Failure to Comply with a Traffic Citation.

This section has been updated to sunset at 11:59 p.m., on December 31, 2024. Upon its sunset, new section 20.1.2 will take effect.

Sec. 201.2. Failure to Comply with a Traffic Citation.

This section takes effect on January 1, 2025, and reflects changes made by SB 500 regarding the failure to comply with a traffic citation. Previously, an individual violated this provision if they did not appear before municipal court and pay their fine and court costs in full. Now, a violation occurs when an individual does not appear in municipal court and pay their fine and court costs as ordered by the court.

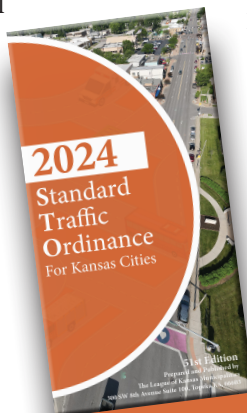
In addition, municipal courts can no longer seek the suspension of an individual's license for failing to comply with the following traffic citations:

- Sec. 18. Interference with Official Traffic-Control Devices or Railroad Signs or Signals;
- Sec. 63. Pedestrians; Obedience to Traffic-Control Devices and Regulations;
- Sec. 65. Crossing at Other Than Crosswalks; Jaywalking;
- Sec. 67. Pedestrians to Use Right Half of Crosswalks;
- Sec. 68. Pedestrians on Highways;
- Sec. 69. Pedestrians Soliciting Rides or Business;
- Sec. 74. Pedestrian Under Influence of Alcohol or Drugs;

- Sec. 83. Stopping, Standing or Parking Outside Business or Residence Districts;
- Sec. 85. Stopping, Standing or Parking Prohibited in Specified Places;
- Sec. 86. Stopping or Parking on Roadways;
- Sec. 107. Unattended Motor Vehicle; Ignition; Key and Brakes;
- Sec. 112. Putting Glass, Etc. on Highway Prohibited;
- Sec. 112.1. Littering from a Motor Vehicle;
- Sec. 114. Snowmobile Operation Limited;
- Sec. 114.4. Unlawful Operation of a Golf Cart;
- Sec. 115. Unlawful Riding on Vehicles; Persons 14 Years of Age and Older;
- Sec. 124. Riding in House Trailer or Mobile or Manufactured Home Prohibited;
- Sec. 127. Effect of Regulations;
- Sec. 129. Riding on Bicycles; Seats; Riders Limited
- Sec. 130. Clinging to Vehicles;
- Sec. 131. Riding on Roadways and Bicycle Paths;
- Sec. 132. Carrying Articles;
- Sec. 133. Lamps and Other Equipment on Bicycles;
- Sec. 135.1. Electric Assisted Scooters, Traffic Law Application; and
- Sec. 182.2. Unlawful Riding on Vehicles; Persons Under Age 14.

SB 500 mandates that the Kansas Department of Revenue Division of Vehicles restrict, rather than suspend, an individual's license if they meet specific eligibility criteria. SB 500 also requires municipal courts:

1. assess a license reinstatement fee of \$100 instead of \$100 for each charge;
2. provide a form for any individual seeking to petition the court to waive fines or fees; and
3. consider waivers and alternatives to restricting or suspending a license.



Changes to the UPOC

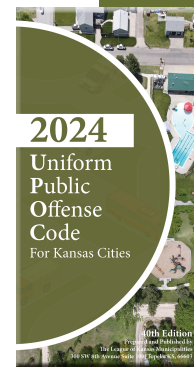
Section 9.1. Disorderly Conduct.

In March, the Kansas Supreme Court determined that “. . . Wichita’s Municipal Code of Ordinances (W.M.O.) §5.24.010(c) criminalizing ‘noisy conduct tending to reasonably arouse alarm, anger or resentment in others’ [was] unconstitutionally overbroad under the First Amendment.” *City of Wichita v. Griffie*, 318 Kan. 510, 511 (2024) The same language found unconstitutional in the W.M.O. was present in this section. Consequently, the League removed that language from this section.

Section 9.9.1. Unlawful Possession of Marijuana and Tetrahydrocannabinols, Section 9.9.2 Possession of Drug Paraphernalia and Certain Drug Precursors, and Section 9.9.4 Unlawful Possession of Controlled Substances.

The League amended these sections to add provisions from Sub for SB 41. This bill provides that a law enforcement officer shall not take an individual into custody for violations of section 9.9.1, 9.9.2(a), and 9.9.4 when the individual seeks medical assistance for themselves or others because of the use of a controlled substance. Individuals are also immune from prosecution unless the quantity of controlled substances found is sufficient to create a rebuttable presumption that there is an intent to distribute. Immunity does not apply if medical assistance is sought during the execution of an arrest or search warrant, or if prosecution is based on evidence from an independent source. The bill also provides that a person cannot initiate or maintain legal action against a law enforcement officer or their employee because of the officer’s compliance or failure to comply with this section. The bill also protects officers from liability for arresting individuals who are later found to be immune from prosecution, unless the officer’s actions involved reckless or intentional misconduct.

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STO / UPOC

Standard Traffic Ordinance *UNIFORM PUBLIC OFFENSE CODE*

The *Standard Traffic Ordinance* (STO) is an efficient, economical way to regulate traffic in Kansas cities. The *Uniform Public Offense Code* (UPOC) contains approximately 100 public offenses that can be adjudicated in municipal court.



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