

**ORDINANCE NO. 26-44**

**AN ORDINANCE PERTAINING TO THE OLATHE TRAFFIC CODE; CREATING NEW SECTION 10.01.126.5 AND AMENDING SECTIONS 10.01.001, 10.01.085, 10.01.126.1, 10.01.201.1, 10.01.135.4, 10.01.169, 10.01.172, AND 10.01.175.1 AND REPEALING THE EXISTING SECTIONS; ALSO REPEALING SECTION 10.01.135.8.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:**

**SECTION ONE:** Section 10.01.001 of the Olathe Municipal Code is hereby amended to read as follows:

**“10.01.001 Definitions.**

The following words and phrases when used in this chapter shall, for the purpose of this chapter and other traffic ordinances, have the meanings respectively ascribed to them in this section except when the context otherwise requires:

“ADS-equipped vehicle” means a motor vehicle equipped with an automated driving system.

“Alcohol concentration” means the number of grams of alcohol per one hundred (100) milliliters of blood or per two hundred ten (210) liters of breath.

“Alcoholic beverage” means any alcoholic liquor, as defined by K.S.A. 41-102 and amendments thereto, or any cereal malt beverage, as defined by K.S.A. 41-2701 and amendments thereto.

“Alcoholic liquor” means alcohol, spirits, wine, beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being, but shall not include any beer or cereal malt beverage containing not more than three and one-fifths percent (3.2%) alcohol by weight.

“All-terrain vehicle” means any motorized nonhighway vehicle, other than an electric-assisted bicycle, that is fifty-five inches (55”) or less in width measured from the outside of one (1) tire rim to the outside of the other tire rim, having a dry weight of one thousand five hundred (1,500) pounds or less, traveling on three (3) or more nonhighway tires.

“Alley” means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

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“Arterial street” means any U.S. or State numbered route, controlled-access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

“Authorized emergency vehicle” means such Fire Department vehicles, police bicycles, or police vehicles ~~which~~ that are publicly owned, including law enforcement vehicles owned by the federal government; motor vehicles operated by ambulance services permitted by the Emergency Medical Services Board under the provisions of K.S.A. 65-6101 et seq., and amendments thereto; wreckers, tow trucks or car carriers, as defined by K.S.A. 66-1329, and amendments thereto, having a certificate of public service from the State Corporation Commission, and when operating under the direction of a duly authorized law enforcement officer; and such other publicly or privately owned vehicles which are designated as emergency vehicles pursuant to K.S.A. 8-2010 and amendments thereto.

“Authorized telecommunications vehicle” means a motor vehicle operated by a provider or a wireless infrastructure provider or a wireless services provider, when such vehicle is utilized for repairs and is making use of visual signals meeting the requirements of Section 10.01.172.

“Authorized utility vehicle” means a motor vehicle operated by an authorized person for an electric or natural gas public utility or a City-owned utility, when such motor vehicle is utilized for repairs that are needed on electric utility or natural gas equipment to restore necessary services or ensure public safety and is making use of visual signals meeting the requirements of Section 10.01.172.

“Autocycle” means a three (3) wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.

“Automated driving system” means the hardware and software collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the system is limited to a specific operational design domain, if any.

“Bicycle” means every device propelled by human power upon which any person may ride, having two (2) tandem wheels, either of which is more than fourteen inches (14”) in diameter.

“Bus” means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

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“Business district” means the territory contiguous to and including a highway when within any six hundred feet (600') along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred feet (300') of frontage on one (1) side or three hundred feet (300') collectively on both sides of the highway.

“Cancellation of a driver’s license” means the annulment or termination by formal action of the Division of a person’s driver’s license because of some error or defect in the license or because the licensee is not entitled to such license, but the cancellation of a license is without prejudice; and application for a new license may be made at any time after such cancellation.

“Cereal malt beverage” means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt and/or malt substitute, but not including any such liquor which is more than three and one-fifths percent (3.2%) alcohol by weight.

“Chief of Police” means the Chief of Police of the City, or any member of the Police Department of the City designated by the Chief of Police to act in his or her place.

“Church bus” means every bus owned by a religious organization, and operated for the transportation of persons to or from services or activities of such religious organization. As used in this section, “religious organization” means any organization, church, body of communicants or group, gathered in common membership for mutual edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place.

“City” or “this City” means the City of Olathe, Kansas.

“City Traffic Engineer” means the Chief Traffic Engineer for the City or any member of the City Traffic Department designated by the Chief Traffic Engineer to act in his or her place.

“Commercial motor vehicle” means a motor vehicle designed or used to transport passengers or property, if:

- (1) The vehicle has a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds or such lesser rating, as determined by rules and regulations adopted by the Secretary, but shall not be more restrictive than the federal regulation;
- (2) The vehicle is designed to transport sixteen (16) or more passengers, including the driver; or

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(3) The vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F, effective January 1, 1991.

“Compression release engine braking system” means a hydraulically operated device that converts a power producing diesel engine into a power-absorbing retarding mechanism.

“Controlled-access highway” means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

“Conventional human driver” means a natural person who manually controls the in-vehicle accelerating, braking, steering and transmission gear selection input devices in order to operate a motor vehicle.

“Crosswalk” means:

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

“Day care program” means those programs which provide day service for development in self-help, social, recreational and work skills for people with intellectual and other disabilities, giving priority to providing services for young people with severe intellectual and other disabilities.

“Day care program bus” means every bus used primarily to carry out functions of a day care program or used by a child care facility licensed by the Kansas Department of Health and Environment which provides transportation for children six (6) through eighteen (18) years of age.

“Digital network” means any online-enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

“Director” means the Director of Vehicles.

“Divided highway” means a highway divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

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“Division” means the Division of Vehicles of the Department of Revenue.

“Drag race” means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one (1) or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

“Drawbar” means a bar across the rear of a motor vehicle, or a device securely attached to the motor vehicle, which maintains a fixed position and to which a tow bar may be coupled.

“Driveaway-towaway operations” means any operation in which any motor vehicle, trailer or semi-trailer, singly or in combination, new or used, constitutes the commodity being transported, when one (1) set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.

“Driver” means every person who drives or is in actual physical control of a vehicle.

“Driverless-capable vehicle” means an ADS-equipped vehicle capable of performing the entire dynamic driving task within the automated driving system’s operational design domain, if any, including, but not limited to, achievement of a minimal risk condition without intervention of supervision by a conventional human driver.

“Driver’s license” means any license to operate a motor vehicle issued under the laws of this State, or any other state.

“Dynamic driving task” means all real-time operational and tactical functions required to operate a motor vehicle on a highway in traffic within an automated driving system’s specific operational design domain, if any.

“Dynamic driving task” does not include any strategic function such as trip scheduling or the selection of destinations and waypoints.

“Electric-assisted bicycle” means a bicycle with two (2) or three (3) wheels, a saddle, fully operative pedals for human propulsion, and an electric motor of less than 750 watts that meets the requirement of one of the following three classes:

- (1) “Class 1 electric-assisted bicycle” means an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;

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- (2) "class 2 electric-assisted bicycle" means an electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; or
- (3) "class 3 electric-assisted bicycle" means an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

Any electric-assisted bicycle capable of being operated as a class 3 electric-assisted bicycle will be considered a class 3 electric-assisted bicycle, even if it can be switched to operate as a class 1 or class 2 electric-assisted bicycle. Any electric-assisted bicycle with a missing or unreadable class label may be presumed to be a motor-driven cycle unless the owner or rider can otherwise prove the device meets the above definition.

"Electric-assisted scooter" means every self-propelled vehicle, other than an electric-assisted bicycle, that has at least two (2) wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding.

"Electric personal assistive mobility device" means a self-balancing two (2) nontandem wheeled device, designed to transport only one (1) person, with an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour or less.

"Electric vehicle" means a vehicle that is powered by an electric motor drawing current from rechargeable storage batteries or other portable electric energy storage devices, provided the recharge energy must be drawn from a source off the vehicle, such as, but not limited to:

- (1) Residential electric service;
- (2) An electric vehicle charging station, also called an EV charging station, an electric recharging point, a charging point, electric vehicle supply equipment (EVSE) or a public charging station.

"Essential parts" means all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

"Exhibition of speed or acceleration" means those acts which cause or create unnecessary rapid acceleration, unnecessary tire squeal, skid, smoke, or slide upon acceleration or stopping including the casting of tread, gravel, dirt or other road surface materials from the tires; acts that

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simulate a temporary race; acts that cause the vehicle to unnecessarily turn abruptly, sway or lose traction with the road surface.

“Explosives” means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

“Farm tractor” means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements, such as drawing plows, mowing machines and other implements of husbandry, in any manner consistent with the structural design of such power unit.

“Flammable liquid” means any liquid which has a flashpoint of seventy (70) degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed cup test device.

“Funeral escort” means a person or entity that provides escort services for funeral processions, including law enforcement personnel and agencies and groups designated to escort military funeral processions.

“Funeral lead vehicle” means any authorized law enforcement or non-law enforcement vehicle properly equipped pursuant to Section 10.01.163 or a funeral escort vehicle being used to lead and facilitate the movement of a funeral procession. A funeral hearse may serve as a funeral lead vehicle.

“Funeral procession” means two (2) or more vehicles accompanying the body of a deceased person, or traveling to the cemetery, church, chapel, or other location where the funeral service is to be held, in the daylight hours, including a funeral lead vehicle or a funeral escort.

“Golf cart” means a motor vehicle that does not have fewer than three (3) wheels in contact with the ground, an unladen weight of not more than one thousand eight hundred (1,800) pounds, is designed to be and is operated at not more than twenty-five (25) miles per hour and is designed to carry not more than four (4) persons including the driver.

“Governing Body” means the Mayor and Council of this City.

“Gross weight” means the weight of a vehicle without load plus the weight of any load thereon.

Highway. See “street” or “highway.”

“House trailer” means:

- (1) A trailer or semi-trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or
- (2) A trailer or a semi-trailer whose chassis and exterior shell are designed and constructed for use as a house trailer, as defined in subsection (1) of this definition, but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.
- (3) “House trailer” does not include a manufactured home or a mobile home, as such terms are defined in K.S.A. 58-4202.

“Identifying numbers” means the numbers, and letters, if any, on a vehicle designated by the Division for the purpose of identifying the vehicle.

“Ignition interlock device” means a device which uses a breath analysis mechanism to prevent a person from operating a motor vehicle if such person has consumed an alcoholic beverage.

“Implement of husbandry” means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots and only incidentally moved or operated upon the highways. “Implement of husbandry” includes, but is not limited to, a farm tractor; a self-propelled farm implement; a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership; a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung; a mixer-feed truck owned and used by a feedlot, as defined by K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing feed to livestock in such feedlot.

“Intersection” means:

- (1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles

traveling upon different highways joining at any other angle may come in conflict; or

(2) Where a highway includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty feet (30') or more apart, then every crossing of two (2) roadways of such highway shall be regarded as a separate intersection. The junction of an alley with a street or highway shall not constitute an intersection.

“Interstate system” means the national system of interstate and defense highways.

“Intoxicating liquor” means any alcoholic liquor, beer, cereal malt beverage, nonalcoholic malt beverage, spirit or wine.

“Laned roadway” means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

“License” or “license to operate a motor vehicle” means any driver’s license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this State, including:

- (1) Any temporary license or instruction permit;
- (2) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and
- (3) Any nonresident’s operating privilege.

“Light transmission” means the ratio of the amount of total light to pass through a product or material including any safety glazing material to the amount of the total light falling on the product or material and the glazing.

“Litter” is as defined in Section 10.01.105.

“Low-pressure tire” means any pneumatic tire six inches (6") or more in width, designed for use on wheels with rim diameter of twelve inches (12") or less, and utilizing an operating pressure of ten (10) pounds per square inch or less as recommended by the vehicle manufacturer.

“Low-speed vehicle” means any four (4) wheeled electric vehicle whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour and is manufactured in compliance with the National Highway and Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571.500.

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“Luminous reflectance” means the ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or material.

“Mail” means to deposit in the United States mail properly addressed and with postage prepaid.

“Manufacturer” means every person engaged in the business of manufacturing motor vehicles, trailers or semi-trailers.

“Metal tire” means every tire the surface of which, in contact with the highway, is wholly or partly of metal or other hard, nonresilient material.

“Micro utility truck” means any motor vehicle which is not less than forty-eight inches (48") in width, has an overall length, including the bumper, of not more than one hundred sixty inches (160"), has an unladen weight, including fuel and fluids, of more than one thousand five hundred (1,500) pounds, can exceed forty (40) miles per hour as originally manufactured and is manufactured with a metal cab. “Micro utility truck” does not include a work-site utility vehicle or recreational off-highway vehicle.

“Minimal risk condition” means a reasonably safe state to which an automated driving system brings an ADS-equipped vehicle upon experiencing a performance-relevant failure of the system that renders the system unable to perform the entire dynamic driving task, including, but not limited to, removing the vehicle to the nearest shoulder if the vehicle is capable of doing so, bringing the vehicle to a complete stop and activating the vehicle’s emergency signal lamps.

“Motor-driven cycle” means every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, and every bicycle with motor attached except a motorized bicycle, a low power cycle or an electric-assisted bicycle. “Motor-driven cycle” includes any bicycle with an electric motor that does not fall within the definition of “electric-assisted bicycle.”

“Motor home” means every motor vehicle designed to provide temporary living quarters for recreational, camping or travel use.

“Motor vehicle” means every vehicle, other than a motorized bicycle, electric-assisted bicycle or a motorized wheelchair, which is self-propelled.

“Motorcycle” means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground including, but not limited to, any such vehicle with an electric motor but without pedals for human propulsion, as well as vehicles commonly known as autocycles, pocket bikes, miniature

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motorcycles, miniature choppers and similar motorized vehicles, but excluding an electric-assisted bicycle or a tractor.

“Motorized bicycle” means every device, other than a bicycle with an electric motor, having two (2) tandem wheels or three (3) wheels, that may be propelled by either human power or helper motor, or by both, and has: (1) a motor that produces not more than three and one-half (3.5) brake horsepower; (2) a cylinder capacity of not more than one hundred thirty (130) cubic centimeters; (3) an automatic transmission; and (4) the capability of a maximum design speed of no more than thirty (30) miles per hour.

“Motorized skateboard” means a self-propelled device without handlebars which has a motor or engine, a deck on which a person may ride and at least one (1) wheel in contact with the ground, and includes, but is not limited to, devices commonly known as electric one (1) wheel boards, hoverboards, self-balancing skateboards, and similar devices.

“Motorized wheelchair” means any self-propelled vehicle, designed specifically for use by a physically disabled person, that is incapable of a speed in excess of fifteen (15) miles per hour.

“Narrow width lane” means a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

“Nonhighway tire” means any pneumatic tire six inches (6") or more in width, designed for use on wheels with rim diameter of fourteen inches (14") or less.

“Nonhighway vehicle” means:

- (1) Any motor vehicle that cannot be registered because it is not manufactured for the purpose of using the same on the highways of this State and is not provided with the equipment required by State statute for vehicles of such type that are used on the highways of this State;
- (2) Any motor vehicle, other than a salvage vehicle, for which the owner has not provided motor vehicle liability insurance coverage or an approved self insurance plan under K.S.A. 40-3104, and amendments thereto, and has not applied for or obtained registration of such motor vehicle in accordance with Article 1 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto;
- (3) Any all-terrain vehicle;
- (4) Any work-site utility vehicle;

- (5) Any micro utility truck;
- (6) Any recreational off-highway vehicle; or
- (7) Any travel trailer that cannot be registered because it is not manufactured for the purpose of using the travel trailer on the highways of this State and is not provided with the equipment by State statute for travel trailers that are used on the highways of this State.

“Nonhighway vehicle” shall not include an implement of husbandry, as defined in K.S.A. 8-126, and amendments thereto.

“Nonreflective” means a product or material designed to absorb light rather than to reflect it.

“Nonresident” means every person who is not a resident of this State.

“Nonresident’s operating privilege” means the privilege conferred upon a nonresident by the laws of this State pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this State.

“Official time standard” means whenever certain hours are specified they shall mean standard time or daylight-saving time as may be in current use in this City.

“Official traffic-control devices” means all signs, signals, markings, and devices, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

“Official traffic-control signal” means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

“Operational design domain” means a set of operating conditions under which a given automated driving system feature is specifically designed to function. “Operational design domain” includes, but is not limited to, environmental, geographical and time-of-day restrictions or the requisite presence or absence of certain traffic or roadway characteristics.

“Ordinance traffic infraction” means a violation of any section of this chapter that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118, as amended.

“Other competent evidence” includes:

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- (1) Alcohol concentration tests obtained from samples taken three (3) hours or more after the operation or attempted operation of a vehicle; and/or
- (2) Readings obtained from a partial alcohol concentration test on a breath testing instrument.

“Owner” means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement or the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of thirty (30) days or more with an immediate right of possession vested in the lessee, or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this chapter.

“Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

“Passenger car” means every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

“Passenger vehicle” means every motor vehicle, as herein defined, which is designed primarily to carry ten (10) or fewer passengers, and which is not used as a truck.

“Pedestrian” means any person afoot or any person in a wheelchair, either manually or mechanically propelled, or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person, or any person using an electric personal assistive mobility device.

“Person” means every natural person, firm, association, partnership or corporation.

“Person with a disability” means any individual who:

- (1) Has a severe visual impairment;
- (2) Cannot walk one hundred feet (100') without stopping to rest;
- (3) Cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- (4) Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one (1) second,

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when measured by spirometry, is less than one (1) liter or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest;

(5) Uses portable oxygen;

(6) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or

(7) Is severely limited in such person's ability to walk at least one hundred feet (100') due to an arthritic, neurological or orthopedic condition.

"Pneumatic tire" means every tire in which compressed air is designed to support the load.

"Pole trailer" means any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

"Police officer" means every law enforcement officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

"Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Racing" means the use of one (1) or more vehicles in an attempt to outgain, outdistance or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes.

"Railroad" means a carrier of persons or property upon cars operated upon stationary rails.

"Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

"Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

"Recreational off-highway vehicle" means any motor vehicle greater than fifty inches (50") but not greater than seventy-five inches (75") in width,

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having a dry weight greater than one thousand five hundred (1,500) pounds but not greater than three thousand five hundred (3,500) pounds, traveling on four (4) or more nonhighway tires, having a nonstraddle seat and steering wheel for steering control.

“Recreational vehicle” means a vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted on or drawn by another vehicle, and which has a body width not exceeding eight feet (8') and a body length not exceeding forty feet (40'); but such term shall not include a unit which has no electrical system which operates above twelve (12) volts and has no provisions for plumbing, heating, and any other component or feature for which a standard is adopted by the State uniform standards code for mobile homes and recreational vehicles.

“Registration” means the registration certificate or certificates and registration plates issued under the laws of this State pertaining to the registration of vehicles.

“Residence district” means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet (300') or more is improved in the main with residences or residences and buildings in use for business.

“Revocation of driver’s license” means the termination by formal action of the Division of a person’s license or privilege to operate a motor vehicle on the highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Division after the expiration of the applicable period of time prescribed by State law.

“Right-of-way” means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

“Road construction zone” means that portion of the highway which is identified by posted or moving signs as being a construction or maintenance work area. The zone starts at the first sign identifying the zone and continues until a posted or moving sign indicates the road construction zone has ended.

“Roadway” means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term

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“roadway” as used herein shall refer to any such roadway separately but not to all such roadways collectively.

“Safety hitch” means a chain, cable, or other material of sufficient weight which will prevent the towed vehicle from breaking loose in the event the tow bar or drawbar fails or becomes disconnected.

“Safety zone” means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

“Samples” includes breath supplied directly for testing, which breath is not preserved.

“School bus” means every motor vehicle defined and designated as a school bus in K.S.A. 72-8301(g)(1) as amended.

“School crossing guard” means a person eighteen (18) years of age and older acting with or without compensation and who is authorized under K.S.A. 8-15104 and amendments thereto, to supervise, direct, monitor, or otherwise assist school children at a street or intersection in the vicinity of a school crosswalk or bus stop.

“Secretary” means the Secretary of the Kansas Department of Transportation.

“Semi-trailer” means every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

“Sidewalk” means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

“Solid rubber tire” means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

“Special mobile equipment” means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include

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house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

“Specially constructed vehicle” means every vehicle of a type required to be registered in this State, not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

“Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

“State” means the State of Kansas.

“Stop,” when required, means complete cessation from movement.

“Stop” or “stopping,” when prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

“Street or highway” or “street” or “highway” means the entire width between the boundary lines (including, but not limited to, the roadway, sidewalk, and any unpaved area) of every way when any part thereof is open to the public for purposes of vehicular travel. Where the word “street” or the word “highway” is used in this chapter, it includes such ways regardless of name or public or private ownership, including, but not limited to, any avenue, boulevard, thoroughfare, trafficway, alley, public or private parking lot, road, or private road or other privately owned property throughout the City open to the public for purposes of vehicular travel, unless the context clearly indicates otherwise.

“Sun screening devices” means a film material or device that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

“Suspension of a driver’s license” means the temporary withdrawal by formal action of the Division of a person’s license or privilege to operate a motor vehicle on the highways.

“Through highway” means every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such highway in obedience to either a stop sign, yield sign or other traffic-control device, when such signs or devices are erected as provided in this chapter.

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“Tow bar” means a rigid piece of material which is structurally adequate to hold any weight vehicle towed and which is properly and securely mounted to the towed vehicle without excessive slack but with sufficient play to allow for universal action of the connection and which is equipped with a suitable locking device to prevent accidental separation of the towing vehicle and the towed vehicle.

“Toxic vapors” means the following substances or products containing such substances:

- (1) Alcohols, including methyl, isopropyl, propyl, or butyl;
- (2) Aliphatic acetates, including ethyl, methyl, propyl, or methyl cellosive acetate;
- (3) Acetone;
- (4) Benzene;
- (5) Carbon tetrachloride;
- (6) Cyclohexane;
- (7) Freons, including freon-11, freon-12 and other halogenated hydrocarbons;
- (8) Hexane;
- (9) Methyl ethyl ketone;
- (10) Methyl isobutyl ketone;
- (11) Naphtha;
- (12) Perchloroethylene;
- (13) Toluene;
- (14) Trichloroethane; or
- (15) Xylene.

“Traffic” means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

“Traffic-control signal” means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

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“Traffic-control signal preemption device” means any device, instrument, or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

“Traffic infraction” means a violation of any of the statutory provisions listed in K.S.A. 8-2118(c) as amended.

“Trailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle.

“Transportation network company” means a corporation, partnership, sole proprietorship or other entity operating in Kansas that uses a digital network to connect transportation network company riders to transportation network drivers who provide prearranged rides.

“Transportation network company driver” means an individual who:

- (1) Receives connections to potential passengers and related services from a transportation network company; and
- (2) Uses a personal vehicle to provide services for riders matched through a digital network controlled by a transportation network company and receives, in exchange for providing the passenger a ride, compensation that exceeds the individual’s cost to provide the ride.

“Truck” means a motor vehicle which is used for the transportation or delivery of freight and merchandise or more than ten (10) passengers.

“Truck-camper” means any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

“Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

“Urban district” means the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than one hundred feet (100') for a distance of a quarter of a mile or more.

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

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“Waste collection vehicle” means a vehicle specifically designed and equipped and used exclusively for garbage, refuse, recycling or solid waste collection or disposal operations.

“Wide-base single tires” means all tires having a section width, as specified by the manufacturer, of fourteen inches (14”) or more.

“Wireless communication device” means any wireless electronic communication device that provides for voice or data communication between two (2) or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. “Wireless communication device” does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.

“Work-site utility vehicle” means any motor vehicle which is not less than forty-eight inches (48”) in width, has an overall length, including the bumper, of not more than one hundred thirty-five inches (135”), has an unladen weight, including fuel and fluids, of more than eight hundred (800) pounds and is equipped with four (4) or more low-pressure tires, a steering wheel and a bench or bucket-type seating allowing at least two (2) people to sit side-by-side, and which may be equipped with a bed or cargo box for hauling materials. “Work-site utility vehicle” does not include a micro utility truck or recreational off-highway vehicle.

“Work upon a highway” means the construction, repair, or maintenance of:

- (1) The roadway itself or any adjacent part of the highway; or
- (2) Any public, utility, or telecommunications structure or facility that lies upon, along, above, or under the highway when the performance of the work must be done from within the boundary lines of the highway.

“Wrecker” or “tow truck” means any motor vehicle equipped with booms, winches or similar equipment specifically designed for recovery or towing of vehicles.

“Write, send or read a written communication” means using a wireless communication device to manually type, send or read a written communication, including, but not limited to, a text message, instant message or electronic mail.”

**SECTION TWO:** Section 10.01.085 of the Olathe Municipal Code is hereby amended to read as follows:

**“10.01.085 Stopping, Standing, or Parking Prohibited in Specified Places.**

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

(a) Stop, stand or park a vehicle:

- (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (2) On a sidewalk;
- (3) Within an intersection;
- (4) On a crosswalk;
- (5) Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (8) On any railroad tracks;
- (9) On any controlled-access highway;
- (10) In the area between roadways of a divided highway, including crossovers;
- (11) At any place where official signs prohibit stopping;
- (12) So as to block a sidewalk or access to a sidewalk whether parked on private or public property; or
- (13) So as to block access to a streetside mailbox between the hours of 8:00 a.m. and ~~5:00~~ 9:00 p.m. Monday through Saturday.

(b) Stand or park a vehicle, whether occupied or not except momentarily to pick up or discharge a passenger or passengers:

- (1) In front of a public or private driveway;
- (2) Within fifteen feet (15') of a fire hydrant;
- (3) Within twenty feet (20') of a crosswalk at an intersection;
- (4) Within thirty feet (30') upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;
- (5) Within twenty feet (20') of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet (75') of said entrance, when properly signposted; or

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- (6) At any place when official signs prohibit standing.
- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers:
  - (1) Within fifty feet (50') of the nearest rail of a railroad crossing; or
  - (2) At any place where official signs prohibit parking; or
  - (3) In a space marked or reserved for access to an electric vehicle charging station other than for the purpose of charging an electric vehicle.
- (d) Move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.
- (e) Stand or park a vehicle in areas designated as fire lanes upon public or private property."

**SECTION THREE:** Section 10.01.126.1 of the Olathe Municipal Code is hereby amended to read as follows:

### **"10.01.126.1 Obstructing License Plates.**

- (a) It shall be unlawful for any person to attach ~~and~~ or display on any vehicle, or to operate a vehicle with, a license plate, as required under Article 1 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto:
- (1) Which is covered, in whole or in part, with any clear or opaque material or any other plastic-like material that affects the plate's visibility or reflectivity; or
  - (2) With any frame or other object on or around the plate affecting the visibility or legibility as required in subsection(b).
- (b) Every license plate shall at all times be securely fastened to the vehicle to which it is assigned, to prevent the plate from swinging, and at a height not less than 12 inches from the ground, measuring from the bottom of such plate. The license plate shall be fastened in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.
- (c) As used in this section, "clearly legible," "clearly visible," "legibility" or "visibility" means the ability to determine the alphanumeric registration number assigned, the state of issue, the month of expiration on the registration decal, the color of the registration decal and any other required decal from a reasonably safe distance. "Clearly legible,"

"clearly visible," "legibility" or "visibility" does not include the ability to determine the abbreviated state designation on the registration decal, the expiration year on the registration decal and plate number on the registration decal.

(d) A law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (a)(2). The provisions of this subsection shall expire and have no effect on and after January 1, 2027."

**NEW SECTION FOUR:** Section 10.01.126.5 is hereby added to the Olathe Municipal Code to read as follows:

**"10.01.126.5                      Unlawful Use of a Mobile Telephone While Operating a Vehicle in a School Zone or Road Construction Zone.**

(a) No person shall use a mobile telephone while operating a motor vehicle in a school zone at a time when a reduced speed limit is enforced as established by K.S.A. 8-1560(a) or 8-1560e, and amendments thereto, or in a road construction zone, as that term is defined in K.S.A. 8-1458a, and amendments thereto, while workers are present and signs are posted at the beginning of the road construction zone alerting drivers to such workers.

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

- (1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment;
- (2) a person operating a motor vehicle that is halted at a location where the vehicle can safely and lawfully remain stationary; or
- (3) a mobile telephone that is being used with a hands-free device.

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

- (1) Report current or ongoing illegal activity to a law enforcement agency;
- (2) prevent imminent injury to a person or property;

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(3) summon medical or other emergency assistance; or

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

(d) Holding a mobile telephone shall constitute a rebuttable presumption of a violation of subsection (a) for persons operating a motor vehicle in a school zone or a road construction zone.

(e) A law enforcement officer shall not, without the consent of the person:

(1) Confiscate a mobile telephone device for the purpose of determining compliance with this section;

(2) confiscate a mobile telephone and retain it as evidence pending trial for a violation of this section; or

(3) extract or otherwise download information from a mobile telephone for a violation of this section unless:

(A) The law enforcement officer has probable cause to believe that the mobile telephone has been used in the commission of a crime;

(B) the information is extracted or otherwise download under a valid search warrant; or

(C) otherwise authorized by law.

(f) As used in this section:

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

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

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(3) (A) "Use a mobile telephone" means the use of the mobile telephone by an operator of the motor vehicle when performed without the use of a hands-free device.

(B) "Use a mobile telephone" does not apply to:

(i) A voice-based communication that is automatically converted to the device to be sent as a message in a written form when used in hands-free mode;

(ii) the use of the device for navigation of the vehicle or for global positioning system purposes when used in hands-free mode; or

(iii) the use of the device to perform any task that would otherwise be allowed to be performed on the motor vehicle's entertainment system when used in hands-free mode.

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

**SECTION FIVE:** Section 10.01.135.4 of the Olathe Municipal Code is hereby amended to read as follows:

**"10.01.135.4 Unlawful Operation of All-Terrain Vehicle, ~~or~~ Recreational Off-Highway Vehicle, or Work-Site Utility Vehicle.**

(a) Except as provided in subsection (b), (c) or (d) of this section, it shall be unlawful for any person to operate an all-terrain vehicle, ~~or a~~ recreational off-highway vehicle, or work-site utility vehicle:

(1) On any interstate highway, federal highway or State highway; ~~or~~

(2) On any public roadway with a speed limit of greater than thirty (30) miles per hour or any sidewalk, jogging path, trail, or any other location normally used for pedestrian traffic within the corporate limits of the City of Olathe, unless ~~operated on private property with the consent of the property owner for nonrecreational property maintenance and/or agricultural purposes, or~~ operated by the City of Olathe or any unified school district for public safety and/or property maintenance purposes;

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(3) On any public roadway with a speed limit of thirty (30) miles per hour or less within the corporate limits of the City of Olathe, unless:

(A) The operator of the vehicle has a valid driver's license;

(B) The owner maintains insurance for the vehicle that includes coverage for operation on public roads and meets the minimum insurance requirements for motor vehicles as set forth in K.S.A. 40-3107; and

(C) The number of occupants of the vehicle is limited to the number of seats factory installed.

(b) Notwithstanding the provisions of subsection (a) of this section, all-terrain vehicles or recreational off-highway vehicles owned, operated or contracted by a County noxious weed department or the Kansas Department of Transportation may be used for the eradication of noxious weeds. The Kansas Department of Transportation may be allowed to operate such all-terrain vehicles or recreational off-highway vehicles upon the right-of-way of any federal highway or State highway for the purpose of eradicating noxious weeds and such all-terrain vehicles or recreational off-highway vehicles may be operated incidentally thereto upon such federal highway or State highway.

(c) Notwithstanding the provisions of subsection (a) of this section, all-terrain vehicles, ~~or~~ recreational off-highway vehicles, or work-site utility vehicles may be operated to cross a federal highway or State highway.

(d) Notwithstanding the provisions of subsection (a)(1) of this section, persons engaged in agricultural purposes may operate all-terrain vehicles, ~~or~~ recreational off-highway vehicles, or work-site utility vehicles on a federal highway or State highway under the following conditions:

(1) The operator of the all-terrain vehicle, ~~or~~ recreational off-highway vehicle, or work-site utility vehicle must be a licensed driver and be operating within the restrictions of the operator's license;

(2) The federal highway or State highway must have a posted speed limit of sixty-five (65) miles per hour or less;

(3) The operator of the all-terrain vehicle, ~~or~~ recreational off-highway vehicle must operate the all-terrain vehicle, ~~or~~ recreational off-highway vehicle, or work-site utility vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and

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(4) The purpose of the trip using the all-terrain vehicle, ~~or~~ recreational off-highway vehicle, or work-site utility vehicle must be for agricultural purposes.

(e) No all-terrain vehicle, ~~or~~ recreational off-highway vehicle, or work-site utility vehicle shall be operated on any public highway, street, or road between sunset and sunrise unless equipped with lights as required by law for motorcycles.”

**SECTION SIX:** Section 10.01.169 of the Olathe Municipal Code is hereby amended to read as follows:

### **“10.01.169 Special Restrictions on Lamps.**

(a) During the ~~time~~ times specified in Section 10.01.144, any lighted ~~lamps~~ lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, vehicular hazard warning lamps, and school bus warning lamps ~~which~~ that project projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet (75') from the vehicle.

(b) Except as required or permitted in Sections 10.01.160, 10.01.169.1 and 10.01.170, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device capable of displaying a red light visible from directly in front of the center thereof, nor shall any vehicle or equipment upon any highway have any lamp or device displaying any color of light visible from directly in front of the center thereof except white or amber or any shade of color between white and amber.

(c) Flashing lights are prohibited except as authorized or required in Sections 10.01.160, 10.01.161, 10.01.163(e), 10.01.170, 10.01.171 and 10.01.172.

(d) Except as provided in Section 10.01.172, ~~The~~ the flashing lights described in Sections 10.01.160, 10.01.170 and 10.01.171 shall not be used on any vehicle other than a school bus, church bus, or day program bus as defined in Section 10.01.171, or an authorized emergency vehicle.

(e) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light

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illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.”

**SECTION SEVEN:** Section 10.01.172 of the Olathe Municipal Code is hereby amended to read as follows:

**“10.01.172 Highway Construction and Maintenance Vehicles.**

(a) Except as provided below, ~~It~~ it shall be unlawful to operate any snow removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted by the Secretary.

(b) Notwithstanding the provisions of Section 10.01.169, vehicles engaged in highway construction and maintenance operations may display flashing, rotating or oscillating amber, green or white lights at all times in a road construction zone. Such lights may be displayed by themselves or in a combination of two or three of such lights.

(c) Notwithstanding the provisions of Section 10.01.169, stationary trailers engaged in highway construction and maintenance operations may display flashing, rotating or oscillating white and blue lights within the area of a road construction zone when any portion of the highway is closed, subject to the following conditions:

(1) The lights are used during the hours between sunset and sunrise; and

(2) There are workers present in such road construction zone.”

**SECTION EIGHT:** Section 10.01.175.1 of the Olathe Municipal Code is hereby amended to read as follows:

**“10.01.175.1 Engine and Braking Noise.**

It shall be unlawful for the driver of any motor vehicle to use or operate or cause to be used or operated within the City any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle or compression release engine braking system, compression brake, or decompression brake (commonly referred to as a “jake brake”):

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(a) ~~which~~ Without such motor vehicle being equipped with a muffler in accordance with K.S.A. 8-1739, and amendments thereto; or

(b) Regardless of compliance with subsection (a), that results in ~~the~~ excessive, loud, unusual, or explosive noise from such vehicle.

Such prohibition shall not apply if an emergency situation exists and the use of mechanical exhaust device is necessary for the protection of persons or property.”

**SECTION NINE:** Section 10.01.201.1 of the Olathe Municipal Code is hereby amended to read as follows:

### **“10.01.201.1 Failure to Comply with Traffic Citation.**

(a) It shall be unlawful to fail to comply with a traffic citation. Failure to comply with a traffic citation means failure either to:

(1) Appear before the municipal court in response to a traffic citation and pay any fine and court costs imposed as ordered by the court; or

(2) Otherwise comply with a traffic citation issued for an ordinance infraction.

Failure to comply with a traffic citation shall be unlawful regardless of the disposition of the charge for which such citation was originally issued.

(b) (1) (A) In addition to penalties of law applicable under subsection (a) of this section, when a person fails to comply with a traffic citation, except for any violations provided in subsection (b)(1)(C) of this section, the municipal court shall mail notice to the person that if the person does not appear in municipal court or pay fines, court costs, and any penalties as ordered by the court within thirty (30) days from the date of mailing notice, the Division of Vehicles will be notified to suspend the person’s driving privileges unless such person is eligible for restricted driving privileges as provided in K.S.A. 8-2110, and amendments thereto. The municipal court may charge an additional fee of Five Dollars (\$5.00) for mailing such notice. Upon the person’s failure to comply within such thirty (30) days, the municipal court shall electronically notify the Division of Vehicles unless the court has determined pursuant to a written order that the person shall fulfill any requirements set forth by the court prior to the suspension. Failure to abide by the terms of the order shall result in the court notifying the

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Division of Vehicles that the person's license shall be suspended for the failure to comply with a traffic citation. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the Division of Vehicles shall notify the violator and suspend the license of the violator in accordance with the provisions of K.S.A. 8-2110. When the municipal court determines the person is in substantial compliance with the terms of the traffic citation, the court shall immediately electronically notify the Division of Vehicles of such compliance. Upon receipt of notification of such compliance from the municipal court, the Division of Vehicles shall terminate the restriction, suspension, or suspension action.

(B) A person operating a motor vehicle in violation of restrictions provided in K.S.A. 8-2110 shall be guilty of operating a vehicle in violation of restrictions as provided in OMC 10.01.195.

(C) Violations of the following sections shall not provide the basis for a violation of this section: OMC 5.44.020(D), 9.06.020, 9.06.025, 9.06.080, 9.07.130, 9.07.140, 9.07.150, 9.07.160, 9.11.010, 10.01.018, 10.01.063, 10.01.065, 10.01.067, 10.01.068, 10.01.069, 10.01.074, 10.01.083, 10.01.085, 10.01.086, 10.01.105, 10.01.107, 10.01.112, 10.01.115.1, 10.01.122, 10.01.124, 10.01.127, 10.01.129, 10.01.130, 10.01.131, 10.01.132, 10.01.133, 10.01.135.1, 10.01.135.3, 10.01.135.7, and 10.01.174.1.

(D) The provisions of subsection (b)(1)(C) of this section shall be construed and applied retroactively. A person may petition the municipal court if the person should have complied with a citation from the court that led to a prior violation of this section. If the municipal court determines that the person committed an offense that does not provide the basis for a violation of this section, as amended by the ordinance codified in this section, the court shall immediately electronically notify the Division of Vehicles. Upon receipt of such notification from the municipal court, the Division of Vehicles shall terminate any restriction, suspension, or suspension action that resulted from the prior violation of this section.

(2) (A) In lieu of suspension under subsection (b)(1) of this section, the driver may submit to the Division of Vehicles a written request for restricted driving privileges in accordance with the provisions of K.S.A. 8-2110. The driver may apply and be eligible for restricted driving privileges pursuant to this section if such driver has previously been approved for restricted driving privileges pursuant to subsection (b)(1) of this section.

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(B) A person whose driving privileges have been revoked solely for driving a motor vehicle on any highway as defined in K.S.A. 8-1424, and amendments thereto, of this State at a time when such person's privilege to do so was canceled, suspended, or revoked for failure to comply with a traffic citation pursuant to this section may submit to the Division of Motor Vehicles a written request for restricted driving privileges in accordance with the provisions of K.S.A. 8-2110.

(C) A person whose driver's license has expired during the period when such person's driver's license has been suspended for failure to pay fines for traffic citations, the driver may submit to the Division of Vehicles a written request for restricted driving privileges in accordance with the provisions of K.S.A. 8-2110.

(D) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the Division of Vehicles until the terms of the traffic citation have been substantially complied with and the municipal court shall immediately electronically notify the Division of Vehicles of such substantial compliance. If the driver fails to substantially comply with the traffic citation, the driving privileges will be suspended by the Division of Vehicles until the municipal court determines the person has substantially complied with the terms of the traffic citation and the court shall immediately electronically notify the Division of Vehicles of such substantial compliance. Upon receipt of notification of such compliance from the municipal court, the Division of Vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the circumstances set forth in K.S.A. 8-2110 for such restricted driving privileges.

(c) Except as provided in subsection (d) of this section, when the municipal court notifies the Division of Vehicles of failure to comply with a traffic citation pursuant to subsection (b) of this section, the court shall assess a reinstatement fee of One Hundred Dollars (\$100.00). Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto.

(d) The municipal court shall waive the reinstatement fee provided for in subsection (c) of this section, if the failure to comply with a traffic citation was the result of such person enlisting or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member

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of the State of Kansas National Guard, or volunteering for such active duty, and being absent from Kansas because of such military service.

- (e) (1) A person who is assessed a reinstatement fee pursuant to subsection (c) of this section may petition the municipal court at any time to waive payment of the fee, or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(2) A person who is assessed a fine or court costs for a traffic citation may petition the municipal court at any time to waive payment of the fine or costs, or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(3) The clerk of the municipal court shall make forms available to any person seeking to petition the court to waive or reduce traffic fines, court costs or reinstatement fees.
- (f) (1) Prior to issuing an order pursuant to this section that notifies the Division of Vehicles to restrict or suspend a person's driving privileges, the municipal court shall consider:
  - (A) Waiver or reduction of fees, fines and court costs and allowing for payment plans for any fees, fines and court costs; and
  - (B) Alternative requirements in lieu of restriction or suspension of driving privileges, including, but not limited to, alcohol or drug treatment or community service.

(2) Nothing in this subsection shall be construed to require the court to make written findings or written payment plan orders.
- (g) (1) Any conviction [or sanction](#) for a failure to comply pursuant to this section shall not be considered by the municipal court or the Division of Vehicles in determining suspended or restricted driving privileges if such conviction is more than five (5) years old.

(2) The provisions of this subsection shall be construed and applied retroactively.

## ATTACHMENT A

(h) As used in this section, “substantial compliance” or “substantially complied” means the person has followed the orders of the municipal court involving payments of fines, court costs and any penalties, and has not failed substantially in making payments or satisfying the terms of the court order.”

**SECTION TEN:** Existing Sections 10.01.001, 10.01.085, 10.01.126.1, 10.01.135.4, 10.01.135.8, 10.01.169, 10.01.172, 10.01.175.1, and 10.01.201.1 of the Olathe Municipal Code are hereby repealed.

**SECTION ELEVEN:** This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

**PASSED** by the Governing Body this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

**SIGNED** by the Mayor:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## **ATTACHMENT A**

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.