

ORDINANCE NO. 22-36

AN ORDINANCE PERTAINING TO THE OLATHE TRAFFIC CODE; AMENDING SECTIONS 10.01.001, 10.01.030, 10.01.030.1, 10.01.030.5, 10.01.126.3 AND 10.01.134 AND REPEALING THE EXISTING SECTIONS; ADDING NEW SECTION 10.01.126.4; ALSO REPEALING SECTION 10.01.030.6.

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 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.

“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 are publicly owned; 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.

“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
- (3) The vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. § 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.

“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 out-distance 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 requirements 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;
- (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.

“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 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 flash point 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 nonlaw 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 is 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.

“Luminous reflectants” 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 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, vehicles commonly known as autocycles, pocket bikes, miniature motorcycles, miniature choppers and similar motorized vehicles, but excluding an electric-assisted bicycle or a tractor.

“Motorized bicycle” means every device, other than an electric-assisted bicycle, 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 scooter” means any tandem-wheeled device, other than an electric-assisted scooter, powered by a gas or electric motor that has a skateboard-type deck and handlebars, and either is designed to be stood upon by the operator, or has a seat mounted on the deck designed to be sat upon by the operator. Motorized scooters shall be considered skateboards for purposes of Section 10.01.136.

“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 wheel in contact with the ground, and includes, but is not limited to, devices commonly known as electric one-wheel boards, hoverboards, self-balancing skateboards, and similar devices. Motorized skateboards shall be considered skateboards for purposes of Section 10.01.136.

“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~~“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. Supp. 8-2118, as amended.

“Other competent evidence” includes:

(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, 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 out-gain, out-distance 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, 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 “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 subsection (g)(1) of K.S.A. 72-8301 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 carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include 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 of every way when any part thereof is open to the public for purposes of vehicular travel, including any street, avenue, boulevard, thoroughfare, traffic way, alley, public or private parking lot, roadway, private roadway, privately owned property throughout the City and any other public way for vehicular travel by whatever name 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.

“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) Perchlorethylene;
- (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.

“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 subsection (c) of K.S.A. 8-2118 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.

“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.

“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 10.01.030 of the Olathe Municipal Code is hereby amended to read as follows:

10.01.030 Driving Under the Influence of Intoxicating Liquor or Drugs; Penalties.

~~(A)~~(a) Driving under the influence is operating or attempting to operate any vehicle within this City while:

- (1) The alcohol concentration in the person’s blood or breath as shown by any competent evidence including other competent evidence as defined in ~~of Subsection (f)(1) of~~ K.S.A. 8-1013(f)(1), and amendments thereto, is 0.08 or more;
- (2) The alcohol concentration in the person’s blood or breath, as measured within three (3) hours of the time of operating or attempting to operate a vehicle, is 0.08 or more;
- (3) Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
- (4) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle;
or
- (5) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

~~(B)~~(b) (1) Driving under the influence is:

~~(a)~~(A) On a first conviction a Class B, ~~non-person~~ public offense. The person convicted shall be sentenced to not less than forty-eight (48) consecutive hours nor more than six (6) months’ imprisonment, or in the court’s discretion one hundred (100) hours of public service, and fined not less than Seven Hundred Fifty Dollars (\$750.00) nor more than One Thousand Dollars (\$1,000.00). ~~The person convicted shall serve at least forty-eight (48) consecutive hours’ imprisonment or one hundred (100) hours of public service either before or as a~~

~~condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the remainder of the sentence only after such person has served forty-eight (48) consecutive hours imprisonment. In addition to any fines imposed, the court shall order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted;~~

~~(b)(B) On a second conviction a Class A, non-person public offense. The person convicted shall be sentenced to not less than ninety (90) days nor more than one (1) year's imprisonment and fined not less than One Thousand Two Hundred Fifty Dollars (\$1,250.00) nor more than One Thousand Seven Hundred Fifty Dollars (\$1,750.00). In addition to any fines imposed, the court shall order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted. The person convicted shall serve at least five (5) consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five (5) days' imprisonment mandated by this subsection may be served in a work release program only after such person has served forty-eight (48) consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of one hundred twenty (120) hours of confinement. Such one hundred twenty (120) hours of confinement shall be a period of at least forty-eight (48) consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the five (5) days' imprisonment mandated by this subsection only after such person has served forty-eight (48) consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of one hundred twenty (120) hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be~~

~~counted as part of the one hundred twenty (120) hours;~~ following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least one hundred and twenty (120) hours of confinement. The hours of confinement shall include at least forty-eight (48) hours of imprisonment and otherwise may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto;

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of one hundred and twenty (120) hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of one hundred and twenty (120) hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of one hundred and twenty (120) hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's workday. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence; and

~~(e)~~(C) On a third conviction a Class A, ~~non-person~~ public offense, except as provided in K.S.A. 8-1567. The person convicted shall be sentenced to not less than ninety (90) days nor more than one (1) year's imprisonment and fined not less than One Thousand Seven Hundred Fifty Dollars (\$1,750.00) nor more than Two Thousand Five

Hundred Dollars (\$2,500.00). In addition to any fines imposed, the court shall order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted. ~~The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least ninety (90) days' imprisonment. The ninety (90) days' imprisonment mandated by this subsection may be served in a work release program only after such person has served forty-eight (48) consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of two thousand one hundred sixty (2,160) hours of confinement. Such two thousand one hundred sixty (2,160) hours of confinement shall be a period of at least forty-eight (48) consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day.~~

~~The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the 90 days imprisonment mandated by this subsection only after such person has served forty-eight (48) consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of two thousand one hundred sixty (2,160) hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the two thousand one hundred sixty (2,160) hours. following conditions shall apply to such sentence:~~

(i) As a condition of any probation granted under this subsection, the person shall serve at least thirty (30) days of confinement. After at least forty-eight (48) consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of thirty (30) days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first two hundred and forty (240) hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's workday. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence.

~~(2) In addition, for any conviction pursuant to subsection (B)(1)(C) of this Section, upon a grant of probation to an offender, the court shall order the offender, upon release from imprisonment, to be supervised by Olathe Court Services for a mandatory one (1) year period of supervision, which such period of supervision shall not be reduced. The risk and needs of the offender shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. An offender for whom a warrant has been issued by the court alleging a violation of this supervision shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it is found the offender has violated the provisions of this supervision, the court shall determine whether the time from the issuing of the warrant to the date of the court's determination of an alleged violation, or any part of it, shall be counted as time served on supervision. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment in jail for the remainder of the period of imprisonment, the remainder of the supervision period, or any combination or portion thereof. The term of supervision may be extended at the court's discretion beyond one (1) year, and any violation of the conditions of such extended term of~~

~~supervision may subject such person to the revocation of supervision and imprisonment in jail of up to the remainder of the original sentence, not the term of the extended supervision.~~

~~(3)~~ In addition, for any conviction pursuant to subsection ~~(B)(1)(e)~~ (b)(1)(C) of this Section, at the time of the filing of the judgment form or journal entry as required by K.S.A. 22-3426 or K.S.A. ~~2014~~ 2021 Supp. 21-6711, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The court shall determine whether the offender, upon release from imprisonment, shall be supervised by community correctional services or court services based upon the risk and needs of the offender. The risk and needs of the offender shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the supervision office appointed by the court. After the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a department of social and rehabilitation services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the social and rehabilitation services department designated treatment provider and the offender. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment in jail for the remainder of the period of imprisonment, the remainder of the supervision period, or any combination or portion thereof.

~~(4)~~(3) In addition, prior to sentencing for any conviction pursuant to subsection ~~(B)(1)(a)~~ (b)(1)(A) or ~~(B)(1)(b)~~ (b)(1)(B) of this Section, the court shall order the person to participate in an alcohol and drug

evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

~~(G)~~(c) Any person eighteen (18) years of age or older convicted of violating this Section ~~or an ordinance which prohibits the acts that this Section prohibits~~ who had one (1) or more children under the age of eighteen (18) years in the vehicle at the time of the offense shall have such person's punishment enhanced by one (1) month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this Section ~~or an ordinance which prohibits the acts that this Section prohibits~~. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

~~(D)~~(d) If a person is charged with a violation of this Section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

~~(E)~~(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this Section. Any assessments and costs shall be required to be paid not later than ninety (90) days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

~~(F)~~(f) (1) In lieu of payment of a fine imposed pursuant to this Section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to Five Dollars (\$5.00) for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one (1) year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(2) The court may, in its discretion, waive any portion of a fine imposed pursuant to this Section, except the \$250 required to be remitted to the state treasurer pursuant to K.S.A. 12-4120, upon a showing that the person successfully completed court-ordered education or treatment.

~~(G)~~(g) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated the acts prohibited by this Section and prior to conviction thereof, the City prosecutor shall request and shall receive from the:

(a) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(b) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this Section that would constitute, and be punished, as a felony, the City prosecutor shall refer the violation to the appropriate county or district attorney for prosecution.

~~(H)~~(h) The court shall electronically report every conviction of a violation of this Section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this Section to the Division including any finding regarding the alcohol concentration in the offender's blood or breath. Prior to sentencing under the provisions of this Section, the court shall request and shall receive from the Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

~~(I)~~(i) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this Section:

(1) Convictions for a violation of this Section, K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county ~~which~~ that prohibits the acts that this Section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) Any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account: ~~(a)~~ (A) refusing

~~to submit to a test to determine the presence of alcohol or drugs, as provided in K.S.A. 8-1567, and amendments thereto;~~ ~~(b)~~ driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto; ~~(e)~~ (B) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; ~~(e)~~ (C) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or ~~Subsection (a)(3) of K.S.A. 2011 2021 Supp. 21-5405(a)(3), and amendments thereto; and (e) (D) aggravated battery as described in Subsection (b)(3) of K.S.A. 2012 2021 Supp. 21-5413(b)(3), and the amendments thereto; and (f) (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;~~

(3) "Conviction" includes: ~~(a)~~ (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging an offense described in subsection ~~(1)(2)~~ (i)(2) of this Section; and ~~(b)~~ (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another jurisdiction that would constitute an offense that is comparable to the offense described in subsection ~~(1)(1)~~ (i)(1) or ~~(1)(2)~~ (i)(2) of this Section;

(4) Multiple convictions of any crime described in subsection ~~(1)(1)~~ (i)(1) or ~~(1)(2)~~ (i)(2) of this Section arising from the same arrest shall only be counted as one (1) conviction;

(5) It is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(6) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this Section, and amendments thereto, or an ordinance ~~which~~ that prohibits the acts of this Section, and amendments thereto, only once during the person's lifetime; ~~and.~~

~~(7)~~ (i) For the purposes of determining whether an offense is comparable, the following shall be considered: (1) the name of the out-of-jurisdiction offense; (2) the elements of the out-of-jurisdiction offense; and (3) whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.

~~(J)~~(k) Upon conviction of a person of a violation of this Section ~~or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this Section~~, the Division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

~~(K)~~(l) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this Section, or a violation of any ordinance of a city or resolution of any county in this state ~~which~~ that prohibits the acts prohibited by this Section, to avoid the mandatory penalties established by this Section ~~or by the Chapter~~. For the purpose of this Subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining. This subsection shall not be construed to prohibit an amendment or dismissal of any charge where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt on such charge.

~~(L)~~(m) The alternatives set out in subsections ~~(A)(1), (A)(2) and (A)(3)~~ (a) of this Section may be pleaded in the alternative, and the City, may, but shall not be required to, elect one ~~(1) or two (2) of the three (3)~~ or more of such alternatives prior to submission of the case to the fact finder.

~~(M)~~(n) As used in this Section:

- (1) "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;
- (2) "Imprisonment" ~~shall include~~ includes any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and
- (3) "Drug" includes toxic vapors as such term is defined in K.S.A. 21-5712, and amendments thereto."

SECTION THREE: Section 10.01.030.1 of the Olathe Municipal Code is hereby amended to read as follows:

10.01.030.1 Driving a Commercial Motor Vehicle Under the Influence; Penalties.

~~(A)~~(a) Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in K.S.A. ~~8-248~~ 8-2,128, and amendments thereto, within this City while:

(1) The alcohol concentration in the person's blood or breath, as shown by any competent evidence, including other competent evidence, as defined in of ~~Subsection (f)(1) of~~ K.S.A. 8-1013(f)(1), and amendments thereto, is 0.04 or more;

(2) The alcohol concentration in the person's blood or breath, as measured within three (3) hours of the time of driving a commercial motor vehicle, is 0.04 or more; or

(3) Committing a violation of Section 10.01.030~~(A)~~(a) of this chapter, and amendments thereto ~~or the ordinance of a city or resolution of a county which prohibits any of the acts prohibited thereunder or is otherwise comparable.~~

~~(B)~~(b) (1) Driving a commercial motor vehicle under the influence is:

~~(a)~~(A) On a first conviction a Class B, ~~non-person~~ public offense. The person convicted shall be sentenced to not less than forty-eight (48) consecutive hours nor more than six (6) months' imprisonment, or in the court's discretion, one hundred (100) hours of public service, and fined not less than Seven Hundred Fifty Dollars (\$750.00) nor more than One Thousand Dollars (\$1,000.00). In addition to any fines imposed, the court shall order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted. ~~The person convicted shall serve at least forty-eight (48) consecutive hours' imprisonment or one hundred (100) hours of public service either before or as a condition of any grant of probation, suspension or reduction of sentence or parole or other release; and~~

~~(b)~~(B) On a second conviction a Class A, ~~non-person~~ public offense. The person convicted shall be sentenced to not less than ninety (90) days nor more than one (1) year's imprisonment and fined not less than One Thousand Two Hundred Fifty Dollars (\$1,250.00) nor more than One Thousand Seven Hundred Fifty Dollars (\$1,750.00). In addition to any fines imposed, the court shall order that the convicted person pay restitution to any victim who suffered loss due to the

violation for which the person was convicted. The ~~person convicted shall serve at least five (5) consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five (5) days' imprisonment mandated by this subsection may be served in a work release program only after such person has served forty-eight (48) consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of one hundred twenty (120) hours of confinement.~~

~~Such one hundred twenty (120) hours of confinement shall be a period of at least forty-eight (48) consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the five (5) days' imprisonment mandated by this subsection only after such person has served forty-eight (48) consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of one hundred twenty (120) hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the one hundred twenty (120) hours; and following conditions shall apply to such sentence:~~

(i) As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until

the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence.

(2) In addition, prior to sentencing for any conviction pursuant to subsection ~~(B)(1)(a)~~ (b)(1)(A) or ~~(B)(1)(b)~~ (b)(1)(B) of this Section, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

~~(C)~~(c) Any person eighteen (18) years of age or older convicted of a violation of this Section, who had one (1) or more children under the age of eighteen (18) years in the vehicle at the time of the offense shall have such person's punishment enhanced by one (1) month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this Section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

~~(D)~~(d) If a person is charged with an ~~ordinance~~ violation of Section 10.01.030(a)(4) or (a)(5) of this chapter, as incorporated in this Section, involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

~~(E)~~(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this Section. Any assessment(s) and costs shall be required to be paid not later than ninety (90)

days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

~~(F)~~(f) (1) In lieu of payment of a fine imposed pursuant to this Section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to Five Dollars (\$5.00) for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one (1) year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(2) The court may, in its discretion, waive any portion of a fine imposed pursuant to this Section, except the \$250 required to be remitted to the state treasurer pursuant to K.S.A. 12-4120, upon a showing that the person successfully completed court-ordered education or treatment.

~~(G)~~(g) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated the acts prohibited by this Section, and prior to conviction thereof the City prosecutor shall request and shall receive from the:

(a) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(b) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this Section that would constitute, and be punished as, a felony, the City prosecutor shall refer the violation to the appropriate county or district attorney for prosecution. The county or district attorney shall accept such referral and pursue a disposition of such violation, and shall not refer any such violation back to the City prosecutor.

~~(H)~~(h) The court shall electronically report every conviction of a violation of this Section to the Division. Prior to sentencing under the provisions of this Section, the court shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and

(2) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.

~~(H)~~(i) Upon conviction of a person of a violation of this Section, the Division, upon receiving a report of conviction, shall:

(1) Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto; and

(2) Suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

~~(J)(i) If the elements of such ordinance violation are the same as the elements of a violation of K.S.A. 8-1567 that would constitute, and be punished as, a felony, the City prosecutor shall refer the violation to the appropriate county or district attorney for prosecution. The county or district attorney shall accept such referral and pursue a disposition of such violation, and shall not refer any such violation back to the City prosecutor.~~

~~(K)~~ No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this Section to avoid the mandatory penalties established by this Section. This subsection shall not be construed to prohibit an amendment or dismissal of any charge where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt on such charge.

~~(L)~~(k) The alternatives set out in subsections ~~(A)(1), (A)(2) and (A)(3)~~ (a) of this Section may be pleaded in the alternative, and the City may, but shall not be required to, elect one ~~(1) or two (2) of the three (3)~~ or more of such alternatives prior to submission of the case to the fact finder.

~~(M)~~(l) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this Section:

(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county ~~which~~ that prohibits the acts that such Section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in

determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) Any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:

~~(a)~~(A) This Section or K.S.A. 8-2,144, and amendments thereto;

~~(b)~~(B) ~~Refusing to submit to a test to determine the presence of alcohol or drugs, as provided in K.S.A. 8-1567, and amendments thereto or Section 30.2.1, and amendments thereto;~~

~~(c)~~ Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;

~~(d)~~(C) Involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. ~~2014~~ 2021 Supp. 21-5405(a)(3), and amendments thereto;

~~(e)~~(D) Aggravated battery as described in K.S.A. ~~2014~~ 2021 Supp. 21-5413(b)(3), and amendments thereto; and

~~(f)~~(E) Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "Conviction" includes:

~~(a)~~(A) entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection ~~(M)(2)~~(L)(2) of this Section; and

~~(b)~~(B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another jurisdiction that would constitute an offense that is comparable to the offense described in subsection ~~(M)(1)~~(L)(1) or ~~(M)(2)~~(L)(2) of this Section;

(4) It is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(5) Multiple convictions of any crime described in subsection ~~(M)(1)~~ (L)(1) or ~~(M)(2)~~(L)(2) of ~~the~~ this Section arising from the same arrest shall only be counted as one (1) conviction.

~~(N)~~(m) For the purposes of determining whether an offense is comparable, the following shall be considered: (1) the name of the out-of-jurisdiction offense; (2) the elements of the out-of-jurisdiction offense; and (3) whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.

~~(O)~~ For the purpose of this Section, “drive” means to drive, operate or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic and includes operation or physical control of a motor vehicle anywhere in the City.

~~(P)~~(n) For the purpose of this Section, commercial motor vehicle shall not include:

(1) Farm vehicles, defined as follows:

~~(a)~~(A) Registered as a farm truck or truck tractor under K.S.A. 8-143, and amendments thereto;

~~(b)~~(B) Used to transport agricultural products, farm machinery, farm supplies, or both, to or from a farm;

~~(c)~~(C) Not used in the operations of a common or contract motor carrier; and

~~(d)~~(D) Used either in: (i) Intrastate commerce; or (ii) interstate commerce within one hundred fifty (150) air miles of any farm or farms owned or leased by the registered owner of such farm vehicle;

(2) Vehicles operated by firefighters and other persons ~~which~~ that are necessary to the preservation of life or property or the execution of emergency government functions are equipped with audible and visual signals and are not subject to normal traffic regulation. These vehicles include fire trucks, hook and ladder trucks, foam or water transport trucks, police SWAT team vehicles, ambulances or other vehicles that are used in response to emergencies;

(3) Military vehicles ~~which~~ that are operated by military personnel in pursuit of military purposes and all noncivilian operators of equipment owned or operated by the United States Department of Defense. This applies to any active duty military personnel and members of the reserves and national guard on active duty, including personnel on full-time national guard duty, personnel on part-time training and national guard military

technicians, civilians who are required to wear military uniforms and are subject to the code of military justices; ~~and~~

(4) Motor vehicles, ~~which~~ that would otherwise be considered commercial motor vehicles, if such vehicles are used solely and exclusively for private noncommercial use and any operator of such vehicles;

(5) Farm tractors operated by an implement dealer, or employee thereof, when moved or transported in accordance with K.S.A. 8-1918, and amendments thereto; and

(6) Motor grader vehicles operated by an employee of a municipality, as defined in K.S.A. 75-6102, and amendments thereto, if such employee is operating the motor grader vehicle within the boundaries of such municipality.

~~(a)~~(o) For the purpose of this Section:

(1) “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;

(2) “Imprisonment” ~~shall include~~ includes any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; ~~and~~

(3) “Drug” includes toxic vapors as such term is defined in K.S.A. 2021 Supp. 21-5712, and amendments thereto; and

(4) “Drive” means to drive, operate or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic and includes operation or physical control of a motor vehicle anywhere in the City.”

SECTION FOUR: Section 10.01.030.5 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.030.5 Commercial Driver’s Licenses; Diversion Agreements Not Allowed.

(a) A driver or a holder of a commercial driver's license may not enter into a diversion agreement in lieu of further criminal proceedings that would prevent such person's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law, except a parking violation, from appearing on the person's record, whether the person was convicted for an offense committed in the state where the person is licensed or another state.

(b) For purposes of subsection (a), a person shall be considered a holder of a commercial driver's license if the person was a holder of a commercial driver's license at the time the person was arrested or was issued a citation and shall remain a holder of a commercial driver's license even if the person surrenders the commercial driver's license after the arrest or citation.

(c) (1) A prosecuting attorney as defined in Section 9.20.010 of the Olathe Municipal Code shall not mask or defer imposition of judgment or allow an individual to enter into a diversion program that would prevent a commercial learner's permit or commercial driver's license holder's conviction from appearing on the CDLIS driver record of any violation of a state or local traffic control law that occurred in any type of motor vehicle. The provisions of this subsection shall apply regardless of whether the driver was convicted for an offense committed in the state where the driver is licensed or in any other state.

(2) The provisions of this subsection shall not apply to parking, vehicle weight or vehicle defect violations.

SECTION FIVE: Section 10.01.126.3 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.126.3 Vehicle Identification Number Offenses; Possession Without Original VIN; Penalties; Vehicle Seizure and Disposition.

(a) It is unlawful to knowingly own or have the custody or possession of a motor vehicle, trailer or semitrailer, the original vehicle identification number of which has been destroyed, removed, altered or defaced, except as contemplated by K.S.A. 8-116a, and amendments thereto, when no part of the motor vehicle, trailer or semitrailer has been stolen and a vehicle identification number has been assigned to the motor vehicle according to law. Violation of this subsection is a class C misdemeanor.

(b) Every law enforcement officer in this state having knowledge of a motor vehicle, trailer or semitrailer, the vehicle identification number of which has been destroyed, removed, altered or defaced, shall seize and take possession of such motor vehicle, trailer or semitrailer, ~~arrest the owner or custodian thereof and cause prosecution to be brought in a court of competent jurisdiction. The provisions of K.S.A. 22-2512, and amendments thereto, shall apply to any motor vehicle, trailer or semitrailer seized under this section.~~

(c) Every motor vehicle, trailer or semitrailer, the vehicle identification number of which has been destroyed, removed, altered, or defaced and that has been seized under this section is an article of contraband and the provisions of K.S.A. 22-2512, and amendments thereto, shall apply.

(d) No law enforcement agency or employee of such agency acting within the scope of employment shall be liable for damages resulting from the adoption or enforcement of any policy adopted under this section.

(e) The provisions of this section shall not apply when a person removes and reinstalls a manufacturer's serial number or a vehicle identification number on an antique vehicle, as defined in K.S.A. 2021 Supp. 8-166, and amendments thereto, if:

(1) The removal and reinstallation are reasonably necessary for the repair or restoration of the antique vehicle;

(2) the person completing the repair or restoration of the antique vehicle reinstalls the manufacturer's serial number or vehicle identification number immediately after the repair or restoration is complete; and

(3) the person does not know and has no reason to know that the antique vehicle is stolen.

NEW SECTION SIX: Section 10.01.126.4 is hereby added to the Olathe Municipal Code to read as follows:

10.01.126.4 Autonomous Vehicles.

- (a) Violations of this Chapter by an ADS-equipped vehicle are enforceable as if the vehicle has a licensed human driver on board.
- (b) This Chapter, to the extent practicable, shall be interpreted and applied for the use of a driverless-capable vehicle. Such provisions shall not require any additional provisions, including, but not limited to, operation by a conventional human driver seated in the vehicle.
- (c) A driverless-capable vehicle that is designed to be operated exclusively by the automated driving system for all trips is not subject to motor vehicle equipment requirements of the Olathe Municipal Code that:
 - (1) Support motor vehicle operation by a conventional human driver seated in the vehicle, including, but not limited to, mirrors, windshields and windshield wipers; and
 - (2) Are not relevant for an automated driving system.
- (d) A driverless-capable vehicle's registered owner shall be responsible for all applicable violations of this Chapter when the automated driving system is engaged. For the purposes of prosecution of violations of this Chapter, the owner is considered to be the operator of the vehicle when the automated driving system is engaged. A law enforcement officer shall deliver the written traffic citation to a person charged with a traffic infraction to the owner of the driverless-capable vehicle operating without a conventional human driver as such terms are defined by Section 10.01.001 of the Olathe Municipal Code, by sending the citation by certified mail to the address of the owner.

SECTION SEVEN: Section 10.01.134 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.134 Application of 10.01.127 through 10.01.133 to Motorized Bicycles.

- (a) The provisions of 10.01.127, through 10.01.133 inclusive, shall be applicable to motorized bicycles and every person operating a motorized bicycle shall be subject to the provisions thereof.

~~(b) Every owner of a motorized bicycle shall provide insurance coverage on each motorized bicycle such person owns in the amount of not less than Twenty Five Thousand Dollars (\$25,000.00) because of bodily injury to, or death of, one person in any one accident and, subject to the limit for one person, to a limit of not less than Fifty Thousand Dollars (\$50,000.00) because of bodily injury to, or death of, two or more persons in any one accident and to a limit of not less than Ten Thousand Dollars (\$10,000.00) because of harm to or destruction of property of others in one accident. In addition, the policy shall insure the person named and any other person, as insured, using any such vehicle motorized bicycle with the expressed or implied consent of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of any such vehicle motorized bicycle. No person shall operate a motorized bicycle upon a highway unless the motorized bicycle is insured in accordance with this subsection.~~

~~(c) Any person operating a motorized bicycle upon a highway or upon property open to use by the public shall display, upon demand, evidence of insurance coverage to any law enforcement officer.~~

(d) No person shall operate a motorized bicycle upon a highway unless such person:

(1) has a valid driver's license ~~which~~ that entitles the licensee to drive a motor vehicle in any class or classes;

(2) is at least 15 years of age ~~and~~ has passed the written and visual examinations required for obtaining a class C driver's license and the division has issued such person a class C license that clearly indicates that such license is valid only for the operation of motorized bicycles; or

~~(3) has not had their driving privileges suspended, for a violation other than a violation of K.S.A. 8-2,144, and amendments thereto, or a second or subsequent violation of K.S.A. 8-1567 or 8-1567a or as provided in the 2012 Session Laws of Kansas, Chapter 172, Section 2, and amendments thereto; or~~

~~(4) has had their driving privileges revoked under K.S.A. 8-286, and amendments thereto, has not had a test refusal or test failure or alcohol or drug-related conviction, as those terms are defined in K.S.A. 8-1013, and amendments thereto, in the last five years, has not been convicted of a violation of subsection (b) of K.S.A. 8-~~

1568(b), and amendments thereto, in the last five years, and has made application to the division for issuance of a class C license for the operation of motorized bicycles, in accordance with paragraph (2) without the same being insured as provided in subsection (b).

~~(e)~~ _____—Violation of this subsection ~~(d)~~ is a class B public offense.

~~(e)~~(cf) Regardless of the design capability, motorized bicycles shall only be used to transport one person (the operator).

~~(f)~~(dg) Motorized bicycles shall not be operated on any highway having a posted speed limit in excess of 35 miles per hour unless said highway shall consist of four or more lanes. In no event shall a motorized bicycle be operated upon a highway having a speed limit greater than 45 miles per hour.

~~(g)~~(eh) In no event shall any motorized bicycle be operated on the federal interstate highway systems within this City.

SECTION EIGHT: Existing Sections 10.01.001, 10.01.030, 10.01.030.1, 10.01.030.5, 10.01.030.6, 10.01.126.3 and 10.01.134 are hereby repealed.

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

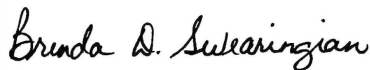
PASSED by the Governing Body this 19th day of July, 2022.

SIGNED by the Mayor this 20th day of July, 2022.


John W Bacon (Jul 20, 2022 08:13 CDT)

Mayor

ATTEST:




City Clerk



(SEAL)

APPROVED AS TO FORM:


Ron Shaver (Jul 20, 2022 08:48 CDT)
City Attorney

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

STATE OF KANSAS
JOHNSON COUNTY, SS

Brandon Humble, being first duly sworn, deposes and says: That he is the editor of **THE GARDNER NEWS** A weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas and that said newspaper is a bi-weekly published at least weekly, 52 times a year; has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office in Gardner, Kansas in said county as second class matter.

That the attached notice is a true copy there of and was published in the regular and entire issue of said newspaper for 1 consecutive weeks(s),

The first publication there of being made as aforesaid on :July 27, 2022
Publications being made on the following .

EDITOR *Brandon Humble*

SUBSCRIBED AND SWORN TO ME THIS: July 27, 2022

NOTARY PUBLIC *Heather Hollingshead*



MY COMMISSION EXPIRES 12/07/2024

COST-----

ADDITIONAL COPIES-----

IN THE DISTRICT COURT OF JOHNSON, COUNTY KANSAS-----

The within Proof Of Publication approved

-----JUDGE

Public Notice

First published in *The Gardner News*
Wednesday, July 27, 2022

PUBLICATION SUMMARY OF ORDINANCE NO. 22-36, PASSED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS ON THE 19th DAY OF JULY 2022.

SUMMARY

On July 19, 2022, the Governing Body of the City of Olathe, Kansas passed Ordinance No. 22-36 making amendments to Title 10 of the Olathe Municipal Code pertaining to the Traffic Ordinance.

The complete text of this ordinance may be obtained or viewed free of charge at the office of the Olathe City Clerk, Olathe City Hall, 100 East Santa Fe Street, Olathe, Kansas, or on the City's official website address <http://www.olatheks.org/government/city-clerk/public-notices>, where a reproduction of the original ordinance will be available for a minimum of one week following this summary publication.

This summary is certified this 20th day of July 2022.

/s/ Robert G. Gallimore
Robert G. Gallimore
Assistant City Attorney