

ORDINANCE NO. 23-18

AN ORDINANCE PERTAINING TO THE OLATHE TRAFFIC CODE; ADDING NEW SECTIONS 10.01.115.1, 10.01.128.1, 10.01.135.2, 10.01.135.3, 10.01.135.4, 10.01.135.5, 10.01.135.6, 10.01.135.7, 10.01.135.8, AND 10.01.182.3; AMENDING THE TITLE OF ARTICLE 15; AMENDING SECTIONS 10.01.001, 10.01.127, 10.01.131, 10.01.135.1, 10.01.163, 10.01.194, AND 10.01.201, AND REPEALING THE EXISTING SECTIONS; ALSO REPEALING SECTIONS 10.01.109.1, 10.01.114, 10.01.114.1, 10.01.114.2, 10.01.114.3, 10.01.114.4, 10.01.114.5, 10.01.115, AND 10.01.182.2.

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

NEW SECTION ONE: Section 10.01.115.1 is hereby added to the Olathe Municipal Code to read as follows:

“10.01.115.1 Unlawful Riding on Vehicles; Persons Under Age 14

(a) It shall be unlawful for any person under the age of 14 years to ride on any vehicle or upon any portion thereof not designed or intended for use of passengers when the vehicle is in motion.

(b) It shall be unlawful for the operator of any vehicle to allow any person under the age of 14 years to ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers when the vehicle is in motion.

(c) This section shall not apply to:

(1) An employee under the age of 14 years engaged in the necessary discharge of the employee’s duty within truck bodies in space intended for merchandise or cargo; or

(2) When the vehicle is being operated in parades, caravans or exhibitions which are officially authorized or otherwise permitted by law.

(d) The provisions of subsections (a) and (b) shall apply only when a vehicle is being operated within the corporate limits of the City.”

NEW SECTION TWO: Section 10.01.128.1 is hereby added to the Olathe Municipal Code to read as follows:

“10.01.128.1 Safe Operation of Bicycles Required; Duties of Operator Upon Accident

(a) It is unlawful for any person to operate a bicycle in a careless, reckless, or negligent manner.

(b) Persons riding bicycles shall yield the right-of-way to any pedestrian on a sidewalk.

(c) Any person violating the provisions of subsection (a) or (b) of this Section is in violation of this chapter and shall be punished as provided in Section 10.01.201.

(d) Every person operating a person upon any highway or upon any path or trail set aside for the exclusive use of bicycles or for mixed use including bicycles shall be subject to all of the duties and penalties applicable to the driver of a vehicle upon an accident by 10.01.023 through 10.01.027, inclusive, except as to those provisions of 10.01.023 through 10.01.027 which by their nature can have no application.”

NEW SECTION THREE: Section 10.01.135.2 is hereby added to the Olathe Municipal Code to read as follows:

“10.01.135.2 Motorized Skateboards.

(a) It shall be unlawful for any person to operate a motorized skateboard on any roadway, recreational path, or trail in this City.

(b) It shall be unlawful for any person to operate a motorized skateboard upon a sidewalk or sidewalk area:

(1) At a speed in excess of fifteen (15) miles per hour; or

(2) Without caution and due regard to conditions then existing, including, but not limited to, fixed or moving objects, parked or moving bicycles, pedestrians, animals, surface hazards, or narrow areas that make it unsafe to continue along the sidewalk or sidewalk area; or

(3) All persons under the age of eighteen (18) who operate or ride upon a motorized skateboard shall wear an approved bicycle helmet that is properly fitted and is fastened securely by a neck or chin strap while the motorized skateboard is in motion.”

NEW SECTION FOUR: Section 10.01.135.3 is hereby added to the Olathe Municipal Code to read as follows:

“10.01.135.3 Snowmobile Operation Limited.

No person shall operate a snowmobile on any controlled-access highway. No person shall operate a snowmobile on any other highway, except when crossing the highway at a right angle, or when use of the highway by other motor vehicles is impossible because of snow, or when such operation is authorized by the Governing Body.”

NEW SECTION FIVE: Section 10.01.135.4 is hereby added to the Olathe Municipal Code to read as follows:

“10.01.135.4 Unlawful Operation of All-Terrain Vehicle or Recreational Off-Highway Vehicle.

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

(1) On any interstate highway, federal highway or state highway; or

(2) Within the corporate limits of the City of Olathe, unless operated on private property with the consent of the property owner for nonrecreational property maintenance and/or agricultural purposes, or

operated by the City of Olathe or any unified school district for public safety and/or property maintenance purposes.

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

(c) Notwithstanding the provisions of subsection (a) of this Section, all-terrain vehicles or recreational off-highway vehicles may be operated to cross a federal highway or state highway.

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

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

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

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

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

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

NEW SECTION SIX: Section 10.01.135.5 is hereby added to the Olathe Municipal Code to read as follows:

“10.01.135.5 Unlawful Operation of Low-Speed Vehicle.

(a) It shall be unlawful for any person to operate a low-speed vehicle on any street or highway with a posted speed limit greater than 40 miles per hour.

(b) The provisions of subsection (a), shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit in excess of 40 miles per hour.”

NEW SECTION SEVEN: Section 10.01.135.6 is hereby added to the Olathe Municipal Code to read as follows:

“10.01.135.6 Unlawful Operation of a Micro Utility Truck.

(a) It shall be unlawful for any person to operate a micro utility truck:

(1) On any interstate highway, federal highway, or state highway; or

(2) On any public highway or street within the corporate limits of the City of Olathe unless authorized by the City.

(b) No micro utility truck shall be operated on any public highway, street, or road unless such vehicle complies with the equipment requirements under the provisions of Article 17 of Chapter 8 of the Kansas Statutes Annotated and amendments thereto.

(c) The provisions of subsection (a), shall not prohibit a micro utility truck from crossing a federal or state highway.”

NEW SECTION EIGHT: Section 10.01.135.7 is hereby added to the Olathe Municipal Code to read as follows:

“10.01.135.7 Unlawful Operation of a Golf Cart.

(A) It shall be unlawful for any person to operate a golf cart on any street or highway within the corporate limits of the City of Olathe unless:

- (1) The speed limit on such street is thirty (30) miles per hour or less;
- (2) The golf cart is operated during the hours between sunrise and sunset, unless equipped with:
 - (a) Lights, as required by state and local law for motorcycles, except that electric turn signals and multiple-beam road lighting equipment shall not be required; and
 - (b) A properly mounted slow-moving vehicle emblem as required by K.S.A 8-1717 and amendments thereto;
- (3) The operator of the golf cart has a valid driver's license;
- (4) The owner maintains insurance for the golf cart that includes coverage for operation on public roads and meets the minimum insurance requirements for motor vehicles as set forth in K.S.A. 40-3107.

(B) Golf carts shall not be operated in a careless, reckless, or negligent manner.

(C) It shall be unlawful for any person to operate a golf cart:

- (1) On any interstate highway, federal highway, or state highway; or
- (2) On any sidewalk, jogging path, trail, or any location normally used for pedestrian traffic.

(D) The number of occupants allowed on a golf cart shall be limited to the number of seats factory installed. Bench seats shall be limited to three (3) people.

(E) The provisions of this section shall not prohibit a golf cart from crossing a street or highway.

(F) The provisions of this section shall not prohibit the operation of any golf cart in the course of authorized duties on behalf of any governmental entity.

(G) The operation of a golf cart is authorized within the City on private property with the consent of the property owner.”

NEW SECTION NINE: Section 10.01.135.8 is hereby added to the Olathe Municipal Code to read as follows:

“10.01.135.8 Unlawful Operation of a Work-Site Utility Vehicle.

(a) It shall be unlawful for any person to operate a work-site utility vehicle:

- (1) On any interstate highway, federal highway, or state highway; or
- (2) Within the corporate limits of the City of Olathe unless authorized by the City.

(b) Notwithstanding the provisions of subsection (a) of this Section, work-site utility vehicles may be operated to cross a federal highway or state highway.

(c) Notwithstanding the provisions of subsection (a)(1) of this Section, persons engaged in agricultural purposes may operate a work-site utility vehicle on a federal highway or state highway under the following conditions:

- (1) The operator of the work-site utility vehicle must be a licensed driver and be operating within the restrictions of the operator’s license;
- (2) The federal highway or state highway must have a posted speed limit of sixty-five (65) miles per hour or less;
- (3) The operator of the work-site utility vehicle must operate the work-site utility vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and
- (4) The purpose of the trip using the work-site utility vehicle must be for agricultural purposes.

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

NEW SECTION TEN: Section 10.01.182.3 is hereby added to the Olathe Municipal Code to read as follows:

“10.01.182.3 Counterfeit Supplemental Restraint System Components and Non-Functional Airbags.

(a) No person shall knowingly or intentionally manufacture, import, distribute, sell, offer for sale, install or reinstall a device intended to replace a supplemental restraint system component if the device is:

- (1) A counterfeit supplemental restraint system component;
- (2) A nonfunctional airbag; or
- (3) Any object in lieu of a supplemental restraint system component that was not designed in accordance with federal safety regulations for the make, model and year of the motor vehicle in which such device is or will be installed.

(b) Violation of subsection (A) shall be a class A nonperson misdemeanor.

(c) As used in this section:

- (1) “Airbag” means a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system.
- (2) “Counterfeit supplemental restraint system component” means a replacement supplemental restraint system component that displays a mark identical or substantially similar to the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from that manufacturer or supplier.
- (3) “Nonfunctional airbag” means a replacement airbag that:
 - (A) Was previously deployed or damaged;
 - (B) Has an electric fault that is detected by the motor vehicle’s diagnostic systems when the installation

procedure is completed and the motor vehicle which is returned to the customer who requested the work to be performed or when ownership is intended to be transferred;

(C) Includes a part or object, including a supplemental restraint system component, installed in a motor vehicle to mislead the owner or operator of the vehicle into believing that a functional airbag has been installed; or

(D) Is prohibited from being sold or leased in accordance with 49 U.S.C. § 30120(j).

(4) “Supplemental restraint system” means a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with active restraint systems as described in 49 C.F.R. § 571.208. A supplemental restraint system includes:

(A) Each airbag installed in accordance with the motor vehicle manufacturer’s design; and

(B) All components required to ensure that an airbag operates as designed in the event of a crash and in accordance with the federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle.”

SECTION ELEVEN: The title of Article 15 of Chapter 10.01 of the Olathe Municipal Code is hereby amended to read as follows:

**“ARTICLE 15. OPERATION OF BICYCLES, LOW POWER CYCLES,
AND ~~PLAY~~ MISCELLANEOUS VEHICLES AND DEVICES”**

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

“10.01.001 Definitions.

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

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

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

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

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

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

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

“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 seven hundred fifty (750) watts that meets the requirements of one (1) of the following three (3) 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. The electric-assisted bicycle’s electric motor must have a power output of no more than 750 watts, be incapable of propelling the device at a speed or more than 20 miles per hour on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond 20 miles per hour. and ceases to provide assistance when the bicycle reaches the speed of twenty (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 twenty (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 twenty-eight (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 flashpoint of seventy (70) degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed cup test device.

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

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

“Funeral procession” means two (2) or more vehicles accompanying the body of a deceased person, or traveling to the cemetery, church, chapel,

or other location where the funeral service is to be held, in the daylight hours, including a funeral lead vehicle or a funeral escort.

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

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

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

Highway. See “street or highway.”

“House trailer” means:

(1) A trailer or semi-trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

(2) A trailer or a semi-trailer whose chassis and exterior shell 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 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 (1) wheel in contact with the ground, and includes, but is not limited to, devices commonly known as electric one (1) wheel boards, hoverboards, self-balancing skateboards, and similar devices. Motorized 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 vehicle” shall not include an implement of husbandry, as defined in K.S.A. 8-126, and amendments thereto.

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

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

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

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

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

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

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

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

“Other competent evidence” includes:

(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 K.S.A. 72-8301(g)(1) as amended.

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

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

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

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

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

“Special mobile equipment” means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving 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 K.S.A. 8-2118(c) as amended.

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

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

“Transportation network company driver” means an individual who:

- (1) Receives connections to potential passengers and related services from a transportation network company; and
- (2) Uses a personal vehicle to provide services for riders matched through a digital network controlled by a transportation network

company and receives, in exchange for providing the passenger a ride, compensation that exceeds the individual's cost to provide the ride.

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

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

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

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

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

"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 THIRTEEN: Section 10.01.127 of the Olathe Municipal Code is hereby amended to read as follows:

"10.01.127 Effect of Regulations.

(a) It is unlawful for any person to do any act forbidden or fail to perform any act required in 10.01.128 to 10.01.133, inclusive.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of 10.01.128 to 10.01.133, inclusive.

(c) The provisions of 10.01.128 to 10.01.133, inclusive, which are applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path [or trail](#) set aside for the exclusive use of bicycles [or for mixed use including bicycles](#), subject to those exceptions stated herein."

SECTION FOURTEEN: Section 10.01.131 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.131 Riding on Roadways and Bicycle Paths.

(a) Every person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the right side of the roadway as practicable, except under any of the following situations when:

- (1) Overtaking and passing another bicycle or vehicle proceeding in the same direction;
- (2) preparing for a left turn at an intersection or into a private road or driveway; or
- (3) reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving bicycles, pedestrians, animals, surface hazards or narrow width lanes that make it unsafe to continue along the right-hand edge of the roadway.

(b) Any person operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near to the left side of the roadway as practicable.

(c) Persons riding bicycles upon a roadway shall not ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles.

(d) [Wherever part of the roadway has been set aside for the exclusive use of bicycles, bicycle riders shall use such part.](#) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. [“Usable path for bicycles” includes a separate path or trail specifically designated for bicycle use or for mixed use including bicycles, but does not include a sidewalk.](#)”

SECTION FIFTEEN: Section 10.01.135.1 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.135.1 Electric-Assisted Scooters – Traffic Law Application.

(a) It shall be unlawful for any person to operate an electric-assisted scooter on any interstate highway, federal or state highway within the City;

provided, that nothing in this section prohibits an electric-assisted scooter from crossing a federal or state highway.

(b) Except as specifically provided, an electric-assisted scooter or a rider of an electric-assisted scooter shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the rider of a bicycle. An electric-assisted scooter is a vehicle to the same extent as a bicycle.

~~(c) Vehicle registration and driver's license shall not be required for operation of an electric-assisted scooter. Traffic regulations applicable to bicycles shall apply to electric-assisted scooters.~~ An electric-assisted scooter or a person riding an electric-assisted bicycle shall not be required to maintain: (1) Vehicle liability insurance coverage; (2) a driver's license; (3) vehicle registration; (4) a certificate of title; or (5) a license plate. An electric-assisted bicycle shall not be considered a motor vehicle.

(c) It shall be unlawful for any person to operate an electric-assisted scooter at a speed in excess of seventeen (17) miles per hour.

(d) It shall be unlawful for any person to operate an electric-assisted scooter on a street with a posted speed limit greater than thirty-five (35) miles per hour.”

SECTION SIXTEEN: Section 10.01.163 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.163 Additional Lighting Equipment.

(a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof, which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with one or more back-up lamps, either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(d) Any vehicle 80 inches or more in overall width, if not otherwise required by 10.01.151 may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare, and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in 10.01.151(f).

(e) Any vehicle may be equipped with one or more side marker lamps and any such lamp may be flashing in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber and side marker lamps located toward the rear shall be red.

(f) Any motor vehicle may be equipped with ~~neon~~ ground effect lighting, except that such lighting shall not flash, be any shade of red nor shall any portion of the ~~neon-tubes~~ bulb or lighting fixture be visible. “~~Neon~~ Ground effect lighting” means ~~neon-tubes~~ lights placed underneath the motor vehicle for the purpose of illuminating the ground below the motor vehicle creating a halo light effect.

(g) Any motor vehicle may be equipped with head lamps which alternately flash or simultaneously flash when such motor vehicle is being used as the lead motor vehicle of a funeral procession. A funeral hearse may serve as a funeral lead vehicle.”

SECTION SEVENTEEN: Section 10.01.194 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.194 Driving While License Cancelled, Suspended or Revoked; Penalty.

(A) (1) Except as provided in subsections (A)(3), (A)(4) and (B), any person who drives a motor vehicle on any street or highway at a time when such person’s privilege so to do is canceled, suspended or revoked or while such person’s privilege to obtain a driver’s license is suspended or revoked pursuant to K.S.A. 8-252a and amendments thereto, shall ~~upon a first conviction be punished by imprisonment for not more than six (6) months or fined not to exceed One Thousand Dollars (\$1,000.00), or both such fine and imprisonment. On a second~~

~~or subsequent conviction of a violation of this Section such person shall be punished by imprisonment for not more than one (1) year or fined not to exceed Two Thousand Five Hundred Dollars (\$2,500.00), or both such fine and imprisonment.~~ be guilty of a class B public offense on the first conviction and a class A public offense on the second or subsequent conviction. In addition to any other criminal penalties provided by law, any person convicted of a violation of this section shall be subject to a fine of not less than \$100.

(2) No such person shall be convicted under this Section if such person was entitled at the time of arrest under K.S.A. 8-257 and amendments thereto, to the return of such person's driver's license.

(3) Except as ~~otherwise~~ provided by in subsection (A)(4) or (B) of this Section, every person convicted ~~under of a violation of~~ this Section, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for any violation other than a violation of Section 10.01.201.1 of the Olathe Traffic Ordinance or K.S.A. 8-2110, and amendments thereto, or any municipal ordinance, or resolution of any county or a law of another state that prohibits the acts prohibited by those statutes other than K.S.A. 8-2110, and amendments thereto, shall be sentenced to at least five (5) days ~~imprisonment and fined at least One Hundred Dollars (\$100.00) of~~ confinement and upon a second conviction shall not be eligible for parole until completion of five (5) days ~~imprisonment~~ of confinement.

(4) Except as ~~otherwise~~ provided by in subsection (B) of this Section, if a person:

(a) Is convicted of a violation of this Section, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for a violation of Section 10.01.030, or 10.01.030.1 ~~or 10.01.030.6~~ of the Olathe Traffic Ordinance or K.S.A. ~~8-2,114~~ 8-2,144 or 8-1567 and amendments thereto, or any ordinance of any city or a law of another state, ~~which ordinance or law that~~ prohibits the acts prohibited by these statutes or ordinances; and

(b) Is or has been also convicted of a violation of Section 10.01.030, or 10.01.030.1 ~~or 10.01.030.6~~ of the Olathe Traffic Ordinance or K.S.A. ~~8-2,114~~ 8-2,144 or 8-1567 and amendments thereto, or of a municipal ordinance, or resolution of any county or law of another state, ~~which ordinance or law that~~ prohibits the acts

prohibited by these statutes or ordinances committed while the person's privilege to drive or privilege to obtain a driver's license was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least ninety (90) days ~~imprisonment~~ of confinement, and any fine imposed on such person shall be in addition to such a term of ~~imprisonment~~ confinement.

(B) (1) A person found guilty of a class A public offense on a third or subsequent conviction of this Section shall be sentenced to not less than ninety (90) days ~~imprisonment~~ of confinement and fined not less than One Thousand Five Hundred Dollars (\$1,500.00) if such person's privilege to drive a motor vehicle is cancelled, suspended, or revoked because such person:

~~(1)~~ (a) Refused to submit and complete any test of blood, breath, or urine requested by law enforcement excluding the preliminary screening test as set forth in Section 10.01.030.2 of the Olathe Traffic Ordinance, or K.S.A. 8-1012, and amendments thereto;

~~(2)~~ (b) Was convicted of violating the provisions of Section 10.01.200 of the Olathe Traffic Ordinance, or K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage;

~~(3)~~ (c) Was convicted of vehicular homicide, K.S.A. 21-3405 prior to its repeal, or K.S.A. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442 prior to its repeal, or K.S.A. 21-5405(a)(3) and (a)(5), and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or

~~(4)~~ (d) Was convicted of being a habitual violator, under ~~this Section~~ Section 10.01.195.1 of the Olathe Traffic Ordinance, or K.S.A. 8-287, and amendments thereto.

~~(E)~~ (2) 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~~ of confinement. The ninety (90) days ~~imprisonment~~ of confinement 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 court may place the person convicted under a house arrest program to serve the remainder of the minimum sentence only after such person has served forty-eight (48) consecutive hours ~~imprisonment~~ of confinement.

~~(D)~~ (C) For the purpose of determining whether a conviction is a first, second, third, or subsequent conviction in sentencing under this chapter, “conviction” includes a conviction of a violation of any ordinance of any city or a law of any state which is in substantial conformity with this chapter.”

SECTION EIGHTEEN: Section 10.01.201 of the Olathe Municipal Code is hereby amended to read as follows:

“10.01.201 Penalties.

(a) It is unlawful for any person to violate any of the provisions of this chapter.

(b) The judge in the municipal court shall in the manner prescribed by K.S.A. 12-4305 and amendments thereto establish scheduled fines for violation of any Section of this chapter classified as a traffic infraction by K.S.A. 8-2118, and amendments thereto, ~~and~~ Section 10.01.181, and Section 10.01.128.1. Such fines shall be imposed upon a voluntary entry of appearance and upon a plea of guilty or no contest to a complaint alleging such violation.

(c) A person who has been convicted of a traffic infraction shall be sentenced to pay a fine which shall be fixed by the court, not exceeding Five Hundred Dollars (\$500.00), subject to the penalties otherwise provided in the Olathe Traffic Ordinance.

(d) Every person convicted of a violation of any of the provisions of the Olathe Traffic Ordinance shall be punished by a fine described in the Olathe Traffic Ordinance or the schedule of fines established by the judge of the municipal court. If no such fine is established the convicted person shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) or imprisonment in jail for not more than one (1) year, or be both so fined and imprisoned. Each day during or upon which a violation occurs or continues shall constitute a separate offense and shall

be punishable as such hereunder.”

SECTION NINETEEN: Existing Sections 10.01.001, 10.01.109.1, 10.01.114, 10.01.114.1, 10.01.114.2, 10.01.114.3, 10.01.114.4, 10.01.114.5, 10.01.115, 10.01.127, 10.01.131, 10.01.135.1, 10.01.163, 10.01.182.2, 10.01.194, and 10.01.201 are hereby repealed.

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

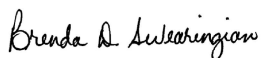
PASSED by the Governing Body this 19th day of July, 2023.

SIGNED by the Mayor this 19th day of July, 2023.


John W Bacon (Jul 19, 2023 16:05 CDT)

Mayor


ATTEST:



City Clerk



APPROVED AS TO FORM:


Ron Shaver (Jul 19, 2023 16:30 CDT)

City Attorney

The Legal Record

1701 E. Cedar St., Ste. 111
Olathe, KS 66062-1775
(913) 780-5790

ATTN: CITY CLERK
CITY OF OLATHE
100 E SANTA FE ST
OLATHE KS 66061-3409

First published in The Legal Record, Tuesday, July 25, 2023.
**PUBLICATION SUMMARY OF ORDINANCE NO. 23-18, PASSED BY THE GOVERNING BODY OF THE
CITY OF OLATHE, KANSAS ON THE 18th DAY OF JULY 2023.**

SUMMARY

On July 18, 2023, the Governing Body of the City of Olathe, Kansas passed Ordinance No. 23-18 making amendments to Title 10 of the Olathe Municipal Code pertaining to the Olathe 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-notice>, 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 19th day of July 2023.

/s/ Robert G. Gallimore
Robert G. Gallimore
Assistant City Attorney
7/25

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

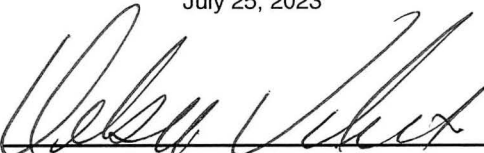
SUMMARY OF ORDINANCE NO. 23-18
7/25/23



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

July 25, 2023



Notary Public

DEBRA VALENTI
Notary Public-State of Kansas
My Appt. Expires Aug. 21, 2023

L13902
Publication Fees: \$20.76