

Updates to the 2023 *Standard Traffic Ordinance* and the *Uniform Public Offense Code*

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It is that time of year again when the League updates the *Standard Traffic Ordinance* (STO) and the *Uniform Public Offense Code* (UPOC) with the changes made by the Kansas Legislature. This article describes those changes.

Changes to the STO

Section 163. Additional Lighting Equipment.

HB 2147, Section 6, allows motor vehicles to be equipped with any type of ground effect lighting, except the lights cannot be any shade of red, flash, or be visible. Previously, motor vehicles could be equipped only with neon ground effect lighting.

Section 179. Spilling Loads on Highways Prohibited.

HB 2160 exempts trucks, tractors, and trailers hauling cotton bales from this provision when certain requirements are met.

Section 194. Driving While License Canceled, Suspended or Revoked; Penalty.

HB 2216 removes the mandatory term of confinement for first- and second-time offenders driving on a suspended license if the offender's license was suspended because of a failure to pay a fine or failure to appear. The bill also requires a minimum fine of \$100 for a violation.

Changes to the UPOC

Section 1.1. Definitions.

The League added definitions for airbag, counterfeit supplemental restraint system component, nonfunctional airbag, and supplemental restraint system that apply to the new offense concerning counterfeit airbags found in HB 2147, Section 2. The League amended the definition of wildlife based on changes in HB 2332, Section 23. The League also discovered some definitions that needed to be added or amended. Definitions for hard cider, maliciously, and sexually explicit conduct were added. Definitions for temporary permit and wine were amended. The definitions for health care facility and health care provider moved to Section 6.7., because they apply specifically to criminal trespass and the new offense concerning battery against a health care provider contains a different definition for health care providers.

Section 3.2.3. Battery Against a Health Care Provider.

This is a new offense approved by the Legislature in SB 174, Section 1, making it a Class A nonperson violation to commit a battery against a healthcare provider while the provider is performing their job duties.

Section 3.6. Unlawful Restraint.

A League member requested the League mirror state law and amend this provision to exempt all law enforcement of the state and any political subdivision of the state from this offense. Previously, the

exemption in the UPOC applied only to city law enforcement. The League amended the provision based on this request.

Section 3.8. Violation of Protection from Abuse Order.

While reviewing SB 217, which included amendments to statutes concerning protection orders, the League noticed K.S.A. 60-3107 does not contain the word “or” between battery and domestic battery. The League deleted the word “or” from this part of the provision to match state law.

Section 3.13. Stalking.

SB 217, Section 1 amended the definition of course of conduct to include “utilizing any electronic tracking system or acquiring tracking information to determine the targeted person’s location, movement or travel patterns.” The bill also changed the format of the definition for immediate family.

Section 5.5. Watercraft; Lifesaving Devices Requires, Section 10.5. Unlawful Discharge of a Firearm, and Section 11.3. Commercialization of Wildlife.

The League updated these sections to reflect the Kansas Department of Wildlife, Parks and Tourism name change to the Kansas Department of Wildlife and Parks. Also, section 5.5 was updated to reflect that the offense is a Class C nonperson violation.

Section 5.6. Purchase or Possession of Cigarettes or Tobacco Products by a Minor.

HB 2269, Section 3, raises the minimum age from 18 to 21 to purchase, attempt to purchase, possess, or attempt to possess cigarettes, electronic cigarettes, or tobacco products.

Section 6.7. Criminal Trespass.

The League moved the definitions for health care facility and health care provider from the definitions section to this section, because they specifically apply to this offense and, with the addition of the battery against a health care provider offense, the UPOC now contains two different health care provider definitions.

Section 6.22. Criminal Hunting.

HB 2332, Section 19 clarifies that convictions of this offense are nonperson violations.

Section 6.27. Counterfeit Airbag Violation.

This is a new offense approved by the Legislature in HB 2147, Section 2, making it a Class A nonperson violation to “knowingly or intentionally manufacture, import, distribute, sell, offer for sale, install or reinstall a device intended to replace a supplemental restraint system component . . .”

Section 7.2. Interference with Law Enforcement.

SB 174, Section 5, added language to this offense to include: “Knowingly fleeing from a law enforcement officer, other than fleeing by operation of a motor vehicle, when the law enforcement has: (A) Reason to stop the person under K.S.A. 22-2402, and amendments thereto; and (B) given the person visual or audible signal to stop.”

Section 10.30. Operating an Aircraft Under the Influence.

The League updated this provision to provide that this offense is a Class A violation.

Section 11.11. Cruelty to Animals.

The League amended subsection (a)(4) to mirror state law. The subsection now states, "Knowingly but not maliciously killing or injuring any animal." Maliciously was added to the definitions section of the UPOC to reflect this change.