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ORDINANCE NO. 12692

AN ORDINANCE introduced by Mayor Harry Felker amending Section 142-152 of the Code of the City of Topeka to amend and delete certain provisions of the Standard Traffic Ordinance for Kansas Cities, 2000 edition; and specifically repealing said original Section 142-152.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That Section 142-152 of the Code of the City of Topeka is hereby amended to read as follows:

Amendments.

The current edition of the Standard Traffic Ordinance for Kansas Cities, as adopted by Ordinance No. 17691, shall be amended as follows:

(a) Section 13 of the standard traffic ordinance, relating to traffic control signal legend, is hereby declared to be and is omitted and deleted.

(b) Section 33 of the standard traffic ordinance, relating to maximum speed limits, is hereby declared to be and is omitted and deleted.

(c) Section 37 of the standard traffic ordinance, relating to racing on highways; exhibition of speed, is amended to read as follows:

No person shall drive any vehicle on any road, street, alley, public or private parking lot or highway in the city in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test or exhibition.

(d) Section 50 of the standard traffic ordinance relating to right, left and U-turns at intersection; obedience to, is hereby declared to be and is omitted and deleted.

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(e) Section 67 of the standard traffic ordinance, relating to pedestrians to use right half of crosswalks, is hereby declared to be and is omitted and deleted.

(f) Section 104 of the standard traffic ordinance, relating to inattentive driving, is hereby declared to be and is omitted and deleted.

(g) Section 119 of the standard traffic ordinance, relating to parades and processions, is hereby declared to be and is omitted and deleted.

(h) Section 198 of the standard traffic ordinance, relating to vehicle license; illegal tag, is hereby declared to be and is omitted and deleted.

(i) Section 200 of the standard traffic ordinance, relating to motor vehicle liability insurance, is amended to read as follows:

(a) Every owner of a motor vehicle shall provide motor vehicle liability insurance coverage in accordance with the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101 et seq., and amendments thereto, for every motor vehicle owned by such person, unless such motor vehicle is included under an approved self-insurance plan as provided in K.S.A. 1998 Supp. 40-3104(f), and amendments thereto or is otherwise expressly exempted under the laws of this state.

(b) An owner of an uninsured motor vehicle shall not permit the operation thereof upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from said requirements pursuant to the laws of this state.

(c) No person shall knowingly drive an uninsured motor vehicle upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from said requirements pursuant to the laws of this state.

(d) Any person operating a motor vehicle upon a highway or upon property
open to use by the public shall display, upon demand, evidence of financial security
to a law enforcement officer. The law enforcement officer shall issue a citation to
any person who fails to display evidence of financial security upon such demand.
The law enforcement officer shall attach a copy of the insurance verification form
prescribed by the secretary of revenue to the copy of the citation forwarded to the
court.

No citation shall be issued to any person for failure to provide proof of
financial security when evidence of financial security meeting the standards of
subsection (e) is displayed upon demand of a law enforcement officer. Whenever
the authenticity of such evidence is questionable, the law enforcement officer may
initiate the preparation of the insurance verification form prescribed by the secretary
of revenue by recording information from the evidence of financial security
displayed. The officer shall immediately forward the form to the department of
revenue, and the department shall proceed with verification in the manner
prescribed in the following paragraph. Upon return of a form indicating that
insurance was not in force on the date indicated on the form, the department shall
immediately forward a copy of the form to the law enforcement officer initiating
preparation of the form.

(e) Unless the insurance company subsequently submits an insurance
verification form indicating that insurance was not in force, no person charged with
violating subsections (b), (c) or (d) shall be convicted if such person produces in
court, within 10 days of the date of arrest or of issuance of the citation, evidence of
financial security for the motor vehicle operated, which was valid at the time of
arrest or of issuance of the citation. For the purpose of this subsection, evidence
of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance. Upon the production in court of evidence of financial security, the court shall record the information displayed thereon on the insurance verification form prescribed by the secretary of revenue, immediately forward such form to the department of revenue, and stay any further proceedings on the matter pending a request from the prosecuting attorney that the matter be set for trial. Upon receipt of such form the department shall mail the form to the named insurance company for verification that insurance was in force on the date indicated on the form. It shall be the duty of insurance companies to notify the department within 30 calendar days of the receipt of such forms of any insurance that was not in force on the date specified. Upon return of any form to the department indicating that insurance was not in force on such date, the department shall immediately forward a copy of such form to the office of the prosecuting attorney or the city clerk of the municipality in which such prosecution is pending when the prosecuting attorney is not ascertainable. Receipt of any completed form indicating that insurance was not in effect on the date specified shall be prima facie evidence of failure to provide proof of financial security and violation of this section. A request that the matter be set for trial shall be made immediately following the receipt by the prosecuting attorney of a copy of the form from the department of revenue indicating that insurance was not in force. Any charge of violating subsection (b), (c) or (d) shall be dismissed if no request for a trial setting has been made within 60 days.
days of the date evidence of financial security was produced in court.

(f) Any person violating any provision of this section shall be guilty of a violation of this ordinance and subject to a fine of not less than $200 $300 nor more than $1,000 or by imprisonment for a term of not more than six months, or both such fine and imprisonment, except that any person convicted of violating any provision of this section within three years of any such prior conviction shall be guilty of a violation of this ordinance and subject to a fine of not to exceed less than $800 nor more than $2,500 or by imprisonment for a term of not to exceed one year, or both such fine and imprisonment. K.S.A. 1995 Supp. 40-3104.

Section 2. That Section 142-152 of the Code of the City of Topeka is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council       June 12, 2001

Harry Felker, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 05/21/01 BY Drk
TO BE CODIFIED 
NOT TO BE CODIFIED

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