



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

February 10, 1975

Opinion No. 75- 57

Mr. Steven W. Rogers
City Attorney of Fredonia
731 Madison
Fredonia, Kansas 66736

Dear Mr. Rogers:

You advise in your letter of January 22 that some question has arisen as to the interpretation to be given Section 37 of the Standard Traffic Ordinance for Kansas Cities and its applicability to a situation in which a single automobile accelerates to fast and either squeals the tires or fishtails.

Subsection (a) of the above ordinance is designed to prohibit the operation of any vehicle in the following types of situations:

- 1) during any race, speed competition or contest
- 2) in any drag race or acceleration contest
- 3) in any test of physical endurance
- 4) during any exhibition of speed or acceleration, or
- 5) for the purpose of making a record.

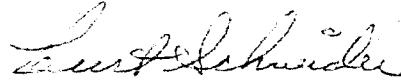
Under subsection (a), the situation you described could be a violation of the fourth category. The language "any vehicle" is clearly broad enough to support the conclusion that a single vehicle could engage in a prohibited exhibition of speed or acceleration. Accordingly, the acceleration of an automobile so as to squeal the tires or to fishtail the rear could constitute a violation of subsection (a); whether the facts of a particular situation justifies its invocation remains the province of the local authorities.

However, your inquiry was directed at whether the operation of vehicle in the above manner would violate subsection (b). The language therein accords with your interpretation. As you stated,

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it is primarily aimed at a situation where two vehicles are attempting to outdistance each other over a measured course or where one vehicle operates over a marked course for the purpose of comparing relative speeds or power of acceleration. Therefore, subsection (b) may not be used in the manner you described.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:HW:kj