Session of 2025

SENATE BILL No. 122

By Senator Holscher

1-30

AN ACT concerning traffic regulations; prohibiting the use of an electronic communications device while operating a motor vehicle; providing a penalty for unlawful use of an electronic communications device.

Be it enacted by the Legislature of the State of Kansas:

Section 1. As used in sections 1 and 2, and amendments thereto:

(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

(1) Has a gross combination weight rating or gross combination weight of 26,001 or more pounds, whichever is greater, inclusive of a towed unit which has a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater;

(2) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater;

(3) is designed to transport 16 or more passengers, including the driver; or

(4) is transporting hazardous materials and is required to be placarded under the hazardous materials transportation act pursuant to 46 U.S.C. § 1801 et seq.

(b) (1) "Electronic communication device" means a portable device that is used to initiate, receive, store, or view communication, information, images or data electronically. "Electronic communication device" includes, but is not limited to:

(A) Broadband personal communication devices;

(B) cellular telephones;

(C) computers to include tablets, laptops, notebook computers and electronic or video game systems;

(D) devices capable of transmitting, retrieving or displaying a video, movie, broadcast television image or visual image and any substantially similar device that is used to initiate or receive communication or store and review information, videos, images or data;

(E) electronic devices with mobile data access;

(F) pagers;

(G) personal digital assistants;

(H) portable telephones; and

(I) text-messaging devices.

(2) "Electronic communication device" does not include:

(A) amateur or ham radio devices;

(B) citizens band radios;

(C) commercial two-way radio communication devices or their functional equivalent;

(D) global positioning system receivers, security, navigation, communication or remote diagnostics systems permanently affixed to the vehicle;

(E) prescribed medical devices;

(F) radios; and

(G) subscription-based emergency communication devices.

(c) "Emergency service personnel" means a person employed by an entity authorized to operate an authorized emergency vehicle pursuant to K.S.A. 8-1404, and amendmnets thereto.

(d) "Noncommercial motor vehicle" means a motor vehicle or combination of motor vehicles not defined by the term commercial motor vehicle in this section.

(e) "Operating" means the actual physical control of a motor vehicle.

(f) "Operator" means a person who is in actual physical control of a motor vehicle.

(g) "Voice-operated or hands-free feature or function" means a feature or function, whether internally installed or externally attached or connected to an electronic communication device, that allows a person to use an electronic communication device without the use of either hand, except to activate, deactivate or initiate the feature or function with a single touch or single swipe.

This section shall be a part of and supplemental to the uniform act regulating traffic on highways.

Sec. 2. (a) Except as otherwise provided in this section, no person while operating a motor vehicle on any highway or property open to the public for vehicular traffic in this state shall:

(1) Physically hold or support, with any part of the person's body, an electronic communication device;

(2) write, send or read any text-based communication, including but not limited to, a text message, instant message, email or social media interaction on an electronic communication device;

(3) make any communication on an electronic communication device, including a phone call, voice message or one-way voice communication;

(4) engage in any form of electronic data retrieval or electronic data communication on an electronic communication device;

(5) manually enter letters, numbers or symbols into any website,

search engine or application on an electronic communication device;

(6) watch a video or movie on an electronic communication device other than watching data related to the navigation of the vehicle; or

(7) record, post, send or broadcast video, including a video conference, on an electronic communication device.

(b) The operator of a school bus shall not use or operate an electronic communication device while the school bus is in motion unless the device is being used in a similar manner as a two-way radio to allow live communication between the operator and school officials or public safety officials. The operator of a school bus shall not use or operate an electronic communication device or a two-way radio while loading or unloading passengers.

(c) This section shall not apply to:

(1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's official duties;

(2) operators using an electronic communication device for the sole purpose of reporting an emergency situation and continuing communication with emergency personnel during the emergency situation;

(3) operators of noncommercial motor vehicles using an electronic communication device solely through a voice-operated or hands-free feature or function;

(4) operators of commercial motor vehicles using a voice-operated or hands-free feature or function, as long as the operator remains seated and is restrained by a seat belt as required by law;

(5) operators of commercial motor vehicles reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed 10 inches tall by 10 inches wide in size;

(6) operators using electronic communication devices while the vehicle is lawfully stopped or parked;

(7) commercial motor vehicles that are responding to a request for roadside assistance, when such response is conducted by an automobile club as defined in K.S.A. 40-2502, and amendments thereto, or a towing company;

(8) the use of an electronic communication device to relay information between a transit or for-hire vehicle operator and that operator's dispatcher, provided the device is mounted or affixed to the vehicle;

(9) the use of an electronic communication device to access or view a map for navigational purposes;

(10) the use of an electronic communication device to access or listen to an audio broadcast or digital audio recording;

(11) the use of an electronic communication device to relay information through a transportation network company's digital network to a transportation network company driver, provided the device is mounted or affixed to the vehicle; or

(12) the use of an electronic device for the sole purpose of continually monitoring operator behavior by recording or broadcasting video within or outside the vehicle.

(d) A law enforcement officer who stops a noncommercial motor vehicle for a violation of this section shall inform the operator of the operator's right to decline a search of their electronic communication device. No warrant shall be issued to confiscate or access an electronic communication device based on a violation of this section unless the violation results in great bodily harm or death.

(e) A violation of this section shall not be used to establish probable cause for any other violation.

(f) No person shall be stopped, inspected or detained solely for a violation of this section.

(g) From and after the effective date of this act and prior to January 1, 2026, a law enforcement officer shall issue a warning to anyone operating a noncommercial motor vehicle violating the provisions of this section.

(h) (1) (A) Except as provided in subparagraph (B) and (C) and paragraph (2), a violation of this section is a traffic infraction and shall be subject to a fine of $150.

(B) For a second violation of this section within two years after a prior conviction of this section, such person, upon conviction, shall be fined $250 for the second violation.

(C) For a third and each succeeding violation of this section within two years after two prior convictions of this section, such person, upon conviction, shall be fined $500 for the third and each succeeding violation.

(2) A violation of this section that occurs in a school zone at a time when a reduced speed limit is enforced as established by K.S.A. 8-1560(a) or 8-1560e, and amendments thereto, or in a road construction zone, as defined in K.S.A. 8-1458a, and amendments thereto, while workers are present, the court shall impose a fine of $500.

(3) In addition to the penalties described in paragraph (1), a violation of this section that is the proximate cause of damage to property in excess of $5,000 shall be a class B nonperson misdemeanor.

(4) In addition to the penalties described in paragraph (1), a violation of this section that is the proximate cause of great bodily harm to another person shall be a class A person misdemeanor.

(5) In addition to the penalties described in paragraph (1), a violation of this section that is the proximate cause of the death of another person shall be a severity level 6, person felony.

(i) This section shall be a part of and supplemental to the uniform act regulating traffic on highways.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.