

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on February 16, 2010, in Room 783 of the Docking State Office Building.

All members were present except:
Representative Virgil Peck, excused

Committee staff present:
Bruce Kinzie, Office of the Revisor of Statutes
Scott Wells, Office of the Revisor of Statutes
Jill Shelley, Kansas Legislative Research Department
Betty Boaz, Committee Assistant

Conferees appearing before the Committee:
None

Others attending:
See attached list.

Chairman Hayzlett called the meeting to order. The Chairman said there would be no hearings today but the Committee would work some bills.

HB 2439 - Prohibiting sending, reading or writing text messages

Chairman Hayzlett opened **HB 2439** to the Committee for discussion, comments or motions. This bill would prohibit a person who is operating a motor vehicle on a public road or highway from texting, using a wireless communication device to write, send, or read a written communication. Staff briefed the Committee on this bill and on two balloon amendments (Attachment #1 and Attachment #2) After some discussion the proposed amendment specified that a "wireless communication device" does not include a voice-operated device, and to specify that the bill's provisions would not apply to law enforcement officers and emergency service personnel acting within the course and scope. Representative Swanson made a motion to adopt the amendments, seconded by Representative Rardin and the motion carried. Representative King made a motion to favorably pass HB 2439, as amended, seconded by Representative Ballard and the motion carried.

HB 2552 - Midwest interstate passenger rail compact

The Chairman opened **HB 2552** to the Committee for discussion, comments or motions. This bill would enact the Midwest Interstate Passenger Rail Compact. Representative Wetta made a motion to favorably pass HB 2552, seconded by Representative Worley and the motion carried.

HB 2660 - Recreational off-highway vehicles, regulation thereof

Chairman Hayzlett opened **HB 2660** to the Committee for discussion, comments or motions. This bill concerns recreational off-highway vehicles. Staff had an amendment. On Page 13, section (C)(k) "Any person who, on July 1, 2010, is the owner of a recreational off-highway vehicle, as defined in K.S.A. 8-126, and amendments thereto, shall not be required to file an application for a nonhighway certificate of title under the provisions of this section for such recreational off-highway vehicle, unless the person transfers an interest in such recreational off-highway vehicle." Representative Kleeb made a motion to adopt this amendment, seconded by Representative Maloney and the motion carried. Representative Swanson made a motion to favorable pass HB 2660, as amended, seconded by Representative Wolf and the motion carried.

HB 2680 - Regulating traffic; impeding traffic

The Chairman opened **HB 2680** to the Committee for discussion, comments or motions. After discussions the Committee decided to not pass **HB 2680** out of Committee.

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on February 16, 2010, in Room 783 of the Docking State Office Building.

HB 2602 - Rep. Ted Powers memorial exit

Concerning **HB 2602**, Chairman Hayzlett told the Committee that to honor Ted Powers, the Kansas Turnpike Authority will make a sign and put it at the exit going to Mulvane, Kansas. Chairman Hayzlett said the Turnpike Authority had talked to Representative DeGraff, who introduced **HB 2602**, and Ted Power's widow and they agreed with this idea.

There being no further business before the Committee the meeting was adjourned.

HOUSE BILL No. 2439

By Committee on Transportation

1-13

Proposed Amendment to HB No. 2439

Bruce Kinzie -- Office of Revisor of Statutes

9 AN ACT regulating traffic; prohibiting the sending, reading or writing of
10 text messages while operating a motor vehicle; amending K.S.A. 2009
11 Supp. 8-2118 and repealing the existing section.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) As used in this section:

15 (1) "Wireless communication device" means any wireless electronic
16 communication device that provides for voice or data communication be-
17 tween two or more parties, including, but not limited to, a mobile or
18 cellular telephone, a text messaging device, a personal digital assistant
19 that sends or receives messages, an audio-video player that sends or re-
20 ceives messages or a laptop computer.

21 (2) "Write, send or read a written communication" means using a
22 wireless communication device to manually type, send or read a written
23 communication, including, but not limited to, a text message, instant mes-
24 sage or electronic mail.

25 (b) Except as provided in subsections (c) and (d), no person shall
26 operate a motor vehicle on a public road or highway while using a wireless
27 communications device to write, send or read a written communication.

28 (c) The provisions of subsection (b) shall not apply to:

29 (1) ~~An authorized emergency vehicle;~~

30 (2) ~~a motor vehicle stopped off the regular traveled portion of the~~
31 ~~roadway;~~

32 (3) a person who reads, selects or enters a telephone number or name
33 in a wireless communications device for the purpose of making or re-
34 ceiving a phone call; ~~or~~

35 (4) a person using a global positioning or navigational system; _____

36 (d) The provisions of subsection (b) shall not prohibit a person from
37 using a wireless communications device while operating a moving motor
38 vehicle to:

39 (1) Report current or ongoing illegal activity to law enforcement;

40 (2) prevent ~~eminent~~ injury to a person or property; or

41 (3) relay information between transit or for-hire operator and the
42 operator's dispatcher, in which the device is permanently affixed to the
43 motor vehicle.

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 employment

legally parked

; or

(5) a person using a wireless communication device that is electronically integrated into the motor vehicle to allow voice operated or hands-free operation and is used in that manner.

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HOUSE BILL No. 2439

By Committee on Transportation

1-13

Proposed Amendments to HB 2439

Prepared by: Bruce Kinzie
Office of Revisor of Statutes

February 16, 2010

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42 operator's dispatcher, in which the device is permanently affixed to the
43 motor vehicle.

"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.

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House Transportation
Date: 2-16-10
Attachment # 2