

**HOUSE BILL No. 2260**

By Committee on Transportation

Requested by Representative Alcalá on behalf of Todd Linder

2-4

1 AN ACT concerning traffic regulations; prohibiting the use of an  
2 electronic communication device while operating a motor vehicle;  
3 providing a penalty for unlawful use of an electronic communication  
4 device; also repealing K.S.A. 8-15,111.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

15 (2) has a gross vehicle weight rating or gross vehicle weight of  
16 26,001 or more pounds, whichever is greater;

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

19 (4) is transporting hazardous materials and is required to be placarded  
20 under the hazardous materials transportation act pursuant to 46 U.S.C. §  
21 1801 et seq.

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

26 (A) Broadband personal communication devices;

27 (B) cellular telephones;

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

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

34 (E) electronic devices with mobile data access;

35 (F) pagers;

- 1 (G) personal digital assistants;  
2 (H) portable telephones; and  
3 (I) text-messaging devices.
- 4 (2) "Electronic communication device" does not include:  
5 (A) amateur or ham radio devices;  
6 (B) citizens band radios;  
7 (C) commercial two-way radio communication devices or their  
8 functional equivalent;  
9 (D) global positioning system receivers, security, navigation,  
10 communication or remote diagnostics systems permanently affixed to the  
11 vehicle;  
12 (E) prescribed medical devices;  
13 (F) radios; and  
14 (G) subscription-based emergency communication devices.
- 15 (c) "Emergency service personnel" means a person employed by an  
16 entity authorized to operate an authorized emergency vehicle pursuant to  
17 K.S.A. 8-1404, and amendmnets thereto.
- 18 (d) "Noncommercial motor vehicle" means a motor vehicle or  
19 combination of motor vehicles not defined by the term commercial motor  
20 vehicle in this section.
- 21 (e) "Operating" means the actual physical control of a motor vehicle.
- 22 (f) "Operator" means a person who is in actual physical control of a  
23 motor vehicle.
- 24 (g) "Voice-operated or hands-free feature or function" means a feature  
25 or function, whether internally installed or externally attached or  
26 connected to an electronic communication device, that allows a person to  
27 use an electronic communication device without the use of either hand,  
28 except to activate, deactivate or initiate the feature or function with a  
29 single touch or single swipe.
- 30 This section shall be a part of and supplemental to the uniform act  
31 regulating traffic on highways.
- 32 Sec. 2. (a) Except as otherwise provided in this section, no person  
33 while operating a motor vehicle on any highway or property open to the  
34 public for vehicular traffic in this state shall:
- 35 (1) Physically hold or support, with any part of the person's body, an  
36 electronic communication device;
- 37 (2) write, send or read any text-based communication, including but  
38 not limited to, a text message, instant message, email or social media  
39 interaction on an electronic communication device;
- 40 (3) make any communication on an electronic communication device,  
41 including a phone call, voice message or one-way voice communication;
- 42 (4) engage in any form of electronic data retrieval or electronic data  
43 communication on an electronic communication device;

1 (5) manually enter letters, numbers or symbols into any website,  
2 search engine or application on an electronic communication device;

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

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

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

14 (c) This section shall not apply to:

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

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

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

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

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

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

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

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

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

43 (10) the use of an electronic communication device to access or listen

1 to an audio broadcast or digital audio recording;

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

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

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

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

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

19 (g) From and after the effective date of this act and prior to January 1,  
20 2026, a law enforcement officer shall issue a warning to anyone operating  
21 a noncommercial motor vehicle violating the provisions of this section.

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

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

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

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

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

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

42 (5) In addition to the penalties described in paragraph (1), a violation  
43 of this section that is the proximate cause of the death of another person

1 shall be a severity level 6, person felony.

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

4 Sec. 3. K.S.A. 8-15,111 is hereby repealed.

5 Sec. 4. This act shall take effect and be in force from and after its  
6 publication in the statute book.