

SESSION OF 2026

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SENATE BILL NO. 366**

As Recommended by House Committee on
Transportation

Brief*

House Sub. for SB 366 would prohibit use of a mobile telephone in a school zone or road construction zone under certain circumstances and would authorize certain uses and colors of warning lights on highway construction vehicles.

***Prohibiting Use of a Mobile Telephone in School and
Work Zones***

The bill would add a prohibition in the Uniform Act Regulating Traffic on Highways on use of a mobile telephone in a school zone when a reduced speed limit is enforced or in a road construction zone while workers are present (school or work zone) and signs are posted at the beginning of the road construction zone alerting drivers to such workers. Holding a mobile telephone would constitute a rebuttable presumption of a violation of that prohibition.

The prohibition would not apply to:

- A law enforcement officer or emergency service personnel acting within the course and scope of their employment;
- A person operating a motor vehicle that is halted where the vehicle can safely and lawfully remain stationary; or

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- A mobile telephone that is being used with a hands-free device.

The bill would not prohibit using a mobile telephone in a school or work zone to:

- Report current or ongoing illegal activity to a law enforcement agency;
- Prevent imminent injury to a person or property;
- Summon medical or other emergency assistance; or
- Relay information between a transit or for-hire operator and the operator's dispatcher, if the device is permanently affixed to the motor vehicle.

The bill would prohibit a law enforcement officer from taking certain actions without the consent of the person:

- Confiscate a mobile telephone device for the purpose of determining compliance with the prohibition;
- Confiscate and retain a mobile telephone as evidence pending trial for a violation of these provisions; or
- Extract or otherwise download information for a violation of this section unless:
 - The officer has probable cause to believe the mobile telephone has been used in the commission of a crime;
 - The information is extracted or otherwise downloaded under a valid search warrant; or
 - Otherwise authorized by law.

Definitions

For these purposes, the bill would define:

- “Hands-free device” to mean speakerphone capability or a telephone attachment or other equipment that allows use of the mobile telephone without the use of either of the operator’s hands; and
- “Use a mobile telephone” to mean use of the mobile telephone by the motor vehicle operator without the use of a hands-free device.

The bill would exclude from “use a mobile telephone” a voice-based communication automatically converted to written form while the telephone is used in hands-free mode, the use of the device for navigation or global positioning system purposes in hands-free mode, or use of the device to perform any task performed on the vehicle’s entertainment system in hands-free mode.

The bill would exclude from inclusion as a “mobile telephone” a commercial two-way radio communication device, subscription-based emergency communication device, prescribed medical device, amateur or ham radio device, or remote diagnostics system.

Enforcement

The bill would require a law enforcement officer to issue a warning citation to anyone violating the prohibition on use of a mobile telephone in a school or work zone until July 1, 2027.

The bill would establish violation as a traffic infraction and authorize a fine of \$60.

Warning Lights in Highway Construction Zones

The bill would authorize vehicles engaged in highway construction and maintenance operations to display flashing, rotating, or oscillating amber, green, or white lights, or one or a combination of two of those colors, at all times in a road construction zone. The bill would also authorize stationary trailers to display flashing, rotating, or oscillating white and blue lights between sunset and sunrise within the area of a road construction zone when any portion of the highway is closed and workers are present in the road construction zone. Continuing law authorizes the Secretary of Transportation to adopt rules and regulations regarding special flashing lights on vehicles engaged in highway construction or maintenance; the bill would require those rules and regulations to be in accordance with the above provisions. [Note: These provisions are included in the Uniform Act Regulating Traffic on Highways.]

Background

The House Committee on Transportation replaced the contents of the bill as introduced regarding the Don Snyder Memorial Bridge with amended contents of HB 2792 and HB 2522.

[Note: The House Committee also added the contents regarding the Don Snyder Memorial Bridge to SB 321.]

HB 2792 (Prohibiting Use of a Mobile Telephone in School and Work Zones)

The bill was introduced by the House Committee on Taxation at the request of Representative Francis on behalf of the Kansas Contractors Association.

House Committee on Transportation

In the House Committee hearing, **proponent** testimony was provided by representatives of the AAA Kansas, General Motors, Kansas Contractors Association, Kansas Department of Transportation (KDOT), Kansas Highway Patrol (KHP), and Kansas National Education Association and by a private citizen, whose testimony was in support of the exemption for licensed amateur radio operators. Proponents stated school zones and highway work zones are chaotic environments that require full attention from drivers, Kansas has a high proportion of distraction-related crashes compared with other states, most states have full bans on using mobile telephone while driving except hands free, and the bill will provide opportunities for education. They also provided statistics on distracted driving crashes and crashes in work zones.

Written-only proponent testimony was provided by a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association and a representative of Safe Kids Kansas.

No other testimony was provided.

The House Committee amended the bill to require that signs be posted at the beginning of the road construction zone.

HB 2522 (Warning Lights in Highway Construction Zones)

The bill was introduced by the House Committee on Transportation at the request of a representative of the Kansas Contractors Association.

House Committee on Transportation

In the House Committee hearing, **proponent** testimony was provided by representatives of Bettis Companies, C-Hawkk Construction LLC, Kansas Contractors Association, and KDOT. The proponents generally stated the bill would increase safety for construction zone workers on highways because the flashing lights would give warning to vehicle traffic traveling near the construction zones.

Written-only proponent testimony was provided by a representative of the Kansas Turnpike Authority.

Neutral testimony was provided by a representative of the League of Kansas Municipalities (LKM). The representative stated LKM supports protecting highway construction workers but does not support the use of blue lights on anything other than emergency vehicles.

Written-only neutral testimony was provided by a representative of the KHP.

Opponent testimony was provided by a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association. The opponent stated the associations are opposed to the bill due to the option of using a blue light as a warning light on construction vehicles. He stated red and blue flashing lights are traditionally recognized to be for emergency vehicles only and blue should signify emergency vehicles only.

Written-only opponent testimony was provided by a representative of the Office of the State Fire Marshal.

No other testimony was provided.

The Committee amended the bill to:

- Allow the proposed white and blue warning lights to be used on stationary trailers instead of stationary vehicles;
- Specify the use of the white and blue lights to be within the area of a road construction zone; and
- Specify the road construction zone is closed to traffic.

House Committee of the Whole

The House Committee of the Whole amended the bill to authorize use of white and blue lights on trailers between sunrise and sunset when workers are present if any portion of the roadway within a road construction zone is closed, rather than when the construction zone is closed to traffic.

House Committee on Transportation

The House Committee replaced “roadway” in the House Committee of the Whole amendment with “highway” while adding the contents of HB 2522 into House Sub. for SB 366. [Note: Both “roadway” and “highway” are defined in the Uniform Act Regulating Traffic on Highways. “Roadway” is defined to mean the portion of a highway that is improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. “Highway” is defined as the entire width between the boundary lines of every way publicly maintained when any part of it is open to the public for vehicular traffic.]

Fiscal Information

HB 2792 (Prohibiting Use of a Mobile Telephone in School and Work Zones)

According to the fiscal note prepared by the Division of the Budget on HB 2792, as introduced, the Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district court and result in more time spent by court employees and judges processing and deciding cases and collection of fees and fines. Fees and fines assessed in cases filed under the bill's provisions would be credited to the State General Fund. However, a fiscal effect cannot be estimated.

KDOT indicates the agency's Traffic Records Enhancement Fund receives 2.23 percent of all district court fines, penalties, and forfeitures, while the agency's Seat Belt Safety Fund receives 2.20 percent. KDOT estimates enactment of the bill with its new traffic infraction could increase revenues to both funds, but KDOT is unable to estimate a fiscal effect because the agency does not have enough information to estimate how many citations would be issued.

The KHP indicates enactment of the bill would not have a fiscal effect.

Any fiscal effect associated with enactment of HB 2792 is not reflected in *The FY 2027 Governor's Budget Report*.

Both LKM and the Kansas Association of Counties indicate the bill's enactment would have a negligible fiscal effect on local governments, but neither could estimate a precise fiscal effect.

HB 2522 (Warning Lights in Highway Construction Zones)

According to the fiscal note prepared by the Division of the Budget on HB 2522, as introduced, KDOT and KHP indicate enactment of the bill would not have a fiscal effect.

Mobile telephone; school zone; work zone; hands free; Secretary of Transportation; highway construction; stationary trailers; warning lights