

February 27, 2014

The Honorable Richard Proehl, Chairperson
House Committee on Transportation
Statehouse, Room 581-W
Topeka, Kansas 66612

Dear Representative Proehl:

SUBJECT: Fiscal Note for HB 2500 by House Committee on Transportation

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2500 is respectfully submitted to your committee.

HB 2500 would clarify that the prohibition against operating a motor vehicle while text messaging does not apply to individuals who either read, select, or enter a telephone number into a wireless communications device for the purposes of making or receiving phone calls. Violations of text messaging while operating motor vehicles would be an unclassified misdemeanor punishable by a fine not to exceed \$60. For second convictions within five years immediately preceding the violation, the fine would not exceed \$120. For third or subsequent convictions within five years immediately preceding the violation, the fine would not exceed \$240. The original fine of \$60 in current law would be removed from the uniform fine schedule. Convictions of unlawful texting violations would be classified as moving violations.

According to the Office of Judicial Administration, by making unlawful texting a misdemeanor and a moving violation, the bill could create additional reasons for individuals to enter "not guilty" pleas to contest the circumstances of the violation. If more cases proceed to trial, district court judges and clerks would be required to spend additional time on those cases. However, it is not possible to predict how complex and time-consuming they would be. To the extent that individuals receive multiple convictions, the bill could also increase the amount of revenue collected from fines and remitted to the State Treasurer for disbursement to various state agencies and the State General Fund. The precise fiscal effect from additional fine revenue cannot be determined because the number of violators who might receive more than one conviction is unknown.

The Department of Revenue indicates that passage of HB 2500 would require modifications to driver's license software programs, which would cost a total of \$71,608. The

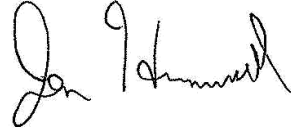
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programming and testing costs could be absorbed within existing resources. Any fiscal effect associated with HB 2500 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J" and "H".

Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary
Larry Baer, LKM
Melissa Wangemann, KAC
Kim Torrey, KHP