

February 13, 2015

REVISED

The Honorable Joe Seiwert, Chairperson
House Committee on Utilities and Telecommunications
Statehouse, Room 481-W
Topeka, Kansas 66612

Dear Representative Seiwert:

SUBJECT: Revised Fiscal Note for HB 2219 by House Committee on Utilities and Telecommunications

In accordance with KSA 75-3715a, the following revised fiscal note concerning HB 2219 is respectfully submitted to your committee.

HB 2219 would alter the definition of a “wireless communication device” to specify that the definition refers to any “handheld” wireless electronic communication device. The bill would also define “hands free wireless communication device.” Under current law it is unlawful to operate a vehicle while using a wireless communication device to write, send, or read a written communication. HB 2219 would make it unlawful to post, view, access, browse, transmit, save, or retrieve a written communication or an electronic data communication unless using a hands free wireless communication device.

The bill would prohibit a person from operating a vehicle, while using a wireless communication device, to initiate, receive, or conduct a voice communication unless using a hands free wireless communication device. No person under the age of 18 could operate a vehicle while using a wireless communication device or a hands free wireless communication device. HB 2219 would amend exemptions concerning when a wireless communication device could be used.

For violating the provisions of HB 2219, a first conviction would be a fine of \$60; a \$120 fine for a second conviction within five years immediately preceding the date of the present violation; or a \$240 fine for a third or subsequent conviction within five years immediately preceding the date of the present violation. Local governments would not be permitted to enact laws that conflict with the provisions in HB 2219.

Since the original fiscal note was issued, the Kansas Department of Revenue indicates that \$2,480 in additional expenditures from the State General Fund would be required to update the written portion of the driving test and to update the driver handbook in FY 2016. The Office

The Honorable Joe Seiwert, Chairperson

February 13, 2015

Page 2—HB 2219 Revised

of Judicial Administration states that passage of HB 2219 could result in increased traffic citations, which would increase the time spent by district court staff in processing these cases. However, until the courts have had an opportunity to operate under the provisions of HB 2219 an accurate estimate of the fiscal effect upon the Judicial Branch cannot be given. Because the League of Kansas Municipalities does not know often violations occur concerning wireless communication devices and how often violations are prosecuted, an accurate fiscal effect upon Kansas cities cannot be provided at this time. Any fiscal effect associated with HB 2219 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Mary Rinehart, Judiciary
Ben Cleeves, Transportation
Larry Baer, League of Municipalities