

STATE OF KANSAS

SENATE CHAMBER

MADAM PRESIDENT:

I move to amend **SB 144**, as amended by Senate Committee, on page 1, by striking all in line 7 through 36;

On page 2, by striking all in lines 1 through 9; following line 9, by inserting:

"Section 1. K.S.A. 2016 Supp. 8-15,111 is hereby amended to read as follows: 8-15,111. (a)

As used in this section:

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

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

(b) Except as provided in subsections (c) and (d), no person shall operate a motor vehicle on a public road or highway while: (1) Holding a wireless communication device; or (2) using a wireless communications device to write, send or read a written communication.

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

(1) 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;

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

(3) ~~a person who reads, selects or enters a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call;~~

~~(4) a person who receives an emergency, traffic or weather alert message; or~~

~~(5)~~(4) a person receiving a message related to the operation or navigation of the motor vehicle; or

(5) a person with a valid amateur radio operator license issued by the federal communications commission.

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

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

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

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

(4) summon medical or other emergency assistance; or

(5) operate two-way radio communications equipment to report information to the national weather service or any other emergency service provider.

(e) From and after the effective date of this act and prior to January 1, ~~2014~~ 2018, a law enforcement officer shall issue a warning citation to anyone violating subsection (b)(1).

(f) This section shall be part of and supplemental to the uniform act regulating traffic on highways.";

On page 7, in line 22, by striking "text messaging" and inserting "use of a wireless communication device"; by striking all in lines 23 through 26;

On page 11, in line 32, after "Supp." by inserting "8-15,111 and"; also in line 32, by striking "is" and inserting "are";

On page 1, in the title, in line 1, by striking "in"; in line 2, by striking all before the semicolon; in line 3, after "device" by inserting ", penalties, exceptions"; also in line 3, after "Supp." by inserting "8-15,111 and"; in line 4, by striking "section" and inserting "sections"

Senator _____