

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2010

As Amended by House Committee on
Transportation

Brief*

HB 2010 would prohibit holding a wireless communication device to a person's ear while operating a motor vehicle on a public road or highway.

Exceptions to this prohibition would be those in current law that prohibit texting while driving, including for law enforcement and emergency service personnel acting within the course and scope of employment; a motor vehicle stopped off the regular traveled portion of the roadway; receiving an emergency, traffic, or weather alert message; receiving a message related to the operation or navigation of the vehicle; reporting current or ongoing illegal activity to law enforcement; preventing imminent injury to a person or property; or relaying information between a transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle. The bill would add two exceptions to prohibitions on holding a wireless communication device to the person's ear or using a wireless communications device to write, send, or read a written communication: use to summon medical or other emergency assistance and use by a person operating two-way radio communications equipment while reporting information to the National Weather Service or any other emergency service provider.

The bill would amend the description of the offense in the uniform fine schedule for traffic violations, from unlawful

*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 <http://www.kslegislature.org>

text messaging to unlawful use of a wireless communication device, and make additional technical changes.

Background

Representative Ruiz requested the bill, and he testified as a proponent at the House Committee on Transportation hearing. He provide statistics and other information regarding the dangers of texting while driving and use of hands on wireless communications devices while driving. A private citizen whose son received a serious traumatic brain injury in a crash likely related to a text message also testified in support of the bill.

Proponent testimony was also received from the Kansas Department of Transportation and from a private citizen who requested an exception for amateur radio operators.

There was no other testimony.

The House Committee amended the bill to exempt amateur radio operators under certain circumstances and to amend the violation description in the uniform fine schedule for traffic violations.

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the League of Kansas Municipalities indicates cities could experience increased revenue from fines if they have the means to fully enforce provisions of the bill. However, the fiscal effect on cities cannot be estimated because the number of violations is unknown. The Kansas Association of Counties indicates the bill could increase expenditures for enforcement. This would not be offset by additional revenue from fines because fines collected by counties are remitted to the State. However, there could be reduced expenditures for county emergency services if there are fewer crashes resulting from drivers using wireless communication devices. The Kansas Highway Patrol states enactment of the bill would have no fiscal effect on agency operations. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2018 Governor's Budget Report*.