

February 26, 2020

The Honorable Mike Petersen, Chairperson  
Senate Committee on Transportation  
Statehouse, Room 345-S  
Topeka, Kansas 66612

Dear Senator Petersen:

**SUBJECT:** Fiscal Note for SB 459 by Senate Committee on Ways and Means

In accordance with KSA 75-3715a, the following fiscal note concerning SB 459 is respectfully submitted to your committee.

SB 459 would require drivers to exercise due care when operating a motor vehicle on any highway and the driver from engaging in any actions that distract the driver from the safe operation of the vehicle. The bill would also prohibit a person driving on a highway from holding a wireless telecommunications device. The bill would provide exceptions for the use of a telecommunications device when the vehicle is stopped; to call law enforcement; prevent imminent injury to a person or property; or to relay information to a transit dispatcher.

The bill would allow a person, on the first offense, to provide proof in court that their device would grant a person the ability to operate the wireless telecommunications device without having to physically hold or support the device. This use would comply with the bill's provisions and the person charged would not be guilty. The person may also provide evidence of completion of a wireless telecommunications device driving safety program approved by the Kansas Department of Transportation (KDOT). If proof is produced, the charge would be dismissed, but court costs would be assessed. The court would require the person to affirm that they have not had charges previously dismissed.

For a first conviction, the fine would be \$60 and for a second conviction within five years the fine would be \$120. A third and subsequent conviction would result in a fine of \$250.

The Office of Judicial Administration states enactment of SB 459 could increase the number of cases filed in district court because the bill creates a new violation of distracted driving or unlawful use of a telecommunications device, which would result in more time spent by court employees and judges processing and deciding these cases. According to the Office, a fiscal effect cannot be estimated.

KDOT states the bill would create a new traffic infraction with a fine of \$60 for the first violation. The agency's Traffic Records Enhancement Fund receives 2.23 percent of all district court fines, penalties, and forfeitures and the agency's Seat Belt Safety Fund receives 2.2 percent. Enactment of the bill would increase the number of fines collected by creating the new traffic infraction, which would increase revenues to both funds. KDOT is unable to provide an estimate on the increased revenues because the agency does not know how many citations would be issued.

The Department of Revenue states that enactment of the bill would require additional State General Fund expenditures of \$700 in FY 2021 for testing and adjustments to the agency's systems. Any fiscal effect associated with SB 459 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in cursive script that reads "L. L. Campbell".

Larry L. Campbell  
Director of the Budget

cc: Ben Cleeves, Transportation  
Mary Rinehart, Judiciary  
Lynn Robinson, Department of Revenue