

SESSION OF 2021

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 25**

As Amended by Senate Committee on  
Transportation

**Brief\***

SB 25, as amended, would prohibit a person under the age of 18 from using a mobile telephone while operating a motor vehicle and would prohibit any person from using a mobile telephone in a school zone when a reduced speed limit is enforced and in a construction zone, as those zones are defined in continuing law.

The prohibitions would not apply to a mobile telephone being used with a hands-free device, to law enforcement officers or emergency service personnel acting within the course and scope of their employment, or while a vehicle is lawfully parked.

The bill would include exceptions to the prohibition, for these reasons or circumstances: to report current or ongoing illegal activity to law enforcement; prevent imminent injury to a person or property; summon medical or other emergency assistance; or relay information between a transit or for-hire operator and the operator's dispatcher, if the device is permanently affixed to the motor vehicle.

The bill would deem holding a mobile telephone to constitute *prima facie* evidence of a violation if the vehicle operator is younger than 18 or using the telephone in a school or construction zone.

The bill would define "hands-free device" as a speakerphone or telephone attachment or other piece of

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\*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>

equipment, regardless of whether the device is permanently installed in the motor vehicle, that allows the use of the mobile telephone without use of either of the operator's hands. The bill would exclude from the definition of hands-free device a commercial two-way radio communication device or its functional equivalent, subscription-based emergency communication device, prescribed medical device, amateur or ham radio device, or remote diagnostics system.

The bill would require a law enforcement officer to issue a warning citation for a violation until January 1, 2022.

The bill would add the above provisions to the Uniform Act Regulating Traffic on Highways.

The bill would establish a fine of \$60 in the uniform fine schedule for unlawful use of a mobile telephone. The bill also would make a technical correction to that fine schedule.

## **Background**

The bill was introduced by the Senate Committee on Transportation at the request of a representative of AAA Kansas.

### ***Senate Committee on Transportation***

At the Senate Committee hearing on January 27, 2021, representatives of AAA Kansas; Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; the Kansas Department of Transportation (KDOT); and StopDistractions.org provided **proponent** testimony. Written-only proponent testimony was received from representatives of the Emergency Nurses Association Kansas State Council, Kansas Contractors Association, Safe Kids Kansas, and Stormont Vail Health and from a private citizen. Proponents stated the bill would

increase safety and apply to a narrow set of circumstances, and they noted a city or county could retain more restrictive local law. They stated the state averages 15,000 crashes a year attributable to distracted driving and, in 2019, 1,401 crashes occurred in work zones.

No **opponent** or neutral testimony was provided.

The Senate Committee amended the bill to state the prohibition would not apply when the vehicle is lawfully parked, exclude certain devices from the definition of “mobile telephone,” and require a warning citation until January 1, 2022.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration states enactment could increase the number of cases filed in district court; however, a fiscal effect cannot be estimated. KDOT notes its 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 2.20 percent. The bill could increase the fines collected, but KDOT is unable to estimate a fiscal effect. Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor’s Budget Report*.

Mobile telephone; distracted driving; school zone; construction zone; hands-free