

SESSION OF 2017

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 144**

As Amended by Senate Committee on  
Transportation

**Brief\***

SB 144, as amended, would prohibit the use of a wireless communication device in a school zone or a road construction zone, in a new section to be added to the Uniform Act Regulating Traffic on Highways. The zones would be defined as in current law. The definition of “wireless communication device” would be the same as that in current law prohibiting texting while driving.

The prohibition on the use of a wireless communication device in a school or construction zone would not apply to:

- A law enforcement officer or emergency service personnel acting within the course and scope of employment;
- A motor vehicle that is stopped; or
- A wireless communication device being used hands-free. The bill would define “hands-free device” to mean speakerphone capability or another piece of equipment that allows use of the device without use of either of the operator’s hands.

The bill would also allow use of a wireless communication device in a school or construction zone to report illegal activity to law enforcement, prevent imminent injury to a person or property, summon emergency

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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>

assistance, or relay information between a transit or for-hire operator and the operator's dispatcher if the device is permanently affixed to the vehicle.

The bill would specify holding a wireless communication device while operating a motor vehicle in a school or road construction zone would be *prima facie* evidence of a violation. From and after the effective date of the bill, and prior to January 1, 2018, a law enforcement officer would be required to issue a warning citation for unlawful use of a wireless communication device.

Finally, the bill would establish the fine for unlawful use of a wireless communication device in a school zone or a road construction zone at \$60.

## **Background**

The bill was requested by Senator Schmidt, who testified as a proponent in the Senate Committee on Transportation hearing. She stated reducing distracted driving in these zones would increase safety for school children and construction workers. Written-only proponent testimony was received from a representative of the Kansas Association of Chiefs of Police, the Kansas Sheriffs' Association, and Kansas Peace Officers Association, who suggested an amendment regarding *prima facie* evidence of use.

The Senate Committee amended the bill to add an exception for relaying information between a transit or for-hire operator and the operator's dispatcher, if the device is permanently affixed to the vehicle; state holding a wireless communication device while operating a motor vehicle in a school or road construction zone would constitute *prima facie* evidence of a violation; and require law enforcement officers to issue warning citations for the first six months the bill would be in effect.

The fiscal note prepared by the Division of the Budget on the bill, as introduced, states the bill likely would increase fine revenue distributed to a number of agencies and to the State General Fund, but the number of violations that would occur is unknown. According to the Office of Judicial Administration, the bill could increase the number of cases filed in district courts, but it is not possible to predict the number or complexity of additional cases and a fiscal effect cannot be determined. The League of Kansas Municipalities (League) indicates the bill could result in additional collected fine amounts for cities, but the League is unable to estimate the precise fiscal effect because the number of violations is unknown. Any fiscal effect associated with enactment of the bill, as introduced, is not reflected in *The FY 2018 Governor's Budget Report*.