

January 19, 2022

The Honorable Mike Petersen, Chairperson
Senate Committee on Transportation
Statehouse, Room 546-S
Topeka, Kansas 66612

Dear Senator Petersen:

SUBJECT: Fiscal Note for SB 332 by Senate Committee on Transportation

In accordance with KSA 75-3715a, the following fiscal note concerning SB 332 is respectfully submitted to your committee.

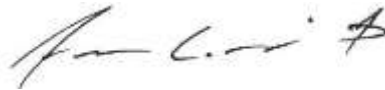
SB 332 would prohibit the use of a mobile telephone by any driver under the age of 18 who is operating a motor vehicle and any driver operating a motor vehicle in a school zone at a time when a reduced speed limit is enforced or in a road construction zone. The bill would establish a fine of \$60 for the unlawful use of a mobile telephone.

The bill's provisions would not apply to a law enforcement officer or emergency services personnel acting in the course and scope of employment, to a mobile phone being used as a hands-free device, or to a vehicle that is lawfully parked. In addition, the provisions of the bill would not apply to the use of a mobile phone for reporting current or ongoing illegal activity to law enforcement, preventing imminent injury to a person or property, summoning medical or other emergency assistance, or relaying 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 exclude certain devices from the definition of "mobile telephone." Law enforcement officers would be required to issue a warning citation until January 1, 2023, to anyone who violates the bill's provisions.

The Office of Judicial Administration states enactment of SB 332 could increase the number of cases filed in district court because it creates a new violation for unlawful use of a mobile telephone, which could result in more time spent by court employees and judges processing and deciding these cases. The Office estimates enactment of the bill could result in the collection of docket fees and fines assessed in those cases filed under the bill's provisions. According to the Office, a fiscal effect cannot be estimated.

The Kansas Department of Transportation (KDOT) indicates enactment of the bill would create a new traffic infraction with a fine of \$60. The agency's Traffic Records Enhancement Fund currently receives 2.23 percent of all district court fines, penalties, and forfeitures, while the agency's Seat Belt Safety Fund receives 2.20 percent. KDOT estimates enactment of the bill could increase the amount of fines collected because of the new traffic infraction, which would increase revenues to both funds; however, KDOT is unable to estimate a fiscal effect because the agency does not have enough information to estimate how many citations would be issued. Any fiscal effect associated with SB 332 is not reflected in *The FY 2023 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary
Brendan Yorkey, KDOT
Lynn Robinson, Department of Revenue
Wendi Stark, League of Municipalities
Jay Hall, Association of Counties