

STATE OF KANSAS

SENATE CHAMBER

MADAM PRESIDENT:

I move to amend **SB 144**, as amended by Senate Committee, on page 1, by striking all in lines 7 through 36;

On page 2, by striking all in lines 1 through 9; following line 9, by inserting:

"Section. 1. K.S.A. 2016 Supp. 8-15,111 is hereby amended to read as follows: 8-15,111. (a)

As used in this section:

(1) "Wireless communication device" means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. "Wireless communication device" does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.

(2) "Write, send or read a written communication" means using a wireless communication device to manually type, send or read a written communication, including, but not limited to, a text message, instant message or electronic mail.

(b) Except as provided in subsections (c) and (d), no person shall operate a motor vehicle on a public road or highway while: (1) Holding a wireless communication device; or (2) using a wireless communications device to write, send or read a written communication.

(c) The provisions of subsection (b) shall not apply to:

(1) A law enforcement officer or emergency service personnel acting within the course and

scope of the law enforcement officer's or emergency service personnel's employment;

(2) a motor vehicle stopped off the regular traveled portion of the roadway;

(3) a person who reads, selects or enters a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call;

(4) a person who receives an emergency, traffic or weather alert message; or

(5) a person receiving a message related to the operation or navigation of the motor vehicle.

(d) The provisions of subsection (b) shall not prohibit a person from using a wireless communications device while operating a moving motor vehicle to:

(1) Report current or ongoing illegal activity to law enforcement;

(2) prevent imminent injury to a person or property;~~or~~

(3) relay information between transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle; or

(4) summon medical or other emergency assistance.

~~(e) From and after the effective date of this act and prior to January 1, 2011, a law enforcement officer shall issue a warning citation to anyone violating subsection (b).~~

~~(f)—~~This section shall be part of and supplemental to the uniform act regulating traffic on highways.";

On page 7, in line 22, by striking "text messaging" and inserting "use of a wireless communication device"; by striking all in lines 23 through 26;

On page 11, in line 32, after "Supp." by inserting "8-15,111 and"; also in line 32, by striking "is" and inserting "are";

On page 1, in the title, in line 1, by striking "in"; in line 2, by striking all before the semicolon; in line 3, after "device" by inserting ", penalties"; also in line 3, after "Supp." by inserting "8-15,111

and"; in line 4, by striking "section" and inserting "sections"

Senator _____