

SESSION OF 2022

SUPPLEMENTAL NOTE ON SENATE BILL NO. 332
As Amended by Senate Committee on
Transportation

Brief*

SB 332, as amended, would prohibit the use of hand-held mobile telephones for drivers in construction zones when workers are present or in school zones at times when an established reduced speed limit is enforced, and any use by drivers under 18 years of age.

The provisions of the bill would not apply to three circumstances:

- Law enforcement or emergency service personnel acting within the scope of employment;
- A person operating a motor vehicle while such vehicle is lawfully parked; or
- A mobile telephone is used with a hands-free device.

The bill would provide four exceptions for mobile telephone usage while driving:

- Reporting ongoing illegal activity to law enforcement;
- Preventing imminent injury to a person or property;
- Summoning medical or other emergency assistance; or

*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>

- 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 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 zone during times when an established reduced speed limit is enforced or road construction zone with workers present.

The bill would define "hands-free device" as a speakerphone capability or a telephone attachment or other piece of equipment, regardless of whether the hands-free device is permanently installed in the motor vehicle, that allows use of the mobile telephone without use of either of the operator's hands.

The bill would exempt commercial two-way radio devices or equivalents, subscription-based emergency communication devices, prescribed medical devices, amateur or ham radio devices, and remote diagnostic systems from the definition of mobile telephone.

The bill would require a law enforcement officer to issue a warning citation for a violation until January 1, 2023.

The bill would add these 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.

Background

The bill was introduced by the Senate Committee on Transportation at the request of a representative of AAA Kansas. [Note: The bill as introduced contains the provisions of 2021 SB 25 as amended by the Senate Committee on Transportation.]

Senate Committee on Transportation

In the Senate Committee hearing, representatives of AAA Kansas, the Association of Chiefs of Police, General Motors, Kansas Contractors Association, Kansas Emergency Nurses Association, Kansas Peace Officers Association, Kansas Sheriffs Association, Safe Kids Kansas, stopdistractions.org, and Trauma Services at Stormont Vail Health, as well as a private citizen, provided **proponent** testimony.

The proponents provided information on similar bills in other states, to include Oklahoma, Nebraska, Arkansas, and Texas; noted the bill would not supersede more stringent local laws; and provided data on the numbers of crashes and fatalities that involve distracting driving. The proponents also provided data from other states that have implemented similar laws showing increased public support and decreased distracted driving incidents.

Written-only proponent testimony was provided by representatives of the American Traffic Safety Services Association, Kansas Department of Transportation (KDOT) and State Farm Insurance Companies

No other testimony was provided.

The Senate Committee amended the bill to specify that mobile telephone usage would be prohibited in construction zones only while construction workers are present.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, KDOT and the Office of Judicial Administration indicate they were unable to estimate any fiscal effects of fines for the traffic infraction that would be created by the bill or, for the Office of Judicial Administration, additional costs associated with a possible increase in the number of cases. KDOT notes its Traffic Records Enhancement Fund receives 2.23 percent of all district court fines, penalties, and forfeitures, and its Seat Belt Safety Fund receives 2.20 percent. Any fiscal effect is not reflected in *The FY 2023 Governor's Budget Report*.

Hands-free; mobile telephone; school zone; construction zone