

February 16, 2021

The Honorable Mike Petersen, Chairperson
Senate Committee on Transportation
Statehouse, Room 345-S
Topeka, Kansas 66612

Dear Senator Petersen:

SUBJECT: Fiscal Note for SB 113 by Senate Committee on Ways and Means

In accordance with KSA 75-3715a, the following fiscal note concerning SB 113 is respectfully submitted to your committee.

SB 113 would specify that a driver would be required to exercise due care in operating a motor vehicle on any highway and could not engage in any actions that distract the driver from safely operating the vehicle or physically holding or supporting, with any part of the person's body, a wireless telecommunications device. The bill would establish a \$60 fine for distracted driving or unlawful use of a wireless telecommunications device. For a second conviction, within five years after a prior conviction, the fine would increase to \$120. For a third or subsequent conviction, within five years after two prior convictions, the fine would be increased to \$250. The bill outlines certain exceptions for the fine. The bill would also eliminate the \$60 fine for unlawful text messaging.

The bill would specify that a first-time offender could have the charge dismissed if they produce a wireless telecommunications device or proof of purchase of a device, that grants the person the ability to use the device without having to physically hold or support the device and the use would comply with the bill's provisions. Also, a first-time offender could have the charge dismissed if the offender produces evidence of completion of a wireless telecommunications device driving safety program approved by the Kansas Department of Transportation (KDOT).

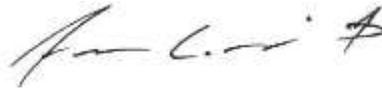
The Office of Judicial Administration states enactment of SB 113 could increase the number of cases filed in district court because it creates a new violation for distracted driving or unlawful use of a wireless telecommunications device, which could result in more time spent by court employees and judges processing and hearing cases. According to the Office, a fiscal effect

cannot be estimated. The Office estimates enactment of the bill could result in the collection of docket fees and fines assessed in cases filed under the bill's provisions.

KDOT indicates enactment of the bill would create a new traffic infraction with a fine of \$60 for the first violation. 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.

KDOT states enactment of SB 113 would result in additional operating expenditures to approve a new wireless telecommunications device driving safety program; however, the agency estimates the additional expenditures would be negligible and could be absorbed within existing resources. Any fiscal effect associated with SB 113 is not reflected in *The FY 2022 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: Ben Cleeves, Transportation
Debbie Thomas, Judiciary