

January 19, 2024

The Honorable Shannon Francis, Chairperson
House Committee on Transportation
300 SW 10th Avenue, Room 582-N
Topeka, Kansas 66612

Dear Representative Francis:

SUBJECT: Fiscal Note for HB 2499 by House Committee on Transportation

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2499 is respectfully submitted to your committee.

HB 2499 would prohibit a person under the age of 18 from using a mobile telephone while operating a motor vehicle, prohibit any person from using a mobile telephone while operating a motor vehicle in a school zone at a time when a reduced speed limit is enforced, and prohibit any person from using a mobile telephone while operating a motor vehicle in a road construction zone while workers are present. These provisions would not apply to a law enforcement officer or emergency service personnel acting within the course and scope of their employment, a person operating a motor vehicle that is halted at a location where the vehicle can safely and lawfully remain stationary, or to a person who is using a mobile telephone that is being used with a hands-free device.

A person would not be considered to be in violation of the above if that person is using a mobile telephone while operating a mobile vehicle to report current or ongoing illegal activity to law enforcement, to prevent imminent injury to a person or property, to call for medical or other emergency assistance, to relay information between a transit or for-hire operator and the operator's dispatcher, or if the device is permanently affixed to the motor vehicle. It would be considered evidence of a violation if a person is seen holding a mobile phone and is under the age of 18, or if over the age of 18, the mobile phone user is operating the vehicle in a school zone, or a road construction zone, as stated above. "Hands-free device" and "mobile telephone" would also be defined in the bill. Prior to July 1, 2025, officers would issue warning citations. The fine would be \$60.00 in the violation table.

The Office of Judicial Administration indicates that HB 2499 could increase the number of cases filed in district courts because it creates new traffic violations. This, in turn, would increase the time spent by district court judicial and nonjudicial personnel in processing,

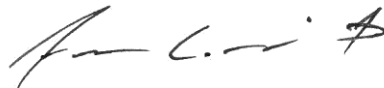
researching, and hearing cases. Nevertheless, until the courts have had an opportunity to operate under the provisions of HB 2499, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given. The bill would not have a fiscal effect on revenues to the Judicial Branch. However, the bill could result in the collection of docket fees and fines assessed in those cases filed under the provisions of the bill, most of which would be deposited in the State General Fund.

The Kansas Department of Transportation (KDOT) indicates that HB 2499 could affect revenues for KDOT. KDOT's Traffic Records Enhancement Fund (TREF) receives 2.23 percent of all District court fines, penalties, and forfeitures, and the Seat Belt Safety Fund (SBSF) receives 2.2 percent of all District court fines, penalties, and forfeitures. Passage of HB 2499 would presumably increase the amount of fines collected by adding a new traffic infraction, which would then increase revenues into the TREF and SBSF. KDOT is unable to provide a precise estimate of the increased revenues to the TREF and SBSF, because it does not know how many citations would be issued if HB 2499 were enacted. However, the agency believes that any increase in revenue to these two funds would most likely be negligible.

The Kansas Highway Patrol indicates that HB 2499 would have no fiscal effect on the agency. Any fiscal effect associated with HB 2499 is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties indicates that HB 2499 would not have any fiscal effect on counties, unless there were enough violations to substantially increase fines or court costs.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Jay Hall, Kansas Association of Counties
Sherry Macke, Kansas Highway Patrol
Brendan Yorkey, Department of Transportation