AN ACT regulating traffic; concerning the operation of a motor vehicle;
providing penalties for the use of a wireless communication device;
amending K.S.A. 2016 Supp. 8-15,111 and repealing the existing
section.

Be it enacted by the Legislature of the State of Kansas:

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 to the person's ear; 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.

Sec. 2. K.S.A. 2016 Supp. 8-15,111 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.