

SESSION OF 2024

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2499**

As Amended by Senate Committee on  
Transportation

**Brief\***

HB 2499, as amended, would prohibit the use of a mobile telephone while driving by drivers under the age of 18 and for all drivers while driving in construction zones with workers present or in school zones during hours of reduced speed enforcement. The prohibitions would be added to the Uniform Act Regulating Traffic on Highways.

The bill would specify holding a mobile telephone when not permitted under the bill would constitute *prima facie* evidence of a violation.

The bill would add a \$60 fine for violation of these provisions to the uniform fine schedule for traffic infraction violations.

The prohibition would not apply in the following circumstances:

- Activities within the scope of employment of law enforcement or emergency service personnel;
- When the vehicle is safely and lawfully stopped;
- When using a mobile telephone with a hands-free device, as defined by the bill; or
- When using a mobile telephone to do any of the following:

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\*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>

- Report illegal activity to law enforcement;
- Prevent imminent injury to a person or property;
- Summon medical or emergency assistance; or
- Relay information to dispatch by a transit or for-hire operator, if the device is permanently affixed to the vehicle.

The bill would exclude the following from the definition of “mobile telephone”:

- Commercial two-way radios or their equivalents;
- Subscription-based emergency communications devices;
- Prescribed medical devices;
- Amateur or ham radio devices; and
- Remote diagnostics systems.

The bill would require law enforcement officers to issue a warning citation for violations of unlawful use of a mobile telephone occurring prior to July 1, 2025.

[*Note:* Continuing law prohibits use of a wireless communication device while driving for any holder of a farm permit (KSA 8-296) or a restricted license (KSA 8-2,101) and, for all drivers, text messaging while driving (KSA 8-15,111), with exceptions generally similar to those in this bill.]

The bill would be effective upon publication in the *Kansas Register*.

## **Background**

The bill was introduced by the House Committee on Transportation at the request of a representative of AAA Kansas.

### ***House Committee on Transportation***

In the House Committee hearing on January 23, 2024, **proponent** testimony was provided by representatives of AAA Kansas, Kansas Contractors Association (KCA), Kansas Highway Patrol (KHP), and StopDistractions.org. The proponents generally stated the bill would make Kansas roads safer by reducing crashes, deaths, and injuries caused by inattentive driving.

Written-only proponent testimony was provided by representatives of DCCCA; General Motors; Heart of America Chapter of the American Traffic Safety Services Association (HOA-ATSSA); Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, and Kansas Peace Officers Association; Safe Kids Kansas; and the Kansas Department of Transportation (KDOT).

No other testimony was provided.

### ***Senate Committee on Transportation***

In the Senate Committee hearing on March 7, 2024, **proponent** testimony was provided by one private citizen, and representatives of AAA Kansas; Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; KCA; KDOT; and KHP. The proponents stated the provisions and penalties of the bill would provide greater safety for Kansas drivers and construction workers by reducing crashes, deaths, and injuries caused by using a mobile telephone in the circumstances provided in the bill.

Written-only proponent testimony was provided by representatives of Advocates for Highway and Auto Safety, DCCCA, General Motors, HOA-ATSSA, Safe Kids Kansas, and StopDistractions.org.

No other testimony was provided.

The Senate Committee amended the bill to become effective upon publication in the *Kansas Register*.

***Fiscal Information***

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration and KDOT indicate, due to the adjudication of violations under the proposed law, the bill could increase Judicial Branch expenditures and State General Fund revenues by an indeterminate amount.

The KHP indicated enactment of the bill would have no fiscal effect on the agency, and the Kansas Association of Counties indicated enactment would have no fiscal effect on counties unless the number of violations substantially increases fines or court costs.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

Mobile telephones; traffic safety; traffic regulation; uniform traffic fine schedule