

March 3, 2020

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

Dear Senator Petersen:

**SUBJECT:** Fiscal Note for SB 441 by Senate Committee on Transportation

In accordance with KSA 75-3715a, the following fiscal note concerning SB 441 is respectfully submitted to your committee.

SB 441 would require drivers to exercise due care when operating a motor vehicle and would prohibit a person driving on a highway from holding a wireless telecommunication device. The bill would provide exceptions for use of a telecommunication device when the vehicle is stopped, including to call law enforcement or to relay information to a transit dispatcher. The bill would allow a person, on the first offense, to provide proof in court that their device would allow compliance in the future or evidence of completion of a driving safety program. If such proof is introduced, the charges would be dismissed, but court costs would still be assessed. The court would be required to ask individuals to affirm they have not had charges previously dismissed for the same offense. The bill would assess a \$60 fine for the first conviction, a \$120 fine for a second conviction within five years, and a \$250 fine for all subsequent convictions.

The Kansas Highway Patrol indicates that enactment of the bill could require additional monitoring for this violation, which would have a minimal effect on the Patrol for general costs of enforcing the new law. However, a fiscal effect cannot be estimated.

The Office of Judicial Administration indicates that enactment of the bill could increase the number of cases filed in district courts because it creates the violation of distracted driving or unlawful use of a wireless telecommunications device. This would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill could also result in the collection of additional docket fees in cases filed under the provisions of the bill. However, a fiscal effect cannot be determined because the number of additional cases cannot be estimated.

The League of Kansas Municipalities and the Kansas Association of Counties indicate that enactment of the bill could result in additional expenditures for local law enforcement to enforce the provisions of the bill and additional revenues in fines generated from the bill. However, a fiscal effect cannot be determined because the number of additional enforcement actions is unknown. Any fiscal effect associated with SB 441 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in cursive script that reads "L. L. Campbell". The signature is written in black ink and is positioned above the printed name and title.

Larry L. Campbell  
Director of the Budget

cc: Sherry Macke, Highway Patrol  
Mary Rinehart, Judiciary  
Trey Cocking, League of Municipalities  
Jay Hall, Association of Counties