

February 7, 2017

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

Dear Senator Petersen:

**SUBJECT:** Fiscal Note for SB 144 by Senate Committee on Transportation

In accordance with KSA 75-3715a, the following fiscal note concerning SB 144 is respectfully submitted to your committee.

SB 144 would prohibit drivers from using wireless communication devices while operating a motor vehicle in a school zone or road construction zone. The provisions of the bill would not apply to law enforcement officers or emergency service personnel while carrying out their duties; a motor vehicle that has stopped; or a wireless communication device that is being used with a hands-free device. The bill would not prohibit a person from using a wireless communication device in a school zone or road construction zone if the person is reporting illegal activity to law enforcement; preventing imminent injury to a person or property; or summoning medical or other emergency assistance. The bill would add a new fine for unlawful use of a wireless communication device in a school zone or road construction zone. The amount of the fine would be \$60.

Adding the new violation for unlawful use of a wireless device in a school zone or road construction zone would increase the amount of fine revenue distributed under KSA 2016 Supp. 74-7336 regarding fines, penalties and forfeitures. However, the fiscal effect from the additional revenue is difficult to estimate because the number of violations that would occur under the bill is unknown. Agencies that would be affected include the Attorney General, the Department for Aging and Disability Services, the Department of Corrections, the Department of Wildlife, Parks and Tourism, the Emergency Medical Services Board, the Department of Health and Environment, the Department of Transportation and the Kansas Bureau of Investigations. The State General Fund would also be affected by any additional fine revenue.

According to the Office of Judicial Administration, the bill could increase the number of cases filed in district courts from the addition of a new violation. This would increase the amount of time spent by judicial and non-judicial personnel in processing, researching and

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hearing cases. Any additional cases would also increase the amount of revenue from the collection of docket fees. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a fiscal effect cannot be determined.

The League of Kansas Municipalities indicates that the bill could have a fiscal effect on cities; although, it is likely that it would be negligible. The new violation would increase costs related to education and enforcement of the new violation including new street signs or public notices. The League is unable to estimate the fiscal effect because it does not currently have data regarding how many violations would occur. Any fiscal effect associated with SB 144 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,  
Director of the Budget

cc: Brock Ingmire, League of Municipalities  
Ashley Michaelis, Judiciary