

Written Proponent Testimony on House Bill 2499  
House Committee on Transportation

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The Kansas Highway Patrol appreciates the opportunity to provide written testimony in support of House Bill 2499, and we respectfully request the Committee consider our agency's endorsement. House Bill 2499 prohibits those under 18 from using a cellphone while operating a vehicle and all drivers from using a cellphone in an active school or construction zone. The bill also carves out exceptions to these requirements for law enforcement and EMS personnel acting within the scope of their employment, for when drivers are stopped at a safe and lawful location to do so, and when using a cellphone on a hands-free basis. There are also exceptions for when drivers are using their phone to call law enforcement, prevent injury, summon EMS, and relay information between a for-hire driver and their dispatcher if the device is fixed to the vehicle.

From a law enforcement perspective, there are problems with our existing texting and driving statute (K.S.A. 8-15,111). Drivers may not write, send, or read a written communication on a wireless communication device while driving. A driver who appears to be using their phone for these purposes may be stopped by law enforcement, but upon contacting the driver, they may state they were merely changing the song they were listening to, making it difficult to develop the level of proof needed to issue a citation without further evidence. Likewise, current statute does not explicitly prohibit watching movies, playing games, or taking "selfies" while driving, and we would argue these activities are just as dangerous if not more so than texting. We believe that House Bill 2499 is a step in right direction towards combatting these kinds of dangerous behaviors.

Using a phone is still distracting and prevents the driver from utilizing both hands to operate their vehicle, regardless of whether they are truly texting or performing another action on their phone. By requiring drivers to not use their phone or use it in a hands-free capacity, we are allowing drivers to remain more focused on the road and others who use it. Hands-free cellphone technology is abundantly available and is increasingly included as a standard feature in almost all vehicles. We also appreciate the bill includes a provision to warn drivers of this new enforcement for a healthy period of time as it aligns with our efforts not to necessarily implement punitive measures, but to educate drivers on the hazards of distracted driving.

Recently, the Kansas Highway Patrol experienced yet another instance in which a driver distracted by their cellphone caused a major collision which could have killed a law enforcement officer. Troopers were shutting down a section of Interstate 70 near Hays, Kansas with multiple emergency vehicles on the roadway directing traffic to exit onto an adjacent ramp. This occurred during calm weather with

clear and lengthy visibility. A truck tractor semi-trailer operator was using their phone and ran directly into one of our canine unit trooper's vehicles. Fortunately, the trooper was outside of their vehicle at the time. The canine inside the vehicle was critically injured and is currently in recovery. Had the trooper been inside their vehicle during the crash, the results could easily have been deadly. House Bill 2499 would not necessarily have applied in this circumstance, but for the safety of our employees and the safety of our citizens, we support the bill as a means to curtail any form of distracted driving.

While we support the efforts of this bill, we do have several points about the bill to highlight. First, certain graduated licensing for teenagers currently prohibits the use of a cellphone while driving. Instruction and farm permits for 14 to 16-year-olds and restricted licenses for 15 and 16-year-olds explicitly forbid the use of mobile phones when operating a vehicle. This leaves 17-year-olds with instruction permits and non-restricted licenses subject to House Bill 2499's provisions.

Second, we see a potential enforcement issue with the exemption to allow drivers halted at a location where the vehicle can safely and lawfully remain stationary to use their cellphone. We can understand the intent of the bill in perhaps allowing for cellphone use in a construction zone queue with a flagman wherein a driver may wait for some time before proceeding. But would this also include an exemption for those drivers waiting at pedestrian crossing lights in school zones or in front of crossing guards with handheld stop signs? There is also an enhanced risk in school zones when the reduced speed limit is not in effect due to children being present for after school activities, traveling to and from playground equipment, and so on.

Third, there may be a safety issue surrounding the exemption for construction zones in which workers are not present. A driver entering a construction zone may not be aware of the presence of workers and may wrongly assume there are not workers present when the opposite is true. Some zones are quite lengthy, and some zones operate into the evening and overnight at a time when drivers may assume there are not workers present. Even without workers present, there are always enhanced levels of risk in construction zones due to lane changes, pavement alterations, parked equipment, lack of lane markings, confused drivers, etc. These comprise the multitude of reasons for the reduction of speed limits in construction zones – as a recognition of the danger construction zones pose to the motoring public. Indeed, workers being on site presents an additional risk for harm, but motorists are still in danger of distracted driving in construction zones at all times.

For these reasons, we would suggest the consideration of modifying the provisions of the bill by removing the workers present exemption for construction zones and the exemption for school zones only when the reduced speed limit is enforced. This would simplify the language of the bill making it easier for the public to understand the restrictions and when they apply, and would ultimately increase their safety, the safety of construction workers, and the safety of our children at school. Construction zones and school zones are clearly marked at their beginning and end, so drivers would know exactly when they may and may not use a cellphone.

Regardless of these matters, the Kansas Highway Patrol earnestly supports House Bill 2499. We sincerely thank members of this Committee for their consideration of our testimony, and we urge their support of this bill.

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