

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 142

As Amended by House Committee on
Transportation

Brief*

SB 142, as amended, would extend the “move over” law to stopped vehicles displaying hazard warnings and would prohibit the use of a mobile telephone while driving in certain circumstances. These provisions would be added to the Uniform Act Regulating Traffic on Highways.

“Move Over” Requirements

The bill would require the driver of a vehicle approaching a stopped vehicle displaying hazard warning signal lamps, road flares, or caution signals to proceed with caution and change lanes away from the stopped vehicle if it is possible and safe to do so.

The bill would add a fine of \$75 for unlawful passing of a stationary vehicle to the uniform fine schedule for traffic infractions.

Driver Use of a Mobile Telephone

The bill 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.

*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>

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:
 - 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.]

Background

SB 142 was introduced by the Senate Committee on Transportation at the request of a representative of AAA Kansas. As amended by the House Committee on Transportation, the bill also includes provisions of HB 2499, as passed by the House.

SB 142 (“Move Over” Requirements)

Senate Committee on Transportation

In the Senate Committee hearing, representatives from AAA Kansas, Kansas Department of Transportation (KDOT), and Kansas Highway Patrol (KHP) provided **proponent** testimony. The proponents stated the bill would require approaching motorists to move over for all stopped vehicles, as required in current law for stopped emergency, waste collection, and utility or telecommunications vehicles. This would add to the safety of motorists stopped on the side of the highway.

Written-only proponent testimony was provided by representatives of Safe Kids Kansas and the Kansas

Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association.

No other testimony was provided.

House Committee on Transportation

In the House Committee hearing, **proponent** testimony was provided by representatives of AAA Kansas, KDOT, and KHP. The proponents provided statistics and examples of how proceeding with caution around all stopped vehicles would increase safety on the highway.

Written-only proponent testimony was provided by representatives of Safe Kids Kansas and the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Kansas Sheriffs Association.

No other testimony was provided.

The House Committee amended the bill to add the contents of HB 2499.

HB 2499 (Driver Use of a Mobile Telephone)

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, **proponent** testimony was provided by representatives of AAA Kansas, Kansas Contractors Association (KCA), 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 KDOT.

No other testimony was provided.

Senate Committee on Transportation

In the Senate Committee hearing, **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*. [*Note: This amendment is not included in SB 142, as amended by the House Committee on Transportation.*]

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on SB 142, as introduced, the Office of Judicial Administration indicates the bill could increase the number of cases filed in district courts because it creates a new traffic

violation, but an accurate estimate on the fiscal effect of the expenditures by the Judicial Branch cannot be given until the courts operate under the bill's proposed changes. The bill could result in the collection of docket fees and fines, which would be deposited into the State General Fund.

The KHP indicates the bill would have negligible fiscal effect on expenditures. The Kansas Department of Revenue indicates the bill would have no fiscal effect on the agency.

Any fiscal impact associated with enactment of the bill is not reflected in *The FY 2024 Governors' Budget Report*.

HB 2499 (Driver Use of a Mobile Telephone)

According to the fiscal note prepared by the Division of the Budget on HB 2499, 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 indicates enactment of the bill would have no fiscal effect on the agency, and the Kansas Association of Counties indicates 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 HB 2499 is not reflected in *The FY 2025 Governor's Budget Report*.

Transportation; highway; move over; fines; mobile telephones; traffic safety; traffic regulation; uniform traffic fine schedule