



State of Kansas

Office of Judicial Administration

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House Committee on Transportation
Wednesday, February 1, 2012

HB 2500
Request for Technical Amendment
Helen Pedigo

The Office of Judicial Administration requests an amendment to the bill that is procedural in nature and would not affect the substance of the bill. A balloon amendment is attached.

We are seeking this amendment because the court system's FullCourt case management system is statute-based, operating from a statute table created by the Kansas Bureau of Investigation that is also used by law enforcement officials. Both crimes and offenses are entered into the table by statute number, and statute subsections are used to reference specific crimes. This removes any doubt as to the crime or offense charged and, in the case of traffic offenses, linkage to the correct statutory subsection ensures that the correct fine amount automatically populates the correct computer field.

Section 1(c) of the bill includes both initial violations, with a fine of \$50, and subsequent violations, with a fine of \$100. Separating initial and subsequent offenses into separate subsections would serve two purposes.

- It would assist clerks of the district court, because the ability to reference separate subsections would ensure that the correct fine amount automatically populates the correct computer field. There are occasions on which an incorrect docket fee or fine amount is entered on a traffic ticket. Knowing whether the fine should be \$50 or \$100 would greatly assist the clerks in their record keeping and collections, and in answering questions from the public.
- Providing separate subsections would also promote certainty in traffic records, in that a subsequent violation would be clearly labeled as such.

Thank you for your consideration of this issue.

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HOUSE BILL No. 2500

By Committee on Transportation

1-23

1 AN ACT regulating traffic; restricting the use of wireless telephones while
2 operating school buses.

3

4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) The use of a wireless telephone by an operator of a
6 school bus on a public road or highway shall be unlawful except when the
7 telephone is a hands-free wireless telephone.

8 (b) The operator of a school bus may use a hand-held wireless
9 telephone while driving with one hand on the steering wheel only if:

10 (1) Communicating with a central dispatch, school transportation
11 department or its equivalent; or

12 (2) the operator is using the telephone to report to appropriate
13 authorities a fire, a traffic accident, a serious road hazard or medical or
14 other hazardous materials emergency, or to report the operator of another
15 motor vehicle who is driving in a reckless, careless or otherwise unsafe
16 manner or who appears to be driving under the influence of alcohol or
17 drugs. A hand-held wireless telephone user's records or the testimony or
18 written statements from appropriate authorities receiving such calls shall
19 be deemed sufficient evidence of the existence of all lawful calls made
20 under this paragraph.

21 (c) An initial violation under this section by an operator shall result in
22 a fine of \$50 including no court costs. ~~Subsequent violations by an~~
23 ~~operator shall result in a fine of \$100 including no court costs.~~

24 (e) ~~(d)~~ No court shall report violation of this section to the department of
25 revenue.

26 (e) As used in this section:

27 (1) "School bus" has the same meaning as that term is defined in
28 K.S.A. 8-1461, and amendments thereto;

29 (2) "hands-free wireless telephone" means a mobile telephone that
30 has an internal feature or function, or that is equipped with an attachment
31 or addition, whether or not permanently part of such mobile telephone, by
32 which a user engages in a conversation without the use of either hand to
33 activate, deactivate or initiate a function of the telephone;

34 (3) "use of a wireless telephone" shall include, but not be limited to,
35 talking or listening to another person on the telephone.

36 (f) This act shall be part of and supplemental to the uniform act

(d)

1 regulating traffic on highways.

2 Sec. 2. This act shall take effect and be in force from and after its
3 publication in the statute book.

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