

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 99 by Senate Committee on Transportation

In accordance with KSA 75-3715a, the following fiscal note concerning SB 99 is respectfully submitted to your committee.

Under current law, using a wireless communication device to write, send or read a written communication while operating a motor vehicle is prohibited. Violations of unlawful texting are subject to a \$60 fine. SB 99 would make it also unlawful for a driver to operate a motor vehicle while holding a wireless communication device to the driver's ear. This provision would not apply if a driver is summoning medical or other emergency assistance. Law enforcement officers would not be allowed to issue warning citations for unlawful use of wireless device. The description for the fine of unlawful texting in the fine schedule would be changed to unlawful use of a wireless communication device. The amount of the fine would be \$60.

Expanding violations for unlawful use of a wireless device would likely 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 of unlawful use of a wireless communication device 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 crime. This would increase the amount of time spent by judicial and non-judicial personnel in processing, researching and hearing cases. Any additional cases would also increase the amount of revenue from the collection of docket

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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 precise fiscal effect cannot be determined.

The League of Kansas Municipalities indicates that the bill could result in additional collected fine amounts for cities. Whether or not the amount of revenue would offset the expenses related to enforcing the new violations in the bill would depend on the existing resources of each local law enforcement agency. The League is unable to estimate the precise fiscal effect because it is not known how many violations would occur within city jurisdictions. Any fiscal effect associated with SB 99 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: Ashley Michaelis, Judiciary
Brock Ingmire, League of Municipalities