

SENATE BILL No. 25

By Committee on Transportation

1-13

Warning citation

1 AN ACT concerning the regulation of traffic; prohibiting the use of a
2 mobile telephone while operating in a school zone or in a road
3 construction zone or by individuals under 18 years of age; amending
4 K.S.A. 2020 Supp. 8-2118 and repealing the existing section; also
5 repealing K.S.A. 2020 Supp. 8-2118c.

6

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

8 New Section 1. (a) No person under the age of 18 years of age shall
9 use a mobile telephone while operating a motor vehicle.

10 (b) No person shall use a mobile telephone while operating a motor
11 vehicle in a school zone at a time when a reduced speed limit is enforced
12 as established by K.S.A. 8-1560(a) or 8-1560e, and amendments thereto,
13 or in a road construction zone, as that term is defined in K.S.A. 8-1458a,
14 and amendments thereto.

15 (c) The provisions of subsections (a) and (b) shall not apply to:

16 (1) A law enforcement officer or emergency service personnel acting
17 within the course and scope of the law enforcement officer's or emergency
18 service personnel's employment; or

19 (2) a mobile telephone that is being used with a hands-free device.

20 (d) The provisions of subsections (a) or (b) shall not prohibit a person
21 from using a mobile telephone while operating a motor vehicle that would
22 otherwise violate subsections (a) or

23 (b) to:

24 (1) Report current or ongoing illegal activity to law enforcement;

25 (2) prevent imminent injury to a person or property;

26 (3) summon medical or other emergency assistance; or

27 (4) relay information between a transit or for-hire operator and the
28 operator's dispatcher, if the device is permanently affixed to the motor
29 vehicle.

30 (e) Holding a mobile telephone shall constitute prima facie evidence
31 of a violation of:

32 (1) Subsection (a) for persons under the age of 18 years of age; or

33 (2) subsection (b) for persons operating a motor vehicle in a school
34 zone or a road construction zone.

35 (f) As used in this section, "hands-free device" means speakerphone
36 capability or a telephone attachment or other piece of equipment,

1 regardless of whether or not the hands-free device is permanently installed
2 in the motor vehicle, that allows use of the mobile telephone without use
3 of either of the operator's hands.

4 (h) ~~(g)~~ This section shall be a part of and supplemental to the uniform act
5 regulating traffic on highways.

6 Sec. 2. K.S.A. 2020 Supp. 8-2118 is hereby amended to read as
7 follows: 8-2118. (a) A person charged with a traffic infraction shall,
8 except as provided in subsection (b), appear at the place and time specified
9 in the notice to appear. If the person enters an appearance, waives right to
10 trial, pleads guilty or no contest, the fine shall be no greater than that
11 specified in the uniform fine schedule in subsection (c) and court costs
12 shall be taxed as provided by law.

13 (b) Prior to the time specified in the notice to appear, a person
14 charged with a traffic infraction may enter a written appearance, waive
15 right to trial, plead guilty or no contest and pay the fine for the violation as
16 specified in the uniform fine schedule in subsection (c) and court costs
17 provided by law. Payment may be made in any manner accepted by the
18 court. The traffic citation shall not have been complied with if the payment
19 is not honored for any reason, or if the fine and court costs are not paid in
20 full. When a person charged with a traffic infraction makes payment
21 without executing a written waiver of right to trial and plea of guilty or no
22 contest, the payment shall be deemed such an appearance, waiver of right
23 to trial and plea of no contest.

24 (c) The following uniform fine schedule shall apply uniformly
25 throughout the state but shall not limit the fine that may be imposed
26 following a court appearance, except an appearance made for the purpose
27 of pleading and payment as permitted by subsection (a). The description of
28 offense contained in the following uniform fine schedule is for reference
29 only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
30 Unsafe speed for prevailing 31 conditions	8-1557	\$75
32 Exceeding maximum speed 33 limit; or speeding in zone 34 posted by the state depart- 35 ment of transportation; or 36 speeding in locally posted 37 zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$45 11-20 mph over the limit, \$45 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$105 plus \$9 per mph over 20 mph over the limit;

(g) A law enforcement officer shall issue a warning citation to anyone violating the provisions of subsections (a) or (b). The provisions of this subsection shall expire and have no effect on and after January 1, 2022.