

HOUSE BILL No. 2010

By Representative Ruiz

1-5

1 AN ACT regulating traffic; concerning the operation of a motor vehicle;
2 providing penalties for the use of a wireless communication device;
3 amending K.S.A. 2016 Supp. 8-15,111 and repealing the existing
4 section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2016 Supp. 8-15,111 is hereby amended to read as
8 follows: 8-15,111. (a) As used in this section:

9 (1) "Wireless communication device" means any wireless electronic
10 communication device that provides for voice or data communication
11 between two or more parties, including, but not limited to, a mobile or
12 cellular telephone, a text messaging device, a personal digital assistant that
13 sends or receives messages, an audio-video player that sends or receives
14 messages or a laptop computer. "Wireless communication device" does not
15 include a device which is voice-operated and which allows the user to send
16 or receive a text based communication without the use of either hand,
17 except to activate or deactivate a feature or function.

18 (2) "Write, send or read a written communication" means using a
19 wireless communication device to manually type, send or read a written
20 communication, including, but not limited to, a text message, instant
21 message or electronic mail.

22 (b) Except as provided in subsections (c) and (d), no person shall
23 operate a motor vehicle on a public road or highway while: (1) *Holding a*
24 *wireless communication device to the person's ear;* or (2) using a wireless
25 communications device to write, send or read a written communication.

26 (c) The provisions of subsection (b) shall not apply to:

27 (1) A law enforcement officer or emergency service personnel acting
28 within the course and scope of the law enforcement officer's or emergency
29 service personnel's employment;

30 (2) a motor vehicle stopped off the regular traveled portion of the
31 roadway;

32 (3) a person who reads, selects or enters a telephone number or name
33 in a wireless communications device for the purpose of making or
34 receiving a phone call;

35 (4) a person who receives an emergency, traffic or weather alert
36 message; or

1 (5) a person receiving a message related to the operation or
2 navigation of the motor vehicle.

3 (d) The provisions of subsection (b) shall not prohibit a person from
4 using a wireless communications device while operating a moving motor
5 vehicle to:

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

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

8 (3) relay information between transit or for-hire operator and the
9 operator's dispatcher, in which the device is permanently affixed to the
10 motor vehicle; *or*

11 (4) *summon medical or other emergency assistance.*

12 (e) ~~From and after the effective date of this act and prior to January 1,~~
13 ~~2011, a law enforcement officer shall issue a warning citation to anyone~~
14 ~~violating subsection (b).~~

15 ~~(f)~~—This section shall be part of and supplemental to the uniform act
16 regulating traffic on highways.

17 Sec. 2. K.S.A. 2016 Supp. 8-15,111 is hereby repealed.

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