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2015 ASSEMBLY BILL 171

April 22, 2015 – Introduced by Representatives Spiros, Berceau, E. Brooks, Subeck, Petryk, T. Larson, Kulp, Kahl, Genrich, Edming and Zepnick, cosponsored by Senator Harsdorf. Referred to Committee on Transportation.

AN ACT to amend 346.95 (1); and to create 346.89 (7) of the statutes; relating

to: operating a motor vehicle while wearing headphones or earbuds and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits inattentive driving in the following forms:

- 1. A person may not drive a motor vehicle while engaged or occupied with an activity that interferes or reasonably appears to interfere with the safe driving of the vehicle.
- 2. A person may not drive a motor vehicle while composing or sending an electronic text message or an electronic mail message, subject to limited exceptions.
- 3. A person holding a probationary license or instruction permit may not drive a motor vehicle while using a cellular or other wireless telephone, except to report an emergency.
- 4. A person may not drive a vehicle while operating or while in a position to directly observe an electronic device within the vehicle that is providing entertainment through primarily visual means. This prohibition does not apply to certain vehicles and certain devices.

Any person who is convicted of a violation described in item 1. or 2., above, may be required to forfeit not less than \$20 nor more than \$400, and any person who is convicted of a violation described in item 3. or 4., above, may be required to forfeit not less than \$20 nor more than \$40 for a first offense and not less than \$50 nor more than \$100 for a second or subsequent offense within one year.

ASSEMBLY BILL 171

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The bill creates another form of inattentive driving, prohibiting a person from driving a motor vehicle while wearing headphones over, or earbuds in, both ears. However, this prohibition does not apply to persons operating authorized emergency or roadside service vehicles, sanitation workers, persons operating a motorcycle while wearing a helmet with integrated headphones, or persons wearing hearing aids. A person who violates the prohibition may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent conviction within a year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. 346.89 (7) of the statutes is created to read:

346.89 (7) No person may drive a motor vehicle while wearing headphones over, or earbuds in, both ears. This subsection does not apply to any of the following:

- (a) The operator of an authorized emergency vehicle.
- (b) The operator of an emergency or roadside service vehicle, as defined in s. 346.072 (1g).
 - (c) The operator of a motorcycle wearing a helmet with integrated headphones.
 - (d) A sanitation worker.
 - (e) The use of any wearable instrument or device designed for the purpose of aiding or compensating for impaired human hearing.
 - **Section 2.** 346.95 (1) of the statutes is amended to read:
 - 346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (4) or, (5), or (7), 346.90 to 346.92 or 346.94 (1), (9), (10), (11), (12), or (15) may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

16 (END)