



2009 ASSEMBLY BILL 341

July 8, 2009 – Introduced by Representatives PASCH, DANOU, STASKUNAS, TOWNSEND, ROYS, BERCEAU, HONADEL, STEINBRINK, POPE-ROBERTS, BROOKS and SINICKI, cosponsored by Senators LEHMAN, DARLING, HARSDORF, CARPENTER, OLSEN, RISSER and HANSEN. Referred to Committee on Transportation.

1 **AN ACT** *to amend* 346.95 (1); and *to create* 346.89 (3) of the statutes; **relating**
2 **to:** driving a motor vehicle while using a cellular telephone or other wireless
3 telecommunications device and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits inattentive driving, which means that a driver of a motor vehicle may not be so engaged or occupied as to interfere with the safe driving of the vehicle. Any person convicted of inattentive driving may be required to forfeit not less than \$20 nor more than \$400.

This bill prohibits a person who is driving under an instruction permit or a probationary license and who is under 18 years of age from driving a motor vehicle while using a cellular telephone (cellular phone) or while using any other wireless telecommunications device that is not installed in the vehicle (wireless device), except to report an emergency. A probationary license is, with certain exceptions, issued to all applicants for an original driver's license and remains in effect for two years from the date of the licensee's next birthday. The prohibition applies to cellular phones regardless of whether the cellular phone is hand-held, installed in the vehicle, or otherwise situated, but applies to other wireless devices only if they are hand-held or otherwise not installed in the vehicle. The prohibition applies regardless of whether use of the cellular phone or wireless device interferes with operation of the vehicle. Persons who violate this prohibition 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.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 346.89 (3) of the statutes is created to read:

2 346.89 (3) (a) In this subsection:

3 1. “Drive” has the meaning given in s. 343.305 (1) (b).

4 2. “Wireless telecommunications device” means any 2-way radio or citizens
5 band radio or any personal digital assistant or other device while being used by the
6 device’s operator to transmit verbal communications, electronic mail, text messages,
7 or any other electronic communication to one or more persons not physically present
8 with the device’s operator.

9 (b) No person who holds a probationary license issued under s. 343.085 or an
10 instruction permit issued under s. 343.07 and who is under 18 years of age may drive
11 a motor vehicle while using a cellular telephone or while using any other wireless
12 telecommunications device that is not installed in the vehicle, except to report an
13 emergency.

14 **SECTION 2.** 346.95 (1) of the statutes is amended to read:

15 346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2) or (3) (b), 346.90
16 to 346.92 or 346.94 (1), (9), (10), (11), (12) or (15) may be required to forfeit not less
17 than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than
18 \$100 for the 2nd or subsequent conviction within a year.

19 **SECTION 3. Effective date.**

