



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2013 Wisconsin Act 350**  
[2013 Assembly Bill 124]

**Inattentive Driving**

2013 Wisconsin Act 350 makes several changes to the prohibition against inattentive driving.

### Current Law

Current law proscribes inattentive driving in the following four forms:

1. A person may not drive a motor vehicle while so engaged or occupied as to interfere with the safe driving of the motor vehicle.
2. A person may not drive a motor vehicle equipped with any device for visually receiving a television broadcast when the device is located in the motor vehicle at any point forward of the back of the operator's seat or when the device is visible to the operator while driving the motor vehicle.
3. With exceptions, a person may not drive a motor vehicle while composing or sending an electronic text message or an electronic mail message.
4. A person who holds a probationary license or an instruction permit may not drive a motor vehicle while using a cellular or other wireless telephone except to report an emergency.

[s. 346.89, Stats.]

"Drive" is defined, for these purposes, as "the exercise of physical control over the speed and direction of a motor vehicle while it is in motion." [s. 343.305 (1) (b), Stats.]

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

## **2013 Wisconsin Act 350**

2013 Wisconsin Act 350 modifies the first form of inattentive driving described above to include engaging in or being occupied with an activity other than driving the vehicle that *reasonably appears* to interfere with the person's ability to drive the vehicle.

The Act also repeals the second form of inattentive driving described above, pertaining to operating a motor vehicle equipped with a device for receiving a television broadcast. The Act instead provides that no person while driving a motor vehicle, other than an authorized emergency vehicle, a commercial motor vehicle, or a tow truck, may operate or be in a position to directly observe any electronic device located within the vehicle that is activated and that is providing entertainment primarily by visual means. The Act specifies that this prohibition does not apply to any of the following:

- Any global position system (GPS) device.
- The display by any device of information related to the operation, navigation, condition, radio, or safety of the vehicle or that is intended to be used to enhance the driver's view forward, behind, or to the sides of a motor vehicle.
- The display by any device of information related to traffic, road, or weather conditions.
- Any device in a vehicle that permits the vehicle driver to monitor vehicle occupants seated rearward of the driver.
- Any device that displays information related to the operation, navigation, condition, radio, or safety of the vehicle to the driver, while simultaneously providing entertainment visible only from passenger seats of the vehicle.

*Effective date:* August 1, 2014.

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