



## 2011 ASSEMBLY BILL 705

March 15, 2012 – Introduced by Representatives BARCA, BEWLEY, BERCEAU, BERNARD SCHABER, MOLEPSKE JR and TOLES. Referred to Committee on Transportation.

1     **AN ACT** *to amend* 346.95 (2); and *to create* 346.89 (4) of the statutes; **relating**  
2           **to:** use of hand-held mobile telephones while driving and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits inattentive driving of a motor vehicle, 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. Current law also specifically prohibits, with certain exceptions, a person from driving while composing or sending an electronic text message. Persons who violate either of these prohibitions may be required to forfeit not less than \$20 nor more than \$400.

This bill prohibits a person from driving while using a hand-held mobile telephone. The prohibition does not apply to any of the following: 1) operators of authorized emergency vehicles; 2) use of certain emergency alert or vehicle monitoring devices; 3) use of global positioning system devices; 4) certain amateur radio operators; 5) certain use of hands-free telephones; and 6) use in response to an emergency. Persons who violate this prohibition are subject to the same penalty as for inattentive driving or driving while composing or sending an electronic text message.

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

3           **SECTION 1.** 346.89 (4) of the statutes is created to read:

**ASSEMBLY BILL 705****SECTION 1**

1           346.89 (4) (a) No person may drive, as defined in s. 343.305 (1) (b), a motor  
2 vehicle while using a hand-held mobile telephone.

3           (b) This subsection does not apply to any of the following:

4           1. The operator of an authorized emergency vehicle.

5           2. The use of any device whose primary function is transmitting and receiving  
6 emergency alert messages and messages related to the operation of the vehicle or an  
7 accessory that is integrated into the electrical system of a vehicle.

8           3. The use of a global positioning system device, including a global positioning  
9 system device that is integrated into a mobile telephone.

10          4. An amateur radio operator who holds a valid amateur radio operator's  
11 license issued by the federal communications commission when he or she is using  
12 dedicated amateur radio 2-way radio communication equipment and observing  
13 proper amateur radio operating procedures.

14          5. The use of a voice-operated or hands-free mobile telephone if the driver of  
15 the motor vehicle does not use his or her hands to operate the telephone, except to  
16 activate or deactivate a feature or function of the telephone, including dialing a  
17 telephone number.

18          6. The use of a mobile telephone in response to an emergency.

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

20          346.95 (2) Any person violating s. 346.89 (1) or, (3) (a), or (4) (a) or 346.94 (2),  
21 (4), or (7) may be required to forfeit not less than \$20 nor more than \$400.

22          **SECTION 3. Effective date.**

23          (1) This act takes effect on the first day of the 7th month beginning after  
24 publication.

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(END)