

2005 DRAFTING REQUEST

Bill

Received: 01/20/2005

Received By: agary

Wanted: Today

Identical to LRB:

For: Tony Staskunas (608) 266-0620

By/Representing: Adrienne Ramirez (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - traffic laws

Extra Copies: PJH

Submit via email: YES

Requester's email: Rep.Staskunas@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibiting probationary licensees or instruction permittees from using a cell phone while driving

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 01/20/2005	wjackson 01/20/2005		_____			S&L
/1			rschlue 01/20/2005	_____	mbarman 01/20/2005	mbarman 01/20/2005	

FE Sent For:

<END>

↳ At Intro.

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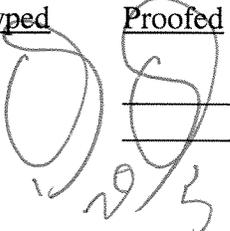
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/?	agary	1/16/20					
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FE Sent For:

<END>

* PAs: Please send "1" out Jacketed.
AR6

1/20/05

the w/ Advisee

want \$482 w/o driver
insurance requirement
- need TODAY

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: ARC) (Date: 1 / 20 / 05)



Please transfer the drafting file for

2003 LRB _____ to the drafting file

for 2005 LRB _____

The final version of the 2003 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2003 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2003 draft was incorporated into a 2005 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the 2005 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

---OR---

Please copy the drafting file for

2005 LRB 1482 / 1 _____ (include the version) and place it in the

drafting file for 2005 LRB 1808 _____

For research purposes, because the original 2005 draft was incorporated into another 2005 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the new 2005 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

TODAY
K

1908/1
LRB-1482/1
ARG:wlj:rs

2005 BILL

Regen

1 AN ACT *to amend* 346.95 (1); and *to create* 38.04 (4) (e) 3., 115.28 (11) (c), 343.61
 2 (6) (c) and 346.89 (3) of the statutes; **relating to:** driving a motor vehicle while
 3 using a cellular telephone or other wireless telecommunications device, driver
 4 education instruction, 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 driving under an instruction permit or a probationary license from driving a motor vehicle while using a cellular telephone or other wireless telecommunications device (cellular phone), 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 regardless of whether the cellular phone is hand-held, installed in the vehicle, or otherwise situated, and regardless of whether use of the cellular phone 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.

Current law requires all driver education courses offered by school districts, county children with disabilities education boards, technical college districts, and

BILL

driver schools to acquaint each student with the hazards posed by farm machinery and animals on highways and by railroad grade crossings and to provide instruction in dealing safely with such hazards. Driver education courses must also include at least 30 minutes of instruction relating to organ and tissue donation and organ and tissue donation procedures.

This bill requires driver education courses also to provide instruction relating to the general prohibition on persons driving under an instruction permit or a probationary license from driving a motor vehicle while using a cellular phone and relating to the safe use of cellular phones while operating a motor vehicle by other drivers.

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:

SECTION 1. 38.04(4) (e) 3. of the statutes is created to read:

38.04 (4) (e) 3. Provides instruction relating to the prohibition under s. 346.89 (3) and relating to the safe use of cellular telephones or other wireless telecommunications devices while operating a motor vehicle.

SECTION 2. 115.28 (11) (c) of the statutes is created to read:

115.28 (11) (c) Provide instruction relating to the prohibition under s. 346.89 (3) and relating to the safe use of cellular telephones or other wireless telecommunications devices while operating a motor vehicle.

SECTION 3. 343.61 (6) (c) of the statutes is created to read:

343.61 (6) (c) Provides instruction relating to the prohibition under s. 346.89 (3) and relating to the safe use of cellular telephones or other wireless telecommunications devices while operating a motor vehicle.

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

346.89 (3) No person who holds a probationary license issued under s. 343.085, or an instruction permit issued under s. 343.07, may drive, as defined in s. 343.305

BILL

1 (1) (b), a motor vehicle while using a cellular telephone or other wireless
2 telecommunications device, except to report an emergency.

3 **SECTION 5.** 346.95 (1) of the statutes is amended to read:

4 346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2) or (3), 346.90 to
5 346.92 or 346.94 (1), (9), (10), (11), (12) or (15) may be required to forfeit not less than
6 \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100
7 for the 2nd or subsequent conviction within a year.

8 **SECTION 6. Effective date.**

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

11 (END)