

☞ **07hr\_sb0442\_SC-Ed\_pt01**



Details: Public Hearing – February 21, 2008

(FORM UPDATED: 07/12/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2007-08**

(session year)

**Senate**

(Assembly, Senate or Joint)

**Committee on ... Education (SC-Ed)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

971B

# Vote Record Committee on Education

Date: 3/6/08

Moved by: Hansen      Seconded by: Kreitlow

AB \_\_\_\_\_ SB 442      Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_      Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_      Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:  
 Passage       Adoption       Confirmation       Concurrence       Indefinite Postponement  
 Introduction       Rejection       Tabling       Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator John Lehman, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Jon Erpenbach</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator David Hansen</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Pat Kreitlow</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Luther Olsen</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Glenn Grothman</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Mary Lazich</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>5</u>	<u>no 2</u>	_____	_____

## Vote Record Committee on Education

Date: 3/6/08

Moved by: Kreitlow      Seconded by: Hansen

AB \_\_\_\_\_ SB 442      Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_      Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_      Other \_\_\_\_\_

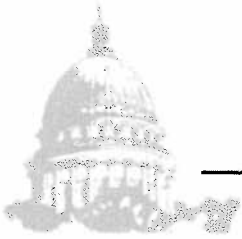
A/S Amdt 1 \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:  
 Passage       Adoption       Confirmation       Concurrence       Indefinite Postponement  
 Introduction       Rejection       Tabling       Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator John Lehman, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<b>Senator Pat Kreitlow</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Luther Olsen</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Glenn Grothman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Mary Lazich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>7</u>	<u>0</u>	_____	_____

Motion Carried       Motion Failed





WISCONSIN STATE SENATE

**TIM CARPENTER**

SENATOR – 3RD DISTRICT

State Capitol • PO Box 7882 • Madison, WI 53707-7882 • Phone: (608) 266-8535

February 29, 2008

Hand Delivered

Senator John Lehman  
Chair, Senate Committee on Education

Dear Senator Lehman:

Thank you again for allowing a public hearing on Senate Bill 442, to prohibit use of cell phones or other wireless devices while operating a school bus. After listening to the testimony of concerned parties, I have drafted an amendment which specifically allows school bus operators to use two-way or citizen band radios while continuing the ban on the use of cell phones, blackberries, or other wireless voice or text communication devices.

A copy of the amendment and a Legislative Council memo on the amendment is attached.

My office has contacted Robert Christian of the Wisconsin School Bus Association, who has stated approval of the amendment.

I hope that you will consider having an executive session on SB 442, which will make sure that school bus drivers are not unduly distracted by using cell phones or texting devices, while allowing them to use two way or citizen band radios in their work.

If you have any questions or comments, please let me know.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Carpenter', with a long horizontal stroke above it.

Tim Carpenter  
State Senator



## WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director*  
*Laura D. Rose, Deputy Director*

TO: SENATOR TIM CARPENTER  
FROM: Russ Whitesel, Senior Staff Attorney  
RE: 2007 Senate Bill 442  
DATE: February 28, 2008

This memorandum, prepared at your request, describes the provisions of 2007 Senate Bill 442 and Senate Amendment 1 to the bill.

Senate Bill 442 generally prohibits a person operating a school bus or other vehicle transporting pupils from using a cellular telephone or other wireless telecommunications device while the school bus or other vehicle is on the roadway or loading or unloading passengers.

The bill defines “wireless communication device” to mean:

...any two-way radio or citizens band radio or any personal digital assistant or other device while being used by the device’s operator and transmit verbal communications, electronic mail, text messages, or any other electronic communication to one or more persons not physically present with the device’s operator, but does not include any global positioning system device installed in or on a vehicle.

Senate Amendment 1 deletes from this definition the term “any two-way radio or citizens band radio” and explicitly provides that the definition does not apply to any two-way radio or citizens band radio.

The amendment makes no other changes in the proposed legislation.

If you have any questions regarding this matter, please feel free to contact me directly at the Legislative Council staff offices.

RW:jal









# The National Coalition for School Bus Safety

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## NATIONAL COALITION OF SCHOOL BUS SAFETY NEWS 2007

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### Heed Call For Ban on Use of Cell Phones by School Bus Drivers on the Road February 13, 2007

If you're a driver, you've almost certainly had an unnerving near-miss accident situation with another driver who was yakking on a cell phone instead of paying attention to the road.

Blabbering on a cell phone while driving puts one in the same league as a drunken driver, as far as being an impaired driver, according to studies in recent years.

Despite that, few states or communities have laws specifically against talking on a cell phone while driving. That's why the American School Bus Council today was scheduled to urge school bus companies, school districts and state lawmakers to ban school bus drivers specifically from using cell phones when their bus is moving or while students are getting on and off the bus.

Cell phone use by school bus drivers already is against the law in Arizona, Arkansas, California, Connecticut, Delaware, the District of Columbia, Illinois, Massachusetts, New Jersey, Rhode Island, Tennessee and Texas.

Notice that Ohio is not on that list compiled by the Governors Highway Safety Association. Ohio permits communities to adopt restrictions on cell phone use while driving, but few communities have done so.

Most anyone would agree that school bus drivers carry the most precious passengers in the world, our children. Their safety must be paramount, and that means school bus drivers focusing on their jobs 100 percent.

After 11 students were injured in a 2004 crash blamed on a driver chatting on a cell phone, the National Transportation Safety Board called for a ban on cell phone use by all bus drivers while driving, according to an Associated Press news story.

An estimated 25 million school children ride the bus each day, and it's a good bet that the vast majority of school bus drivers wouldn't dream of casually conversing on a cell phone while on the job. But there's always somebody who just doesn't get it. This ban is for them.

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SB 442  
?



# AMERICAN SCHOOL BUS COUNCIL™

1110 Vermont Avenue, NW, Suite 1200 | Washington, DC 20005-3544 | P 202.530.4599 | E [schoolbuscouncil@bm.com](mailto:schoolbuscouncil@bm.com)

[www.AmericanSchoolBusCouncil.org](http://www.AmericanSchoolBusCouncil.org)

FOR IMMEDIATE RELEASE  
Feb. 14, 2007

Media Inquiries:  
202-530-4599  
[schoolbuscouncil@bm.com](mailto:schoolbuscouncil@bm.com)

**American School Bus Council**  
**Exceeds NTSB's Recommendation on Cell Phone Use by School Bus Drivers**  
*Council Strengthens Guidelines on Driver Qualifications, School Transportation Safety, Emergency Preparedness, and Health and Environmental Safety*

WASHINGTON – Feb. 14, 2007 – The American School Bus Council today adopted a position on the use of cell phones by school bus drivers that exceeds a recent recommendation set forth by the National Transportation Safety Board (NTSB). The Council's position addresses and goes beyond NTSB's recommendation by: 1) prohibiting the use of cellular phones or other portable electronic devices – even those equipped with hands-free devices – while driving, and 2) banning the use of cellular phones while supervising the loading and unloading of students.

"As representatives of the entire school transportation industry, including public and private transportation providers, school bus manufacturers and state policy leaders for pupil transportation, the Council's number one priority is the safe transportation of students," said Donald Tudor, co-director of the American School Bus Council and director of transportation for the South Carolina Department of Education. "That is why we adopted a cell phone policy that exceeds NTSB's recommendation on two fronts, and why we are working to quickly implement this policy through our member organizations."

The Council recognizes that cellular phones and other communication devices can play a crucial role in emergency situations. However, the Council believes that these devices should be used only when the school bus is stopped and in a secure location, except in cases of extreme emergency. The American School Bus Council's entire policy on the use of cellular phones on school buses is available at [www.AmericanSchoolBusCouncil.org](http://www.AmericanSchoolBusCouncil.org).

In addition, on February 14 the Council released a set of guidelines on pupil transportation designed to provide clear national practices on bus driver qualifications, hiring and training; school transportation safety; emergency preparedness; and health and environmental safety. The guidelines, for use by those responsible for school transportation – such as school districts, bus companies and pupil transportation officials – include recommendations made by the 14th National Congress on School Transportation's "2005 National School Transportation Specifications and Procedures" and new policies that exceed federal and state laws.

These guidelines include:

- Using clean fuels – including clean diesel, bio-diesel, compressed natural gas, propane and hybrid technologies – whenever possible to reduce pollution emissions.

**Council Members**

National Association for  
Pupil Transportation

National Association of  
State Directors of Pupil  
Transportation Services

National School  
Transportation Association

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IC Corporation

Thomas Built Buses



# AMERICAN SCHOOL BUS COUNCIL™

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[www.AmericanSchoolBusCouncil.org](http://www.AmericanSchoolBusCouncil.org)

- Enhancing school buses with updated safety technology, such as flashing strobe lights to increase bus visibility and crossing control arms to ensure that children cross a safe distance in front of the bus.
- Adopting uniform driver qualifications and training procedures, including pre-service training and testing, classroom and on-the-road training, and written and driving performance tests.
- Enacting security plans and procedures in concert with state and federal departments of homeland security.
- Increasing security by incorporating new technologies, such as Global Positioning Systems (GPS) for vehicle tracking and locating.

“Despite the fact that the school transportation industry is highly regulated and receives no direct federal funding, we are committed to the highest standards of safety,” said Pete Japikse, co-director of the American School Bus Council and pupil transportation director, Ohio Department of Education. “The Council and its members are working to implement these guidelines, which articulate what we in the school transportation industry believe are essential policies and procedures for maintaining our unequalled safety record.”

The full set of Guidelines on Pupil Transportation is available at [www.AmericanSchoolBusCouncil.org](http://www.AmericanSchoolBusCouncil.org).

To educate parents, students, school districts, legislators and the public on the guidelines, the American School Bus Council is sponsoring “Love The Bus,” a national awareness program celebrating the valuable role that school bus drivers play in keeping children safe. For more information, visit [www.LoveTheBus.com](http://www.LoveTheBus.com).

## About the American School Bus Council

The American School Bus Council represents a unified voice of the school transportation industry – including public and private transportation providers, school bus manufacturers and state officials responsible for pupil transportation. The Council is committed to providing safe, effective, efficient and healthy transportation for the more than 25 million schoolchildren who ride more than 475,000 school buses each day.

The Council's members include NAPT (National Association for Pupil Transportation), NASDPTS (National Association of State Directors of Pupil Transportation Services), NSTA (National School Transportation Association), Blue Bird Corp. of Fort Valley, Ga., IC Corporation of Warrenville, Ill., and Thomas Built Buses of High Point, N.C.

For more information, visit [www.AmericanSchoolBusCouncil.org](http://www.AmericanSchoolBusCouncil.org). Media may call 202-530-4599 or e-mail [schoolbuscouncil@bm.com](mailto:schoolbuscouncil@bm.com).

###

### Council Members

National Association for  
Pupil Transportation

National Association of  
State Directors of Pupil  
Transportation Services

National School  
Transportation Association

Blue Bird Corporation

IC Corporation

Thomas Built Buses

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## Driving and Dialing Bus Drivers May Cause Accidents

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February 7 , 2007

### Only 11 States, District of Columbia Have Laws Banning Cell Phone Use

**Feb. 7, 2007**— About 17,000 children are injured in school bus accidents every year, and federal officials say drivers who talk on cell phones while driving could be partly to blame.

In Prince Georges County in Maryland, a bus driver on a cell phone lost control of the wheel and 30 students ended up in the hospital.

In another accident, 8-year-old Deneik Brownlee's right forearm was severed. The bus driver was reportedly distracted by his cell phone.

After two months in the hospital, Brownlee faces more surgeries, and her mother will no longer allow her daughters to ride the bus to school.

"A bus driver shouldn't be text messaging or talking on the phone when he has the lives of young children in his hands," said Makeba Fitzgerald, whose daughter was in a bus accident. "You are jeopardizing the lives of tomorrow."

There have been other cases, too, so after a few tips from concerned mothers in North Carolina, "Good Morning America" sent its undercover team to try to catch bus drivers dialing and driving.

On bus after bus, in a four-day period, ABC News saw a total of 17 bus drivers dialing and talking on the phone.

When one driver spotted ABC News' camera, he put his phone down. Another driver did the same thing.

The federal government said school bus drivers should never talk on their cell phone while driving. They should pull over if they need to make a call.

"Cell phones and bus drivers shouldn't be mixing," said Jonathan Adkins of the Governors Highway Safety Association. "Every state should pass a law to ban bus drivers from operating a cell phone while passengers are in the bus."

~~Only 11 states and the District of Columbia have such a law.~~

Most mothers that ABC News spoke to agreed that bus drivers have their hands full without talking on the phone and should focus on the task at hand.

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**Cell phone use by school bus drivers is widespread**

Submitted by administrator on Thu, 07/19/2007 - 14:21.  
national

By LISA HOFFMAN  
Scripps Howard News Service  
Thursday, July 19, 2007

Despite the widely recognized dangers, school bus drivers in most of the country are free to chat on their cell phones -- or even punch in text messages-- while transporting America's children to class and back.

In fact, only 13 states now forbid the practice, except in emergencies. And even in some of the areas where it is banned, enforcement is so spotty that citizen watchdogs and news media investigators have had no problem documenting scofflaws.

To date, none of the 25 million children who ride 475,000 school buses each school day has died as a result of a handful of wrecks tied to the drivers' use of cell phones. But experts predict the sad inevitability that some will if there is not a concerted crackdown on the portable personal devices -- including hands-free varieties.

"The only kind of communication device a bus driver should be using... is an installed portable radio. And even then we would recommend they use it while they are stopped," said Pete Japikseis, a co-director of the American School Bus Council and a staffer at the Ohio Department of Education.

That is also the conclusion of the National Transportation Safety Board that last December called for a coast-to-coast ban. "Professional drivers who have dozens of passengers' lives entrusted to them should devote their full attention to their task," NTSB Mark Rosenker said.

That likely would have prevented a devastating injury to a young schoolgirl from Philadelphia. She and dozens of other children were traveling home from a field trip to the Baltimore aquarium when a tractor-trailer drifted into the school bus' lane. The bus driver seemed oblivious, witnesses would later say.

The vehicles collided, with the impact sending the bus careening across the highway, onto the median then back across two lanes of traffic before sliding on its side onto the shoulder of Interstate 95 near Baltimore.

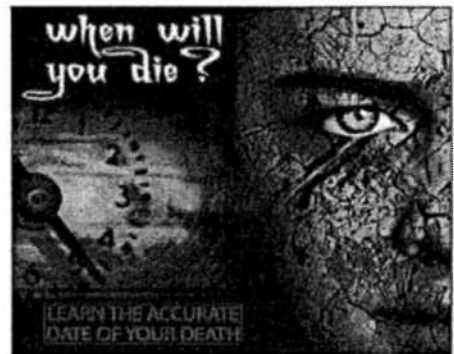
The force of the crash flung Deneik Brownlee, 8, out a window. The bus' frame pinned her in a ditch, severing her right hand and shattering her elbow.

A primary contributing cause of that July 5, 2006 accident, which injured 30 children? Investigators said it was the

**Saving Babies: Exposing Sudden Infant Death in America**

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**Recent comments**

- Nice Article and Recommend Book  
Chris Tune (not verified)  
02/18/2008 - 1:52pm

1

2

inattention of the bus driver, who was talking on a cell phone at the time, according to a lawsuit filed in Deneik's behalf.

③

Other crashes include a 2004 case, in which a suburban Washington, D.C. bus driver was so busy chatting on his hands-free phone that he failed to notice a looming highway bridge or signs warning of a "low clearance" ahead. As a result, the bus carrying 27 children slammed into the northern Virginia overpass, destroying the roof and sending 11 kids to the hospital.

④

In 2005, a Maryland school bus driver lost control while driving with one hand as she answered her cell. She fell out of her seat and the bus, with 30 children aboard, slid down an embankment. No one was seriously hurt, although the driver faced traffic charges. In Prince George's County's school system, bus drivers are discouraged from using cell phones when moving, but violators face only minor administrative penalties if caught doing so.

School systems, the school transportation industry, police and other public safety agencies uniformly agree that bus drivers and cell conversations are a treacherous mix, given the inherent difficulties of the job in even the best circumstances and the precious nature of the passengers.

"It's a no-brainer, really," said Alan Ross, president of the non-profit, all-volunteer National Coalition of School Bus Safety.

So far, the only states with bans are Arizona, Arkansas, California, Connecticut, Delaware, Georgia, Illinois, Massachusetts, New Jersey, Rhode Island, Tennessee and Texas. Kentucky claims the newest law, which took effect June 25. In North Carolina, a school bus cell-ban bill is now on the governors' desk.

Though the federal safety board called on it to do so, the U.S. Department of Transportation's Federal Motor Carrier Safety Administration has not issued regulations barring cell phone use by those with commercial driver's licenses who drive school buses. Federal statistics show that 17,000 school kids are injured in bus accidents each year, but no tally exists of those hurt in cell-related crashes or incidents.

Some states or school districts take an intermediate route in trying to curtail the practice by imposing administrative rules that critics say amount to hand slaps and are subject to little oversight.

School transportation industry groups -- which don't always agree with safety advocates' prescriptions on such things as seatbelts on buses -- say that is not enough. They not only support full cell-use bans but in some cases go even further than the national safety board did in calling for change.

"We believe it is important that school districts and school bus operators address and go beyond the NTSB's recommendation," the school bus council, which is a school transportation industry group, said in issuing guidelines on the subject this year. It also called for a ban on the use of cell phones while supervising the loading or unloading of passengers.

- Good Article  
Joshua Horner (not verified)  
02/18/2008 - 1:34pm
- vitmain D  
Anonymous (not verified)  
02/18/2008 - 9:26am
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Anonymous (not verified)  
02/17/2008 - 11:30pm
- Bunch of hogwash. How do  
Anonymous (not verified)  
02/17/2008 - 6:37pm
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Howard Bingham (not verified)  
02/17/2008 - 4:28pm
- Reply Garnett  
P-Dub (not verified)  
02/16/2008 - 7:40pm
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haylie (not verified)  
02/16/2008 - 2:20pm
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jose (not verified)  
02/15/2008 - 7:40pm
- How Audi got its name...  
Jay (not verified)  
02/15/2008 - 1:30pm

Some citizen watchdogs want penalties imposed to be sufficiently tough to match the potential peril they are designed to forestall. Among the toughest is the one proposed for North Carolina, where violators would face a misdemeanor charge and a minimum \$100 fine for driving while chatting.

But even in states with laws, cell phone use can remain pervasive. Local TV reporters and ordinary citizens across the country have documented dozens of school bus drivers behind the wheel as they yak away.

In Los Angeles, where it has been illegal since 2004 for school bus operators to drive while talking on a phone, a TV crew in May spotted a driver making a right turn one-handed while on the phone and holding a cup. The same month, a citizen in Ogden, Utah, snapped pictures of a school-district driver steering with her elbows as she talked on the phone.

In Texas, where state law bans the practice, TV news cameras caught a driver in Dallas rolling over curbs as she held a cell-phone conversation that lasted at least 18 minutes.

But it apparently can also be dangerous to follow the rules and pull off the road to make a call. In Indiana last November, an Indianapolis Public Schools bus driver stopped on the shoulder to take a phone call from her mother. As she did, a man driving a Hummer and fiddling with its radio plowed into the back of the school bus. He got the ticket in that accident.

#### Comment viewing options

Flat list - expanded

Date - oldest first

30 comments per page

Select your preferred way to display the comments and click "Save settings" to activate your changes.

#### That's very dangerous and

Submitted by Chris (not verified) on Thu, 07/26/2007 - 13:52.

That's very dangerous and the news is quite disturbing. At the list could they use an earpiece. At least schools or the school board should have the drivers use earpieces or provide some safety information for them.

I think the use of cell phones by bus drivers to let parents know they are on their way or to act as a tracking device for the school buses is an option that should start to be considered.

[reply](#)

#### IT'S NOT THE ONLY DISTRACTION

Submitted by A School Bus Driver (not verified) on Sun, 08/19/2007 - 20:51.

A cell phone is a tool that a responsible bus driver uses as just that, a tool. I cannot imagine driving down the road "chatting" on the phone in a leisurely conversation. All who have my phone number (friends, family) know when I am on the school bus and that I will not answer their calls.

I do have parents who may have an emergency situation such as not being at their rural home in time to meet their children's bus, so they request that I take the child to a nearby relative or re-arrange the route so their children as young as 4 yrs old are not home alone.

I am a responsible bus driver who has no problem not answering the phone if the situation is unsafe to do so. More than once I have handed the phone over to an older student and told them to answer any calls because the road conditions are unsafe for me to answer the phone.

What bothers me about the push of laws that restrict cell phone usage is that lawmakers make a big deal about how safe they are making school children....Bologna!!!

IF LAWMAKERS TRULY WANTED TO MAKE OUR NATION'S SCHOOL CHILDREN SAFE--THEY WOULD MANDATE AND PAY FOR SAFETY BELTS FOR EACH AND EVERY CHILD ON A SCHOOL BUS!!!

I am far more distracted by having to tell children multiple times to follow rules such as sitting in their seats and not moving around while the bus is in motion...THIS IS A HUGE DISTRACTION that happens almost every minute of the bus ride...

It is SO HYPOCRITICAL that individuals are required to buckle up in their own cars with threat of fines, yet our states put millions of kids on school buses without this safety feature.

In Oklahoma where I drive a school bus, lawmakers are working on a law that would create a \$1,000 fine for a school bus driver to use their cell phone while driving a school bus....this is a bit outrageous since the amount of this fine equals more than 1/6 of my annual salary as a school bus driver. Especially since a cell phone is the only means of communication between the school bus and the school or parents, there is no radio in the bus.

So what happens if there is an emergency or a child misses the bus?

I am certainly not going to pay a \$1000 fine for answering the phone so hopefully by not answering the phone a bigger emergency or threat against safety does not occur for one of my children.

My message to lawmakers is to quit trying to look good by creating laws that only half-way solve a problem. You might be able to get a cell phone law passed which may generate a little revenue for the government...but you need to put your money where your mouth is and pay for safety belts in buses, if you really care about making our kids safe!!!

If you are a parent you need to ask your lawmakers why they don't push for safety belts...They will tell you that school buses are the safest mode of transportation for children so they don't really see a reason for safety belts...oh really if it is so safe what's the worry about cell phone usage??

-  
reply





FOR IMMEDIATE RELEASE: November 21, 2006 SB-06-65

## **NTSB RECOMMENDS BAN ON CELL PHONE USE BY BUS DRIVERS**

---

Washington, D.C. - In a final report on a motor coach accident in Virginia, the National Transportation Safety Board today urged the federal and state governments to prohibit motor coach and school bus drivers from using cell phones while driving those vehicles, except in emergencies.

"Professional drivers who have dozens of passengers' lives entrusted to them should devote their full attention to their task," NTSB Chairman Mark V. Rosenker said. "What we saw in this accident is appalling and could have resulted in great tragedy."

The recommendations are contained in the Board's report on a non-fatal bus accident that occurred November 14, 2004, on the George Washington Parkway in Alexandria, Virginia. The motor coach was traveling from Baltimore Washington International Thurgood Marshall Airport to Mount Vernon, Virginia. The accident bus was the second of two traveling together. At about 10:40 a.m., the bus was traveling in the right lane of the Parkway when it struck a bridge carrying Alexandria Avenue over the Parkway. There were signs warning of the 10-foot, 2-inch clearance for that lane and the 13-foot, 4-inch clearance for the left lane. The bus was 12 feet high. During the impact the bus's roof was destroyed and 11 students were injured, one of them seriously. The bus driver had been talking on a hands-free cell phone at the time of the accident, and he said that he saw neither the warning signs nor the bridge itself before the impact. Evidence indicates that he did not apply any brakes before impacting the bridge.

The Safety Board concluded that the driver's cognitive distraction resulting from his use of a hands-free cell phone caused the accident. The use of either a hand-held or hands-free cellular telephone while driving can impair the performance of even a Commercial Drivers License (CDL) holder, such as the driver in this accident, the Board said.

"Payment for transportation services creates an implicit contract between the passenger and the carrier that the carrier will transport the passenger safely and not allow the vehicle operator to take unnecessary risks," the Board stated in its report. "Consequently, these drivers have a special obligation to provide the safest driving environment possible for the passengers in their care."

The Board recommended that the Federal Motor Carrier Safety Administration and the 50 States and District of Columbia prohibit CDL holders with a passenger-carrying or school bus endorsement from using cell phones while driving those vehicles, except in emergencies. The Board also recommended that the bus associations develop formal policies for their members containing the same proscriptions.

The Board noted that the extent of the problem of cell phone use is unknown because of inadequate statistics, and the Board reiterated previous recommendations to the 20 states that do not have driver distraction codes on their accident investigation forms to add interactive wireless communication device use to those forms.

In its report, the NTSB also found that the low vertical clearance of the bridge, which does not meet current standards, contributed to the accident.

A summary of the Board's findings, including conclusions, probable cause and safety recommendations, may be found on the Board's website under "Publications." The full report will be available at that site in a few weeks.

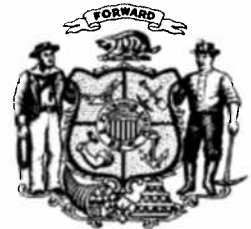
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# WISCONSIN STATE LEGISLATURE



SB 442  
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## Cell Phone Driving Laws

Several states restrict cell phone use while driving. Generally, state cell phone driving laws are based on issues specific to each state. For example, many states have identified cell phone use by novice drivers as an emerging highway safety problem and have thus restricted use. In some states, localities restrict cell phone use through local ordinances or policies. Other states prohibit localities from implementing such ordinances. These are known as "Preemption Laws." Highlights of current state cell phone driving laws include the following:



- **5 states** (California, Connecticut, New Jersey, New York and Washington), **the District of Columbia and the Virgin Islands** have enacted jurisdiction-wide cell phone laws prohibiting driving while talking on handheld cell phones. Many other states ban cell phone use in specific situations.
- **17 states and the District of Columbia** have special cell phone driving laws for novice drivers.
- School bus drivers in **14 states and the District of Columbia** are prohibited from all cell phone use when passengers are present, except for in emergencies.
- In May of 2007, Washington became the first state to ban driving while texting for all drivers. New Jersey followed suit in November and a few other states are considering similar measures.
- No state completely bans all types of cell phone use (handheld and hands-free) while driving.
- Some states, such as Utah and New Hampshire, treat cell phone use as a larger "distracted driving" issue.

Learn more about this topic by visiting [GHSA's Cell Phones & Distracted Driving issue page](#).

State	Crash Data Collected? (code on report form or in narrative)	Restrictions	Preemption Laws	Special Provisions for Novice Drivers?
<u>Alabama</u>				
<u>Alaska</u>	Yes			
<u>Arizona</u>		School bus drivers may not use cell phones while operating a school bus, except for emergencies.		
<u>Arkansas</u>		School bus drivers may not use cell phones while operating a school bus, except for emergencies.		

<u>California</u>	Yes	Use of cellular phones while driving a school or transit bus is prohibited. Rental cars with cellular phone equipment must include written operating instructions concerning its safe use. Eff. 7/2008, all drivers must use hands free device, except for emergencies, and drivers of emergency response vehicles (commercial vehicle drivers exempted from requirement until 2011).	Prohibits any mobile device use by any driver under age 18. Emergency calls are exempted. (eff. 7/1/2008)
<u>Colorado</u>	Yes		Drivers, regardless of age, may not operate a cell phone while holding a learner permit.
<u>Connecticut</u>	Yes	Drivers on public and private roads must use hands free device, except for emergency situations and legitimate use by drivers of school buses (without passengers), buses, taxis and tow trucks in the performance of job duties. Use of cellular devices while operating a school bus with passengers is prohibited.	Persons holding a learner permit and drivers under 18 may not use any hand-held mobile telephone (including hands-free devices) while operating a motor vehicle (emergency situations excepted.)
		Use of cellular devices while	Persons driving with a graduated licensing permit

<u>Delaware</u>	Yes	operating a school bus is prohibited, except for emergencies.		may not use a cell phone while driving unless pulled to the side of the road.
<u>D.C.</u>		All drivers (regardless of residency) must use hands free device, except for emergencies and on-duty emergency and police personnel. School bus drivers may not use cell phones, except for emergencies.		Persons holding a learner permit may not operate a motor vehicle while using a cell phone.
<u>Florida</u>	Yes Officer can code "Driver Distraction" as contributing cause and list cell phone in the narrative. Less than 0.2% of crash reports for 2006 listed cell phone use as a contributing cause.	Headphones can be used with a cell phone as long as they provide sound through one ear and allows surrounding sound to be heard with the other ear.	State law prohibits local jurisdictions from enacting restrictions on use in motor vehicles.	
<u>Georgia</u>	Yes	School bus drivers may not use cell phones or two-way radios while loading or unloading passengers nor while the bus is in motion.		
<u>Hawaii</u>		Currently conducting studies		
<u>Idaho</u>				
		School bus drivers may not use cell phones while		Drivers <19 who

<b><u>Illinois</u></b>	Yes	operating a school bus, except for emergencies. Jurisdictions may impose local restrictions on using cellular phones while driving.		hold an instruction permit or graduated license may not use cell phones except for emergencies.
<b><u>Indiana</u></b>	Yes			
<b><u>Iowa</u></b>	Yes			
<b><u>Kansas</u></b>				
<b><u>Kentucky</u></b>		School bus drivers are not permitted to use cell phones.	No city, county, urban-county, charter county, consolidated local government or special district can impose a restriction on the use of a mobile telephone in a motor vehicle.	
<b><u>Louisiana</u></b>			Only the state legislature can establish cell phone usage laws. The cities and parish governments are forbidden from enacting legislation.	
<b><u>Maine</u></b>				A person who has not attained 18 years of age may not operate a motor vehicle while using a mobile telephone or handheld electronic device.
<b><u>Maryland</u></b>	Yes			Drivers under 18 holding a learner or provisional license may not use a wireless communication

				device, except to contact a 911 system.
<b>Massachusetts</b>	Yes	School bus drivers may not use cell phones while operating a school bus, except for emergencies. Cellular phone use is permitted as long as it does not interfere with the operation of the vehicle and one hand remains on the steering wheel at all times. Local jurisdictions may impose restrictions on cell phone devices.		
<b>Michigan</b>	Yes	Local jurisdictions may impose restrictions on cell phone devices.		
<b>Minnesota</b>	Yes			Driver may not operate a vehicle while using a cell phone in the learner stage and in the provisional stage, which lasts for 12 mos. or until the age of 18.
<b>Mississippi</b>			State law prohibits local jurisdictions from enacting restrictions on use in motor vehicles.	
<b>Missouri</b>				
<b>Montana</b>	Yes			
				Teens with provisional, learner's and school permits



<p><b>Nebraska</b></p>	<p>Yes</p>			<p>are prohibited from talking on cell phones, sending text messages or using other interactive electronic devices while driving.</p>
<p><b>Nevada</b></p>	<p>Yes</p>		<p>State and local entities prohibited from regulating use of cellular phones, satellite phones, portable phones or any other similar electronic devices in motor vehicles.</p>	
<p><b>New Hampshire</b></p>		<p>Dealt with as a distracted driving issue; state enacted a comprehensive distracted driving law.</p>		
<p><b>New Jersey</b></p>	<p>Yes</p>	<p>School bus drivers may not use cell phones while operating a school bus, except for emergencies.</p> <p>Hands free cell phone devices are required while operating a vehicle (emergencies excepted).</p> <p>Text-messaging is prohibited (eff. 3/1/08).</p>	<p>Localities are prohibited from enacting restrictions on using cell phones while driving.</p>	<p>Use is prohibited for drivers under 21 while operating a moving vehicle (except in an emergency situation) on a Graduated License permit or provisional license.</p>
		<p>Hands-free devices must be used in state vehicles; State legislature approved cell</p>		

<u>New Mexico</u>		phone and driving studies. Two localities currently prohibit use other than with hands-free device.		
<u>New York</u>	Yes	Hands free cell phone devices are required while operating a vehicle (hand-held cell phones can only be used in emergencies). State legislature approved cell phone and driving studies.		
<u>North Carolina</u>	Yes	School bus drivers may not use cell phones		Cell phone use prohibited for drivers under 18, except 911 calls and calls to parents
<u>North Dakota</u>				
<u>Ohio</u>		Local jurisdictions may impose restrictions on use of cell phone devices while operating a vehicle.		
<u>Oklahoma</u>	Yes		State law prohibits local jurisdictions from enacting restrictions on use in motor vehicles.	
<u>Oregon</u>	Yes		State law prohibits local jurisdictions from enacting restrictions on use in motor vehicles.	Provisional and permittee teen drivers (under 18) prohibited from using mobile communication devices (both text and voice) while driving.
		Local jurisdictions may impose		

<b><u>Pennsylvania</u></b>	Yes	restrictions on use of cell phones while driving.		
<b><u>Rhode Island</u></b>		School bus drivers may not use cell phones while operating a school bus, except for emergencies.		Drivers younger than 18 may not operate a cell phone.
<b><u>South Carolina</u></b>				
<b><u>South Dakota</u></b>	Yes			
<b><u>Tennessee</u></b>	Yes	School bus drivers may not use cell phones while operating a school bus while transporting children, except for emergencies.		No driver possessing a learner permit or intermediate driver license shall operate a motor vehicle in motion on any highway while using a hand held cellular telephone, cellular car telephone, or other mobile telephone.
<b><u>Texas</u></b>	Yes	School bus drivers are prohibited from using cell phones when a passenger 17 and under is present.		Drivers under 18 may not use a wireless handheld communication device in learner or intermediate stage.
<b><u>Utah</u></b>	Yes	Dealt with as a distracted driving issue; state law includes "careless driving" offenses, defined as when a driver commits a traffic violation while distracted, including while holding a cell phone.	Municipalities may not establish cell phone regulations.	
<b><u>Vermont</u></b>				
		Hands free cell		

<u>Virgin Islands</u>	Yes	phone devices required while operating a vehicle (may be used in case of emergency)		
<u>Virginia</u>	Yes			Drivers holding an intermediate license may not use cell phones, including hands-free devices (except for emergencies).
<u>Washington</u>	Yes	Hands free cell phone devices are required while operating a vehicle (eff. 7/1/2008). Exempts drivers of emergency vehicles and tow trucks, drivers who have hearing aids and drivers reporting emergencies or illegal activities. Secondary enforcement.  Drivers may not send, read or write a text message while driving unless operating an emergency vehicle or reporting an emergency or illegal activity. Not part of record, not given to insurance companies. Secondary enforcement.		
<u>West Virginia</u>				Drivers may not operate a cell phone in the learner and intermediate stages.
<u>Wisconsin</u>				

<b>Wyoming</b>				
<b>Total</b>	<b>29 States + Virgin Islands</b>	<b>Varies</b>	<b>9 States</b>	<b>17 States + D.C.</b>

Sources: American Automobile Association (AAA), Insurance Institute for Highway Safety (IIHS), National Conference of State Legislatures (NCSL), National Transportation Safety Board (NTSB) and State Highway Safety Offices. Most recently reviewed January, 2008.

<b>Countries with cell phone driving laws that restrict or prohibit handheld cell phones in cars:</b>			
Australia Austria Britain Brazil Chile Denmark Germany	Greece Ireland Israel Italy Japan Norway Poland	Portugal Philippines Romania Singapore Slovenia S. Africa Spain	Sweden Switzerland Taiwan Turkey