

2009 DRAFTING REQUEST

Bill

Received: **09/21/2009**

Received By: **emueller**

Wanted: **Soon**

Identical to LRB:

For: **Peter Barca (608) 266-5504**

By/Representing: **Matt Egerer**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Barca@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibiting text messaging 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>
/?							
/P1	emueller 09/22/2009	bkraft 09/22/2009	rschluet 09/22/2009	_____	lparisi 09/22/2009		
/1	emueller 09/23/2009	bkraft 09/23/2009	mduchek 09/23/2009	_____	lparisi 09/23/2009	cduerst 10/14/2009	

FE Sent For: **NONE**

<END>

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/1 FE Sent For:	<i>EM</i> 9/23/09	<i>1 bjk</i> 9/23	<i>M</i> 9/23				<END>

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/?	emueller						
/P1	EW 9/22/09	/P1 bjk 9/22					

FE Sent For:

9/22

<END>

Mueller, Eric

From: Egerer, Matt
Sent: Monday, September 21, 2009 5:12 PM
To: Mueller, Eric
Subject: RE: Barca - Text Messaging

Yes. 6 months.

Matt Egerer
Office of Representative Peter Barca
608.266.5504

From: Egerer, Matt
Sent: Monday, September 21, 2009 5:12 PM
To: Mueller, Eric
Subject: RE: Barca - Text Messaging

Yes.

Matt Egerer
Office of Representative Peter Barca
608.266.5504

From: Mueller, Eric
Sent: Monday, September 21, 2009 4:05 PM
To: Egerer, Matt
Subject: RE: Barca - Text Messaging

Matt,

One last thing. Do you want a delayed effective date? SB103, for example, has a 6 month delay prior to taking effect.

Eric

From: Egerer, Matt
Sent: Monday, September 21, 2009 3:50 PM
To: Mueller, Eric
Subject: RE: Barca - Text Messaging

1. No exception for emergencies for average citizens. Even in an emergency it would seem better to pull over if one would need to send a text message, rather than potentially compounding the situation.

2. Yes we would like to use the language from SA2 of SB103 for the definition of texting as 'composing or sending.'

Thanks Eric,

Matt Egerer
Office of Representative Peter Barca
608.266.5504

From: Mueller, Eric
Sent: Monday, September 21, 2009 3:45 PM
To: Egerer, Matt
Subject: RE: Barca - Text Messaging

Matt,

I have a couple of questions that I thought I would ask now rather than addressing them in a drafter's note to perhaps speed up the process.

First, I'm using SB103 as a partial template and I noticed that your instructions do not include an "emergency situation" exception. Do you wish to include such an exception? In SB103 the exception was incorporated into the prohibition – "No person may ... except to report an emergency."

Second, your instructions say that you want to ban texting defined as "composing or sending." Does this mean you want to include a definition of "texting" or is the language of SB103 as amended by SA2 adequate, i.e. "No person may drive a motor vehicle while composing or sending an electronic text message" I think in either case so long as the actual text messaging device or process by which the device works isn't defined, a common understanding of "text message" will be used by the courts and the "composing or sending" limitation would be included.

Thanks,

Eric

From: Egerer, Matt
Sent: Friday, September 18, 2009 5:06 PM
To: Mueller, Eric
Subject: RE: Barca - Text Messaging

Eric,

I believe we cleared up our questions on driving vs. operating and would like to have this drafted as "driving."

Again, we know that you have many demands on your time, but things are moving very fast on this bill and we would appreciate if you could get back to us as soon as possible.

Matt Egerer
Office of Representative Peter Barca
608.266.5504

From: Egerer, Matt
Sent: Friday, September 18, 2009 11:33 AM
To: Mueller, Eric
Subject: Barca - Text Messaging

Eric,

Thanks for all your help on putting together these drafts on the various text messaging bills.

We now have another request for a new numbered draft. We would like to ban texting, as defined as "composing or sending," for all Wisconsin drivers.

Set the penalty for first offense as \$100 - \$400 and the second and subsequent as \$200 - \$800.

No other enhancers, as we believe DAs are able to use other statutes to address more egregious situations.

We would like to have an exemption for emergency personnel.

We would like it to be clear that a GPS device is not the same as text messaging.

We would like this to apply for ATVs or snowmobiles on the roadway as well.

We would like more information about the distinction about “driving” and “operating.”

Matt Egerer
Office of Representative Peter Barca
608.266.5504



bjk
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

tu 9/22/09

Soon

SA
X-ref

911

1 AN ACT ...; relating to: prohibiting electronic text messaging while driving and
2 providing a penalty.

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. Any person convicted of inattentive driving may be required to forfeit not less than \$20 nor more than \$400.

This bill prohibits a person from driving while composing or sending an electronic text message. The prohibition does not apply to operators of authorized emergency vehicles or to the use of a global positioning system device. Persons who violate this prohibition may be required to forfeit not less than \$100 nor more than \$400 for a first offense, and not less than \$200 nor more than \$800 for a second or subsequent conviction within a year.

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

3 SECTION 1. 346.89 (3) of the statutes is created to read:
4 346.89 (3) (a) No person may drive, as defined in s. 343.305 (1) (b), any motor
5 vehicle while composing or sending an electronic text message.

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

- 2 1. The operator of an ~~an~~ authorized emergency vehicle.
- 3 2. The use of a global positioning system device.

4 **SECTION 2.** 346.95 (11) of the statutes is created to read:

5 346.95 (11) Any person violating s. 346.89 (3) (a) may be required to forfeit not
6 less than \$100 nor more than \$400 for the first offense and not less than \$200 nor
7 more than \$800 for the 2nd or subsequent conviction within a year.

8 **SECTION 3. Effective date.**

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

11 (END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3488/P1

EVM:bjk:rs

Stay

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No
Changes

9/23/09

Soon

SA

reyn.

1 AN ACT to create 346.89 (3) and 346.95 (11) of the statutes; relating to:
2 prohibiting electronic text messaging while driving and providing a penalty.

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. Any person convicted of inattentive driving may be required to forfeit not less than \$20 nor more than \$400.

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7 more than \$800 for the 2nd or subsequent conviction within a year.

8 **SECTION 3. Effective date.**

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

11 (END)

Mueller, Eric

From: Egerer, Matt
Sent: Tuesday, September 22, 2009 6:49 PM
To: Mueller, Eric
Subject: Texting

Eric,

The last draft you send us looks great.

Can we get that as a regular draft?

Matt Egerer
Office of Representative Peter Barca
608.266.5504

Duerst, Christina

From: Egerer, Matt
Sent: Wednesday, October 14, 2009 11:53 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-3488/1 Topic: Prohibiting text messaging while driving.

Please Jacket LRB 09-3488/1 for the ASSEMBLY.

If I can get this as soon as possible today that would be extra appreciated. ☺

Matt