

👉 **09hr_SC-TTFNR_sb0103_pt01**



(FORM UPDATED: 08/11/2010)

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

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Transportation, Tourism,
Forestry, and Natural Resources (SC-TTFNR)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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

* Contents organized for archiving by: Mike Barman (LRB) (June/2012)

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Senate Bill 103

Relating to: restrictions on the operation of motor vehicles by persons using electronic text messaging devices and providing a penalty.

By Senators A. Lasee, Cowles, Lehman, Carpenter, Risser, Lassa, Harsdorf, Taylor, Darling, Schultz, Olsen and Hansen; cosponsored by Representatives Barca, Townsend, Van Roy, Bies, Spanbauer, Lothian, Petrowski, A. Ott, Friske and Strachota.

March 03, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

March 19, 2009 **PUBLIC HEARING HELD**

Present: (0) None.

Absent: (0) None.

Appearances For

- Alan Lasee — 1st Senate District
- Tony Driessen, Madison — American Automobile Association of Wisconsin

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Andy Franken, Madison — Wisconsin Insurance Alliance

Registrations Against

- None.

Registrations for Information Only

- None.

May 21, 2009 **EXECUTIVE SESSION HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

July 16, 2009

EXECUTIVE SESSION HELD

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Moved by Senator Leibham, seconded by Senator Hansen that **Senate Amendment 2** be recommended for adoption.

Ayes: (6) Senators Holperin, Plale, Hansen, Leibham, Kedzie and Grothman.

Noes: (1) Senator Sullivan.

ADOPTION OF SENATE AMENDMENT 2 RECOMMENDED, Ayes 6, Noes 1

Moved by Senator Hansen, seconded by Senator Leibham that **Senate Bill 103** be recommended for passage as amended.

Ayes: (5) Senators Holperin, Sullivan, Hansen, Leibham and Grothman.

Noes: (2) Senators Plale and Kedzie.

PASSAGE AS AMENDED RECOMMENDED, Ayes 5, Noes 2

Elizabeth Novak
Committee Clerk

JACKET COPY

SENATE BILL 103

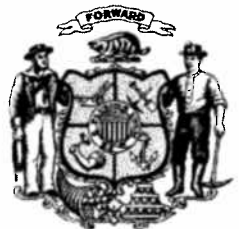
An Act to amend 346.02 (10) and (11); and to create 346.89 (3) and 346.95 (10) of the statutes; relating to: restrictions on the operation of motor vehicles by persons using electronic text messaging devices and providing a penalty.

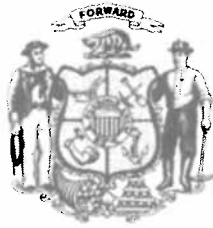
Introduced on 03-MAR-2009.

Introduced by Senators **A. Lasee, Cowles, Lehman, Carpenter, Risser, Lassa, Harsdorf, Taylor, Darling, Schultz, Olsen and Hansen**; cosponsored by Representatives **Barca, Townsend, Van Roy, Bies, Spanbauer, Lothian, Petrowski, A. Ott, Friske and Strachota**.



WISCONSIN STATE LEGISLATURE





Date ?

1st Senate District
State Capitol • PO Box 7882
Madison, Wisconsin 53707-7882

Alan Lasee

State Senator

Telephone: 608 266 3512
Fax: 608 267 6792

Email: Sen.Lasee@legis.wisconsin.gov
Web: www.legis.wi.gov/senate/sen01/news/

Senate Committee on Transportation, Tourism, Forestry, and Natural Resources

Senate Bill 103

Senator Alan Lasee Testimony

Thank you Chairman Holperin and committee members for your time and consideration of holding a hearing on Senate Bill 103. Senate Bill 103 would prohibit the use of an electronic text messaging device by anyone operating a motor vehicle in the State of Wisconsin. The dangers of texting while driving are becoming more apparent as the popularity of text messaging increases. Last year alone, 600.5 billion text messages were sent in the United States. This is a tremendous increase from a mere 57.2 billion text messages sent in 2005. Nielsen Mobile, a consumer research company indicated that Americans send and receive more text messages a month than the number of phone calls placed.

A survey conducted by Seventeen Magazine and AAA found approximately 46 percent of teens with risky driving habits claim to text message while driving. Furthermore, a Harvard study indicated that almost 2,600 deaths per year were attributed to cell phone use. The study also noted that cell phone users are four to five more times likely to be in accidents than non-users. A Nationwide Mutual Insurance survey of 1,500 drivers revealed that texting while driving is prevalent, nearly 40 percent of the teenagers and young adults surveyed admitted they send and receive text messages while driving.

According to the National Conference of State Legislatures, to date, seven states: Alaska, California, Connecticut, Louisiana, Minnesota, New Jersey and Washington (plus the District of Columbia) currently ban texting while driving for people of all ages. Nine additional states: Delaware, Maine, Maryland, Nebraska, North Carolina, Oregon, Texas, Virginia and West Virginia have a ban in place for teenage drivers. Utah just passed a ban on text messaging, while the states of Maryland, Missouri, Nevada and Tennessee are all debating a proposal to ban texting.

In Wisconsin, the City of Kenosha enacted a local ordinance this past November prohibiting operators of vehicles from reading, writing or sending a text message while in their city. Nationally, the Cities of Phoenix and Chicago prohibit driving while text messaging.

On September 12, 2008, California Metrolink commuter train engineer Robert Sanchez missed a stop signal while text messaging with a friend. The end result claimed the lives of 25 people, including Sanchez. The accident injured 101 people and caused an estimated \$10.6 million in damages according to federal investigators. Sanchez was texting just 22 seconds before the deadly accident occurred. Had this train engineer kept his eyes on the track instead of his phone, this tragic event would never have occurred.

During the Summer of 2007, five newly graduated girls from East Bloomfield, New York, were killed in a car accident as the driver was text messaging with friends back and forth. In Colorado, a bicyclist was hit and killed while a driver was text messaging. In addition, Washington State had a fatal multi-car pile up on Interstate Five caused by a 53 year-old male driver checking his e-mail.

Senate Bill 103 will require people who violate this prohibition to forfeit not more than \$400 on the first offense and not more than \$800 for a second offense. People text messaging while driving that cause an accident resulting in bodily harm can be fined up to \$2,000 and sentenced to jail not less than 30 days. If a driver uses a text messaging device and causes an accident resulting in death of another person or death of an unborn child, the driver may be found guilty of a Class G felony, which is punishable by a fine not to exceed \$25,000 or imprisonment not to exceed ten years, or both.

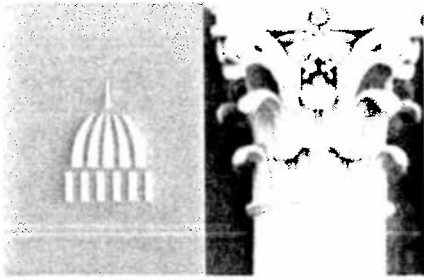
Some may argue that enforcement of a text ban may be difficult. When asked his thoughts, Sgt. Fred Ross of the Salt Lake City Police Department stated, "I don't think it will be that difficult. Just their movements and behaviors (will give them away)."

With all the distractions currently facing drivers, this is clearly one that we can live without. I ask for your support of Senate Bill 103.

As a reminder, yesterday, I e-mailed each of you a link to a WISN news story. WISN, in conjunction with MATC demonstrated the dangers of text messaging using teen participants on a raceway. If you have not yet had an opportunity to view the segment, I encourage you to do so.

Thank you for your time and consideration. At this time I am happy to answer any questions you may have.





National Conference of State Legislatures

LEGISBRIEF

BRIEFING PAPERS ON THE IMPORTANT ISSUES OF THE DAY

MARCH 2009

VOL. 17, No. 15

Texting While Driving Could Spell D-A-N-G-E-R

By Anne Teigen

Texting while driving is a traffic safety issue.

The popularity and availability of cellular phone technology make it possible for anyone, anywhere, to be connected. In June 2005, about 57.2 billion text messages were sent in the United States. By 2008, that number skyrocketed to 600.5 billion. Many are concerned, however, that sending text messages while driving is a traffic safety danger.

According to the National Highway Traffic Safety Administration (NHTSA) and the Virginia Tech Transportation Institute, driver inattention is the leading factor in most crashes and near-crashes. Because texting while driving is a relatively new activity, few studies have attempted to specifically measure the distraction it causes. Studies conducted in simulators by the University of Utah, however, have shown that, compared to drunk drivers, those who are talking on a cell phone react more slowly and experience more rear-end crashes. It is undisputed that the very act of text messaging takes a driver's hands off the wheel and eyes off the road.

A Nationwide Mutual Insurance survey of 1,500 drivers revealed that texting while driving is prevalent—nearly 40 percent of the teenagers and young adults surveyed admitted they send and receive text messages while driving. In the same study, 45 percent of all people surveyed reported they have nearly been hit by someone using a cell phone.

Seven states prohibit all drivers from texting while driving.

State Action As of January 2009, Alaska, California, Connecticut, Louisiana, Minnesota, New Jersey, Washington and the District of Columbia have laws that prohibit all drivers from texting while driving. Washington was the first to do so in 2007. A bill passed by the California Legislature in September 2008 prohibits anyone from driving a motor vehicle while using an electronic wireless communications device to write, send or read a text-based communication.

Delaware, Maine, Maryland, Nebraska, North Carolina, Oregon, Texas, Virginia and West Virginia specifically ban text messaging by young drivers with learner's permits or intermediate driver's licenses. In Arkansas, North Carolina, Texas and Virginia, school bus drivers cannot send text messages while they are driving. At least two major cities—Phoenix, Ariz., and Chicago, Ill.—specifically prohibit driving while text messaging, and the Honolulu city council considered such a ban in December 2008.

All text messaging laws provide exceptions.

Every state text messaging law provides exceptions to the ban. Louisiana has an exception for law enforcement officers, firefighters, and physicians and other health care providers who use text-based communications for health care or medical emergencies. The law also allows a driver to text while driving if it is to report illegal activity or to summon emergency help. The penalty for driving while texting in Louisiana is a fine of no more than \$175 for the first offense and no more

National Conference
of State Legislatures

Executive Director
William E. Pound

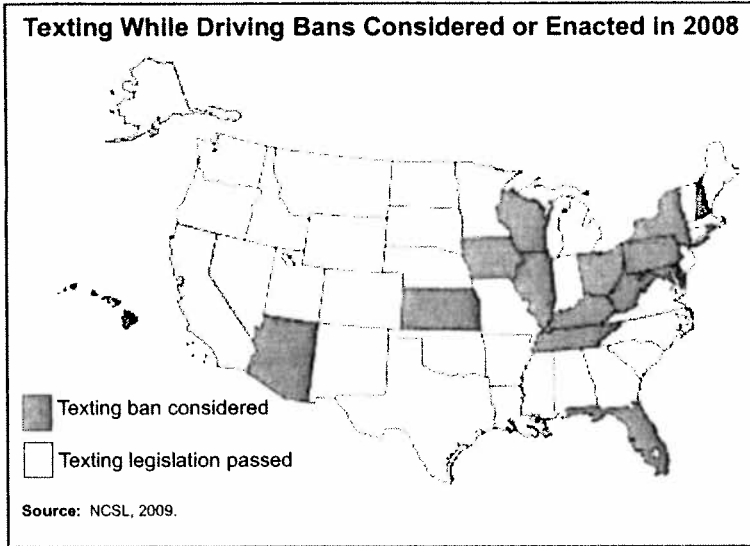
Denver
2700 East First Place
Denver, Colorado 80230
Phone (303) 364-7700
www.ncsl.org

Washington, D.C.
444 North Capitol Street, NW, Suite 515
Washington, D.C. 20001
Phone (202) 624-5400

than \$500 for subsequent offenses. Under Alaska law, texting while driving is a misdemeanor; if the violation resulted in a crash causing injury or death, however, it becomes a felony offense.

It is important to differentiate between laws that prohibit hand-held phone use and those that specifically ban text messaging. California, Connecticut, New York, New Jersey, Utah, Washington and the District of Columbia prohibit the use of hand-held phones while driving. Alaska's law prohibits text messaging while driving but does not prohibit using a hand-held cell phone. Because New York's hand-held cell phone prohibition statute defines, "using a mobile phone" as holding it to the ear, this is considered a hand-held phone ban, not a text messaging ban.

Some laws ban only texting, not hand-held phone use.



At least 22 states in 2008 considered a ban on text messaging while driving, either for a certain class of drivers (novice drivers or school bus drivers) or for all drivers.

Experts estimate that driver inattention is a factor in 80 percent of motor vehicle crashes and 65 percent of near crashes. As a percentage of national statistics, this means driver distraction is a factor in approximately 4.78 million crashes annually,

Driver inattention is estimated to be a factor in 80 percent of crashes.

causing 2.06 million injuries and as much as \$184 billion in economic loss. It is not clear, however, how many of these crashes involve texting or cell phone use.

High-profile, deadly crashes have brought attention to texting while driving. In June 2007, five members of a high school cheerleading squad were killed in New York when the young woman driving lost control while allegedly sending a text message. In 2008, a California woman who was texting while driving at 66 miles per hour crashed into a line of cars that was stopped at a construction zone; one driver was killed.

Although driver focus has been a traffic safety concern for many years, cell phone use—and particularly driving while texting—have become part of the driving environment only in recent years. State legislatures are attempting to keep pace with the rapid changes in driver behavior and technology. As of February 2009, 39 states had introduced nearly 140 bills concerning distracted driving and cellular phone use.

Contacts for More Information

Anne Teigen
NCSL—Denver
(303) 364-7700, ext. 1652
anne.teigen@ncsl.org

NCSL and NHTSA Traffic Safety Legislation Database
www.ncsl.org/programs/transportation/trafsafdb.htm