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(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**

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Senate Bill 306

Relating to: driving a motor vehicle while using a wireless telecommunications device and providing a penalty.

By Senators Taylor and Risser; cosponsored by Representatives Smith, Black, Hubler and Van Roy.

September 24, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

October 15, 2009 **PUBLIC HEARING HELD**

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

Absent: (0) None.

Appearances For

- Eric Peterson — On behalf of Senator Lena Taylor
- Tony Driessen — American Automobile Association of Wisconsin

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Jeff Smith — 93rd Assembly District

Registrations Against

- None.

Registrations for Information Only

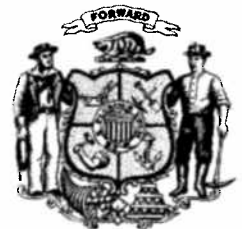
- None.

April 22, 2010 Failed to pass pursuant to Senate Joint Resolution 1.

Committee Clerk



WISCONSIN STATE LEGISLATURE





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93RD ASSEMBLY DISTRICT

To: Senate Committee on Transportation, Tourism, Forestry, and Natural Resources
From: Representative Jeff Smith
Date: October 15, 2009
Subject: SB 306/AB 429

Representative Smith Testimony on SB 306/AB 429

Thank you chairman Holeprin and committee members, for holding this hearing today and giving me the opportunity to submit testimony in support of SB 306/AB 429, a sensible safety initiative. I'd also like to thank Senator Taylor for her leadership on this issue.

This bill prohibits a person from using a wireless telecommunications device while driving. A "wireless telecommunications device" is defined as any cellular telephone two-way radio or citizens band radio, personal digital assistant, or other device while being used by the device's operator to 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.

There are exemptions included in this legislation. The bill does not include any GPS device installed in or on a vehicle. There is an exemption for a person using a wireless telecommunications device that allows the person to talk and listen without holding the device or any handset or receiver and the person does not hold or touch the device or handset. This exemption does not apply to individuals under the age of 18 who hold a probationary license, for whom use of a cell phone while driving is banned entirely. There is an exemption for use of a wireless telecommunications device in response to an emergency or by an operator of an authorized emergency vehicle.

This legislation is about safety for Wisconsin families. SB 306/AB 429 will help law enforcement keep our roads safer by cracking down on the widespread, and dangerous activity of using cell phones while driving. The comprehensive prohibition outlined in the bill provides needed exceptions for emergency vehicles and for emergency situations while eliminating a threat to public safety on our roadways.

There is overwhelming evidence that cell phone use while driving increases the risk of an accident.



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According to the Insurance Institute for Highway Safety, drivers who use cell phones are four times more likely to be in a crash while using a cell phone. The Harvard Center for Risk Analysis reported that the annual cost of crashes caused by cell phone use is estimated to be \$43 billion. The Harvard Center for Risk Analysis also reported that cell phone use contributes to an estimated 6 percent of all crashes, which equates to 636,000 crashes, 330,000 injuries, 12,000 serious injuries and 2,600 deaths annually. Finally, a 2006 University of Utah study showed that motorists who talk on handheld or hands-free cellular phones are as impaired as drunken drivers.

Nationally, 7 states (California, Connecticut, New Jersey, New York, Oregon, Utah, and Washington) and the District of Columbia have a jurisdiction-wide ban on driving while talking on a hand-held cellphone. The use of all cellphones by novice drivers is restricted in 21 states and the District of Columbia. Text messaging is banned for all drivers in 18 states and the District of Columbia.

It's time Wisconsin enact safety measures as outlined in SB 306/AB 429.

Finally, I'd like to note that I have heard concerns that this bill will unduly prevent amateur radio operators from providing assistance to the National Weather Service during inclement weather and developing storms. I am currently working with the Wisconsin American Radio Relay League in order to develop an amendment that will allow these individuals to continue providing their services to our state.

I will continue my dialogue with the American Radio Relay League regarding their concerns. I am in the process of discussing changes, but it would be premature to make any promises on amendments until I can review language.

Thank you again for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Smith".

Jeff Smith
State Representative
93rd Assembly District



LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

Testimony of Eric Peterson, on behalf of Senator Lena C. Taylor

SB 306 – Prohibiting the Use of Cellular Devices while Driving

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

Thursday, October 15, 2009

Honorable Chairman Holperin and members.

Thank you for taking testimony on SB 306, a bill that prohibits the use of a cellular device while driving, including verbal communications, texting and emailing. I am Eric Peterson, Chief of Staff to Senator Taylor, who could not be present today. Senator Taylor is pleased to join with Rep. Jeff Smith (D-Eau Claire) to offer this legislation.

SB 306 prohibits a driver from using their cellphone in a “handheld” mode for verbal communication, sending or receiving text messages or emails, or other device functions that communicate with other persons. The bill allows for the use of “hands-free” earpieces or microphones and speakers, but this allowance is not extended to those drivers under 18 years of age who operate under a probationary license or instruction permit. Further, the use of GPS devices is not prohibited under the bill.

Go back to driver’s education classes where most, if not all, of us were instructed in the use of “10 and 2”, meaning our hands should be placed at the 10 o’clock and 2 o’clock position on the steering wheel at all times. Also our eyes should be scanning the roadway and shoulders for changes in traffic, hazards, and other events in a drive time. These two well known maxims underscore the inherent need for concentration when you are driving. Using a cell-phone, event to read a quick text, greatly diminished that concentration.

As Senator Taylor and Representative Smith, noted in their co-sponsorship memo, reports have shown that driving while talking on the phone is akin to driving while legally drunk, and is especially dangerous for teenage drivers. I have attached to this testimony a story that appeared on National Public Radio. In that story, David Meyer, a psychology professor at the University of Michigan states, “If you’re driving while cell=phoning, then performance is going to be as poor as if you were legally drunk.” I would encourage you all to link to the story and look at visual representations of brain function while using a cell-phone and driving. The link follows:

<http://www.npr.org/templates/story/story.php?storyId=95702512>

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Joint Committee for Review of Criminal Penalties (Co-Chair)
Committee on Strengthening Wisconsin Families (Co-Chair)
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Other states have been leading on this issue and Wisconsin is one of the few states that lack any regulation in this area. Six states already ban cell phones for all drivers, including California, Connecticut, New Jersey, New York, Oregon, Washington, and D.C. Texting while driving is banned in 17 states.

In an attempt to answer questions that will be forthcoming, Senator Taylor and Representative Smith have agreed to and are drafting an amendment to SB 306 that will exempt out the use of two-way radios, citizen band radios, and ham radios as that was not the intent we sought in introducing the bill. This amendment will be delivered to the committee clerk as soon as it is available.

There are various measures in the Legislature that are seeking to amend the law to deal with use of cell-phones while driving. Senator Taylor and Rep. Smith firmly believe that there is no distinct difference between texting and using your phone for other matters that does not equally reduce your concentration on driving. There are far too many distractions that exist in driving as it is that lead to accidents and possible deaths.

On behalf of Senator Taylor, I urge your support of this bill and hope that you can give it favorable consideration in this committee.

Thank you.

Multitasking In The Car: Just Like Drunken Driving

by JON HAMILTON



Stock photo.com

"If you're driving while cell-phoning, then your performance is going to be as poor as if you were legally drunk," says professor David Meyer.

October 16, 2008

text size A A A

Drivers seem pretty comfortable chatting on their cell phones while navigating the streets. But brain researchers say it's a terrible idea, even with a hands-free device.

"If you're driving while cell-phoning, then your performance is going to be as poor as if you were legally drunk," says David Meyer, a psychology professor at the University of Michigan.

"If you test people while they're texting or talking on the phone, they will actually miss a lot of things that are in their visual periphery," says Earl Miller, a neuroscientist at the Massachusetts Institute of Technology.

Driving While



See The Test Video

In this driving simulation, participants were asked to answer a true-false question at a beep while simultaneously keeping the car on the road.

requires a surprising amount of brain power. Out on the road, we process huge amounts of visual information, predict the actions of drivers and coordinate precise movements of our hands and feet.

When using a hands-free device, scientists have found that talking on the phone distracts us to the point where we devote less brain power to driving on the road.

Drivers' Brains On Cell Phones

Marcel Just, a neuroscientist at Carnegie Mellon University, says that's why people learning to drive don't do anything else.

"Novice drivers turn off the radio, they ask you not to talk to them. They need all the brain participation they can get for the driving," Just says.

But the level of focus required changes with experience. Over time, the brain rewires itself to do the tasks involved in driving. So when our eyes see a red light, our foot hits the brake, with no conscious thought involved. Just says driving becomes automatic.

"You find yourself arriving at some destination and not remembering much about the trip. I sometimes find myself passing a car without remembering that I decided to pass. So I don't know much about my own (automatic) driving," Just says.

Scientists call this phenomenon "automaticity." It lets us do one thing while focusing on something else. In other words, learning to do one task automatically helps us to multitask.

If the brain is so good at this, why not chat on the cell phone while driving? To answer that question, we could have tested the limits of an actual driver in actual traffic. That seemed like a bad idea. So

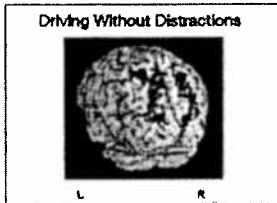
we came up with a demonstration that's a bit more refined.

Pushing The Brain — Concerts And Conversation

We brought a professional pianist into the studios here at NPR. A musician like Jacob Frasch has a lot in common with an experienced driver. Both can do a complex task that has become automatic while carrying on a simple conversation.

For over an hour, we tasked Frasch with playing a range of pieces, some he knew and some he had to sight-read. While he was playing, we asked him to multitask. Sometimes the additional work was simple. For instance, Frasch has no trouble talking about his childhood while playing a Bach minuet. But when the challenges took more brain power, it was tougher for Frasch to answer questions and play the piano at the same time.

Just says there's a lot going on in the pianist's brain. Several circuits are busy



Courtesy of Carnegie Mellon University's CCB lab

Researchers found that the brain was less focused on driving when drivers were chatting. Click to see what the brain looks like when driving and talking.

Playing Through Distractions

Musician Jacob Frasch plays several piano pieces while being challenged with increasingly difficult tasks.

Bach Minuet And Talking

Brahms While Reading

decoding and producing language. And that's only the beginning.

Music And Math

"There's a network of areas dealing with the music. Certainly, auditory cortex — again, very importantly, motor control of his hands and fingers while he's playing. Areas associated with music processing in the right hemisphere behind the right ear, roughly speaking," Just says.

Back in the studio, our pianist was multitasking up a storm. But his brain was working near capacity. So, we decided to see what would happen if we increased his task load — just a little.

We asked Frascch to play a Brahms piece he knows by heart, while reading from a magazine article that we placed in front of him.

Neuroscience studies using brain scans have shown that the brain struggles with paying attention to sights and sounds simultaneously. When the brain starts working on a visual task, its auditory parts show decreased activity, and vice versa.

Indeed, while his fingers sounded out Brahms, Frascch stumbled on some words in the magazine article, but recovered nicely — like a driver on a cell phone who drifts into another lane for a moment.

Brain Overload, Something's Gotta Give

So we took it up another notch. We gave Frascch a piece of music he'd never seen before, a fast-tempo number. While he was sight-reading, like a driver navigating an unfamiliar route through a big city, we asked him to do a math problem:

"What's 73 minus 21?"

Frascch played on while he thought through the problem out loud. He hit a few wrong notes on the keyboard before coming up with the right answer: 52.

A multitasking driver might have hit something else. Just says the pianist, who was already working hard to follow the music, simply couldn't handle something else that required real thinking.

It's like driving on an unfamiliar road and getting a cell phone call from an angry spouse. You may not notice that stalled car up ahead.

In fact, driver inattention is involved in about 80 percent of crashes, according to a 2006 study by the National Highway Traffic Safety Administration. The 100-Car Naturalistic Driving Study found the most common distraction for drivers was use of cell phones — with the number of crashes attributable to dialing nearly identical to the number associated with talking or listening.

"People say when an accident is happening, you have these phenomenological reports. People say 'my life flashed in front of me, time seemed to slow down' and so on and so forth. And I think that those are manifestations of your brain very suddenly attempting to change modes, from the automatic to some very controlled strategic mode," Just says.

Switching modes takes time — maybe only a quarter of a second. But on the freeway, that means you've gone an extra 20 feet before you hit the brake.

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[Think You Can Be Top Gun?](#) Oct. 9, 2008

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