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## ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 2003 ASSEMBLY BILL 462

January 27, 2004 - Offered by Representatives LADWIG and STASKUNAS.

AN ACT to amend 346.95 (1); and to create 346.89 (3) of the statutes; relating to: operating a motor vehicle while using a cellular telephone or other wireless telecommunications device 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 substitute amendment prohibits a person driving under an instruction permit or a probationary license from operating 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

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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.

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

**Section 1.** 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 operate a motor vehicle while using a cellular telephone or other wireless telecommunications device, except to report an emergency.

**Section 2.** 346.95 (1) of the statutes is amended to read:

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

## Section 3. Effective date.

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

14 (END)