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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2013 Assembly Bill 124</b>	<b>Assembly Amendment 2</b>
<i>Memo published: February 6, 2014</i>	<i>Contact: David Moore, Staff Attorney (266-1946)</i>

2013 Assembly Bill 124 makes several changes to the prohibition against inattentive driving.

### CURRENT LAW

Current law proscribes inattentive driving in the following four forms:

1. A person may not drive a motor vehicle while so engaged or occupied as to interfere with the safe driving of such motor vehicle.
2. A person may not drive a motor vehicle equipped with any device for visually receiving a television broadcast when such device is located in the motor vehicle at any point forward of the back of the operator's seat or when such device is visible to the operator while driving the motor vehicle.
3. With exceptions, a person may not drive a motor vehicle while composing or sending an electronic text message or an electronic mail message.
4. A person who holds a probationary license or an instruction permit may not drive a motor vehicle while using a cellular or other wireless telephone except to report an emergency.

[s. 346.89, Stats.]

"Drive" is defined, for these purposes, as "the exercise of physical control over the speed and direction of a motor vehicle while it is in motion." [s. 343.305 (1) (b), Stats.]

## **2013 ASSEMBLY BILL 124**

2013 Assembly Bill 124 modifies the first form of inattentive driving described above to include engaging in or being occupied with an activity other than driving the vehicle that *reasonably appears* to interfere with the person's ability to drive the vehicle. The bill also modifies the second form of inattentive driving described above to include driving a motor vehicle equipped with various other types of video-display devices in addition to a device for visually receiving a television broadcast, and provides that this prohibition does not apply to authorized emergency vehicles, commercial motor vehicles, and tow trucks.

Finally, the bill proscribes an additional form of inattentive driving. Under the bill, no person while driving a motor vehicle, other than an authorized emergency vehicle, a commercial motor vehicle, or a tow truck, may operate or be in a position to directly observe any electronic device located within the vehicle that is activated and that is providing entertainment primarily by visual means. This prohibition does not apply to any of the following:

- Any global position system (GPS) device installed or mounted, either permanently or temporarily, in the vehicle.
- The display by any device of information related to the operation, condition, radio, or safety of the vehicle or that is intended to be used to enhance the driver's view forward, behind, or to the sides of a motor vehicle.
- The display by any device of information related to traffic, road, or weather conditions.
- Any device in a vehicle that permits the vehicle driver to monitor vehicle occupants seated rearward of the driver.

## **ASSEMBLY AMENDMENT 2**

Assembly Amendment 2 repeals the form of inattentive driving pertaining to operating a motor vehicle equipped with a device for receiving a television broadcast, and eliminates the modifications the bill made to this prohibition. The amendment eliminates a requirement that a GPS device be mounted or installed to be excluded from the bill's prohibition against driving while operating or being in a position to view an electronic device. It also adds an additional exemption for the display by any device of information related to the navigation of the vehicle. Finally, the amendment provides an exemption for a device that displays information related to the operation, navigation, condition, radio, or safety of the vehicle to the driver, but may provide entertainment visible only from passenger seats of the vehicle.

**BILL HISTORY**

Representative Bies offered Assembly Amendment 2 on January 24, 2014. On February 4, 2014, the Assembly Committee on Transportation voted to recommend adoption of Assembly Amendment 2 on a vote of Ayes, 12; Noes, 0. On the same day, the committee voted to recommend passage of Assembly Bill 124, as amended, on a vote of Ayes, 15; Noes, 0.

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