



2003 ASSEMBLY BILL 464

August 12, 2003 - Introduced by Representatives STASKUNAS, BOYLE, JESKEWITZ, ALBERS, HAHN, J. LEHMAN and ZEPNICK, cosponsored by Senators REYNOLDS, RISSER and CARPENTER. Referred to Committee on Highway Safety.

1 **AN ACT** *to amend* 346.95 (1); and *to create* 38.04 (4) (e) 3., 115.28 (11) (c), 343.61
2 (6) (c) and 346.89 (3) of the statutes; **relating to:** operating a motor vehicle
3 while using a cellular telephone or other wireless telecommunications device,
4 driver education instruction, 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 bill 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 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.

Current law requires all driver education courses offered by school districts, county children with disabilities education boards, technical college districts, and

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driver schools to acquaint each student with the hazards posed by farm machinery and animals on highways and by railroad grade crossings and to provide instruction in dealing safely with such hazards. Driver education courses must also include at least 30 minutes of instruction relating to organ and tissue donation and organ and tissue donation procedures.

This bill requires driver education courses to also provide instruction relating to the general prohibition on persons driving under an instruction permit or a probationary license from operating a motor vehicle while using a cellular phone and relating to the safe use of cellular phones while operating a motor vehicle by other drivers.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 38.04 (4) (e) 3. of the statutes is created to read:

2 38.04 **(4)** (e) 3. Provides instruction relating to the prohibition under s. 346.89
3 (3) and relating to the safe use of cellular telephones or other wireless
4 telecommunications devices while operating a motor vehicle.

5 **SECTION 2.** 115.28 (11) (c) of the statutes is created to read:

6 115.28 **(11)** (c) Provide instruction relating to the prohibition under s. 346.89
7 (3) and relating to the safe use of cellular telephones or other wireless
8 telecommunications devices while operating a motor vehicle.

9 **SECTION 3.** 343.61 (6) (c) of the statutes is created to read:

10 343.61 **(6)** (c) Provides instruction relating to the prohibition under s. 346.89
11 (3) and relating to the safe use of cellular telephones or other wireless
12 telecommunications devices while operating a motor vehicle.

13 **SECTION 4.** 346.89 (3) of the statutes is created to read:

14 346.89 **(3)** No person who holds a probationary license issued under s. 343.085,
15 or an instruction permit issued under s. 343.07, may operate a motor vehicle while

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1 using a cellular telephone or other wireless telecommunications device, except to
2 report an emergency.

3 **SECTION 5.** 346.95 (1) of the statutes is amended to read:

4 346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2) or (3), 346.90 to
5 346.92 or 346.94 (1), (9), (10), (11), (12) or (15) may be required to forfeit not less than
6 \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100
7 for the 2nd or subsequent conviction within a year.

8 **SECTION 6. Effective date.**

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

11

(END)