



2005 ASSEMBLY BILL 567

July 18, 2005 - Introduced by Representatives BIES, AINSWORTH, FRISKE, GUNDERSON, HAHN, HINES, KERKMAN, LAMB, KREIBICH, LEMAHIEU, MOLEPSKE, MUSSER, OTT, OWENS, PETROWSKI, SINICKI, TOWNSEND, VAN ROY and ZEPNICK, cosponsored by Senators A. LASEE and BROWN. Referred to Committee on Highway Safety.

- 1 **AN ACT to amend** 346.89 (1), 346.89 (2) and 346.95 (1); and **to create** 346.89 (3)
2 of the statutes; **relating to:** inattentive driving and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits inattentive driving in two forms:

1. A driver of a motor vehicle may not be so engaged or occupied as to interfere with the safe driving of the vehicle.
2. A person may not drive a motor vehicle equipped with any device for receiving a television broadcast if the device is located forward of the back of the driver's seat or is visible to the driver, regardless of whether the device interferes with the safe driving of the vehicle.

Any person who is convicted of a violation described in Item 1., above, may be required to forfeit not less than \$20 nor more than \$400, and any person who is convicted of a violation described in Item 2., above, 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.

This bill modifies both existing forms of inattentive driving and creates a third form of inattentive driving. The bill modifies the violation described in Item 1., above, to prohibit a driver of a motor vehicle from being engaged or occupied with an activity, other than driving the vehicle, that interferes or reasonably appears to interfere with the person's ability to drive the vehicle safely.

The bill also modifies the violation described in Item 2., above, by expanding the prohibition to include devices for visually displaying live or recorded cable television and satellite broadcasts, films, or other fluctuating video images, but also limits the prohibition by excluding certain vehicles and devices.

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The bill also creates a third form of inattentive driving prohibiting a person from driving a motor vehicle while operating or being in a position to directly observe any electronic device located within the vehicle that is activated and that is transmitting information or providing entertainment primarily by visual means, regardless of whether the device interferes with the safe driving of the vehicle. This prohibition does not apply to certain vehicles and devices. Any person who is convicted of a violation of this prohibition is subject to the same forfeiture that applies to a violation described in Item 2., above, under current law.

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

1 **SECTION 1.** 346.89 (1) of the statutes is amended to read:

2 346.89 (1) No person while driving a motor vehicle ~~shall be so~~ may be engaged
3 or occupied as with an activity, other than driving the vehicle, that interferes or
4 reasonably appears to interfere with the safe driving of such vehicle the person's
5 ability to drive the vehicle safely.

6 **SECTION 2.** 346.89 (2) of the statutes is amended to read:

7 346.89 (2) No person shall may drive any motor vehicle, other than an
8 authorized emergency vehicle, a commercial motor vehicle described in s. 340.01 (8),
9 or a tow truck, equipped with any device for visually ~~receiving~~ displaying a
10 television, cable television, or satellite broadcast, film, or other fluctuating video
11 image, whether in broadcast, tape recorded, or optically or electronically recorded
12 format, when such device is located in the motor vehicle at any point forward of the
13 back of the operator's seat or when such device is visible to the operator while driving
14 the motor vehicle. This subsection does not apply to any global positioning system
15 device installed or mounted in the vehicle or to any device in a vehicle that is intended
16 for the exclusive display of information related to the operation or condition of the
17 vehicle or that is intended to be used solely to enhance safety while backing the
18 vehicle.

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

2 346.89 (3) No person while driving a motor vehicle, other than an authorized
3 emergency vehicle, a commercial motor vehicle described in s. 340.01 (8), or a tow
4 truck, may operate or be in a position to directly observe any electronic device located
5 within the vehicle that is activated and that is transmitting information or providing
6 entertainment primarily by visual means. This subsection does not prohibit a person
7 from using a cellular telephone for purposes of verbal communication. This
8 subsection does not apply to any global positioning system device installed or
9 mounted in the vehicle or to any device in a vehicle that is intended for the exclusive
10 display of information related to the operation or condition of the vehicle or that is
11 intended to be used solely to enhance safety while backing the vehicle.

12 **SECTION 4.** 346.95 (1) of the statutes is amended to read:

13 346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2) or (3), 346.90 to
14 346.92 or 346.94 (1), (9), (10), (11), (12) or (15) may be required to forfeit not less than
15 \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100
16 for the 2nd or subsequent conviction within a year.

17 **SECTION 5. Initial applicability.**

18 (1) This act first applies to violations committed on the effective date of this
19 subsection, but does not preclude the counting of other violations as prior violations
20 for purposes of sentencing a person.

21 **SECTION 6. Effective date.**

22 (1) This act takes effect on the first day of the 4th month beginning after
23 publication.

24

(END)