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State of Misconsin 2015 - 2016 LEGISLATURE

LRB-2013/1 EVM:wlj:wj

2015 SENATE BILL 135

April 23, 2015 – Introduced by Senators Petrowski, Bewley, Carpenter, Cowles, Gudex, Marklein and Olsen, cosponsored by Representatives Spiros, Berceau, Billings, E. Brooks, Edming, Kahl, Kessler, Krug, Kulp, T. Larson, Murphy, Ohnstad, Petryk, Quinn, Spreitzer and Subeck. Referred to Committee on Transportation and Veterans Affairs.

1 AN ACT to amend 346.95 (1); and to create 346.89 (4m) of the statutes; relating

to: the use of a cellular or other wireless telephone while driving a motor vehicle in a construction zone and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits inattentive driving of a motor vehicle, which includes 1) being engaged or occupied with an activity, other than driving the vehicle, that interferes with the person's ability to drive the vehicle safely; 2) driving a motor vehicle while composing or sending an electronic text message or an e-mail message, subject to various exceptions; 3) a probationary license or instructional permit holder driving a motor vehicle while using a cellular or other wireless telephone; and 4) driving a motor vehicle while operating or being in a position to directly view an electronic device that provides visual entertainment, subject to various exceptions. Any person convicted of the first two forms of inattentive driving may be required to forfeit not less than \$20 nor more than \$400, and any person convicted of the third or fourth forms of inattentive driving 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 prohibits a person from driving a motor vehicle while using a cellular or other wireless telephone in a construction zone, except to report an emergency. The prohibition does not apply to the use of a voice-operated or hands-free device if the person does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device. The prohibition includes using the

SENATE BILL 135

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telephone for a purpose other than communication. 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.

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

Section 1. 346.89 (4m) of the statutes is created to read:

346.89 (4m) No person may drive, as defined in s. 343.305 (1) (b), any motor vehicle while using a cellular or other wireless telephone, including using the telephone for a purpose other than communication, where persons engaged in work in a highway maintenance or construction area or in a utility work area are at risk from traffic, except to report an emergency. This subsection does not apply to the use of a voice-operated or hands-free device if the driver of the motor vehicle does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device.

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 (4), (4m), or (5), 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.

18 (END)