



2005 ASSEMBLY BILL 76

February 3, 2005 - Introduced by Representatives STASKUNAS, BOYLE, KERKMAN, SEIDEL, STEINBRINK, HINES, AINSWORTH, LEHMAN, CULLEN, JESKEWITZ and SHERIDAN, cosponsored by Senators HARSDORF, CARPENTER, OLSEN and STEPP. Referred to Committee on Highway Safety.

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

