

2001 DRAFTING REQUEST**Bill**Received: **11/29/2000**Received By: **rkite**Wanted: **As time permits**

Identical to LRB:

For: **Tony Staskunas (608) 266-0620**By/Representing: **Adrienne Ramirez (aide)**This file may be shown to any legislator: **NO**Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**Extra Copies: **TNF, PJH**

Pre Topic:

No specific pre topic given

Topic:

Revising Wisconsin Motor Vehicle Accident Report to include whether cellular phone usage contributed to the accident

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	agary 02/15/2001	jdye 02/15/2001	rschluet 02/19/2001	_____	lrb_docadmin 02/19/2001	lrb_docadminState 03/09/2001	

FE Sent For:

<END>

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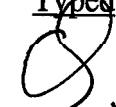

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1?	agary	1 2/15 jld	 2-19-1	 2-19-1 P6			S&L

FE Sent For:

<END>

-----Original Message-----

From: Ramirez, Adrienne
Sent: Wednesday, November 29, 2000 2:06 PM
To: Kite, Robin
Subject: Drafting request

Robin-

Rep. Staskunas has asked that three proposals relating to transportation be drafted. If you are not the appropriate drafter, please forward this message onto the correct person.

- 1 - Require that the Wisconsin Motor Vehicle Accident Report include an area for police officers to indicate whether cellular phone usage contributed to the accident.
- 2 - Prohibit the use of cellular phones by drivers if they hold a probationary drivers license.
- 3 - Prohibit drivers from using fax machines, palm pilots, electronic visual navigational devices and lap-top computers.

Please contact me if you need further direction on any of these proposals.

Thank you for your assistance.

Adrienne
Office of Rep. Staskunas

Jld

2001 BILL

D-Note

gen

1 AN ACT ...; relating to: requiring traffic accident reports to include information
 2 on cellular or other mobile telephone use.

Analysis by the Legislative Reference Bureau

Current law requires the department of transportation (DOT) to prepare a uniform traffic accident report form or automated format for distribution to persons, including law enforcement agencies, required to submit accident reports to DOT. The form or automated format must include sufficiently detailed information to disclose the conditions at the time of the accident, the persons and vehicles involved in the accident, and the cause of the accident.

This bill requires DOT to include in the uniform traffic accident report form or automated format an area designating whether use of a cellular or other mobile telephone contributed to causing the accident.

For further information see the *state* 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:

3 SECTION 1. 346.70 (3m) (c) of the statutes is amended to read:
 4 346.70 (3m) (c) The department shall prepare and supply at its own expense
 5 to police departments, coroners, sheriffs and other suitable agencies or individuals,

BILL

SECTION 1

1 forms or an automated format for accident reports required to be made to the
2 department. Any report forms and automated format shall call for sufficiently
3 detailed information to disclose with reference to a traffic accident the cause,
4 including whether use of a cellular or other mobile telephone contributed to causing
5 the accident; conditions then existing,; and the persons and vehicles involved.

6 **SECTION 2. Initial applicability.**

7 (1) This act first applies to reports required to be made to the department of
8 transportation for accidents occurring on the effective date of this subsection. ✓

9 **SECTION 3. Effective date.**

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

12 (END)

D - Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1468/1dn

ARG:.....

Jld

1. The attached ^{bill} draft requires the department of transportation (DOT) to include in its uniform traffic accident report form an area designating whether use of a cellular or other mobile telephone contributed to causing the accident. The investigating officer completing the form may have difficulty making this determination. Would you like to instead amend the form to require the investigating officer to identify whether a cellular telephone was in use at the time of the accident?

2. Section 346.70 (4), stats., requires law enforcement ^{report} agencies to submit traffic accident reports to DOT on the uniform traffic accident ^{form} or automated format created by DOT under s. 346.70 (3m) (c), stats. Under s. 346.70 (2), stats., if a law enforcement agency does not complete an accident report, a person involved in a reportable accident must submit a written self-report to DOT. As a practical matter, I believe that DOT provides a form for self-reporting that is different from the uniform traffic accident report used by law enforcement agencies. Would you like to require operators who self-report under s. 346.70 (2) to identify whether they were using a cellular telephone at the time of the accident? I believe that asking operators who self-report to state whether their use of a cellular telephone contributed to causing the accident could pose self-incrimination problems.

3. I have included a delayed effective date for this bill to allow DOT time to revise and distribute the amended uniform traffic accident form required by this bill.

Please call or e-mail me if you have any questions.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1468/1dn
ARG:jld:rs

February 19, 2001

1. The attached bill requires the department of transportation (DOT) to include in its uniform traffic accident report form an area designating whether use of a cellular or other mobile telephone contributed to causing the accident. The investigating officer completing the form may have difficulty making this determination. Would you like to instead amend the form to require the investigating officer to identify whether a cellular telephone was in use at the time of the accident?
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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us



State of Wisconsin

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FEB 19 2001

February 19, 2001

MEMORANDUM

To: Representative Staskunas

From: Arron R. Gary, Attorney

Re: I.RB-1468 Revising Wisconsin Motor Vehicle Accident Report to include whether cellular phone usage contributed to the accident

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6926 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the I.RB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.