

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1469/1dn

ARG:jld:rs

February 19, 2001

1. A probationary license remains in effect for a period of two years after the applicant's next birthday. The attached draft restricts a probationary driver from using a cellular telephone while driving during the entire probationary period. I note certain existing restrictions on probationary drivers under the age of 18 operating under a "Class D" license limit the type of passengers and hours of vehicle operation. These latter restrictions remain in effect for only the first nine months of the two-year probationary period. See s. 343.085 (2m) (a), stats. If you would prefer the restriction on cellular telephone usage to remain in effect for only nine months following issuance of the probationary license, please advise and I will make the change.
2. The passenger and hours of operation restrictions referenced above have an emergency exception. See s. 343.085 (2m) (ar), stats. Would you like an emergency exception relating to cellular telephone usage by probationary drivers?
3. The current statute relating to inattentive driving (s. 346.89) contains two subsections. Subsection (1) prohibits the driver of a vehicle from being so engaged or occupied as to interfere with the safe driving of the vehicle. For violating this subsection, a person is subject to a forfeiture of \$20 to \$400. Subsection (2) prohibits a person from operating a vehicle with a television in the front seat or visible from the front seat. For violating this subsection, a person is subject to a forfeiture of \$20 to \$40 for a first offense and \$50 to \$100 for subsequent offenses. The attached draft adopts the lower penalty provision. Is this consistent with your intent?
4. Instructional permit restrictions are similar to probationary license restrictions. See s. 343.07, stats. Would you like to include a similar provision restricting use of cellular telephones by those operating under instructional permits?
5. The draft provides a delayed effective date provision of six months to allow for preparation by DOT and for education of the public and law enforcement before this new driving law goes into effect. Is this time period satisfactory?

Please feel free to contact me by e-mail or telephone if you would like to discuss these issues further.

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