## 2001 ASSE MBLY BILL 240

March 22, 2001 - Introduced by Representatives Colon, Boyle, Carpenter, Berceau and Cullen. Referred to Committee on Highway Safety.

AN ACT to amend 346.95 (2); and to create 346.895 of the statutes; relating to: operating a motor vehicle while using a cellular or other mobile telephone 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 generally prohibits a person from operating a motor vehicle (other than an authorized emergency vehicle) while using a cellular or other mobile telephone (cellular phone), regardless of whether use of the cellular phone interferes with the operation of the vehicle. However, an operator may use a hands-free cellular phone and may use a cellular phone to report an emergency. Any person convicted of operating a motor vehicle while using a cellular phone may be required to forfeit not less than $\$ 20$ nor more than $\$ 400$.

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

Section 1. 346.895 of the statutes is created to read:
346.895 Use of cellular telephone. No person may operate a motor vehicle, other than an authorized emergency vehicle, while using a cellular or other mobile telephone unless one of the following applies:
(1) The operator of a motor vehicle may use a cellular or other mobile tel ephone to report an emergency.
(2) The operator of a motor vehicle equipped with a cellular or other mobile telephone device that allows the operator to talk and listen without holding the telephone or its handset or receiver may utilize this device if the operator does not hold or touch the telephone or its handset or receiver while operating the motor vehicle except to enable the device, enter a telephone number, or hang up or turn off the telephone.

Section 2. 346.95 (2) of the statutes is amended to read:
346.95 (2) Any person violating s. 346.89 (1), 346.895 , or 346.94 (2), (4), or (7) may be required to forfeit not less than $\$ 20$ nor more than $\$ 400$.

## Section 3. Effective date.

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

