Bill

Received: 08/16/2007 Received By: agary Identical to LRB: Wanted: As time permits For: Louis Molepske (608) 267-9649 By/Representing: This file may be shown to any legislator: NO Drafter: agary May Contact: Addl. Drafters: Extra Copies: Subject: **Transportation - traffic laws BAB** Submit via email: YES Requester's email: Rep.Molepske@legis.wisconsin.gov Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov **Pre Topic:** No specific pre topic given Topic: Using hand-held cellular telephone while driving on state highways **Instructions:** See Attached **Drafting History:** Vers. Drafted Reviewed **Typed** Proofed Submitted Required /? S&L /P1 kfollett nnatzke lparisi S&L agary 08/23/2007 \_\_\_\_\_ 08/22/2007 08/23/2007 08/23/2007 /1 kfollett rschluet sbasford mbarman agary 02/08/2008 02/08/2008 02/08/2008 02/08/2008 02/18/2008

FE Sent For:

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**Transportation - traffic laws** 

Extra Copies:

**BAB** 

Submit via email: YES

Requester's email:

Rep.Molepske@legis.wisconsin.gov

Carbon copy (CC:) to:

aaron.gary@legis.wisconsin.gov

**Pre Topic:** 

No specific pre topic given

Topic:

Using hand-held cellular telephone while driving on state highways

**Instructions:** 

See Attached

**Drafting History:** 

Vers. Drafted

Reviewed

Proofed

Submitted

<u>Jacketed</u>

Required

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agary

08/22/2007

kfollett 08/23/2007

nnatzke 08/23/2007

**Typed** 

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### STATE OF WISCONSIN – LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341) Library (608-266-7040)

Legal (608-266-3561)

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### PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



(Gen)

AN ACT ...; relating to: driving a motor vehicle while using a cellular telephone

2 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.

Under this bill, a person may not drive a motor vehicle on any state trunk highway, not including connecting highways, while using a hand-held cellular telephone, except to report an emergency. This prohibition applies regardless of whether use of the cellular telephone interferes with operation of the vehicle, but does not apply to hands-free cellular telephones. A person who violates 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.

For further information see the *state and local* 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:

**Section 1.** 346.94 (20) of the statutes is created to read:

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publication.

### SECTION 1

1	346.94 (20) CELLULAR TELEPHONES. No person may drive, as defined in s.
2	343.305 (1) (b), a motor vehicle on any state trunk highway while using a hand-held
3	cellular telephone, except to report an emergency.
4	<b>SECTION 2.</b> 346.95 (1) of the statutes is amended to read:
5	346.95 <b>(1)</b> Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92
6	or 346.94 (1), (9), (10), (11), (12) or, (15), or (20) may be required to forfeit not less than
7	\$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100
8	for the 2nd or subsequent conviction within a year.
9	History: 1971 c. 278; 1973 c. 182, 314, 336; 1975 c. 297, 320; 1977 c. 68; 1983 a. 56, 175, 538; 1989 a. 335 s. 89; 1991 a. 83; 1993 a. 260, 455; 1995 a. 194, 373, 420; 1999 a. 109; 2001 a. 90; 2003 a. 192, 297, 327; 2005 a. 250.  SECTION 3. Effective date.
10	(1) This act takes effect on the first day of the 4th month beginning after

(END)

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-3075/P1dn ARG:../Ca

ATTN: Chris McKinny

Please review the attached draft carefully to ensure that it is consistent with your intent.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary Legislative Attorney Phone: (608) 261–6926

E-mail: aaron.gary@legis.wisconsin.gov

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-3075/P1dn ARG:kjf:nwn

August 23, 2007

ATTN: Chris McKinny

Please review the attached draft carefully to ensure that it is consistent with your intent.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

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## STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

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LRB-3075/1001 ARG:kjf:nwn

### PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

emergency vehicle,

 $AN\ ACT$  to amend 346.95 (1); and to create 346.94 (20) of the statutes; relating

**to:** driving a motor vehicle while using a cellular 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.

Under this bill, a person may not drive a motor vehicle on any state trunk highway, not including connecting highways, while using a hand-held cellular telephone, except to report an emergency. This prohibition applies regardless of whether use of the cellular telephone interferes with operation of the vehicle, but does not apply to hands-free cellular telephones. A person who violates 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.

For further information see the *state and local* 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:

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LRB-3075/P: ARG:kjf:nwn

other than an authorized emergency Section I

**SECTION 1.** 346.94 (20) of the statutes is created to read:

346.94 (20) CELLULAR TELEPHONES. No person may drive, as defined in s. 343.305 (1) (b), a motor vehicle on any state trunk highway while using a hand-held cellular telephone, except to report an emergency.

**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 (2), 346.90 to 346.92 or 346.94 (1), (9), (10), (11), (12) or, (15), or (20) 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 4th month beginning after publication.

(END)

### Barman, Mike

From: McKinny, Chris

Sent: Monday, February 18, 2008 3:29 PM

To: LRB.Legal

Subject: Draft Review: LRB 07-3075/1 Topic: Using hand-held cellular telephone while driving on state

highways

Thank you!

Please Jacket LRB 07-3075/1 for the ASSEMBLY.