

## 2007 DRAFTING REQUEST

### Bill

Received: **08/16/2007**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Louis Molepske (608) 267-9649**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **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**

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### Pre Topic:

No specific pre topic given

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### Topic:

Using hand-held cellular telephone while driving on state highways

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### Instructions:

See Attached

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### 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>
/?				_____			S&L
/P1	agary 08/22/2007	kfollett 08/23/2007	nmatzke 08/23/2007	_____	lparisi 08/23/2007		S&L
/1	agary 02/08/2008	kfollett 02/08/2008	rschluet 02/08/2008	_____	sbasford 02/08/2008	mbarman 02/18/2008	

FE Sent For:

*at  
intro*

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1/15/f  
2/18

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/?	agary	1P/1cf 8/23	nwn 8/23	nwn 8/23			

FE Sent For:

<END>

7-9649

8/15

Chris - McPhee

• cell phone use while driving

• NY, Illinois →

• hands-free on ~~country roads~~ & state highways,  
if must be ↓, not hand-held

in 8/22

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Gen

1 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:**

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



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3075/P1dn

ARG:...

gf

Date

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.

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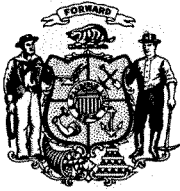
Mc at

2/8

Chris McKinney - 7-9649  
Molepke  
3075

has seen Schneider draft 2  
wants except for emergency vehicle late  
in Schneider draft

make / / - seen



State of Wisconsin  
2007 - 2008 LEGISLATURE

Wanted  
by 2/11  
end of day

LRB-3075/01

ARG:kjf:awn

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

, other than an authorized  
emergency vehicle,

Regen

1 AN ACT to amend 346.95 (1); and to create 346.94 (20) of the statutes; relating  
2 to: driving a motor vehicle while using a cellular telephone and providing a  
3 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:**

*, other than an authorized emergency vehicle,*

1  
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13

**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**

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**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.

02/18/2008