

2007 SENATE BILL 240

July 18, 2007 – Introduced by Senators OLSEN, DARLING, LASSA, LEHMAN, ROESSLER and TAYLOR, cosponsored by Representatives PETROWSKI, ALBERS, BENEDICT, BERCEAU, BIES, CULLEN, HAHN, HINES, JESKEWITZ, MOLEPSKE, A. OTT, SEIDEL, SMITH, TOWNSEND, TRAVIS, VAN ROY, VOS and ZEPNICK. Referred to Committee on Transportation, Tourism and Insurance.

1 **AN ACT** *to renumber and amend* 343.07 (1c); *to amend* 343.07 (7); and *to*
2 *create* 343.07 (1c) (b), 343.07 (1g) (dm), 343.07 (4) (b) 3. and 343.085 (2m) (a)
3 3. of the statutes; **relating to:** restrictions on the operation of motor vehicles
4 by persons holding instruction permits or probationary licenses and providing
5 a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) may issue an instruction permit to a person who is at least 15 years and 6 months of age, who has passed a knowledge test, who, if under 18 years of age, has enrolled in an approved driver education and training course, and who, except for age or lack of training in the operation of a motor vehicle, is qualified to obtain an operator's license. The permit remains valid for 12 months unless cancelled by DOT. The permit authorizes the person to operate most motor vehicles (excluding commercial motor vehicles, school buses, and Type 1 motorcycles), subject to certain restrictions, including restrictions related to persons required to accompany the permittee while operating a motor vehicle, persons who may be passengers in a motor vehicle operated by the permittee, and hours during which the permittee may operate a motor vehicle.

Under current law, a person who is at least 16 years of age and who is otherwise qualified may obtain a Type 1 motorcycle instruction permit. The permit is valid for six months but may be renewed. The permit authorizes the person to operate a Type 1 motorcycle subject to certain restrictions related to persons who may accompany

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the permittee on a motorcycle and hours during which the permittee may operate a motorcycle.

This bill creates an additional restriction that a person operating a motor vehicle under an instruction permit may not operate the motor vehicle, and a person operating a motorcycle under a motorcycle instruction permit may not operate the motorcycle, while using a cellular telephone or other wireless telecommunications device (cellular telephone), except to report an emergency.

Under current law, a probationary license is, with certain exceptions, issued to all applicants who qualify for an original driver's license and remains in effect for two years from the date of the licensee's next birthday. During the first nine months following issuance of a probationary license, a probationary licensee who is under 18 years of age is subject, with limited exceptions, to certain restrictions on the operation of "Class D" vehicles (automobiles and most other motor vehicles), including restrictions related to persons who may be passengers in a motor vehicle operated by the licensee and hours during which the licensee may operate a motor vehicle.

This bill creates an additional restriction that a probationary licensee who is under 18 years of age may not, during the first nine months following issuance of the probationary license, operate a "Class D" vehicle while using a cellular telephone, except to report an emergency. The same exceptions that apply to existing restrictions on the licensee also apply to this new restriction.

Under current law, a person holding a probationary license or instruction permit who violates operating restrictions must forfeit \$50 for the first offense and not less than \$50 nor more than \$100 for each subsequent offense.

This bill provides the same penalty for cellular telephone operating restriction violations.

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:

1 **SECTION 1.** 343.07 (1c) of the statutes is renumbered 343.07 (1c) (intro.) and
2 amended to read:

3 **343.07 (1c) DEFINITION DEFINITIONS.** (intro.) In this section, "**qualified**;

4 **(a) "Qualified instructor"** means a person employed by a public or private
5 school, holding an operator's license and meeting the teaching certification
6 standards of the department of public instruction or the technical college system
7 board to teach driver education, or an instructor of a school licensed under s. 343.61,

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1 or a teacher or student teacher in a driver education course for teachers conducted
2 by an institution of higher education.

3 **SECTION 2.** 343.07 (1c) (b) of the statutes is created to read:

4 343.07 **(1c)** (b) “Wireless telecommunications device” means any two-way
5 radio, citizens band radio, personal digital assistant while being used for purposes
6 of verbal communication, or other device capable of being used by the device’s
7 operator to transmit verbal communications to one or more persons not physically
8 present with the device’s operator, but does not include any global positioning system
9 device.

10 **SECTION 3.** 343.07 (1g) (dm) of the statutes is created to read:

11 343.07 **(1g)** (dm) The permittee may not operate a motor vehicle while using
12 a cellular telephone or other wireless telecommunications device, except to report an
13 emergency.

14 **SECTION 4.** 343.07 (4) (b) 3. of the statutes is created to read:

15 343.07 **(4)** (b) 3. The permittee may not operate a Type 1 motorcycle while using
16 a cellular telephone or other wireless telecommunications device, except to report an
17 emergency.

18 **SECTION 5.** 343.07 (7) of the statutes is amended to read:

19 343.07 **(7)** PENALTY FOR RESTRICTION VIOLATIONS. (a) Notwithstanding s. 343.43
20 (1) (d) and (3m), any person who violates ~~sub. (1) (a), (bm), or (d) or (4) (b) 1. or 2.~~ sub.
21 (1g) (a), (bm), (d), or (dm) or (4) (b) 1., 2., or 3. shall be required to forfeit \$50 for the
22 first offense and not less than \$50 nor more than \$100 for each subsequent offense.

23 (b) Upon receiving notice of a person’s conviction for a violation of ~~sub. (1) (a),~~
24 ~~(bm), or (d) or (4) (b) 1. or 2.~~ sub. (1g) (a), (bm), (d), or (dm) or (4) (b) 1., 2., or 3., the

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1 department shall notify any adult sponsor who has signed for the person under s.
2 343.15 (1) of the conviction.

3 **SECTION 6.** 343.085 (2m) (a) 3. of the statutes is created to read:

4 343.085 (2m) (a) 3. While using a cellular telephone or other wireless
5 telecommunications device, as defined in s. 343.07 (1c) (b), except to report an
6 emergency.

7 **SECTION 7. Nonstatutory provisions.**

8 (1) Nothing in this act requires the department of transportation to reprint any
9 driver handbook or manual prior to any date established by the department, before
10 the effective date of this subsection, for each handbook's or manual's scheduled
11 reprinting.

12 **SECTION 8. Initial applicability.**

13 (1) This act first applies to licenses and permits issued on the effective date of
14 this subsection.

15 **SECTION 9. Effective date.**

16 (1) This act takes effect on the first day of the 7th month beginning after
17 publication.

18 (END)