



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2007 Assembly Bill 464	Assembly Amendment 1 and Senate Amendment 1
<i>Memo published:</i> February 11, 2008	<i>Contact:</i> Larry Konopacki, Staff Attorney (267-0683)

2007 ASSEMBLY BILL 464

2007 Assembly Bill 464 would generally prohibit a person operating a motor vehicle under an instruction permit, and a person operating a motorcycle under a motorcycle instruction permit, from using a cellular telephone or other wireless telecommunications device, except to report an emergency. The bill would also generally apply this prohibition to a probationary licensee who is under 18 years of age, during the first nine months following issuance of the probationary license.

“Wireless telecommunications device” is defined in the bill as any two-way radio, citizens band radio, personal digital assistant while being used for purposes of verbal communication, or other device capable of being used by the device’s operator to transmit verbal communications to one or more persons not physically present with the device’s operator, but does not include any global positioning system device.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 specifically prohibits text messaging, electronic mailing, or any other form of electronic communication, in addition to verbal communication, while driving under an instruction permit or probationary license, except to report an emergency. The amendment also requires that a GPS device must be installed in or on a vehicle for a person driving under an instruction permit or probationary license to be allowed to use it.

SENATE AMENDMENT 1

Senate Amendment 1 would limit the prohibitions under the bill and Assembly Amendment 1 by allowing a person operating a motor vehicle under an instruction permit or a person under the age of 18 operating a motor vehicle under a probationary license to use a “hands-free” cellular telephone or

wireless telecommunications device. Under Senate Amendment 1, a person operating a motorcycle under a motorcycle instruction permit would still be prohibited from using these hands-free devices.

LEGISLATIVE HISTORY

The Assembly Committee on Transportation recommended adoption of Assembly Amendment 1 by a vote of Ayes, 11; Noes, 0, and passage of Assembly Bill 464 as amended by a vote of Ayes, 10; Noes 1. The Assembly adopted Assembly Amendment 1 by a voice vote and adopted Assembly Bill 464, as amended, by a vote of Ayes, 90; Noes, 7. The Senate Committee on Transportation introduced Senate Amendment 1 and recommended its adoption and concurrence in Assembly Bill 464, as amended, by votes of Ayes, 5; Noes, 2.

LAK:jb:ty;wu