2007 ASSEMBLY BILL 890

February 26, 2008 – Introduced by Representatives MOLEPSKE and BERCEAU. 
Referred to Committee on Transportation.

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, other than an 
authorized emergency 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:

346.94 (20) CELLULAR TELEPHONES. No person may drive, as defined in s. 343.305 (1) (b), a motor vehicle, other than an authorized emergency 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)