

2009 DRAFTING REQUEST

Bill

Received: **12/02/2008**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Anthony Staskunas (608) 266-0620**

By/Representing: **Eric Hanson**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Rep.Staskunas@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Prohibiting probationary licensees or instruction permittees from using a cell phone while driving

Instructions:

Redraft 2007 AB-214

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>
/?	agary 12/02/2008	jdyer 12/12/2008		_____			S&L
/1			mduchek 12/12/2008	_____	sbasford 12/12/2008		S&L
/2	agary 01/23/2009	jdyer 01/24/2009	mduchek 01/26/2009	_____	mbarman 01/26/2009	sbasford 05/29/2009	

FE Sent For: "12" @ intro. 7/8/09

<END>

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MD MD JF
1/26
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1/?	agary	1/12/08 12/12/08 JLD	12/12/08 W	12/12/08 M/JF			

FE Sent For:

<END>

-0978/1
LRB-16531
ARG:wljff
RMNR

in 12/2

9

2007 ASSEMBLY BILL 214

1-Note

LPS -
PWF
please

March 27, 2007 - Introduced by Representatives STASKUNAS, SHERIDAN, COLON, VAN AKKEREN, HAHN, TRAVIS, CULLEN, VOS, JESKEWITZ, ALBERS, GUNDESON, A. WILLIAMS, TOWNSEND, BERCEAU, SINICKI and NYGREN, cosponsored by Senators HARSDFORF, CARPENTER, LEHMAN, DARLING and OLSEN. Referred to Committee on Transportation.

4

Gen

- 1 AN ACT *to amend* 346.95 (1); and *to create* 346.89 (3) of the statutes; **relating**
- 2 **to:** driving a motor vehicle while using a cellular telephone or other wireless
- 3 telecommunications device 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. ✓

This bill prohibits a person driving under an instruction permit or a probationary license from driving a motor vehicle while using a cellular telephone (cellular phone) ✓ or while using any other wireless telecommunications device that is not installed in the vehicle (wireless device), ✓ except to report an emergency. ✓ A probationary license is, with certain exceptions, issued to all applicants for an original driver's license and remains in effect for two ✓ years from the date of the licensee's next birthday. ✓ The prohibition applies to cellular phones regardless of whether the cellular phone is hand-held, ✓ installed in the vehicle, or otherwise situated, but applies to other wireless devices ✓ only if they are hand-held or otherwise not installed in the vehicle. ✓ The prohibition applies regardless of whether use of the cellular phone or interferes with operation of the vehicle. ✓ Persons who violate 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.

*
*

x
wireless device ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0978/1dn

ARG:.....

date

Jld

ATTN: Eric Hanson

* Please review the attached draft ^{bill} carefully to ensure that it is consistent with your intent. A number of bills last session used the term "wireless telecommunications device" and some comments were made that the meaning of the term is unclear. A definition of the term was included in 2007 AB-464, which, as modified by AA1 to AB-464, passed the assembly last session. Do you want to incorporate this definition, or a variation of this definition, of "wireless telecommunications device" in the attached

bill?

STET

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-0978/1dn
ARG:jld:md

December 12, 2008

ATTN: Eric Hanson

Please review the attached bill carefully to ensure that it is consistent with your intent. A number of bills last session used the term "wireless telecommunications device" and some comments were made that the meaning of the term is unclear. A definition of the term was included in 2007 AB-464, which, as modified by AA 1 to AB-464, passed the assembly last session. Do you want to incorporate this definition, or a variation of this definition, of "wireless telecommunications device" in the attached bill?

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

4/23 - LRB - 0978

file w/ Eric

- add most current definition of wireless telecommunications device
- make it apply only to probationary licensees etc. under 18 years old



State of Wisconsin
2009 - 2010 LEGISLATURE

soon

in

1/23

LRB-0978/2

ARG:jld:md

RMR

2009 BILL

X

Regen

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2 **to:** driving a motor vehicle while using a cellular telephone or other wireless
3 telecommunications device 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.

This bill prohibits a person ^{who is} driving under an instruction permit ✓ or a probationary license from driving a motor vehicle while using a cellular telephone (cellular phone) or while using any other wireless telecommunications device that is not installed in the vehicle (wireless device), except to report an emergency. A probationary license is, with certain exceptions, issued to all applicants for an original driver's license and remains in effect for two years from the date of the licensee's next birthday. The prohibition applies to cellular phones regardless of whether the cellular phone is hand-held, installed in the vehicle, or otherwise situated, but applies to other wireless devices only if they are hand-held or otherwise not installed in the vehicle. The prohibition applies regardless of whether use of the cellular phone or wireless device interferes with operation of the vehicle. Persons who violate 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.

*
*
and who is under 18 ✓ years of age

BILL

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. 346.89 (3) of the statutes is created to read:

and who is under 18 years of age

346.89 (3) No person who holds a probationary license issued under s. 343.085^(b)

or an instruction permit issued under s. 343.07 may drive as defined in s. 343.305

(1) (b), a motor vehicle while using a cellular telephone or while using any other wireless telecommunications device that is not installed in the vehicle, 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) or (3), 346.90 to 346.92 or 346.94 (1), (9), (10), (11), (12) or (15) 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 7th month beginning after publication.

(END)

Insert 2-2

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2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0978/2ins
ARG:.....

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INSERT 2-2:

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26 (a) In this subsection: ✓

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1. "Drive" ✓ has the meaning given in s. 343.305 (1) (b). ✓

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2. "Wireless telecommunications device" means any ~~two~~^{two}-way radio or citizens

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band radio or any personal digital assistant or other device ✓ while being used by the

8

device's operator to transmit verbal communications, ✓ electronic mail, ✓ text messages, ✓

9

or any other electronic communication to one ✓ or more persons not physically present

10

with the device's operator. ✓

Basford, Sarah

From: Hanson, Eric
Sent: Friday, May 29, 2009 10:02 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-0978/2 Topic: Prohibiting probationary licensees or instruction permittees from using a cell phone while driving

Please Jacket LRB 09-0978/2 for the ASSEMBLY.