

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB429)

Received: 10/14/2009

Received By: **emueller**

Wanted: As time permits

Identical to LRB:

For: **Jeff Smith (608) 266-0660**

By/Representing: **Andrea Wahl**

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

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exempt ham radio use and cb use by truckers.

Instructions:

See attached.

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>
/1	emueller 10/20/2009	jdye 10/21/2009	jfrantze 10/21/2009	_____	cduerst 10/21/2009	cduerst 10/21/2009	
/2	emueller 10/27/2009	jdye 10/28/2009	jfrantze 10/28/2009	_____	sbasford 10/28/2009	sbasford 10/28/2009	

FE Sent For:

<END>

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1/1	emueller 10/20/2009	1/2 10/28 jld jdyer 10/21/2009	jfrantze 10/21/2009	_____	cduerst 10/21/2009	cduerst 10/21/2009	

1/2 EMM
FE Sent For: 10/27/09

<END>

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1?	emueller	1/19/21 JLD	Ⓟ	10/21			
1/1	EJM 10/20/09						

FE Sent For:

<END>

10/14 9:21 am Andrea Wahl @ Rep. Smith 60660

- Amendment to AB 429

- Exempt amateur radio operators + cb radio use by truckers

see email re: lay.

- be specific

Mueller, Eric

From: Wahl, Andrea
Sent: Wednesday, October 14, 2009 10:05 AM
To: Mueller, Eric
Subject: FW: AB 429

Eric,

Below is a language suggestion we received regarding an exemption for Amateur Radio communications on AB 429. Also, Rep. Smith was hoping to address the CB radios that truckers use, and provide an exemption so they can continue to use CB radios while working.

Thank you!

Andrea Wahl
Office of Representative Jeff Smith
93rd Assembly District
608-266-0660

From: Ronald Larson [mailto:w9rll@charter.net]
Sent: Monday, October 12, 2009 4:46 PM
To: Rep.Smith
Subject: AB 429

I urge you and would ask that wording be added to the bill to, "exempt persons who are Amateur Radio Operators (a) holding a valid Federal Communications Commission Amateur Radio Operator's license, (b) using dedicated Amateur Radio two-way radio communication equipment, and (c) observing proper Amateur Radio operating procedures".

Thanks for your time and also thanks for seeing me when we were in Madison with the snowmobile group

Ron Larson W9RLL
ARES/RACES Emergency Coordinator for Eau Claire County Wisconsin
1006 Pine Court
Eau Claire, WI 54703
w9rll@charter.net
715-828-6559



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0871/1

EVM:.....

RMR Jkd

ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 429

to 10/20/09

Soon

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 21: after that line insert:

3 "4. The person using the wireless telecommunications device is an amateur
4 radio operator who holds a valid amateur radio operator's license issued by the
5 federal communications commission and is using dedicated amateur radio two-way
6 radio communication equipment and observing proper amateur radio operating
7 procedures.

8 5. The person using the wireless telecommunications device holds a
9 commercial driver license, is driving a commercial motor vehicle, and is using a
10 citizens band radio in the ordinary course of business."

11 (END)

10/22 12:19 Andrea @ Smith ^{Rep.} 6-0660
- changes to AB 429 amendment

- want to allow integrated devices
 - want to allow activation of devices / map on computer, etc.
 - is electrical outage an "emergency" - No change here
- will send email w/ proposed changes

WI AB 429 – Distracted Driving
Alliance of Automobile Manufacturers
Proposed Amendments

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:

346.89 (3) (a) In this subsection:

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

2. "Wireless telecommunications device" means any cellular telephone,

two-way radio or citizens band radio, personal digital assistant, or other device while being used by the device's operator to transmit verbal communications, electronic mail, text messages, or any other electronic communication to one or more persons not physically present with the device's operator, but does not include any global positioning system or device ~~that is physically or electronically integrated in~~ or on a vehicle.

(b) No person may drive a motor vehicle while using a wireless

telecommunications device unless any of the following applies:

1. The person is using a wireless telecommunications device that allows the

person to talk and listen without holding the device or any handset or receiver,

while driving

the motor vehicle. ~~The person is not considered to be holding a wireless telecommunications device when activating, deactivating, selecting, or initiating a feature or function of the device.~~ This subdivision does not apply to a person who holds a

probationary license issued under s. 343.085 or an instruction permit issued under

s. 343.07 and who is under 18 years of age.

2. The person is using the wireless telecommunications device in response to

an emergency.

3. The person using the wireless telecommunications device is an operator of

Comment [L1]: This language is almost identical to the language utilized in Illinois' bill. It specifies the bill is relevant to HANDHELD devices only.

Deleted: installed

Comment [L2]: This section provides an exemption for HANDS-FREE devices.

Deleted: and

Deleted: the person does not hold or touch the device or any handset or receiver

Comment [L3]: Added this language to provide for the "INITIATE/DEACTIVATE" exemption discussed at the Alliance's internal meeting on Distracted Driving.

an authorized emergency vehicle.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0871/1
EVM:jld:jf

D Note

RMR

INSERTS

ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 429

1a 10/27/09

Soon

INSERT ✓

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4 radio operator who holds a valid amateur radio operator's license issued by the
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6 radio communication equipment and observing proper amateur radio operating
7 procedures.

8 5. The person using the wireless telecommunications device holds a
9 commercial driver license, is driving a commercial motor vehicle, and is using a
10 citizens band radio in the ordinary course of business."

11 (END)

D Note

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0871/2ins
EVM:jld:jf

1 **INSERT 1**

2 **1.** Page 2, line 5: delete “while” and substitute “capable of”. ✓

3 **2.** Page 2, line 8: delete the material beginning with “global” and ending with
4 “system” on line 9. ✓

5 **3.** Page 2, line 9: delete “installed in or on a vehicle” and substitute “that is
6 physically or electronically integrated into a motor vehicle, including a global
7 positioning system device”. ✓

8 **4.** Page 2, line 11: after “device” insert “to transmit verbal communications,
9 electronic mail, text messages, or any other electronic communication to one or more
10 persons not physically present with the device’s operator”. ✓

(end insert 1)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0871/2dn
EVM:jld:jf

date

ATTN: Andrea Wahl ✓

Please review the attached draft carefully to ensure that it is consistent with your intent. I have taken a slightly different approach to this amendment than that proposed by your constituent.

* As currently drafted, 2009 AB-429 defines "wireless telecommunications device" partially in regards to the manner in which it is currently being used. That is, a wireless telecommunications device is a wireless telecommunications device only when being used for certain purposes, e.g. transmitting verbal communications. More concretely, under the current bill, a cellular telephone, for example, is a wireless telecommunications device when someone is talking on it, but not when someone is simply holding it. This draft changes that construction somewhat. I have changed the definition of wireless telecommunications device to include devices that are capable of transmitting, for example, verbal communications. A functional cellular telephone would, therefore, under this amendment be a wireless telecommunications device regardless of the manner in which it is currently being used.

wireless
To avoid changing the meaning of your draft, I have also moved the "functions" portion of the definition to the prohibition section of the draft. Instead of prohibiting "use" of a telecommunications device, this amendment would prohibit the use of a telecommunications device to transmit verbal communications, text messages, etc. The net result is, I believe, a negligible change to the meaning of the bill, but a more clear definition and prohibition. With these changes, I do not believe a further addition to the text regarding simply "activating, deactivating, selecting, or initiating a feature or function of the device" is necessary. The prohibition should be clear that only communicative use is prohibited.

* This amendment also changes the final portion of the definition to expressly exclude devices integrated into the vehicle, a somewhat broader exclusion than in the unamended version of the draft. This amendment continues to provide specific exclusions for amateur radio operators and operators of commercial motor vehicles. Please let me know if you have any questions or further instructions.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0871/2dn
EVM:jld:jf

October 28, 2009

ATTN: Andrea Wahl

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