Received By: emueller

### 2009 DRAFTING REQUEST

## Assembly Amendment (AA-AB429)

Received: 10/14/2009

Wanted: As time permits	Identical to LRB:			
For: <b>Jeff Smith</b> (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.				

### **Drafting History:**

**Instructions:** 

See attached.

Vers.	<u>Drafted</u>	Reviewed	<u>Typed</u>	Proofed	Submitted	<u>Jacketed</u>	Required
/? /1	emueller 10/20/2009	jdyer 10/21/2009	jfrantze 10/21/2009	)	cduerst 10/21/2009	cduerst 10/21/2009	
/2	emueller 10/27/2009	jdyer 10/28/2009	jfrantze 10/28/2009	9	sbasford 10/28/2009	sbasford 10/28/2009	

FE Sent For:

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<END>

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Vers. Drafted Reviewed Typed Proofed  /? emueller   21 jtd	Submitted Jacketed Required			

<END>

### STATE OF WISCONSIN – LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

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### 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 Misconsin 2009 - 2010 LEGISLATURE

LRBa0871/1 EVM:.....

RMP

# ASSEMBLY AMENDMENT, TO 2009 ASSEMBLY BILL 429





At the locations indicated, amend the bill as follows:

- 1. Page 2, line 21: after that line insert:
- "4. The person using the wireless telecommunications device is an amateur radio operator who holds a valid amateur radio operator's license issued by the federal communications commission and is using dedicated amateur radio w—way radio communication equipment and observing proper amateur radio operating procedures.
- 5. The person using the wireless telecommunications device holds a commercial driver license, is driving a commercial motor vehicle, and is using a citizens band radio in the ordinary course of business.".

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(END)

### STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

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### 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:
- 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.

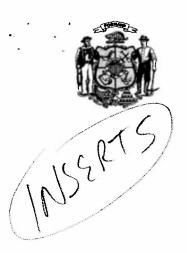
Deleted: and

**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 Misconsin 2009 - 2010 LEGISLATURE



LRBa0871/1) EVM:jld:jf

RMR

# ASSEMBLY AMENDMENT, TO 2009 ASSEMBLY BILL 429

(In 10/27/09)



INSERT 1

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At the locations indicated, amend the bill as follows:

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

"4. The person using the wireless telecommunications device is an amateur radio operator who holds a valid amateur radio operator's license issued by the federal communications commission and is using dedicated amateur radio 2-way radio communication equipment and observing proper amateur radio operating procedures.

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

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(END)



### 2009-2010 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

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${f 1.}\;\;$ Page 2, line 5: delete "while" and substitute "capable of".	
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- 2. Page 2, line 8: delete the material beginning with "global" and ending with "system" on line 9.
- 3. Page 2, line 9: delete "installed in or on a vehicle" and substitute "that is physically or electronically integrated into a motor vehicle, including a global positioning system device".
- 4. Page 2, line 11: after "device" insert "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".

(end insert i)

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU



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.

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 traft. 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

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.

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