

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB429)

Received: 11/09/2009

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:

Add exception for public utilities.

Instructions:

See attached. Same as AA1 with added exception for public utilities.

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>
/?	emueller 11/09/2009	jdye 11/09/2009		_____			
/1			jfrantze 11/10/2009	_____	cduerst 11/10/2009	cduerst 11/10/2009	

FE Sent For:

<END>

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB429)

Received: 11/09/2009

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

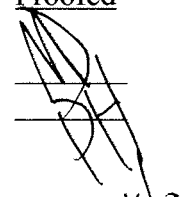
Topic:

Add exception for public utilities.

Instructions:

See attached. Same as AA1 with added exception for public utilities.

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>
/?	emueller	1 11/9 jld	do 11/10				
11	EVW 11/9/09						

FE Sent For:

<END>

Mueller, Eric

From: Wahl, Andrea
Sent: Monday, November 09, 2009 8:42 AM
To: Mueller, Eric
Subject: RE: amendment to AB 429

Eric,

Those sound like reasonable changes, I think drafting like you recommend will work. Thank you!

Andrea Wahl

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

From: Mueller, Eric
Sent: Friday, November 06, 2009 9:20 AM
To: Wahl, Andrea
Subject: RE: amendment to AB 429

Andrea,

After speaking with our public utilities drafter, I believe we can, if you want, broaden the language regarding cooperatives. However, simply using "cooperatives organized under ch. 185" would probably be too broad, as ch. 185 encompasses all sorts of co-ops, e.g. Willy Street Co-op in Madison. To avoid creating a large exception, we would need to limit the covered cooperatives by their function. He suggested something like:

"a cooperative organized under ch. 185 for the purpose of producing or furnishing heat, light power, or water to its members only, or a cooperative organized under ch. 185 or 193 for the purpose of furnishing telecommunications service to its members only."

Would you like me to redraft your amendment or create a new amendment to alter the utilities exception?

Eric

From: Wahl, Andrea
Sent: Thursday, November 05, 2009 2:08 PM
To: Mueller, Eric
Subject: FW: amendment to AB 429
Importance: High

re: 09a1087/1

Eric,

Thank you for the quick turn around on the amendment. I forwarded the language along, and below is the recommendation we got back. Does that make sense?

Andrea Wahl

Office of Representative Jeff Smith
93rd Assembly District

11/9/2009

608-266-0660

From: Beata Kalies [mailto:Beata.Kalies@cooperativenetwork.coop]
Sent: Thursday, November 05, 2009 2:01 PM
To: Wahl, Andrea
Subject: RE: amendment to AB 429
Importance: High

Andrea,

This latest amendment language (LRB a1087/1, page 2, lines 7-13) does cover our concerns. Could you please check with the drafter to see if instead of "rural electric cooperative", the term a "cooperative organized under Chapter 185" might be more appropriate? We often use that statutory reference to distinguish co-ops from public utilities.

At this stage, another meeting is not necessary unless you or Rep. Smith need us to provide more information. Thank you for making the requested changes. I appreciate your quick response.

Beata

Beata Kalies

Representing Wisconsin's Electric Cooperatives
Director of Government Relations | Cooperative Network
131 West Wilson Street, Suite 400 | Madison, WI 53703
608.258.4406 | cell: 608.279.9275 | cooperativenetwork.coop

From: Wahl, Andrea [mailto:Andrea.Wahl@legis.wisconsin.gov]
Sent: Thursday, November 05, 2009 9:33 AM
To: Beata Kalies
Subject: RE: amendment to AB 429

Beata,

This is the language the drafter developed. If you would like to set up a meeting with Rep. Smith to discuss these changes, please let me know.

Thank you,

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

11/9/2009

199.03(12)

(12) "Public utility" means any person, except a town, village, city or sanitary district, who owns, operates, manages or controls any plant or equipment or any part of a plant or equipment, within the state for the production, transmission, delivery or furnishing of **heat**, light, water, **telecommunications** service or power either directly or indirectly to or for the public. "Public utility" includes any person engaged in the transmission or delivery of natural gas for compensation within this state by means of pipes or mains.

"Public utility" does not include a **cooperative** organized under ch. 185 for the purpose of generating, distributing, or furnishing electric energy to its members only, or a **cooperative** organized under ch. 185 or 193 for the purpose of furnishing **telecommunications** service to its members only.

347.26(9)

(9) **Warning lamps on public utility and cooperative vehicles.** Any vehicle of a public utility as defined in s. 196.01 (5), of a **telecommunications** carrier, as defined in s. 196.01 (8m), or of a **cooperative** association organized under ch. 185 for the purpose of producing or furnishing **heat**, light, power or water to its members, which by reason of its use upon a highway ~~creates a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing~~ may be equipped with a flashing amber lamp of the dome type or with 2 flashing amber lamps, one showing to the front and one showing to the rear. Such lamps shall be mounted approximately midway between the extremities of the width of the vehicle and at the highest practicable point and shall be used only for the purpose of warning operators of other vehicles of the presence of the traffic hazard. Should such vehicle be of a type so as to make impractical the mounting of such lamps midway between the extremities of the width of the vehicle then such mountings shall be made at or near the upper left front and rear corners of such vehicle.



State of Wisconsin
2009 - 2010 LEGISLATURE

D Note

1147/1
LRBa1087/1
EVM:jld:rs

Stays →
PMNR

ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 429

In 11/9/09

5000

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

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".

11 **5.** Page 2, line 21: after that line insert:

12 "4. The person using the wireless telecommunications device is an amateur
13 radio operator who holds a valid amateur radio operator's license issued by the

1 federal communications commission and is using dedicated amateur radio 2-way
2 radio communication equipment and observing proper amateur radio operating
3 procedures.

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

7 6. The person using the wireless telecommunications device is an operator of
8 a vehicle of a public utility, as defined in s. 196.01 (5), a telecommunications carrier,
9 as defined in s. 196.01 (8m), ~~or a rural electric cooperative~~ and is using the wireless
10 telecommunications device in the course of maintenance, installation, repair,
11 construction, or inspection of the facilities of the public utility, telecommunications
12 carrier, or ~~rural electric~~ cooperative." ✓

13 (END)

a cooperative organized under ✓ch. 185 for purposes of producing or furnishing heat, light, power, or water to its members, or a cooperative organized under ✓ch. 185 or 193 ✓ for purposes of furnishing telecommunications service to its members

LABIC

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

date

LRBa1147/dn

EVM:.....

JLD

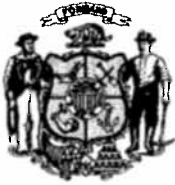
ATTN: Andrea Wahl

2009 LRB

This draft should replace 09a1087/1.

*

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



State of Wisconsin
2009 – 2010 LEGISLATURE

LRB-0023/1
EVM:bjk:rs

2009 ASSEMBLY BILL 429

September 22, 2009 – Introduced by Representatives SMITH, BLACK, HUBLER and VAN ROY, cosponsored by Senators TAYLOR and RISSER. Referred to Committee on Transportation.

1 **AN ACT to amend** 346.95 (2); and **to create** 346.89 (3) of the statutes; **relating**
2 **to:** driving a motor vehicle while using a wireless telecommunications device
3 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 from using a wireless telecommunications device while driving. A “wireless telecommunications device” is defined as 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 device installed in or on a vehicle.

An exception is provided for a person who uses a wireless telecommunications device that allows the person to talk and listen without holding the device or any handset or receiver and the person does not hold or touch the device or any handset or receiver while driving the motor vehicle. This exception does not apply to a person who holds a probationary license or an instruction permit and who is under 18 years of age. Exceptions to the prohibition are also provided for use of a wireless telecommunications device in response to an emergency or by an operator of an

ASSEMBLY BILL 429

authorized emergency vehicle. A person found guilty of violating this provision may be required to forfeit not less than \$20 nor more than \$400.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 346.89 (3) of the statutes is created to read:

2 346.89 (3) (a) In this subsection:

3 1. “Drive” has the meaning given in s. 343.305 (1) (b).

4 2. “Wireless telecommunications device” means any cellular telephone,
5 two-way radio or citizens band radio, personal digital assistant, or other device while
6 being used by the device’s operator to transmit verbal communications, electronic
7 mail, text messages, or any other electronic communication to one or more persons
8 not physically present with the device’s operator, but does not include any global
9 positioning system device installed in or on a vehicle.

10 (b) No person may drive a motor vehicle while using a wireless
11 telecommunications device unless any of the following applies:

12 1. The person is using a wireless telecommunications device that allows the
13 person to talk and listen without holding the device or any handset or receiver and
14 the person does not hold or touch the device or any handset or receiver while driving
15 the motor vehicle. This subdivision does not apply to a person who holds a
16 probationary license issued under s. 343.085 or an instruction permit issued under
17 s. 343.07 and who is under 18 years of age.

18 2. The person is using the wireless telecommunications device in response to
19 an emergency.

20 3. The person using the wireless telecommunications device is an operator of
21 an authorized emergency vehicle.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1147/1dn
EVM:jld:jf

November 10, 2009

ATTN: Andrea Wahl

This draft should replace 2009 LRBa1087/1.

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