



## 2009 ASSEMBLY BILL 610

December 8, 2009 – Introduced by Representative ZEPNICK, cosponsored by Senators CARPENTER and TAYLOR. Referred to Committee on Transportation.

1     **AN ACT** *to amend* 346.95 (1); and *to create* 346.94 (21) of the statutes; **relating**  
2           **to:** driving a motor vehicle while using a cellular telephone and providing a  
3           penalty.

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### ***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 highway 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.

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

4           **SECTION 1.** 346.94 (21) of the statutes is created to read:

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1 346.94 **(21)** CELLULAR TELEPHONES. No person may drive, as defined in s.  
2 343.305 (1) (b), a motor vehicle, other than an authorized emergency vehicle, on any  
3 highway while using a cellular telephone unless any of the following applies:

4 (a) The person is using the cellular telephone to report an emergency.

5 (b) The cellular telephone, or any accessory of the cellular telephone, allows the  
6 person to have a conversation without holding the cellular telephone and while the  
7 person's hands are free to drive the vehicle and the person does not in fact hold the  
8 cellular telephone while driving the vehicle except as necessary to initiate or  
9 terminate a call.

10 **SECTION 2.** 346.95 (1) of the statutes is amended to read:

11 346.95 **(1)** Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92  
12 or 346.94 (1), (9), (10), (11), (12) ~~or~~ (15), or (21) may be required to forfeit not less than  
13 \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100  
14 for the 2nd or subsequent conviction within a year.

15 **SECTION 3. Effective date.**

16 (1) This act takes effect on the first day of the 4th month beginning after  
17 publication.

18 (END)