

## 2009 DRAFTING REQUEST

### Bill

Received: **05/08/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Josh Zepnick (608) 266-1707**

By/Representing: **Ryan Schroeder**

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.Zepnick@legis.wisconsin.gov**

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

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### Pre Topic:

No specific pre topic given

---

### Topic:

Prohibit use of hand-held cellular telephones while driving

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### Instructions:

Wants to prohibit any driver from using a hand-held cellular telephone while driving; hands-free phone is OK

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### 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 05/08/2009	jdyer 05/11/2009		_____			
/1			jfrantze 05/11/2009	_____	mbarman 05/11/2009		
/2	agary 05/13/2009	jdyer 05/14/2009	rschluet 05/14/2009	_____	sbasford 05/14/2009	cduerst 05/21/2009	

*Per Ryan via phone*

FE Sent For:

↳ Not Needed

<END>

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/1		<i>25/14 jld</i>	jfrantze 05/11/2009	_____	mbarman 05/11/2009		

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*5/11/09*  
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1/?	agary	<i>[Handwritten initials]</i>	<i>[Handwritten initials]</i>	<i>[Handwritten initials]</i>			

FE Sent For:

<END>

-2861/1  
LRB-3025/T  
ARG:kjts  
jld  
RMNR

LPS-  
PWJ/d  
please

9  
2007 ASSEMBLY BILL 890

February 26, 2008 - Introduced by Representatives MOLEPSKE and BERCEAU.  
Referred to Committee on Transportation.

Gen

1 AN ACT to amend 346.95 (1); and to create 346.94 (20) of the statutes; relating  
2 to: driving a motor vehicle while using a cellular telephone and providing a  
3 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. ✓

Under this bill, a person may not drive a motor vehicle, other than an authorized emergency vehicle, on any ~~state~~ highway ~~not including connecting~~ ~~highways~~ 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. ✓

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:**

ASSEMBLY BILL 890

1

SECTION 1. 346.94 <sup>21</sup> ~~(29)~~ of the statutes is created to read:

2

346.94 ~~(29)~~ <sup>21</sup> CELLULAR TELEPHONES. No person may drive, as defined in s.

3

343.305 (1) (b), a motor vehicle, other than an authorized emergency vehicle, on any

4

state trunk highway while using a hand-held cellular telephone, except to report an

5

emergency.

6

SECTION 2. 346.95 <sup>x</sup> (1) of the statutes is amended to read:

7

346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92

8

or 346.94 (1), (9), (10), (11), (12) or <sup>21</sup> ~~(20)~~ may be required to forfeit not less than

9

\$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100

10

for the 2nd or subsequent conviction within a year.

11

SECTION 3. Effective date.

12

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

13

publication.

14

(END)



LRB

(66-3561)

5/12 Meets w/ Pop  
Carpenter

- no telling  
if hand-held
- OK to enter  
phone. dialing  
# - dialing
- both hands  
need to be  
free during  
a conversat
- both hands  
free while  
conversat
- B going on  
not initiating  
or terminating  
conversat

2861/1



SSON

in 5/13

RMR

## 2009 BILL

✓

Regen

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 2 to: driving a motor vehicle while using a cellular telephone and providing a  
 3 penalty. ✓

### *Analysis by the Legislative Reference Bureau*

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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. ✓

*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:



2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2861/2ins  
ARG:.....

1

2

3

**INSERT 2-3:**

4

~~4~~ <sup>NO</sup> unless any of the following applies: ✓

⑤ ~~4~~ (a) <sup>1</sup> (1) The person is using the cellular telephone to report an emergency. ✓

⑥ ~~4~~ (b) <sup>2</sup> (2) The cellular telephone, or any accessory of the cellular telephone, allows the  
7 person to have a conversation without holding the cellular telephone and while the  
8 person's hands are free to drive the vehicle and the person does not in fact hold the  
9 cellular telephone while driving the vehicle except as necessary to initiate or  
10 terminate a call. ✓