



## 2009 ASSEMBLY BILL 496

October 15, 2009 – Introduced by Representatives BARCA, TURNER, BERNARD SCHABER, ZIGMUNT, STEINBRINK, A. OTT, CLARK, SINICKI, BIES, PASCH, HILGENBERG, PETROWSKI, HIXSON, HINTZ, RADCLIFFE, KERKMAN, BENEDICT, MASON, GUNDERSON, BLACK, HEBL, BROOKS, CULLEN, BERCEAU, HUBLER, LOTHIAN, KRUSICK, VAN ROY, VAN AKKEREN and TOLES, cosponsored by Senators LEHMAN, A. LASEE, HANSEN, OLSEN, CARPENTER, HARSDFORF, COWLES, TAYLOR, DARLING and SCHULTZ. Referred to Committee on Transportation.

1 AN ACT *to create* 346.89 (3) and 346.95 (11) of the statutes; **relating to:**  
2 prohibiting electronic text messaging while driving and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits inattentive driving of a motor vehicle, 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 driving while composing or sending an electronic text message. The prohibition does not apply to operators of authorized emergency vehicles or to the use of a global positioning system device. Persons who violate this prohibition may be required to forfeit not less than \$100 nor more than \$400 for a first offense, and not less than \$200 nor more than \$800 for a second or subsequent conviction within a year.

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

3 SECTION 1. 346.89 (3) of the statutes is created to read:  
4 346.89 (3) (a) No person may drive, as defined in s. 343.305 (1) (b), any motor  
5 vehicle while composing or sending an electronic text message.

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1 (b) This subsection does not apply to any of the following:

2 1. The operator of an authorized emergency vehicle.

3 2. The use of a global positioning system device.

4 **SECTION 2.** 346.95 (11) of the statutes is created to read:

5 346.95 (11) Any person violating s. 346.89 (3) (a) may be required to forfeit not  
6 less than \$100 nor more than \$400 for the first offense and not less than \$200 nor  
7 more than \$800 for the 2nd or subsequent conviction within a year.

8 **SECTION 3. Effective date.**

9 (1) This act takes effect on the first day of the 7th month beginning after  
10 publication.

11 (END)