

2009 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB496)

Received: **01/19/2010**

Received By: **emueller**

Wanted: **Today**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Aaron Dumas**

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.Schneider@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Extend prohibition to talking on cellular telephone while driving.

Instructions:

See attached.

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>
/?							
/1	emueller 01/19/2010	wjackson 01/19/2010	mduchek 01/19/2010	_____	cdurst 01/19/2010	cdurst 01/19/2010	

FE Sent For:

<END>

2009 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB496)

Received: 01/19/2010

Received By: **emueller**

Wanted: **Today**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Aaron Dumas**

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.Schneider@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Extend prohibition to talking on cellular telephone while driving.

Instructions:

See attached.

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	↑ Wlj 1/19		_____			
1/1	Emm 1/19/10			_____			

FE Sent For:

<END>

Mueller, Eric

From: Dumas, Aaron
Sent: Tuesday, January 19, 2010 9:19 AM
To: Mueller, Eric
Subject: 2 amendments

Hi Eric,

ASA (to)

Rep. Schneider would like to have 2 amendments for AB 496, which is on the Assembly calendar for today. I'm sorry for the short timeframe on this one. Let me know if it's not possible to get these in time.

1. Eliminate the minimums on the fines and lower the maximum to \$200.
2. Extend the ban on texting to the use of any handheld cell phone (Bluetooth and other hands-free usage would still be permissible) except in the case of emergencies or if the vehicle is pulled over to the side of the road. Same \$0-200 fine, and same current exceptions as the current AB 496. Rep. Schneider expects that this would be challenged as non-germane, so would you also be able to suggest the best argument as to why it *is* germane?

Thanks much!

Aaron Dumas

Office of Representative Marlin Schneider
72nd Assembly District
Aaron.Dumas@legis.wisconsin.gov
(608) 266-0215 Toll Free 1-888-529-0072
Capitol 204 North
P.O. Box 8953 Madison, WI 53708

talking on
cell phone
while driving



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1308/1

EVM: /:...

WLJ

D Note

ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 496

RMR

In 1/19/10

Now

- 1 At the locations indicated, amend the substitute[√] amendment as follows:
- 2 ↓ 1. Page 1, line 2: delete “messaging and electronic mail messaging” and
3 substitute “messaging, electronic mail messaging, and communicating verbally on
4 a cellular telephone”.
- 5 ↓ 2. Page 2, line 4: after “message”[√] insert “or while communicating verbally on
6 a cellular telephone”.
- 7 ↓ 3. Page 2, line 14: after that line insert:
8 “4. Communicating verbally on a cellular telephone if the cellular telephone or
9 any accessory of the cellular telephone allows the person to talk and listen without
10 holding the cellular telephone or accessory and the person does not hold or touch the
11 cellular telephone or accessory while driving the vehicle, except as necessary to
12 initiate or terminate a call.”.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1308/ldn

EVM:.....

Wlj

Date

ATTN: Aaron Dumas

The following are a few notes about this draft:

1. I did not add any language specifying that a person may use a cellular telephone while pulled over to the side of the road. The current prohibition only applies when a person is driving, as defined in s. 343.305 (1) (b), stats. The definition of "drive" under that provision requires that the car be in motion. *

2. Your e-mail instructions asked that I provide the same exceptions as in current AB496. I took this to mean the exceptions in ASA1 to AB496. Please let me know if this is not what you intended. *

3. As your e-mail suggests, there is a possibility that this amendment could be challenged as non-germane. The argument for non-germaneness is that this provision may substantially expand the scope of the proposal. Where AB496 addresses only the specific issue of composing and sending text communications while driving, this amendment adds a prohibition to the different area of verbally communicating while driving. Also, the dangerous practice addressed by the original bill involves both distraction and failure to maintain proper lookout, while the amendment addresses @ dangerous practice mainly of distraction. The argument for germaneness is that this provision is not a substantial expansion. Both the original bill and this amendment regulate only certain types of electronic communication while driving - forms of communication often accomplished by use of the same devices. Also, both the original provision and this amendment deal with essentially forms of distracted driving. * the em

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

LRBa1308/1dn
EVM:wlj:md

January 19, 2010

ATTN: Aaron Dumas

The following are a few notes about this draft:

1. I did not add any language specifying that a person may use a cellular telephone while pulled over to the side of the road. The current prohibition applies only when a person is driving, as defined in s. 343.305 (1) (b), stats. The definition of "drive" under that provision requires that the car be in motion.
2. Your e-mail instructions asked that I provide the same exceptions as in current AB 496. I took this to mean the exceptions in ASA 1 to AB 496. Please let me know if this is not what you intended.
3. As your e-mail suggests, there is a possibility that this amendment could be challenged as nongermane. The argument for nongermaneness is that this provision may substantially expand the scope of the proposal. Where AB 496 addresses only the specific issue of composing and sending text communications while driving, this amendment adds a prohibition to the different area of verbally communicating while driving. Also, the dangerous practice addressed by the original bill involves both distraction and failure to maintain proper lookout, while the amendment addresses the dangerous practice mainly of distraction. The argument for germaneness is that this provision is not a substantial expansion. Both the original bill and this amendment regulate only certain types of electronic communication while driving — forms of communication often accomplished by use of the same devices. Also, both the original provision and this amendment deal essentially with forms of distracted driving.

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