



**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

<b>2009 Assembly Bill 496</b>	<b>Assembly Bill 496, as Passed by the Assembly</b>
<i>Memo published:</i> February 10, 2010	<i>Contact:</i> Don Salm, Senior Staff Attorney (266-8540)

**CURRENT LAW**

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.

**2009 ASSEMBLY BILL 496, AS PASSED BY THE ASSEMBLY**

2009 Assembly Bill 496, as passed by the Assembly, prohibits a person from driving any motor vehicle while composing or sending an electronic text message or an electronic mail message.

The prohibition does not apply to any of the following:

1. The operator of an authorized emergency vehicle.
2. The use of any device whose primary function is transmitting and receiving emergency alert messages and messages related to the operation of the vehicle or an accessory that is integrated into the electrical system of a vehicle, including a global positioning system device.
3. An amateur radio operator who holds a valid amateur radio operator's license issued by the Federal Communications Commission when he or she is using dedicated amateur radio 2-way radio communication equipment and observing proper amateur radio operating procedures.

4. The use of a voice-operated or hands-free device if the driver of the motor vehicle does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device.

Persons who violate this prohibition may be required to forfeit: (1) not more than \$400 for a first offense; and (2) not less than \$200 nor more than \$800 for a second or subsequent conviction.

The bill adds a requirement to provisions relating to driver education courses: (1) approved by the Technical College System Board; (2) approved by school districts, county children with disabilities education boards, technical college districts for the purposes of s. 343.16 (1) (c) 1., Stats. (Department of Transportation (DOT) administered courses); and (3) meeting minimum DOT standards for such courses in private schools. Under the bill, these driver education courses must acquaint each student with the hazards posed by composing or sending electronic text messages or electronic mail messages while driving and with the new prohibitions (and the exceptions to the prohibitions) set forth in the bill, as passed by the Assembly.

The *effective date* of the bill, if enacted into law, is the first day of the seventh month after enactment.

#### **Legislative History**

On January 19, 2010, the Assembly adopted Assembly Substitute Amendment 1 to the bill, as amended by Assembly Amendments 5, 6, and 7, all on voice votes. The Assembly then passed the bill, as amended, by a vote of Ayes, 89; Noes, 6; Paired, 2. The bill was messaged to the Senate and has been referred to the Senate Committee on Transportation, Tourism, Forestry, and Natural Resources.

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