



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2009 Senate Bill 103**

**The Bill as Amended and  
Passed by the Senate**

*Memo published: April 12, 2010*

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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. [s. 346.89, Stats.]

2009 Senate Bill 103, as amended and passed by the Senate (“the bill”), prohibits any person from operating a motor vehicle while composing or sending an electronic text message, except to report an emergency. A person violating this provision may be required to forfeit not less than \$20 nor more than \$400 (the same penalty that is applicable to the current inattentive driving statute).

The bill does not apply to any of the following:

1. An operator of an authorized emergency vehicle. “Authorized emergency vehicle” is defined in s. 340.01 (3), Stats. (in the definitions section applicable to the Motor Vehicle Code), and includes, among numerous others listed, police vehicles.

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 two-way radio communication equipment and observing proper amateur radio operating procedures.

If enacted into law, the bill takes effect on the first day of the seventh month beginning after enactment.

**Legislative History**

On October 20, 2009, the Senate adopted Senate Amendment 1 to Senate Substitute Amendment 1 on a vote of Ayes, 32; Noes, 0; adopted Senate Amendment 2 to the Substitute Amendment and Substitute Amendment 1, as amended, on voice votes. The Senate then passed the bill, as amended, on a vote of Ayes, 27; Noes, 5. The bill was then referred to the Assembly Committee on Transportation which, at an executive session on October 29, 2008, recommended concurrence in the bill (as amended by the Senate) on a vote of Ayes, 10; Noes, 2.

DLS:jal