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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Transportation, Tourism,
Forestry, and Natural Resources (SC-TTFNR)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Assembly Bill 496

Relating to: prohibiting electronic text messaging while driving and providing a penalty.

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, Harsdorf, Cowles, Taylor, Darling and Schultz.

January 22, 2010 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

February 11, 2010 **PUBLIC HEARING HELD**

Present: (6) Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Absent: (1) Senator Plale.

Appearances For

- John Lehman — 21st Senate District

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Ryan Zukowski, Green Bay — WI Troopers Association
- Amy Boyer, Madison — Wisconsin Association of Convention & Visitor Bureaus
- Alan Lasee — 1st Senate District
- Tony Driessen — AAA Wisconsin

Registrations Against

- None.

Registrations for Information Only

- None.

April 1, 2010

EXECUTIVE SESSION HELD

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Moved by Senator Sullivan, seconded by Senator Hansen that **Assembly Bill 496** be recommended for concurrence.

Ayes: (3) Senators Holperin, Sullivan and Hansen.

Noes: (3) Senators Plale, Leibham and Kedzie.

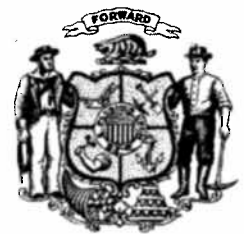
Absent: (1) Senator Grothman.

CONCURRENCE NOT RECOMMENDED, Ayes 3, Noes 3

Elizabeth Novak
Committee Clerk



WISCONSIN STATE LEGISLATURE





**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

| | |
|---|---|
| 2009 Assembly Bill 496 | Assembly Amendment 1 |
| <i>Memo published: November 5, 2009</i> | <i>Contact: Heidi J. Frechette, Staff Attorney (266-0680)</i> |

Current law regarding inattentive driving [s. 346.89, Stats.]: (1) prohibits a person driving a motor vehicle from being so engaged or occupied as to interfere with the safe driving of the vehicle [s. 346.89 (1), Stats.]; and (2) prohibits a person from driving a motor vehicle equipped with any device for visually receiving a television broadcast when the device is located at any point forward of the operator's seat or is visible to the operator while driving the motor vehicle [s. 346.89 (2), Stats.].

2009 Assembly Bill 496 also prohibits a person from driving while composing or sending an electronic text message. The bill exempts from this prohibition operators of emergency vehicles and the use of global positioning devices.

Assembly Amendment 1 also exempts amateur radio operators who hold a valid amateur radio operator's license issued by the Federal Communications Commission when the operator is using dedicated amateur radio two-way communication equipment and observing proper amateur radio operating procedures.

Assembly Amendment 1 was a committee amendment. On October 29, 2009, the Assembly Transportation Committee recommended it for adoption by a vote of Ayes, 12; Noes, 0. Assembly Bill 496, as amended, was recommended for passage on a vote of Ayes, 12; Noes, 0.

HJF:jb;wu





Wisconsin State Senate
John Lehman
Senator – 21st District

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Testimony of Senator John Lehman
Assembly Bill 496
Senate Committee on Transportation, Tourism, Forestry, and Natural Resources
February 11, 2010

Chair Holperin and committee members, thank you for the opportunity to offer testimony in support of Assembly Bill 496 (AB 496) – banning texting or e-mailing while driving.

Advances in technology and changes in the way we communicate with each other have led to the proliferation of mobile texting and e-mail devices and, for certain folks, what seems like their almost constant use.

Research conclusively shows that texting or e-mailing while driving is one of the most dangerous things you can do behind the wheel of a vehicle. Across the nation and in Wisconsin, significant attention is being paid to updating driving safety laws in recognition of the widespread use of mobile texting and e-mail devices and the negative effects of their use on the safety of drivers engaging in the behavior, their passengers and others on our roads.

As amended and passed overwhelmingly by the Assembly the bill resolves concerns about unintended impacts on HAM radio operators certain safety and notification systems included on vehicles like the GM OnStar and Ford's SmartAlert.

While similar, this bill differs from Senate Bill 103 that many members of this committee voted in favor of in committee and when it was before the full Senate. The texting or e-mailing ban in AB 496 is limited to the narrower (as defined by state statute) act of "driving" instead of the broader "operating" used in SB 103. For example under AB 496 you could legally text in a running but parked motor vehicle. In addition, AB 496 allows for more severe penalties for repeat offenses and requires driver education materials and courses to provide information about the hazards of driving while texting or e-mailing.

Because of the proven, dramatic increase in the likelihood a texting driver will be involved in or cause an accident, Assembly Bill 496 makes clear that texting or e-mailing while driving a car is not legal in Wisconsin. I hope the committee will see fit to advance this important safety legislation.

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