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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

Senate Bill 91

Relating to: the use of cellular telephones and other devices while operating certain motor vehicles transporting children and providing a penalty.

By Senators Carpenter, Risser, Lehman, Olsen, Vinehout, Taylor and Hansen; cosponsored by Representatives Kerkman, Zepnick, Benedict, Townsend, Gunderson, Berceau, A. Ott, Pope-Roberts, Smith, Spanbauer, Honadel, Molepske Jr. and Ballweg.

February 27, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

March 19, 2009 **PUBLIC HEARING HELD**

Present: (0) None.
Absent: (0) None.

Appearances For

- Tim Carpenter, Madison — 3rd Senate District

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Tony Driessen, Madison — American Automobile Association of Wisconsin
- Andy Franken, Madison — WI Insurance Alliance

Registrations Against

- None.

Registrations for Information Only

- None.

April 16, 2009

EXECUTIVE SESSION HELD

Present: (6) Senators Holperin, Plale, Hansen, Leibham, Kedzie and Grothman.
Absent: (1) Senator Sullivan.

Moved by Senator Kedzie, seconded by Senator Grothman that **Senate Amendment** be recommended for introduction and adoption.

Ayes: (6) Senators Holperin, Plale, Hansen, Leibham, Kedzie and Grothman.

Noes: (0) None.

Absent: (1) Senator Sullivan.

**INTRODUCTION AND ADOPTION OF SENATE AMENDMENT
RECOMMENDED, Ayes 6, Noes 0**

Moved by Senator Grothman, seconded by Senator Kedzie that **Senate Bill 91** be recommended for passage as amended.

Ayes: (6) Senators Holperin, Plale, Hansen, Leibham, Kedzie and Grothman.

Noes: (0) None.

Absent: (1) Senator Sullivan.

PASSAGE AS AMENDED RECOMMENDED, Ayes 6, Noes 0

Elizabeth Novak
Committee Clerk

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SENATE BILL 91

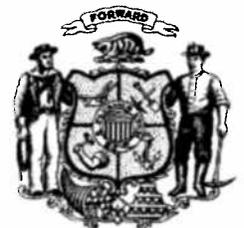
An Act to create 343.20 (1) (d) 3., 346.94 (20) and 346.95 (10) of the statutes; relating to: the use of cellular telephones and other devices while operating certain motor vehicles transporting children and providing a penalty.

Introduced on 27-FEB-2009.

Introduced by Senators **Carpenter, Risser, Lehman, Olsen, Vinehout, Taylor and Hansen**; cosponsored by Representatives **Kerkman, Zepnick, Benedict, Townsend, Gunderson, Berceau, A. Ott, Pope-Roberts, Smith, Spanbauer, Honadel, Molepske Jr. and Ballweg**.



WISCONSIN STATE LEGISLATURE



March 19, 2009

Testimony in favor of Senate Bill 91

Prohibiting school bus drivers from using cell phones or text messaging devices while driving and carrying children

I would like to express my thanks to Chairman Jim Holperin for bringing Senate Bill 91 for a hearing before this committee and for allowing me the opportunity to testify before the Committee on this bill.

When parents put their children onto a school bus they are entrusting the driver to take the children safely to their destination and back home again. I would like to thank the dedicated and professional school bus drivers who fulfill that trust every day.

According to the National Highway Traffic Safety Administration, driver inattention is the leading factor in most crashes.

The NHTSA school bus safety manual states that to be a safe school bus driver, you must always stay mentally alert, keep focused on your driving and be prepared for every possible emergency.

It is not possible for a school bus driver to drive defensively, keep focused and be prepared for every possible emergency while using a cell phone. We need to make sure school bus drivers are focusing on their jobs 100 percent of the time.

Most responsible school bus drivers would never consider allowing themselves to be distracted by a cell phone or text messaging device as they drive with children on their bus. However, the popularity and availability of cellular phone and texting devices creates a dangerous and possibly fatal temptation that we should eliminate.

Senate Bill 91 would prohibit school bus drivers from using cellular phones or text messaging devices while the school bus is on the road, or loading or unloading passengers, except to make an emergency "911" telephone call or communicate with police or other emergency personnel.

This bill would not restrict a bus drivers' use of two way radios, citizen band radios, or GPS devices needed to perform their jobs.

This bill would require that a school bus driver who violates this law must forfeit \$200 for the first offense and \$500 for each subsequent offense occurring within two years. In

addition, for the second or subsequent offense within two years, the bus driver would lose the "S" endorsement on his or her driver's license – which authorizes the operation of school buses – for six months.

Professional drivers who have dozens of passengers' lives entrusted to them should devote their full attention to their task. I believe that Wisconsin should join the 17 other states which have enacted this common-sense safety restriction.

This bill was passed by the Senate last session (SB 442 as amended), but was not taken up by the Assembly before the end of session.

I thank the members of the committee, and will welcome any questions.

The National Transportation Safety Board has called for a coast to coast ban and urged the federal and state governments to prohibit motor coach and school bus drivers from using cell phones while driving. The NTSB has recommended that school bus drivers should be prohibited from using cell phones while driving. The NTSB's recommendation came after a bus driver's chat on a cell phone caused a crash in Alexandria, Virginia that injured 11 students.

The American School Bus Council which represents public and private transportation providers, school bus manufacturers, and state officials responsible for pupil transportation has adopted the following position:

1. Prohibiting the use of cellular phones or other portable electronic devices-even those equipped with hands-free-devices-while driving.
2. Banning the use of cellular phones while supervising the loading and unloading of students.

The Nation Coalition for School Bus Safety has also stated that school bus drivers should heed to the call for a ban on cell phone use by school bus drivers when the bus is moving or while students are getting on and off the bus.

The coalition has stated that talking on a cell phone while driving puts one in the same league as a drunken driver, as far as being an impaired driver, according to studies in recent years.

Governors Highway Safety Association has said that school bus drivers should never talk on their cell phone while driving. They should pull over if they need to make a call. "Cell phones and bus drivers shouldn't be mixing," said Jonathan Adkins of the Governors Highway Safety Association. "Every state should pass a law to ban bus drivers from operating a cell phone while passengers are in the bus."





State Representative

Samantha J. Kerkman

Date ?

Testimony by Representative Samantha Kerkman on Senate Bill 91

Thank you to the members of the Transportation, Tourism, Forestry, and Natural Resources Committee for allowing me this opportunity to convey to you my support for Senate Bill 91. I sincerely appreciate your time and consideration. As the mother of two young children, I believe this is important, common sense legislation that we need in order to protect young, innocent lives from the danger posed by cell phone use behind the wheel of a school bus.

Constituents have contacted me about passing legislation such as this after witnessing school bus drivers talking on their cell phones while transporting kids to school. We all know how dangerous it is to talk on a cell phone while driving a car, and that accidents have occurred because of this. This kind of danger is no different when referring to a school bus in which the driver is using a cell phone, except that there is precious cargo involved.

I respectfully ask for your support in passing Senate Bill 91. Again, this is common sense legislation that we need to ensure the safety of our children as they travel to and from school each day. Thank you.



Cell Phone use by School bus drivers



School bus drivers in 14 States and the District of Columbia are prohibited from all cell phone use when passengers are present, except for in emergencies.

The American School Bus Council which represents 625 Thousand public and private transportation providers, school bus manufacturers, and state officials responsible for pupil transportation have adopted the following position.

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2. Banning the use of cellular phones while supervising the loading and unloading of students.

The NTSB National Transportation Safety Board has also said that all bus drivers should be banned from using cell phones while driving. They enacted this recommendation after blaming a driver's chat on a cell phone for a crash in Alexandria, Va. That injured 11 students.

The NTSB Safety Board has called for a coast to coast ban and urged the federal and state governments to prohibit motor coach and school bus drivers from using cell phones while driving .“ Professional drivers who have dozens of passengers lives entrusted to them should devote their full attention to their task,” NTSB Mark Rosenker said.

The Nation Coalition for School Bus Safety have also stated that school bus drivers should heed to the call for a ban on cell phone use by school bus drivers when their bus is moving or while students are getting on and off the bus.

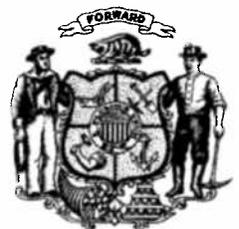
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GHSA Governors Highway Safety Association have said that school bus drivers should never talk on their cell phone while driving. They should pull over if they need to make a call. "Cell phones and bus drivers shouldn't be mixing". said Jonathan Adkins of the Governors Highway Safety Association. "Every state should pass a law to ban bus drivers from operating a cell phone while passengers are in the bus.

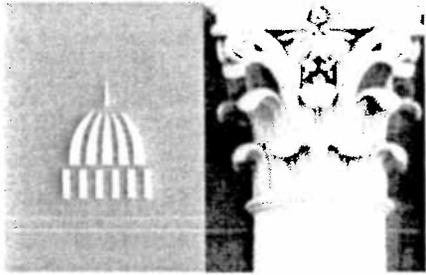
See handout for examples of crashes.



WISCONSIN STATE LEGISLATURE



SB 91 folder



National Conference of State Legislatures

LEGISBRIEF

BRIEFING PAPERS ON THE IMPORTANT ISSUES OF THE DAY

MARCH 2009

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Texting While Driving Could Spell D-A-N-G-E-R

By Anne Teigen

Texting while driving is a traffic safety issue.

The popularity and availability of cellular phone technology make it possible for anyone, anywhere, to be connected. In June 2005, about 57.2 billion text messages were sent in the United States. By 2008, that number skyrocketed to 600.5 billion. Many are concerned, however, that sending text messages while driving is a traffic safety danger.

According to the National Highway Traffic Safety Administration (NHTSA) and the Virginia Tech Transportation Institute, driver inattention is the leading factor in most crashes and near-crashes. Because texting while driving is a relatively new activity, few studies have attempted to specifically measure the distraction it causes. Studies conducted in simulators by the University of Utah, however, have shown that, compared to drunk drivers, those who are talking on a cell phone react more slowly and experience more rear-end crashes. It is undisputed that the very act of text messaging takes a driver's hands off the wheel and eyes off the road.

A Nationwide Mutual Insurance survey of 1,500 drivers revealed that texting while driving is prevalent—nearly 40 percent of the teenagers and young adults surveyed admitted they send and receive text messages while driving. In the same study, 45 percent of all people surveyed reported they have nearly been hit by someone using a cell phone.

Seven states prohibit all drivers from texting while driving.

State Action As of January 2009, Alaska, California, Connecticut, Louisiana, Minnesota, New Jersey, Washington and the District of Columbia have laws that prohibit all drivers from texting while driving. Washington was the first to do so in 2007. A bill passed by the California Legislature in September 2008 prohibits anyone from driving a motor vehicle while using an electronic wireless communications device to write, send or read a text-based communication.

Delaware, Maine, Maryland, Nebraska, North Carolina, Oregon, Texas, Virginia and West Virginia specifically ban text messaging by young drivers with learner's permits or intermediate driver's licenses. In Arkansas, North Carolina, Texas and Virginia, school bus drivers cannot send text messages while they are driving. At least two major cities—Phoenix, Ariz., and Chicago, Ill.—specifically prohibit driving while text messaging, and the Honolulu city council considered such a ban in December 2008.

All text messaging laws provide exceptions.

Every state text messaging law provides exceptions to the ban. Louisiana has an exception for law enforcement officers, firefighters, and physicians and other health care providers who use text-based communications for health care or medical emergencies. The law also allows a driver to text while driving if it is to report illegal activity or to summon emergency help. The penalty for driving while texting in Louisiana is a fine of no more than \$175 for the first offense and no more

National Conference of State Legislatures

Executive Director
William E. Pound

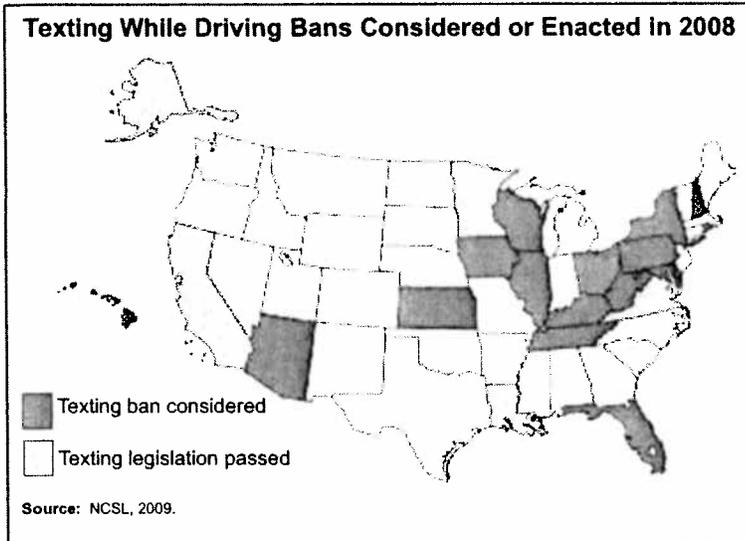
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than \$500 for subsequent offenses. Under Alaska law, texting while driving is a misdemeanor; if the violation resulted in a crash causing injury or death, however, it becomes a felony offense.

It is important to differentiate between laws that prohibit hand-held phone use and those that specifically ban text messaging. California, Connecticut, New York, New Jersey, Utah, Washington and the District of Columbia prohibit the use of hand-held phones while driving. Alaska's law prohibits text messaging while driving but does not prohibit using a hand-held cell phone. Because New York's hand-held cell phone prohibition statute defines, "using a mobile phone" as holding it to the ear, this is considered a hand-held phone ban, not a text messaging ban.

Some laws ban only texting, not hand-held phone use.



At least 22 states in 2008 considered a ban on text messaging while driving, either for a certain class of drivers (novice drivers or school bus drivers) or for all drivers.

Experts estimate that driver inattention is a factor in 80 percent of motor vehicle crashes and 65 percent of near crashes. As a percentage of national statistics, this means driver distraction is a factor in approximately 4.78 million crashes annually,

Driver inattention is estimated to be a factor in 80 percent of crashes.

causing 2.06 million injuries and as much as \$184 billion in economic loss. It is not clear, however, how many of these crashes involve texting or cell phone use.

High-profile, deadly crashes have brought attention to texting while driving. In June 2007, five members of a high school cheerleading squad were killed in New York when the young woman driving lost control while allegedly sending a text message. In 2008, a California woman who was texting while driving at 66 miles per hour crashed into a line of cars that was stopped at a construction zone; one driver was killed.

Although driver focus has been a traffic safety concern for many years, cell phone use—and particularly driving while texting—have become part of the driving environment only in recent years. State legislatures are attempting to keep pace with the rapid changes in driver behavior and technology. As of February 2009, 39 states had introduced nearly 140 bills concerning distracted driving and cellular phone use.

Contacts for More Information

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NCSL and NHTSA Traffic Safety Legislation Database
www.ncsl.org/programs/transportation/trafsafdb.htm