



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 291**

November 30, 2011 – Offered by Representative PETROWSKI.

1 **AN ACT** *to amend* 346.95 (1); and *to create* 346.89 (4) of the statutes; **relating**
2 **to:** the use of a cellular or other wireless telephone by a probationary licensee
3 or instruction permittee while driving a motor vehicle and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits inattentive driving of a motor vehicle, which includes: 1) being so engaged or occupied, while driving a motor vehicle, as to interfere with the safe driving of the vehicle; and 2) driving a motor vehicle while composing or sending an electronic text message or an e-mail message, subject to various exceptions. Any person convicted of these forms of inattentive driving may be required to forfeit not less than \$20 nor more than \$400.

This substitute amendment prohibits a person driving under an instruction permit or a probationary license from driving a motor vehicle while using a cellular or other wireless telephone (cellular phone), except to report an emergency. (A probationary license is, with certain exceptions, issued to all applicants for an original driver's license and remains in effect for two years from the date of the licensee's next birthday.) The prohibition applies regardless of whether the cellular phone is hand-held, installed in the vehicle, or otherwise situated, and regardless of whether use of the cellular phone interferes with operation of the vehicle. Persons who violate this prohibition may be required to forfeit not less than \$20 nor more

