



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 291

**Assembly Substitute
Amendment 1**

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2011 Assembly Bill 291 prohibits a person from operating a motor vehicle under an instruction permit, or for the first nine months under a probationary license if the operator is under 18 years old, while using a cellular telephone or other wireless telecommunications device, except to report an emergency. The bill would set a \$50 penalty for a first offense and a penalty of not less than \$50, nor more than \$100, for each subsequent offense.

Assembly Substitute Amendment 1 is substantially similar to the bill, but differs in the following ways:

- The substitute amendment moves the prohibition in the bill from statutes related to instruction permits and probationary licenses to the inattentive driving statute.
- The substitute amendment prohibits drivers under an instruction permit or a probationary license (not limited to just the first nine months under a probationary license) from driving any motor vehicle while using a cellular or other wireless telephone device.
- The substitute amendment applies the prohibition to “driving” rather than “operation” of a vehicle. (“Drive” means the exercise of physical control over the speed and direction of a motor vehicle *while it is in motion*. “Operation” refers to being in actual physical control over a vehicle, *whether in motion or not*).
- The substitute amendment establishes a penalty of not less than \$20, nor more than \$40, for the first offense and a penalty of not less than \$50, nor more than \$100, for each subsequent conviction within one year.

Legislative History

Assembly Substitute Amendment 1 was offered by Representative Petrowski. On January 31, 2012, the Assembly Committee on Transportation recommended adoption of Assembly Substitute Amendment 1 on a vote of Ayes, 13; Noes, 0. The committee then recommended passage of Assembly Bill 291, as amended, on a vote of Ayes, 13; Noes, 0.

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