AN ACT to create 343.20 (1) (d) 3., 346.94 (23) and 346.95 (12) of the statutes; relating to: the use of cellular telephones and other devices while operating certain motor vehicles transporting children and providing a penalty.

Analysis by the Legislative Reference Bureau

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. Current law also prohibits a person from driving while composing or sending an electronic text message or an e-mail message. However, there are various exceptions to this prohibition.

This bill generally prohibits a person operating a school bus or another vehicle transporting pupils from using a cellular telephone or other wireless telecommunications device while the school bus or other vehicle is on the roadway or loading or unloading passengers, if the school bus or other vehicle is transporting passengers, not including a driver’s assistant. This prohibition does not apply if a cellular telephone, or a wireless telecommunications device capable of real-time voice communications, is used to make an emergency “911” telephone call or communicate with specified emergency responders or service providers regarding an emergency situation. A person who violates this prohibition 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 Department of Transportation must cancel the “S” endorsement, authorizing the operation of school
buses, to the person’s operator’s license and the person may not reinstate the “S” endorsement to his or her operator’s license for six months.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 343.20 (1) (d) 3. of the statutes is created to read:

343.20 (1) (d) 3. The department shall cancel an operator’s license that is endorsed for the operation of school buses under s. 343.12, regardless of the license expiration date, upon receiving a record of conviction showing that the person has been convicted of a violation of s. 346.94 (23) or a local ordinance in conformity with s. 346.94 (23), if the person was previously convicted of a violation of s. 346.94 (23) or a local ordinance in conformity with s. 346.94 (23) within the immediately preceding 2 years. Upon cancellation of an operator’s license under this subdivision, the person may obtain from the department, without charge, an operator’s license that is not endorsed for the operation of school buses and, after 6 months from the date of the license cancellation, may apply for reinstatement of the endorsement authorizing the operation of school buses.

SECTION 2. 346.94 (23) of the statutes is created to read:

346.94 (23) USE OF CELLULAR TELEPHONES AND OTHER DEVICES WHILE OPERATING CERTAIN VEHICLES TRANSPORTING CHILDREN. (a) In this subsection:

1. “Alternative pupil transport vehicle” means a motor vehicle used to provide pupil transportation services and that is being operated as an alternative method of transportation under s. 121.555 (1) or is a motor bus being operated for purposes of transporting pupils to or from curricular or extracurricular activities.

2. “Operate” has the meaning given in s. 343.305 (1) (c).
3. “Wireless telecommunications device” means any personal digital assistant or other device while being used by the device’s operator to transmit verbal communications, electronic mail, text messages, or any other electronic communication to one or more persons not physically present with the device’s operator, but does not include any 2-way radio or citizens band radio or any global positioning system device installed in or on a vehicle.

   (b) 1. Except as provided in subd. 2., and notwithstanding s. 346.89 (3), no person may operate on the roadway of a highway a school bus or alternative pupil transport vehicle that is transporting pupils or other authorized passengers except any passenger employed for the purpose of assisting the school bus or alternative pupil transport vehicle operator, or load or unload passengers onto or from a school bus or alternative pupil transport vehicle, while using a cellular telephone or other wireless telecommunications device.

   2. Subdivision 1. does not apply to the use of a cellular telephone, or of any wireless telecommunications device capable of real-time voice communications, to make an emergency “911” telephone call or communicate with an emergency system response operator, police department, fire department, ambulance or emergency medical technician service, or hospital or emergency care facility regarding an emergency situation.

   **SECTION 3.** 346.95 (12) of the statutes is created to read:

   346.95 (12) Any person violating s. 346.94 (23) shall forfeit $200 for the first offense and $500 for each subsequent offense occurring within 2 years.

   **SECTION 4. Effective date.**
(1) This act takes effect on the first day of the 3rd month beginning after publication.