

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB124)

Received: 11/5/2013 Received By: agary
Wanted: As time permits Same as LRB:
For: Garey Bies (608) 266-5350 By/Representing: Cory Bruce
May Contact: Drafter: agary
Subject: Transportation - traffic laws Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Bies@legis.wisconsin.gov
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Inattentive driving; split screen technology

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	agary 11/6/2013	jdyer 11/5/2013	rschluet 11/5/2013	_____	sbasford 11/5/2013		
/1		jdyer 11/6/2013	rschluet 11/6/2013	_____	lparisi 11/6/2013	lparisi 11/6/2013	

FE Sent For:

<END>

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T 11/6 jld
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11/5/13
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/P1 agary T 11/5 jld jd [Signature]

FE Sent For:

<END>

Gary, Aaron

From: Bruce, Cory
Sent: Tuesday, November 05, 2013 10:34 AM
To: Gary, Aaron
Subject: FW: Ab 124 - Inattentive Driving Bill

Aaron,
Can you draft the changes to AB 124 as you recommended in your email below?

Thanks,
Cory

From: Gary, Aaron
Sent: Wednesday, August 07, 2013 10:28 AM
To: Bruce, Cory
Subject: RE: Ab 124 - Inattentive Driving Bill

Hi Cory,

We can't use language like "described above" in one statutory unit to refer to part of another statutory unit. I also think the language "moving images" is unclear as to what is being referred to, and copying all of the relevant language from sub. (2) into sub. (5) to make it clear would also make sub. (5) essentially unreadable. I could use the language "moving video image described in sub. (2)" but I believe this is not the best way to address the problem. Both subsections begin with "Subject to sub. (6) ...", which means that sub. (6) overrides subs. (2) and (5), a common way that we carve out an exception. So I continue to believe that addressing this issue directly in sub. (6), as I proposed below, is preferable to the group's suggested changes unless the group has in mind technology in addition to the split-screen.

Let me know how you want to proceed. Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Bruce, Cory
Sent: Tuesday, August 06, 2013 4:14 PM
To: Gary, Aaron
Subject: RE: Ab 124 - Inattentive Driving Bill

Aaron,
I spoke with the group who recommended the changes and they'd like to know why the change in subsection (5) doesn't work. Can you expand on that for us?

Thanks,
Cory

From: Gary, Aaron
Sent: Wednesday, June 19, 2013 11:48 AM
To: Bruce, Cory
Subject: RE: Ab 124 - Inattentive Driving Bill

Cory,

I think the change in subsection (2) is OK (although it may not be necessary), but the change in subsection (5) doesn't work. I would recommend simply creating another exception in subsection (6), maybe something like the following:

New sub. (6) (e) Any device installed or mounted, either permanently or temporarily, in the vehicle that, with respect to the vehicle operator, functions as provided in par. (a), (b), (c), or (d) while simultaneously providing entertainment visible only from passenger seats of the vehicle.

If you created a sub. (6) (e), you wouldn't need to make changes to sub. (2) or (5).

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Bruce, Cory
Sent: Tuesday, June 18, 2013 1:54 PM
To: Gary, Aaron
Subject: FW: Ab 124 - Inattentive Driving Bill

Aaron,
I'm forwarding an email to you from a lobbyist who's interested in making some changes to AB 124 – inattentive driving. They're concerned about split screen technology in cars. I wasn't exactly sure what that was, so below they attached a quick you tube video that demonstrates how it works. Once you have a chance to review that and the suggested language in the attached word doc, can you let me know if this accomplishes their goal, while still keeping our intent?

Thanks,
Cory

From: Andrew Cook [<mailto:cook@hamilton-consulting.com>]
Sent: Tuesday, June 18, 2013 1:48 PM
To: Bruce, Cory
Subject: RE: Ab 124 - Inattentive Driving Bill

Hi Cory,

Thanks for your response. Attached is the draft language.

As for your question, split-view technology does go beyond the GPS system. It allows the passenger to view entertainment while the driver can only view information related to driving the vehicle -- such as GPS. The light is actually angled differently so that the driver sees one thing while the passenger sees another.

Below is a helpful (and short) YouTube video showing the technology:

<http://www.youtube.com/watch?v=gSz42stmqVQ>

Please let me know if you have any other questions.

Best,

Andy

Andrew C. Cook

The Hamilton Consulting Group, LLC.

10 East Doty Street, Suite 500

Madison, WI 53703

cook@hamilton-consulting.com

Phone (608) 258-9506

Fax (608) 283-2589

www.hamilton-consulting.com

From: Bruce, Cory [<mailto:Cory.Bruce@legis.wisconsin.gov>]

Sent: Tuesday, June 18, 2013 11:41 AM

To: Andrew Cook

Subject: Ab 124 - Inattentive Driving Bill

Andy,

Rep. Bies asked me to send to the drafter your suggestions for changes to the bill. Do you have the word document you can send to me. When I scan it in, you can't see the red font, which will make it difficult for the drafter to determine what we'd like to change. Rep. Bies wants the drafter to take a look at it to see how the proposed changes may impact the intent of the legislation.

Also, I left you a voicemail a few minutes ago because I have a question about the split screen technology. When I was looking for pictures or information on how the technology works, it wasn't very clear. Is this just related to the GPS navigation system or does it go beyond that?

Thanks,

Cory Bruce

Office of Rep. Bies

Attached to 6/18 email

SECTION 1. 346.89 (1) of the statutes is amended to read:

346.89 (1) No person while driving a motor vehicle ~~shall be so~~ may be engaged or occupied as with an activity, other than driving the vehicle, that interferes or reasonably appears to interfere with the safe driving of such vehicle person's ability to drive the vehicle safely.

SECTION 2. 346.89 (2) of the statutes is amended to read:

346.89 (2) ~~No Subject to sub. (6), no person shall~~ may drive any motor vehicle, other than an authorized emergency vehicle, a commercial motor vehicle described in s. 340.01 (8), or a tow truck, equipped with any device for visually receiving displaying a television, cable television, or satellite video broadcast when such device is located in the motor vehicle at any point forward of the back of the operator's seat or, film, or other fluctuating moving video image, whether in broadcast, tape-recorded, or optically or electronically recorded format, when the display for the moving images displayed on such device is are visible to the operator while driving the motor vehicle. [Reason: language should prohibit "images" from being viewed by the driver, not the "device."]

SECTION 3. 346.89 (5) of the statutes is created to read:

346.89 (5) Subject to subs. (3) and (6), no person while driving a motor vehicle, other than an authorized emergency vehicle, a commercial motor vehicle described in s. 340.01 (8), or a tow truck, may operate or be in a position to directly observe any ~~electronic device located~~ moving images described above displayed on a device within the vehicle that is activated and that is providing entertainment primarily by visual means. This subsection does not prohibit a person from using a cellular telephone for purposes of verbal communication. **[Reason: same as above.]**

SECTION 4. 346.89 (6) of the statutes is created to read:

346.89 (6) Subsections (2) and (5) do not apply to any of the following:

- (a) Any global positioning system device installed or mounted, either permanently or temporarily, in the vehicle.
- (b) The display by any device of information related to the operation, condition, radio, or safety of the vehicle or that is intended to be used to enhance the driver's view forward, behind, or to the sides of a motor vehicle.
- (c) The display by any device of information related to traffic, road, or weather conditions.
- (d) Any device in a vehicle that permits the vehicle driver to monitor vehicle occupants seated rearward of the driver.

SECTION 5. 346.95 (1) of the statutes is amended to read:

346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2) ~~or~~ (4), or (5), 346.90 to 346.92 or 346.94 (1), (9), (10), (11), (12) or (15) may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

SECTION 6. Initial applicability.

(1) This act first applies to violations committed on the effective date of this subsection, but does not preclude the counting of other violations as prior violations for purposes of sentencing a person.

SECTION 7. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1138/P1

ARG:....

in
11/5
wanted
by 11/6

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 124

D-note

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 20: after that line insert:

3 “(e) Any device installed or mounted, either permanently or temporarily, in the
4 vehicle that, with respect to the vehicle operator, functions as provided in par. (a), (b),
5 (c), or (d) while simultaneously providing entertainment visible only from passenger
6 seats of the vehicle.”

7 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1138/P1dn

ARG: ^...

date

jld

ATTN: Cory Bruce

Please review the attached draft carefully to ensure that it is consistent with your intent. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft. If not, please let me know what changes you would like to the attached draft.

Be amendment
Be amendment

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1138/P1dn
ARG:jld:rs

November 5, 2013

ATTN: Cory Bruce

Please review the attached amendment carefully to ensure that it is consistent with your intent. If the attached amendment meets with your approval, let me know and I will convert it to an introducible “/1” amendment. If not, please let me know what changes you would like to the attached amendment.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Rep.Bies
Sent: Wednesday, November 06, 2013 11:30 AM
To: Gary, Aaron
Subject: FW: Draft review: LRB a1138/P1 Topic: Inattentive driving; split screen technology
Attachments: 13a1138/P1.pdf; DraftersNote1.pdf

Aaron,
This looks great! Thank you. Please introduce it.

Cory

From: LRB.Legal
Sent: Tuesday, November 05, 2013 12:58 PM
To: Rep.Bies
Subject: Draft review: LRB a1138/P1 Topic: Inattentive driving; split screen technology

Following is the PDF version of draft LRB a1138/P1 and drafter's note.



TODAY



in
11/6

EMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 124

No changes

4

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2 **1.** Page 3, line 20: after that line insert:
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4 vehicle that, with respect to the vehicle operator, functions as provided in par. (a), (b),
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6 seats of the vehicle.”

7 (END)