

**2015 DRAFTING REQUEST**

**Bill**

Received: 1/29/2015 Received By: zwyatt  
Wanted: As time permits Same as LRB: -2117  
For: John Spiros (608) 266-1182 By/Representing: Angela Hodkiewicz  
May Contact: Drafter: zwyatt  
Subject: Transportation - traffic laws Addl. Drafters:  
Extra Copies: ARG, EVM

Submit via email: YES  
Requester's email: Rep.Spiros@legis.wisconsin.gov  
Carbon copy (CC) to: zachary.wyatt@legis.wisconsin.gov  
aaron.gary@legis.wisconsin.gov  
eric.mueller@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Prohibiting use of headphones while driving

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**Instructions:**

See attached

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**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	zwyatt 3/19/2015	csicilia 3/25/2015			mbarman 2/12/2015		
/P2	zwyatt 3/31/2015				mbarman 3/25/2015		
/1		csicilia			mbarman	mbarman	

Per ZDW  
→

Vers. Drafted

Reviewed  
4/1/2015

Typed

Proofed

Submitted  
4/1/2015

Jacketed  
4/1/2015

Required

FE Sent For:

*None  
needed*

<END>

## Wyatt, Zachary

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**From:** Mueller, Eric  
**Sent:** Thursday, January 29, 2015 9:15 AM  
**To:** Wyatt, Zachary  
**Subject:** FW: Bill to be Drafted

Zach,

Interested?

Eric Mueller  
Attorney, Legislative Reference Bureau  
Phone: (608)261-7032  
eric.mueller@legis.wisconsin.gov

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**From:** Hodkiewicz, Angela  
**Sent:** Wednesday, January 28, 2015 4:17 PM  
**To:** Mueller, Eric  
**Subject:** Bill to be Drafted

Hi Eric,

We would like to draft a bill that mimics a Louisiana State Law, which would prohibit people from using headphones while driving. <http://www.legis.state.la.us/lss/lss.asp?doc=88233>

We would like to include some exceptions:  
, such as:

- *Using headphones or earbuds in only one ear.*
- *Hearing aids.*, allow the use of devices that improve a driver's impaired hearing.
- *Headphones built-in to protective headgear.* This generally applies to headphone-equipped motorcycle helmets,

There are some other exceptions -- such as for emergency responders, refuse collectors, and highway and construction workers.

Please let me know if you have any questions, Thanks!

*Angela Hodkiewicz*  
Research Assistant  
Office of Representative Spiros  
(608) 266.1182

§295.2. Wearing of headphones; prohibitions; exceptions

A. The wearing of headphones by any operator of a motor vehicle is hereby prohibited. For purposes of this Section, "headphones" shall mean a headset, headphone, or listening device other than a hearing aid or instrument for the improvement of defective human hearing which covers both ears or which is inserted into both ears. Any headset, headphone, or other listening device which covers or which is inserted into only one ear may be used at any time.

B. The provisions of this Section shall not apply to:

(1) Any law enforcement officer or emergency vehicle operator equipped with any communication device necessary in performing his assigned duties.

(2) Any person operating a motorcycle who is using a headset that is installed in a helmet and worn so as to prevent the speakers from making direct contact with the user's ears so that the user can hear surrounding sounds.

C. The Department of Public Safety and Corrections, office of motor vehicles, shall adopt rules and regulations in accordance with the Administrative Procedure Act to establish standards and specifications for headset equipment, the use of which is permitted under this Section. The department shall inspect and review all such devices submitted to it and shall publish a list by name and type of approved equipment.

D. No vehicle, contents of a vehicle, or driver in a vehicle shall be inspected, stopped, detained, or searched solely because of a violation of or to determine compliance with this Section.

E. The operation of a vehicle in violation of the provisions of this Section shall not be considered a moving violation as provided for under the provisions of Title 32 of the Louisiana Revised Statutes of 1950.

F. Whoever violates the provisions of this Section shall be fined twenty-five dollars in addition to court costs.

Acts 1995, No. 619, §1.



ZDW: /... /  
*gis* *cus*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*SA*

*Gen Cost*

1 **AN ACT** /...; **relating to:** operating a motor vehicle while wearing headphones or  
2 earbuds and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

This bill prohibits a person from operating a motor vehicle on a highway while wearing headphones on, or earbuds in, both ears. However, this prohibition does not apply to persons operating authorized emergency or roadside service vehicles, sanitation workers, persons operating a motorcycle while wearing a helmet with integrated headphones, or persons wearing hearing aids. A person who violates the prohibition 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 second or subsequent conviction within a year.

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

3 **SECTION 1.** 346.94 (24) of the statutes is created to read:  
4 346.94 (24) **WEARING HEADPHONES OR EARBUDS.** No person may operate a motor  
5 vehicle on a highway while wearing headphones over, or earbuds in, both ears. This  
6 subsection does not apply to any of the following:

*SA*

- 1 (a) The operator of an authorized emergency vehicle. ✓
- 2 (b) The operator of an emergency or roadside service vehicle, as defined in s.
- 3 346.072 (1g). ✓
- 4 (c) The operator of a motorcycle wearing a helmet with integrated headphones. ✓
- 5 (d) A sanitation worker. ✓
- 6 (e) The use of any wearable instrument or device designed for the purpose of
- 7 aiding or compensating for impaired human hearing. ✓

8 **SECTION 2.** 346.95 (1) of the statutes is amended to read:

9 346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (4) or (5), 346.90 to

10 346.92 or 346.94 (1), (9), (10), (11), (12) ~~or~~, (15), or (24) may be required to forfeit not

11 less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more

12 than \$100 for the 2nd or subsequent conviction within a year.

History: 1971 c. 278; 1973 c. 182, 314, 336; 1975 c. 297, 320; 1977 c. 68; 1983 a. 56, 175, 538; 1989 a. 335 s. 89; 1991 a. 83; 1993 a. 260, 455; 1995 a. 194, 373, 420; 1999 a. 109; 2001 a. 90; 2003 a. 192, 297, 327; 2005 a. 250; 2009 a. 22, 157, 220, 311; 2011 a. 164; 2013 a. 106, 350.

13 (END)

**Mueller, Eric**

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**From:** Hodkiewicz, Angela  
**Sent:** Wednesday, March 11, 2015 4:41 PM  
**To:** Mueller, Eric  
**Subject:** Changes to LRB 1547

Hi Eric,

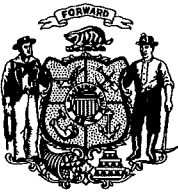
Can you please make the following changes to this draft:

- create a subsection under inattentive driving statute-s.346.89, where the currently texting and phone use laws are.
- use the term driving rather than operating
- eliminate the term on a highway

Let me know if you have any questions, thanks!

*Angela Hodkiewicz*

Research Assistant  
Committee Clerk, Assembly Committee on Ways and Means  
Office of Representative John Spiros  
86<sup>th</sup> Assembly District  
(608) 266.1182



INSERT

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

stays

can't  
x ref  
stat comp

Gen Cat

1 AN ACT to amend 346.95 (1); and to create 346.94 (24) of the statutes; relating  
2 to: operating a motor vehicle while wearing headphones or earbuds and  
3 providing a penalty.

**Analysis by the Legislative Reference Bureau**

INS A

This bill prohibits a person from operating a motor vehicle on a highway while wearing headphones on, or earbuds in, both ears. However, this prohibition does not apply to persons operating authorized emergency or roadside service vehicles, sanitation workers, persons operating a motorcycle while wearing a helmet with integrated headphones, or persons wearing hearing aids. A person who violates the prohibition 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 second or subsequent conviction within a year.

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

4 SECTION 1. 346.94 (24) of the statutes is created to read:  
5 346.94 (24) WEARING HEADPHONES OR EARBUDS. No person may operate a motor  
6 vehicle on a highway while wearing headphones over, or earbuds in, both ears. This  
7 subsection does not apply to any of the following:

drive



- 1 (a) The operator of an authorized emergency vehicle.
- 2 (b) The operator of an emergency or roadside service vehicle, as defined in s.
- 3 346.072 (1g).
- 4 (c) The operator of a motorcycle wearing a helmet with integrated headphones.
- 5 (d) A sanitation worker.
- 6 (e) The use of any wearable instrument or device designed for the purpose of
- 7 aiding or compensating for impaired human hearing.

8 **SECTION 2.** 346.95 (1) of the statutes is amended to read:

9 346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (4) ~~or~~ (5), <sup>or (7)</sup> 346.90 to  
 10 346.92 or 346.94 (1), (9), (10), (11), (12) <sup>no strike</sup> ~~or~~ (15) or (24) may be required to forfeit not  
 11 less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more  
 12 than \$100 for the 2nd or subsequent conviction within a year.

13 (END)

1

**INS A**

Current law prohibits inattentive driving in the following forms:

1. A person may not drive a motor vehicle while engaged or occupied with an activity that interferes or reasonably appears to interfere with the safe driving of the vehicle.

2. A person may not drive a motor vehicle while composing or sending an electronic text message or an electronic mail message, subject to limited exceptions.

3. A person holding a probationary license or instruction permit may not drive a motor vehicle while using a cellular or other wireless telephone, except to report an emergency.

4. A person may not drive a vehicle while operating or while in a position to directly observe an electronic device within the vehicle that is providing entertainment through primarily visual means. This prohibition does not apply to certain vehicles and certain devices.

Any person who is convicted of a violation described in item 1. or 2., above, may be required to forfeit not less than \$20 nor more than \$400, and any person who is convicted of a violation described in item 3. or 4., above, may be required to forfeit not less than \$20 nor more than \$40 for a first offense and not less than \$50 nor more than \$100 for a second or subsequent offense within one year.

The bill creates another form of inattentive driving prohibiting a person from driving a motor vehicle while wearing headphones over, or earbuds in, both ears.

## Wyatt, Zachary

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**From:** Hodkiewicz, Angela  
**Sent:** Tuesday, March 31, 2015 3:29 PM  
**To:** Wyatt, Zachary  
**Cc:** Froelich, Brooke  
**Subject:** RE: LRB -1547/P2

Zach,

Can you re introduce the bill to an introducible/1 please.. Thanks! Senator Harsdorf will be doing a companion bill to this.

*Angela Hodkiewicz*

Research Assistant  
Committee Clerk, Assembly Committee on Ways and Means  
Office of Representative John Spiros  
86<sup>th</sup> Assembly District  
(608) 266.1182

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**From:** Mueller, Eric  
**Sent:** Tuesday, March 31, 2015 2:10 PM  
**To:** Hodkiewicz, Angela  
**Cc:** Wyatt, Zachary  
**Subject:** RE: LRB -1547/P2

Angela

[LRB.Legal@legis.wisconsin.gov](mailto:LRB.Legal@legis.wisconsin.gov)

If you want it jacketed, though, Zack will have to redraft the bill to an introducible /1.

Eric Mueller  
Attorney, Legislative Reference Bureau  
Phone: (608)261-7032  
[eric.mueller@legis.wisconsin.gov](mailto:eric.mueller@legis.wisconsin.gov)

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**From:** Hodkiewicz, Angela  
**Sent:** Tuesday, March 31, 2015 2:01 PM  
**To:** Mueller, Eric  
**Subject:** LRB -1547/P2

Can you send me the email to jacket this LRB.

Thanks!

*Angela Hodkiewicz*

Research Assistant  
Committee Clerk, Assembly Committee on Ways and Means  
Office of Representative John Spiros  
86<sup>th</sup> Assembly District  
(608) 266.1182



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

- 1 **AN ACT** *to amend* 346.95 (1); and *to create* 346.89 (7) of the statutes; **relating**  
2 **to:** operating a motor vehicle while wearing headphones or earbuds and  
3 providing a penalty.

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***Analysis by the Legislative Reference Bureau***

Current law prohibits inattentive driving in the following forms:

1. A person may not drive a motor vehicle while engaged or occupied with an activity that interferes or reasonably appears to interfere with the safe driving of the vehicle.
2. A person may not drive a motor vehicle while composing or sending an electronic text message or an electronic mail message, subject to limited exceptions.
3. A person holding a probationary license or instruction permit may not drive a motor vehicle while using a cellular or other wireless telephone, except to report an emergency.
4. A person may not drive a vehicle while operating or while in a position to directly observe an electronic device within the vehicle that is providing entertainment through primarily visual means. This prohibition does not apply to certain vehicles and certain devices.

Any person who is convicted of a violation described in item 1. or 2., above, may be required to forfeit not less than \$20 nor more than \$400, and any person who is convicted of a violation described in item 3. or 4., above, may be required to forfeit not less than \$20 nor more than \$40 for a first offense and not less than \$50 nor more than \$100 for a second or subsequent offense within one year.

The bill creates another form of inattentive driving, prohibiting a person from driving a motor vehicle while wearing headphones over, or earbuds in, both ears.

