2015 ASSEMBLY BILL 198

May 5, 2015 – Introduced by Representatives SPIROS, BERCEAU, BILLINGS, E. BROOKS, EDMING, KAHL, KESSLER, KRUG, KULP, T. LARSON, MURPHY, OHNSTAD, PETRYK, QUINN, SPREITZER and SUBECK, cosponsored by Senators PETROWSKI, BEWLEY, CARPENTER, COWLES, GUDEX, MARKLEIN and OLSEN. Referred to Committee on Transportation.

1   AN ACT *to amend* 346.95 (1); and *to create* 346.89 (4m) of the statutes; **relating**

2   **to:** the use of a cellular or other wireless telephone while driving a motor vehicle

3   in a construction zone and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits inattentive driving of a motor vehicle, which includes 1) being engaged or occupied with an activity, other than driving the vehicle, that interferes with the person's ability to drive the vehicle safely; 2) driving a motor vehicle while composing or sending an electronic text message or an e-mail message, subject to various exceptions; 3) a probationary license or instructional permit holder driving a motor vehicle while using a cellular or other wireless telephone; and 4) operating or being in a position to directly view an electronic device that provides visual entertainment, subject to various exceptions. Any person convicted of the first two forms of inattentive driving may be required to forfeit not less than $20 nor more than $400, and any person convicted of the third or fourth forms of inattentive driving 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.

This bill prohibits a person from driving a motor vehicle while using a cellular or other wireless telephone in a construction zone, except to report an emergency. The prohibition does not apply to the use of a voice–operated or hands–free device if the person does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device. The prohibition includes using the

telephone for a purpose other than communication.   Persons who violate this prohibition 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 people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1   SECTION 1. 346.89 (4m) of the statutes is created to read:

2   346.89 **(4m)** No person may drive, as defined in s. 343.305 (1) (b), any motor

3   vehicle while using a cellular or other wireless telephone, including using the

4   telephone for a purpose other than communication, where persons engaged in work

5   in a highway maintenance or construction area or in a utility work area are at risk

6   from traffic, except to report an emergency. This subsection does not apply to the use

7   of a voice–operated or hands–free device if the driver of the motor vehicle does not

8   use his or her hands to operate the device, except to activate or deactivate a feature

9   or function of the device.

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

11   346.95 **(1)** Any person violating s. 346.87, 346.88, 346.89 (4), (4m), or (5), 346.90

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

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

14    $100 for the 2nd or subsequent conviction within a year.

15   **SECTION 3. Effective date.**

16   (1) This act takes effect on the first day of the 7th month beginning after

17   publication.

18   **(END)**