



State of Wisconsin
2009 - 2010 LEGISLATURE

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SENATE SUBSTITUTE AMENDMENT 1,
TO 2009 SENATE BILL 103

September 28, 2009 - Offered by Senator A. LASEE.

1 AN ACT *to amend* 346.02 (10) and (11) and 346.95 (2); and *to create* 346.89 (3)
2 of the statutes; **relating to:** operation of a motor vehicle while composing or
3 sending an electronic text message 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. Any person convicted of inattentive driving may be required to forfeit not less than \$20 nor more than \$400.

This substitute amendment prohibits a person who holds a probationary license or an instruction permit and who is under 18 years of age from operating a motor vehicle while composing or sending an electronic text message, except to report an emergency. The substitute amendment provides an exception to this prohibition for persons operating authorized emergency vehicles. Persons who violate this prohibition may be required to forfeit not less than \$20 nor more than \$400.

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

1 **SECTION 1.** 346.02 (10) and (11) of the statutes are amended to read:

2 **346.02 (10) APPLICABILITY TO SNOWMOBILES.** The operator of a snowmobile upon
3 a roadway shall in addition to the provisions of ch. 350 be subject to ss. 346.04,
4 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33,
5 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51,
6 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89 (1) and (2), 346.90, 346.91,
7 346.92 (1) and 346.94 (1) and (9).

8 **(11) APPLICABILITY TO ALL-TERRAIN VEHICLES.** The operator of an all-terrain
9 vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18,
10 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40,
11 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55,
12 346.71, 346.87, 346.88, 346.89 (1) and (2), 346.90, 346.91, 346.92 (1) and 346.94 (1)
13 and (9) but is not subject to any other provision of this chapter.

14 **SECTION 2.** 346.89 (3) of the statutes is created to read:

15 **346.89 (3) (a)** No person who holds a probationary license issued under s.
16 343.085 or an instruction permit issued under s. 343.07 and who is under 18 years
17 of age may operate, as defined in s. 343.305 (1) (c), any motor vehicle while composing
18 or sending an electronic text message, except to report an emergency.

19 (b) This subsection does not apply to operators of authorized emergency
20 vehicles.

21 **SECTION 3.** 346.95 (2) of the statutes is amended to read:

22 **346.95 (2)** Any person violating s. 346.89 (1) or (3) or 346.94 (2), (4) or (7) may
23 be required to forfeit not less than \$20 nor more than \$400.

24 **SECTION 4. Effective date.**

