



## 2015 SENATE BILL 135

April 23, 2015 – Introduced by Senators PETROWSKI, BEWLEY, CARPENTER, COWLES, GUDEX, MARKLEIN and OLSEN, cosponsored by Representatives SPIROS, BERCEAU, BILLINGS, E. BROOKS, EDMING, KAHL, KESSLER, KRUG, KULP, T. LARSON, MURPHY, OHNSTAD, PETRYK, QUINN, SPREITZER and SUBECK. Referred to Committee on Transportation and Veterans Affairs.

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.

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### *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) driving a motor vehicle while 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

