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Assembly Bill 889

Public Testimony

Assembly Committee on Criminal Justice and Public Safety

January 24, 2024

Thank you Chairman Spiros for the opportunity to testify today on Assembly Bill 889. I would like to thank Representative Kitchens and Senators James and Hesselbein for joining me in authoring this bill.

Last summer before the 2023-2024 school year, a constituent of mine, Detective Joshua Rider from the Columbia County Sheriff's office, contacted me to ask that I introduce legislation to make our school zones safer. As you may know, in recent sessions the legislature has taken steps to protect emergency responders and construction workers by making those defined areas "hands free." Detective Rider felt that making our school zones "hands free" would better protect students from distracted drivers. School zones have an increased amount of vehicular traffic and pedestrian traffic, increasing the odds of a vehicle vs. pedestrian type crash. According to the Wisconsin Department of Transportation (WisDOT) there were a total of 991 school zone crashes in 2022.

In communities across our state students travel to school in different ways. In my own district, many students of all ages walk to school. As a former educator, I am always supportive of ways to make our communities safer for students. Senate Bill 830 prohibits using a cell phone in a school zone during school hours or when children are present. Penalties include forfeiting a minimum of \$20 and maximum of \$40 for a first violation and a minimum of \$50 and maximum of \$100 for subsequent convictions within a year. I am proud to have been able to co-author this bi-partisan legislation to keep students safe.

I hope that members of the Senate Committee on Judiciary and Public Safety will support this important piece of legislation.



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January 24th, 2024

Representative Spiros, Chair

Members of the Assembly Committee on Criminal Justice and Public Safety

Testimony on 2023 Assembly Bill 889

Relating to: use of cellular telephones in school zones and providing a penalty.

Thank you, Chairman Spiros and other members of the committee, for hearing my testimony on Assembly Bill 889 today. As we all know, school zones have some of the strictest speeding limits that we have to abide by. This ensures the safety of our students and school personnel during times of heavy pedestrian and automotive traffic. Unfortunately, however, speeding is not the only safety hazard we are experiencing in our school zones.

In 2021, the Wisconsin Department of Transportation recorded 10,219 distracted driving crashes statewide. The rise of technology has made it easier to become distracted by other things instead of keeping eyes on the road. More specifically, 59 crashes in 2021 had reported a school zone sign/device traffic control marker nearby. While we like to think that people take extra precaution in a school zone, sometimes it is just not the case.

Under current law, it is already prohibited for drivers to use their cell phones in a highway construction zone, unless the device is voice-operated, is hands-free, or you are using it to report an emergency. AB 889 would add school zones to that prohibition during school hours or when children are present. The penalties for not abiding by this legislation are as follows: no less than \$20 nor more than \$40 for the first offense and no less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

We take on a certain responsibility when we get behind the wheel. Ensuring that reckless decisions get properly penalized will hopefully help deter people from using their cell phones when they are driving, especially in a place where children are present. Thank you, and I will take any questions at this time.

Respectfully,

Senator Jesse James

23rd Senate District

Sen.James@legis.wisconsin.gov

AB 889 PJH NOTES

Executive Summary: Assembly Bill 889 prohibits a person who is driving a motor vehicle from using a cell or wireless telephone in a school zone during school hours or when a child is present except to report an emergency or except if the phone is voice activated or otherwise hands-free.

NOTES:

Current law prohibits use of a cell phone in a highway or construction area, or in an emergency response area.

343.305(1)(b) "Drive" means the exercise of physical control over the speed and direction of a motor vehicle while it is in motion

118.08(1) School Zones. On any street or highway which borders the grounds of any public, private, or tribal school in which school is held for a term of not less than 6 months, the authority in charge of the maintenance of the street or highway shall erect black and yellow "school" warning signs. The authority may also designate school crossings across any street or highway, whether or not the street or highway borders on the grounds of a school.

Penalties (current law; newly applicable to school zones)

346.95(1)(1) Except as provided in sub. (13), any person violating ... s. 346. (4m), ... 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.

POINTS:

No specific citation in DOT ch 101 (admin rules), but points vary from 6 to 2 for the catch all "all other violations" and there are similar violations requiring 6, 5, or 4 point violations such as inattentive driving (4), reckless driving (6), etc.

(6) Similar offenses. The point schedule in this section covers violations of state traffic laws, local ordinances, tribal traffic laws, federal traffic laws, traffic regulations, s. UWS 18.04, and department administrative rules which are similar to the violations described in subs. (1) to (5), even if the language of the law, ordinance, regulation or rule may vary.



JOEL KITCHENS

STATE REPRESENTATIVE • 1ST ASSEMBLY DISTRICT

Public Testimony
Assembly Committee on Criminal Justice and Public Safety
Assembly Bill 889
January 24, 2023

Thank you, Chairman Spiros and members of the committee for holding this public hearing on Assembly Bill 889.

Keeping students safe should be a priority for all of us across Wisconsin - including on their way to school. Unfortunately, our school zones are not as safe as they could be.

Sixty-percent of distracted driving crashes happen in urban areas. According to the Wisconsin Department of Transportation, there were close to 1,000 school zone crashes in 2022. More than 100 of those crashes are the result of distracted driving in school zones which caused 40 injuries.

We already have a law on the books that bans drivers from using a cell phone in a highway construction zone. This bill will mirror that law for school zones.

Assembly Bill 889 prohibits using a cell phone in a school zone during school hours or when children are present. The bill uses the same penalties for using a phone in a construction zone.

Law enforcement officers tell me that they constantly see drivers in school zones who are not paying attention while children frequently run out into the street. The penalty is only \$20, and the intent of the bill is not to be punitive but to send a message that drivers must pay attention when children are present and give law enforcement officers a tool to educate these drivers.

I'm glad to report that both the Badger State Sheriffs' Association and Wisconsin Sheriffs and Deputy Sheriffs Association support this bill.

Hopefully, this legislation will send a message to drivers to be more careful around schools and make sure students get to school and back home again safely.

I want to thank my co-authors Senator James and Representative Considine. Thank you members for your time and I hope you consider supporting Assembly Bill 889.