



2003 ASSEMBLY BILL 744

January 9, 2004 - Introduced by Representatives BIES, AINSWORTH, FREESE, HINES, HAHN, LADWIG, LEMAHIEU, MOLEPSKE, MUSSER, OWENS, PETROWSKI, PLOUFF, VAN ROY, WEBER, OTT, FRISKE, TOWNSEND and VRAKAS, cosponsored by Senators LASSA, A. LASEE, CARPENTER and SCHULTZ. Referred to Committee on Highway Safety.

- 1 **AN ACT** *to amend* 346.89 (1); and *to repeal and recreate* 346.89 (2) of the
2 statutes; **relating to:** inattentive driving.

Analysis by the Legislative Reference Bureau

Current law prohibits inattentive driving in two forms:

1. A driver of a motor vehicle may not be so engaged or occupied as to interfere with the safe driving of the vehicle.
2. A person may not drive a motor vehicle equipped with any device for receiving a television broadcast if the device is located forward of the back of the driver's seat or is visible to the driver, regardless of whether the device interferes with the safe driving of the vehicle.

Any person who is convicted of a violation described in Item 1., 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 2., 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.

This bill modifies the second form of inattentive driving to prohibit a person from driving a motor vehicle, other than an authorized emergency vehicle, while operating or being in a position to directly observe any device capable of displaying a television, cable television, or satellite broadcast, film, or other fluctuating video image, whether live or recorded, or any electronically transmitted or stored data, text, or electronic mail message in a form readable to the person, regardless of whether the device interferes with the safe driving of the vehicle. This prohibition does not apply to any device installed on a vehicle by a manufacturer or dealer that

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is intended for the exclusive display of information related to the operation or condition of the vehicle or that is intended to be used solely to enhance safety while backing the vehicle. Any person who is convicted of a violation of this prohibition is subject to the same forfeiture that applies to a violation under current law, as described above.

The bill modifies the violation described in Item 1., above, by also prohibiting a driver of a motor vehicle from being so distracted as to interfere with the safe driving of the vehicle.

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

1 **SECTION 1.** 346.89 (1) of the statutes is amended to read:

2 346.89 (1) No person while driving a motor vehicle shall be so engaged or,
3 occupied, or distracted as to interfere with the safe driving of such vehicle.

4 **SECTION 2.** 346.89 (2) of the statutes is repealed and recreated to read:

5 346.89 (2) No person while driving a motor vehicle, other than an authorized
6 emergency vehicle, shall operate or be in a position to directly observe any device
7 capable of displaying a television, cable television, or satellite broadcast, film, or
8 other fluctuating video image, whether in broadcast, tape recorded, or electronically
9 recorded format, or any electronically transmitted or stored data, text, or electronic
10 mail message in a form readable to the person. This subsection does not apply to any
11 device installed on a vehicle by the manufacturer or a dealer that is intended for the
12 exclusive display of information related to the operation or condition of the vehicle
13 or that is intended to be used solely to enhance safety while backing the vehicle.

14 **SECTION 3. Initial applicability.**

15 (1) This act first applies to violations committed on the effective date of this
16 subsection, but does not preclude the counting of other violations as prior violations
17 for purposes of sentencing a person.

18 **SECTION 4. Effective date.**

