



2011 ASSEMBLY BILL 131

May 17, 2011 – Introduced by Representatives KERKMAN, BALLWEG, BARCA, BERCEAU, BIES, BROOKS, ENDSLEY, HEBL, MURSAU, A. OTT, PASCH, PETRYK, RIPP, SPANBAUER and ZEPNICK, cosponsored by Senators WANGGAARD, CARPENTER, HANSEN, LASSA and TAYLOR. Referred to Committee on Transportation.

1 **AN ACT to create** 343.20 (1) (d) 3., 346.94 (23) and 346.95 (12) of the statutes;
2 **relating to:** the use of cellular telephones and other devices while operating
3 certain motor vehicles transporting children 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. Current law also prohibits a person from driving while composing or sending an electronic text message or an e-mail message. However, there are various exceptions to this prohibition.

This bill generally prohibits a person operating a school bus or another vehicle transporting pupils from using a cellular telephone or other wireless telecommunications device while the school bus or other vehicle is on the roadway or loading or unloading passengers, if the school bus or other vehicle is transporting passengers, not including a driver's assistant. This prohibition does not apply if a cellular telephone, or a wireless telecommunications device capable of real-time voice communications, is used to make an emergency "911" telephone call or communicate with specified emergency responders or service providers regarding an emergency situation. A person who violates this prohibition must forfeit \$200 for the first offense and \$500 for each subsequent offense occurring within two years. In addition, for the second or subsequent offense within two years, the Department of Transportation must cancel the "S" endorsement, authorizing the operation of school

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buses, to the person's operator's license and the person may not reinstate the "S" endorsement to his or her operator's license for six months.

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

1 **SECTION 1.** 343.20 (1) (d) 3. of the statutes is created to read:

2 343.20 (1) (d) 3. The department shall cancel an operator's license that is
3 endorsed for the operation of school buses under s. 343.12, regardless of the license
4 expiration date, upon receiving a record of conviction showing that the person has
5 been convicted of a violation of s. 346.94 (23) or a local ordinance in conformity with
6 s. 346.94 (23), if the person was previously convicted of a violation of s. 346.94 (23)
7 or a local ordinance in conformity with s. 346.94 (23) within the immediately
8 preceding 2 years. Upon cancellation of an operator's license under this subdivision,
9 the person may obtain from the department, without charge, an operator's license
10 that is not endorsed for the operation of school buses and, after 6 months from the
11 date of the license cancellation, may apply for reinstatement of the endorsement
12 authorizing the operation of school buses.

13 **SECTION 2.** 346.94 (23) of the statutes is created to read:

14 **346.94 (23) USE OF CELLULAR TELEPHONES AND OTHER DEVICES WHILE OPERATING**
15 **CERTAIN VEHICLES TRANSPORTING CHILDREN.** (a) In this subsection:

16 1. "Alternative pupil transport vehicle" means a motor vehicle used to provide
17 pupil transportation services and that is being operated as an alternative method of
18 transportation under s. 121.555 (1) or is a motor bus being operated for purposes of
19 transporting pupils to or from curricular or extracurricular activities.

20 2. "Operate" has the meaning given in s. 343.305 (1) (c).

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1 3. “Wireless telecommunications device” means any personal digital assistant
2 or other device while being used by the device’s operator to transmit verbal
3 communications, electronic mail, text messages, or any other electronic
4 communication to one or more persons not physically present with the device’s
5 operator, but does not include any 2-way radio or citizens band radio or any global
6 positioning system device installed in or on a vehicle.

7 (b) 1. Except as provided in subd. 2., and notwithstanding s. 346.89 (3), no
8 person may operate on the roadway of a highway a school bus or alternative pupil
9 transport vehicle that is transporting pupils or other authorized passengers except
10 any passenger employed for the purpose of assisting the school bus or alternative
11 pupil transport vehicle operator, or load or unload passengers onto or from a school
12 bus or alternative pupil transport vehicle, while using a cellular telephone or other
13 wireless telecommunications device.

14 2. Subdivision 1. does not apply to the use of a cellular telephone, or of any
15 wireless telecommunications device capable of real-time voice communications, to
16 make an emergency “911” telephone call or communicate with an emergency system
17 response operator, police department, fire department, ambulance or emergency
18 medical technician service, or hospital or emergency care facility regarding an
19 emergency situation.

20 **SECTION 3.** 346.95 (12) of the statutes is created to read:

21 346.95 (12) Any person violating s. 346.94 (23) shall forfeit \$200 for the first
22 offense and \$500 for each subsequent offense occurring within 2 years.

23 **SECTION 4. Effective date.**

