



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2805/1
EVM:ahe

2017 ASSEMBLY BILL 463

August 2, 2017 - Introduced by Representatives TUSLER, ZIMMERMAN, WACHS, ALLEN, ANDERSON, BARCA, BERCEAU, MURPHY, QUINN, SUBECK and WICHGERS, cosponsored by Senators WANGGAARD, CARPENTER, DARLING, HARSDORF, MARKLEIN, OLSEN, RISSER and VINEHOUT. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 346.89 (3) (a), 346.89 (3) (b) 2. and 346.95 (2); and **to create**
2 346.89 (3) (b) 1g., 346.89 (3) (b) 1m., 346.89 (3) (b) 2m., 346.95 (2g) and 940.10
3 (3) of the statutes; **relating to:** certain uses of interactive electronic devices
4 while driving and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits, with certain exceptions, any person from using an interactive electronic device to enter, transmit, or access data while driving.

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 a text message or an e-mail message; 3) a probationary license or instructional permit holder driving a motor vehicle while using a wireless telephone; 4) driving a motor vehicle while using a wireless telephone in a highway construction zone; and 5) driving a motor vehicle while operating or being in a position to directly view an electronic device that provides visual entertainment. 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 latter three 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 expands the prohibition on composing or sending a text message while driving to prohibit the use of an interactive electronic device to enter, transmit, or

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access data, other than for purposes of verbal communication or reporting an emergency, while driving. The bill also increases the penalty for a violation of this provision to a forfeiture of not less than \$100 nor more than \$400. Also, a person who violates this provision and causes the death of another person in the course of the violation is guilty of homicide by negligent operation of a vehicle, a Class G felony. The penalty for a Class G felony is a fine not to exceed \$25,000 or imprisonment not to exceed ten years, or both.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 346.89 (3) (a) of the statutes is amended to read:

2 346.89 (3) (a) No person may ~~drive~~ use an interactive electronic device to enter,
3 transmit, or access data while driving, as defined in s. 343.305 (1) (b), any motor
4 vehicle ~~while composing or sending an electronic text message or an electronic mail~~
5 ~~message.~~

6 **SECTION 2.** 346.89 (3) (b) 1g. of the statutes is created to read:

7 346.89 (3) (b) 1g. The use of an interactive electronic device to report an
8 emergency.

9 **SECTION 3.** 346.89 (3) (b) 1m. of the statutes is created to read:

10 346.89 (3) (b) 1m. The use of an interactive electronic device for purposes of
11 verbal communication.

12 **SECTION 4.** 346.89 (3) (b) 2. of the statutes is amended to read:

13 346.89 (3) (b) 2. The use of any device whose primary function is transmitting
14 and receiving emergency alert messages and messages related to the operation of the
15 vehicle or an accessory that is integrated into the electrical system of a vehicle,
16 ~~including a global positioning system device.~~

17 **SECTION 5.** 346.89 (3) (b) 2m. of the statutes is created to read:

