



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2003 Assembly Bill 744**

**Assembly Amendment 1**

*Memo published:* February 23, 2004

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### Assembly Amendment 1:

1. Changes the relating clause to indicate that the bill provides a penalty since the amendment creates a new offense in s. 346.89 (3). The penalty for this new provision, is the same as the current penalty for the other subsections in current s. 346.89, Stats.

2. Amends sub. (2) in current law (s. 346.89 (2), Stats.) (which prohibits driving any motor vehicle equipped with a device for visually receiving a television broadcast when the device is located in a certain position) to:

- a. Specify that the provision does not apply to an authorized emergency vehicle, a commercial motor vehicle, or a tow truck.
- b. Substitute “**visually** displaying” for “visually RECEIVING.”
- c. Add to television broadcast the following: any device visually displaying cable television or satellite broadcast, film, or other fluctuating video image, whether in broadcast, tape recorded, or *optically* or electronically recorded format. Though not clear just reading the amendment, the amendment **deletes** the language created in the bill referring to “any electronically transmitted or stored data, text, or electronic mail message in a form readable to the person.”
- d. Specify that provision does not apply to any device installed on a vehicle that is intended for the exclusive display of information related to the operation, navigation, or condition of the vehicle or that is intended to be used solely to enhance safety while backing the vehicle. This language is the same as in the bill, except that it now specifies that the device: (1) does **not** have to be installed by the manufacturer or dealer; and (2) can be a device intended for the display of information related to the **navigation** of the vehicle.

3. Creates new sub. (3), which provides that:
  - a. No person while driving a motor vehicle, other than an authorized emergency vehicle, a commercial motor vehicle described in s. 340.01 (8) (a) or (b), Stats., or a tow truck shall operate or be in a position to directly observe any electronic device located within the vehicle that is activated and that is transmitting information or providing entertainment primarily by visual means.
  - b. The new provision does not prohibit a person from using a cellular telephone or other wireless telecommunications device for the purpose of verbal communication.
  - c. The new provision does not apply to any device in a vehicle that is intended for the exclusive display of information related to the operation, navigation, or condition of the vehicle or that is intended to be used solely to enhance safety while backing the vehicle.

**Legislative History**

On February 18, 2004, the Assembly Committee on Highway Safety voted to recommend passage of the bill, as amended by Assembly Amendment 1 (which was adopted on a vote of Ayes, 7; Noes, 0), on a vote of Ayes, 7; Noes, 0.

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