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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**2007 Assembly Bill 215**

**Assembly  
Amendment 1**

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*Contact: Larry Konopacki, Staff Attorney (267-0683)*

**Current Law**

Under current law, the following two types of inattentive driving are prohibited:

**Type 1:** No person while driving a motor vehicle shall be so engaged or occupied as to interfere with the safe driving of such vehicle. [s. 346.89 (1), Stats.]

**Type 2:** No person shall drive any motor vehicle equipped with any device for visually receiving a television broadcast when such device is located in the motor vehicle at any point forward of the back of the operator's seat or when such device is visible to the operator while driving the motor vehicle. [s. 346.89 (2), Stats.]

**2007 Assembly Bill 215**

Assembly Bill 215 would make changes to both types of inattentive driving prohibitions under current law, and would create a third type of inattentive driving prohibition.

**Type 1** inattentive driving would be modified to prohibit a person driving a vehicle from being "engaged or occupied with an activity, other than driving the vehicle, that interferes or reasonably appears to interfere with the person's ability to drive the vehicle safely."

**Type 2** inattentive driving would be modified to make the following changes:

- The types of devices and broadcast signals that may not be located forward of the back of the operator's seat or visible to the operator when driving the vehicle would be expanded to include those used for "visually displaying a television, cable television, or satellite broadcast, film, or other fluctuating video image, whether in broadcast, tape recorded, or a optically or electronically recorded format."

- Authorized emergency vehicles, commercial motor vehicles described in s. 340.01 (8), Stats., and tow trucks would not be subject to the Type 2 inattentive driving prohibition.
- An exception would be created for global positioning system (GPS) devices that are installed in the vehicle permanently or temporarily, or to other devices in a vehicle intended for the exclusive display of information related to the operation or condition of the vehicle or intended to be used solely to enhance safety while backing the vehicle.

The bill would also create a third type of inattentive driving prohibition (**Type 3**) which would include the following:

- A driver of a motor vehicle would be prohibited from operating or being in position to see an electronic device in the vehicle that is activated and transmitting information or providing entertainment primarily by visual means.
- Authorized emergency vehicles, commercial motor vehicles described in s. 340.01 (8), and tow trucks would not be subject to the Type 3 inattentive driving prohibition.
- Type 3 inattentive driving would not prohibit a person from using a cellular telephone for purposes of verbal communication.
- An exception would be created for GPS devices that are installed in the vehicle permanently or temporarily, or to other devices in a vehicle intended for the exclusive display of information related to the operation or condition of the vehicle or intended to be used solely to enhance safety while backing the vehicle. These exceptions are the same as for Type 2.
- The penalty for Type 3 inattentive driving would be the same as the penalty for Type 2 under current law (\$20 to \$40 forfeiture for the first offense, \$50 to \$100 forfeiture for the 2<sup>nd</sup>, or subsequent conviction within a year).

### **Assembly Amendment 1**

Assembly Amendment 1 to the bill would make the following changes to Type 2 and Type 3 inattentive driving:

**Type 2:** As noted above, the bill expands the list of types of devices that may not be located forward of the back of the driver's seat and that may not be visible to the operator when driving the vehicle. The amendment removes the reference to a prohibited device's location with respect to the driver's seat. The amendment also modifies the provision relating to the visibility of such devices to the operator so that only the "display" of the device cannot be visible to the operator while driving.

**Type 2 and Type 3:** The exceptions for certain types of devices or types of information under the bill would be re-worded and expanded to create exceptions to the Type 2 and Type 3 prohibitions for the following:

- Any GPS device installed or mounted, either permanently or temporarily, in the vehicle.

- The display by any device of information related to the operation, condition, or safety of the vehicle or that is intended to be used to enhance the driver's view forward, behind, or to the sides of a motor vehicle.
- The display by any device of information related to traffic, road, or weather conditions.
- Any device in a vehicle that permits the vehicle driver to monitor vehicle occupants seated rearward of the driver.

**Legislative History**

Assembly Bill 215 was referred to the Assembly Committee on Transportation. The Assembly Committee on Transportation offered Assembly Amendment 1 to the bill. The committee recommended adoption of Assembly Amendment 1 by a vote of Ayes, 12; Noes, 0; and passage of Assembly Bill 215, as amended, by a vote of Ayes, 11; Noes, 1.

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