



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 206

Assembly Amendment 1

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Under **current law**, there are three types of inattentive driving, including a general prohibition against being “so engaged or occupied as to interfere with the safe driving of” a vehicle (Type 1), a prohibition against viewing a television broadcast while driving (Type 2), and a prohibition against composing or sending a text message or e-mail while driving, with exceptions (Type 3).

2011 Assembly Bill 206 modifies Type 1 inattentive driving to prohibit a driver 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.

Under Type 2 inattentive driving, a driver may not drive a 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. The bill prohibits a person from driving a vehicle equipped with any device for visually displaying television, cable television, or satellite broadcasts, film, or other fluctuating video image, whether in broadcast, tape-recorded, or optically or electronically recorded format, when the display for such device is visible to the operator while driving the motor vehicle.

The bill also adds exceptions to the Type 2 inattentive driving prohibition for emergency vehicles; commercial vehicles; tow trucks; a global positioning system 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; and any device in a vehicle that permits the vehicle driver to monitor vehicle occupants seated rearward of the driver.

The bill makes no changes to Type 3 inattentive driving.

The bill also adds a new type of inattentive driving (Type 4) which prohibits driving while operating or being 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. The bill specifies that this prohibition does not apply to the use of a cellular telephone for purposes of verbal communication, and applies all of the exceptions described above for Type 2 inattentive driving to this type of inattentive driving.

The penalties for new Type 4 inattentive driving are the same as for Type 2 inattentive driving under current law. For a first offense, the penalty is a forfeiture of \$20 to \$40, and a second or subsequent conviction within a year is punishable by a forfeiture of \$50 to \$100.

Assembly Amendment 1 to Assembly Bill 206 does all of the following:

- Clarifies that only devices that broadcast satellite “video” would be subject to the Type 2 prohibition.
- Removes the condition that an electronic device be “transmitting information” to be subject to the Type 4 prohibition.
- Adds the display by a device of information related to the radio to the list of exceptions to Type 2 and Type 4 inattentive driving.

Legislative History

Representative Bies offered Assembly Amendment 1 on September 8, 2011. On September 27, 2011, the Assembly Committee on Transportation recommended adoption of Assembly Amendment 1 and passage of Assembly Bill 206, as amended, by votes of Ayes 14, Noes 1.

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