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State of Misconsin 2023 - 2024 LEGISLATURE

LRB-5346/1 EVM:skw

2023 ASSEMBLY BILL 889

January 2, 2024 – Introduced by Representatives KITCHENS, CONSIDINE, BEHNKE, BINSFELD, CONLEY, DITTRICH, DUCHOW, JACOBSON, NOVAK, OHNSTAD, ORTIZ-VELEZ, PLUMER and SINICKI, cosponsored by Senators JAMES, HESSELBEIN, AGARD, ROYS and SPREITZER. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to renumber and amend** 346.89 (4m); and **to create** 346.89 (4m) (a) 2.

and 346.89 (4m) (b) 1. of the statutes; **relating to:** use of cellular telephones in

school zones and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from driving a motor vehicle while using a cellular phone in a highway construction zone, except to report an emergency or certain hands-free use. A person who violates this provision may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year. This bill expands this prohibition to school zones during school hours or whenever a child is present.

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

- 4 SECTION 1. 346.89 (4m) of the statutes is renumbered 346.89 (4m) (a) (intro.)
- 5 and amended to read:

2023 – 2024 Legislature

ASSEMBLY BILL 889

1	346.89 (4m) (a) (intro.) No person may drive, as defined in s. 343.305 (1) (b),
2	any motor vehicle while using a cellular or other wireless telephone, including using
3	the telephone for a purpose other than communication, where in any of the following:
4	<u>1. Where persons engaged in work in a highway maintenance or construction</u>
5	area, utility work area, or emergency or roadside response area are at risk from
6	traffic , except to report an emergency .
7	(b) This subsection does not apply to the <u>any of the following:</u>
8	<u>2. The</u> use of a voice-operated or hands-free device if the driver of the motor
9	vehicle does not use his or her hands to operate the device, except to activate or
10	deactivate a feature or function of the device.
11	SECTION 2. 346.89 (4m) (a) 2. of the statutes is created to read:
12	346.89 (4m) (a) 2. A zone designated by "school" warning signs, as provided in
13	s. 118.08 (1), at any of the following times:
14	a. During school hours.
15	b. Whenever a child is present.
16	SECTION 3. 346.89 (4m) (b) 1. of the statutes is created to read:
17	346.89 (4m) (b) 1. The use of a cellular or other wireless telephone to report an
18	emergency.
19	SECTION 4. Initial applicability.
20	(1) This act first applies to violations committed on the effective date of this
21	subsection but does not preclude the counting of offenses as prior offenses for the
22	purposes of sentencing.
23	(END)

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