



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5336/1

EVM:skw

2023 SENATE BILL 830

December 19, 2023 - Introduced by Senators JAMES, HESSELBEIN, AGARD, ROYS and SPREITZER, cosponsored by Representatives KITCHENS, CONSIDINE, BEHNKE, BINSFELD, CONLEY, DITTRICH, DUCHOW, JACOBSON, NOVAK, OHNSTAD, ORTIZ-VELEZ, PLUMER and SINICKI. Referred to Committee on Judiciary and Public Safety.

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:

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

SENATE BILL 830**SECTION 1**

346.89 (4m) (a) (intro.) No person may drive, as defined in s. 343.305 (1) (b), any motor vehicle while using a cellular or other wireless telephone, including using the telephone for a purpose other than communication, ~~where~~ in any of the following:

1. Where persons engaged in work in a highway maintenance or construction area, utility work area, or emergency or roadside response area are at risk from traffic, ~~except to report an emergency.~~

(b) This subsection does not apply to ~~the~~ any of the following:

2. The use of a voice-operated or hands-free device if the driver of the motor vehicle does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device.

SECTION 2. 346.89 (4m) (a) 2. of the statutes is created to read:

346.89 (4m) (a) 2. A zone designated by “school” warning signs, as provided in s. 118.08 (1), at any of the following times:

- a. During school hours.
- b. Whenever a child is present.

SECTION 3. 346.89 (4m) (b) 1. of the statutes is created to read:

346.89 (4m) (b) 1. The use of a cellular or other wireless telephone to report an emergency.

SECTION 4. Initial applicability.

(1) This act first applies to violations committed on the effective date of this

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SECTION 4

subsection but does not preclude the counting of offenses as prior offenses for the purposes of sentencing.

(END)