



Legislative Action For Hands-Free Driving

BACKGROUND: The issue of distracted driving is an increasing problem on highways in Wisconsin and around the nation. According to the National Highway Traffic Safety Administration, distracted driving resulted in 3,166 fatalities throughout the country in 2017 alone. A primary source of driver distraction is the usage of handheld mobile devices while operating a vehicle.

In 2015, Wisconsin took an important first step in addressing distracted driving by passing 2015 Act 308. This law makes it illegal to talk on a handheld mobile device while driving in a Wisconsin work zone. Despite this activity now being illegal, highway workers have not observed a significant decrease in the number of distracted drivers using handheld cell phones while passing thru work zones.

To date, 19 other states have banned the use of handheld mobile devices while operating a motor vehicle. Minnesota is the most recent to implement a hands-free law, which took effect on August 1, 2019. Several other states are currently considering hands-free legislation.

Distracted driving can be caused by any activity that takes a driver's attention away from the roadway. There are many other forms of distracted driving besides talking or texting on a mobile device including stereos, navigation systems, talking to passengers, or even eating and drinking. Younger drivers are particularly susceptible to the dangers of distracted driving. Most states, including Wisconsin, currently ban the use of any mobile device by driver's with a provisional license. However, according to the Governors Highway Safety Association, there are currently 22 other states that ban the use of any mobile device by novice drivers. Most of these states consider "novice" drivers to be younger than 18 years old.

CURRENT STATUS: Current state law prohibits drivers from utilizing handheld mobile devices in highway maintenance, highway construction, or utility work areas. The suggested statutory change in this case would be to modify State Statute 346.89(4m) by expanding prohibited use of cellular or other wireless telephones to include any vehicle operation on a highway. These work areas would no longer be specified, making the use of handheld mobile devices illegal at any time while operating a motor vehicle.

Under current law, a person violating this law may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 or more than \$100 for the 2nd or subsequent conviction within a year. Consideration should be given to increasing the forfeiture amounts for violating this law to an amount that will adequately deter motorists by amending State Statute 346.95.

REQUESTED ACTION: The WCA and WCHA request that Wisconsin Statutes be amended to ban the use of handheld mobile devices at any time while operating a motor vehicle. The WCA and WCHA also request that all cell phone use be banned for novice drivers under the age of 18 at any time while operating a motor vehicle.

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