

Topic for the Month

## Distracted Driving

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## New Law restricts Wisconsin cell phone use while driving



In an effort to stem the tide of increased car accidents involving younger drivers, the Wisconsin Legislature has enacted a new law that prohibits the use of a cell phone while driving. The National Safety Council estimates at least 28% of all traffic crashes – or at least 1.6 million crashes each

year – involve drivers, of all ages, using cell phones and texting. Cell phone use can distract a driver's attention from traffic and road conditions. While distracted driving is a problem even for experienced drivers, it often is even more hazardous for teen drivers who are not experienced. Drivers who use a cell phone - either handheld or hands-free - are four times more likely to be involved in a crash, according to a New England Journal of Medicine examination of hospital records, and a study funded by the Insurance Institute for Highway Safety linking injury crashes to cell phone records. Interestingly though, talking to a passenger while driving is considered significantly safer than talking on a cell phone, for adult drivers, according to a University of Utah study. Passengers, unlike cell phone conversations, can make the driver aware of changing road conditions they might not see and can stop the conversation if traffic conditions warrant.

### What is the new law?

2011 Wisconsin Act 164, effective November 1, 2012, expands the state statute that prohibits inattentive driving by adding a subsection which directs that drivers with an instruction permit or probationary license are prohibited from using a cellular or other wireless telephone while driving.

Although the law will affect many teen drivers, it is not solely a ban on cell phone use by teen drivers. The prohibition against cell phone use affects all drivers with an instruction permit or probationary license—regardless of age.

Other drivers with a Wisconsin probationary license would include:

- Drivers licensed in other countries.
- Persons with suspended or revoked instruction permits or probationary licenses.
- New state residents who have fewer than three years of driving experience.
- New state residents under the age of 21.
- New state residents who surrender a license that is expired for more than six months.

In most instances the new law will apply to high school students and new Wisconsin residents who have less than three years of driving experience.

### Is there a penalty?

Yes - A driver violating this restriction on cell phone use is subject to a forfeiture of \$20 to \$40 for a first offense and \$50 to \$100 for a subsequent offense within a year.

### Are there any exceptions?

Yes - The law specifically allows for the use of a cellular or other wireless telephone in the event there is an emergency.

### Will there be an Auto Insurance Impact?

We believe that a violation of this law may very well increase the auto insurance premium for the offender. Most insurance companies now obtain driver's license abstracts that reveal prior vehicle related violations. These abstracts are used in part to determine the premium that is charged.

### Where to go for online information?

Feel free to contact Attorney Robert Janssen at 920.336.5766 should you have any questions related to this article or legal issues that impact you or your family. Visit our website at [www.stellpfluglaw.com](http://www.stellpfluglaw.com) for Attorney Janssen's profile and areas of practice.



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