

# Legislative Analysis

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## PROHIBIT HAND-HELD MOBILE PHONE USE AND TEXT MESSAGING WHILE DRIVING

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**House Bill 4394**

**Sponsor: Rep. Lee Gonzales**

**Committee: Transportation**

**Complete to 4-22-09**

### A SUMMARY OF HOUSE BILL 4394 AS INTRODUCED 2-24-09

House Bill 4394 would amend the Michigan Vehicle Code (MCL 257.602b) to prohibit text-messaging while driving. The bill specifies that a person shall not read, write, or send a text message on a wireless two-way communication device that is located in a person's hand or lap (including a wireless telephone used in cellular telephone service or personal service), while operating a motor vehicle that is moving on a highway or street in the state. Under the bill, a wireless, two-way communication device would not include a global positioning or navigation system that is affixed to the motor vehicle.

The bill would not apply to a person who used a wireless two-way communications device to do any of the following:

- Report a traffic accident, medical emergency, or serious road hazard.
- Report a situation where the person believed his or her safety was in jeopardy.
- Report or avert a crime (or potential crime) against another person.
- Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or operator of an emergency vehicle.

Finally, the bill specifies that enforcement of the prohibition by state or local law enforcement agencies would be accomplished only as a secondary action when a driver had been detained for a suspected violation of another section of the Vehicle Code. The bill also specifies that if a local unit of government adopted an ordinance substantially similar to this bill, then that ordinance would have to include the secondary enforcement provision.

Anyone who violated the prohibition would be responsible for a civil infraction.

### **FISCAL IMPACT:**

There would be an indeterminate fiscal impact on the judiciary. Any fiscal impact would depend on the number of civil infraction violations coupled with the increase in administrative and court costs in processing the violations. Any fine revenue received from a civil infraction would go to the support of county public libraries. The bill would have no fiscal impact to the Department of State.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.