

Legislative Analysis



PROHIBIT TEXTING WHILE DRIVING; NO POINTS FOR VIOLATIONS

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House Bill 4394 (Substitute H-3)
Sponsor: Rep. Lee Gonzales

House Bill 4370 (Substitute H-2)
Sponsor: Rep. Gino Polidori
Committee: Transportation

Complete to 11-3-09

A SUMMARY OF HOUSE BILLS 4394 & 4970 AS REPORTED FROM COMMITTEE

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 personal safety was in jeopardy.
- Report or avert a crime (or potential crime).
- 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.

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.

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

House Bill 4370 would amend section 320a of the Michigan Vehicle Code to specify that no points would be added to a driver license for a violation of Section 602b -- the section adding the text messaging prohibition.

House Bill 4370 is tied-barred to House Bill 4394 meaning it would not take effect unless House Bill 4394 was also enacted.

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.

POSITIONS:

Department of State Police supports the bills. (10-22-09)

AAA Michigan supports the bills (10-22-09)

AT&T supports the bills. (10-22-09)

Ford Motor Company supports the bills. (10-22-09)

Michigan Municipal League supports the bills. (10-22-09)

Verizon Wireless supports the bills. (10-22-09)

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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.