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Senate Bill 402 (Substitute S-3 as reported by the Committee of the Whole)
Senate Bill 468 (Substitute S-4 as reported by the Committee of the Whole)
Sponsor: Senator Buzz Thomas (S.B. 402)
 Senator Roger Kahn, M.D. (S.B. 468)
Committee: Transportation

CONTENT

Senate Bill 402 (S-3) would amend the Michigan Vehicle Code to prohibit a person from reading, writing, or sending text messages using a wireless two-way communication device, including a wireless phone, that was located in the person's hand or lap while he or she was operating a moving motor vehicle on a street or highway in the State. ("Wireless two-way communication device" would not include a global positioning or navigation system affixed to the vehicle.)

That provision would not prohibit an individual from using hands-free technology to operate a cellular phone or other communication device or using a cellular phone or other communication device to report a traffic accident, medical emergency, or serious road hazard; report a situation in which the person believed his or her personal safety was in jeopardy; report or avert the perpetration or potential perpetration of a criminal act against the individual or another person; or carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or emergency vehicle operator.

State or local law enforcement agencies could enforce the bill only as a secondary action when a driver of a motor vehicle had been detained for a suspected violation of another section of the Code.

The bill would supersede all local ordinances regulating the use of a communication device while operating a motor vehicle in motion on a street or highway, although a local unit of government could adopt an ordinance or enforce an existing ordinance substantially corresponding to the bill.

Senate Bill 468 (S-4) would amend the Michigan Vehicle Code to prescribe a civil fine, and prohibit points from being entered on a person's driving record, for a violation of the provisions in Senate Bill 402 (S-3).

An individual who violated the bill would be responsible for a civil infraction and could be fined up to \$200 for a first offense and up to \$500 for a subsequent offense.

The two bills are tie-barred to one another.

Proposed MCL 257.602b (S.B. 402)
MCL 257.320a et al. (S.B. 468)

Legislative Analyst: Curtis Walker

FISCAL IMPACT

Senate Bill 402 (S-3) would have no fiscal impact on State or local government.

Senate Bill 468 (S-4) would have no fiscal impact on the State. Depending on the number of infractions, \$200 for each first infraction and \$500 for each subsequent infraction would go to the local libraries of the jurisdiction in which the infraction occurred. The number of potential infractions is unknown.

Date Completed: 12-18-09

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.