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House Bill 4370 (Substitute S-2 as reported by the Committee of the Whole)  
House Bill 4394 (Substitute S-5 as reported by the Committee of the Whole)  
Sponsor: Representative Gino Polidori (H.B. 4370)  
Representative Lee Gonzales (H.B. 4394)  
Committee: Transportation

### **CONTENT**

House Bill 4394 (S-5) would amend the Michigan Vehicle Code to prohibit a person from reading, typing, 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.

An individual who violated the bill would be responsible for a civil infraction and could be fined up to \$100 for a first offense and up to \$200 for a subsequent offense.

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.

House Bill 4370 (S-2) would amend the Michigan Vehicle Code to prohibit points from being entered on a person's driving record for a violation of the provisions in House Bill 4394 (S-5).

The bills would take effect on July 1, 2010. The bills are tie-barred to each other and to Senate Bill 468, which would enact similar provisions.

MCL 257.320a et al. (H.B. 4370)  
Proposed MCL 257.602b (H.B. 4394)

Legislative Analyst: Curtis Walker

## **FISCAL IMPACT**

House Bill 4370 (S-2) would have no fiscal impact on State or local government.

House Bill 4394 (S-5) would have no fiscal impact on the State. Depending on the number of infractions, up to \$100 for each first infraction and up to \$200 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: 3-22-10

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.