



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4370 (Substitute H-2 as passed by the House)

House Bill 4394 (Substitute H-5 as passed by the House)

Sponsor: Representative Gino Polidori (H.B. 4370)

Representative Lee Gonzales (H.B. 4394)

House Committee: Transportation

Senate Committee: Transportation

Date Completed: 2-5-10

CONTENT

House Bill 4394 (H-5) would amend the Michigan Vehicle Code to prohibit a person from reading, writing, or sending text messages while operating a moving motor vehicle on a street or highway in the State.

House Bill 4370 (H-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 (H-5).

House Bill 4370 (H-2) is tie-barred to House Bill 4394, which is described in detail below.

Under the bill, a person could not read, write, or send a text message on a wireless two-way communication device, including a wireless phone, that was located in the person's hand or lap, while 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.)

The prohibition would not apply to an individual using a device described above to do any of the following:

- 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.
- Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or emergency vehicle operator.
- Determine a location or route by using the device's global positioning or navigation system or service.

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.

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

Legislative Analyst: Curtis Walker

FISCAL IMPACT

House Bill 4394 (H-5)

The bill would have an indeterminate impact on State and local units of government. Enforcement costs, and revenue from fines and costs, would depend on the number of infractions.

A person found responsible for a civil infraction under the Michigan Vehicle Code typically is liable for a maximum civil fine of \$100, plus costs and a justice system assessment. Civil fine revenue collected under the Code benefits public libraries.

House Bill 4370 (H-2)

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco
Bill Bowerman

S0910\4370sa

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.