

SUBSTITUTE FOR
HOUSE BILL NO. 4394

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
(MCL 257.1 to 257.923) by adding section 602b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 602B. (1) A PERSON SHALL NOT READ, WRITE, OR SEND A TEXT
2 MESSAGE ON A WIRELESS 2-WAY COMMUNICATION DEVICE THAT IS LOCATED IN
3 THE PERSON'S HAND OR IN THE PERSON'S LAP, INCLUDING A WIRELESS
4 TELEPHONE USED IN CELLULAR TELEPHONE SERVICE OR PERSONAL
5 COMMUNICATION SERVICE, WHILE OPERATING A MOTOR VEHICLE THAT IS
6 MOVING ON A HIGHWAY OR STREET IN THIS STATE. AS USED IN THIS
7 SUBSECTION, A WIRELESS 2-WAY COMMUNICATION DEVICE DOES NOT INCLUDE
8 A GLOBAL POSITIONING OR NAVIGATION SYSTEM.

9 (2) SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL WHO IS
10 USING A DEVICE DESCRIBED IN SUBSECTION (1) TO DO ANY OF THE

1 FOLLOWING:

2 (A) REPORT A TRAFFIC ACCIDENT, MEDICAL EMERGENCY, OR SERIOUS
3 ROAD HAZARD.

4 (B) REPORT A SITUATION IN WHICH THE PERSON BELIEVES HIS OR HER
5 PERSONAL SAFETY IS IN JEOPARDY.

6 (C) REPORT OR AVERT THE PERPETRATION OR POTENTIAL PERPETRATION
7 OF A CRIMINAL ACT AGAINST THE INDIVIDUAL OR ANOTHER PERSON.

8 (D) CARRY OUT OFFICIAL DUTIES AS A POLICE OFFICER, LAW
9 ENFORCEMENT OFFICIAL, MEMBER OF A PAID OR VOLUNTEER FIRE
10 DEPARTMENT, OR OPERATOR OF AN EMERGENCY VEHICLE.

11 (E) DETERMINE A LOCATION OR ROUTE BY USING THE DEVICE'S GLOBAL
12 POSITIONING OR NAVIGATION SYSTEM OR NAVIGATION SERVICE.

13 (3) ENFORCEMENT OF THIS SECTION BY STATE OR LOCAL LAW
14 ENFORCEMENT AGENCIES SHALL BE ACCOMPLISHED ONLY AS A SECONDARY
15 ACTION WHEN THE OPERATOR OF A MOTOR VEHICLE HAS BEEN DETAINED FOR A
16 SUSPECTED VIOLATION OF ANOTHER SECTION OF THIS ACT.

17 (4) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR
18 A CIVIL INFRACTION.