

SENATE 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) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A  
2       PERSON SHALL NOT READ, MANUALLY TYPE, OR SEND A TEXT MESSAGE ON A  
3       WIRELESS 2-WAY COMMUNICATION DEVICE THAT IS LOCATED IN THE PERSON'S  
4       HAND OR IN THE PERSON'S LAP, INCLUDING A WIRELESS TELEPHONE USED IN  
5       CELLULAR TELEPHONE SERVICE OR PERSONAL COMMUNICATION SERVICE, WHILE  
6       OPERATING A MOTOR VEHICLE THAT IS MOVING ON A HIGHWAY OR STREET IN  
7       THIS STATE. AS USED IN THIS SUBSECTION, A WIRELESS 2-WAY  
8       COMMUNICATION DEVICE DOES NOT INCLUDE A GLOBAL POSITIONING OR

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1 NAVIGATION SYSTEM THAT IS AFFIXED TO THE MOTOR VEHICLE.

2 (2) SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL WHO IS  
3 USING A DEVICE DESCRIBED IN SUBSECTION (1) TO DO ANY OF THE  
4 FOLLOWING:

5 (A) REPORT A TRAFFIC ACCIDENT, MEDICAL EMERGENCY, OR SERIOUS  
6 ROAD HAZARD.

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

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

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

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18 (3)>> AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE  
FOR

19 A CIVIL INFRACTION AND SHALL BE ORDERED TO PAY A CIVIL FINE AS  
20 FOLLOWS:

21 (A) FOR A FIRST VIOLATION, \$100.00.

22 (B) FOR A SECOND OR SUBSEQUENT VIOLATION, \$200.00.

23 <<(4)>> THIS SECTION SUPERSEDES ALL LOCAL ORDINANCES REGULATING  
24 THE USE OF A COMMUNICATIONS DEVICE WHILE OPERATING A MOTOR VEHICLE  
25 IN MOTION ON A HIGHWAY OR STREET, EXCEPT THAT A UNIT OF LOCAL  
26 GOVERNMENT MAY ADOPT AN ORDINANCE OR ENFORCE AN EXISTING ORDINANCE  
27 SUBSTANTIALLY CORRESPONDING TO THIS SECTION.

1           Enacting section 1. This amendatory act takes effect July 1,  
2 2010.

3           Enacting section 2. This amendatory act does not take effect  
4 unless all of the following bills of the 95th Legislature are  
5 enacted into law:

6           (a) Senate Bill No. 468.

7           (b) House Bill No. 4370.