

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4254**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 33 and 602b (MCL 257.33 and 257.602b), section
33 as amended by 2002 PA 494 and section 602b as amended by 2012 PA
498, and by adding section 13d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 13D. "ELECTRIC CARRIAGE" MEANS A HORSE-DRAWN CARRIAGE**
2 **THAT HAS BEEN RETROFITTED TO BE PROPELLED BY AN ELECTRIC MOTOR**
3 **INSTEAD OF BY A HORSE AND THAT IS USED TO PROVIDE TAXI SERVICE.**

4 Sec. 33. "Motor vehicle" means every vehicle that is self-
5 propelled, but for purposes of chapter 4 of this act motor vehicle
6 does not include industrial equipment such as a forklift, a front-
7 end loader, or other construction equipment that is not subject to
8 registration under this act. Motor vehicle does not include an

1 electric patrol vehicle being operated in compliance with the
2 electric patrol vehicle act. Motor vehicle does not include an
3 electric personal assistive mobility device. **MOTOR VEHICLE DOES NOT**
4 **INCLUDE AN ELECTRIC CARRIAGE.**

5 Sec. 602b. (1) Except as otherwise provided in this section, a
6 person shall not read, manually type, or send a text message on a
7 wireless 2-way communication device that is located in the person's
8 hand or in the person's lap, including a wireless telephone used in
9 cellular telephone service or personal communication service, while
10 operating a motor vehicle that is moving on a highway or street in
11 this state. As used in this subsection, a wireless 2-way
12 communication device does not include a global positioning or
13 navigation system that is affixed to the motor vehicle. Beginning
14 October 28, 2013, this subsection does not apply to a person
15 operating a commercial vehicle.

16 (2) Except as otherwise provided in this section, a person
17 shall not read, manually type, or send a text message on a wireless
18 2-way communication device that is located in the person's hand or
19 in the person's lap, including a wireless telephone used in
20 cellular telephone service or personal communication service, while
21 operating a commercial motor vehicle **OR A SCHOOL BUS** on a highway
22 or street in this state. As used in this subsection, a wireless 2-
23 way communication device does not include a global positioning or
24 navigation system that is affixed to the commercial motor vehicle
25 **OR SCHOOL BUS**. This subsection applies beginning October 28, 2013.

26 (3) Except as otherwise provided in this section, a person
27 shall not use a hand-held mobile telephone to conduct a voice

1 communication ~~or to reach for or dial a mobile telephone~~ while
2 operating a commercial motor vehicle **OR A SCHOOL BUS** on a highway,
3 including while temporarily stationary due to traffic, a traffic
4 control device, or other momentary delays. This subsection does not
5 apply if the operator of the commercial vehicle **OR SCHOOL BUS** has
6 moved the vehicle to the side of, or off, a highway and has stopped
7 in a location where the vehicle can safely remain stationary. As
8 used in this subsection, "mobile telephone" does not include a 2-
9 way radio service or citizens band radio service. This subsection
10 applies beginning October 28, 2013. **AS USED IN THIS SUBSECTION,**
11 **"USE A HAND-HELD MOBILE TELEPHONE" MEANS 1 OR MORE OF THE**
12 **FOLLOWING:**

13 (A) USING AT LEAST 1 HAND TO HOLD A MOBILE TELEPHONE TO
14 CONDUCT A VOICE COMMUNICATION.

15 (B) DIALING OR ANSWERING A MOBILE TELEPHONE BY PRESSING MORE
16 THAN A SINGLE BUTTON.

17 (C) REACHING FOR A MOBILE TELEPHONE IN A MANNER THAT REQUIRES
18 A DRIVER TO MANEUVER SO THAT HE OR SHE IS NO LONGER IN A SEATED
19 DRIVING POSITION, RESTRAINED BY A SEAT BELT THAT IS INSTALLED AS
20 REQUIRED BY 49 CFR 393.93 AND ADJUSTED IN ACCORDANCE WITH THE
21 VEHICLE MANUFACTURER'S INSTRUCTIONS.

22 (4) Subsections (1), (2), and (3) do not apply to an
23 individual who is using a device described in subsection (1) or (3)
24 to do any of the following:

25 (a) Report a traffic accident, medical emergency, or serious
26 road hazard.

27 (b) Report a situation in which the person believes his or her

1 personal safety is in jeopardy.

2 (c) Report or avert the perpetration or potential perpetration
3 of a criminal act against the individual or another person.

4 (d) Carry out official duties as a police officer, law
5 enforcement official, member of a paid or volunteer fire
6 department, or operator of an emergency vehicle.

7 (5) An individual who violates this section is responsible for
8 a civil infraction and shall be ordered to pay a civil fine as
9 follows:

10 (a) For a first violation, \$100.00.

11 (b) For a second or subsequent violation, \$200.00.

12 (6) This section supersedes all local ordinances regulating
13 the use of a communications device while operating a motor vehicle
14 in motion on a highway or street, except that a unit of local
15 government may adopt an ordinance or enforce an existing ordinance
16 substantially corresponding to this section.