



Senate Fiscal Agency  
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## BILL ANALYSIS



Telephone: (517) 373-5383  
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House Bill 4250 (Substitute H-5 as reported without amendment)  
House Bill 4251 (Substitute H-4 as reported without amendment)  
House Bill 4252 (Substitute H-2 as reported without amendment)  
Sponsor: Representative Matt Koleszar (H.B. 4250)  
Representative Tyrone Carter (H.B. 4251)  
Representative Mike Mueller (H.B. 4252)  
House Committee: Transportation, Mobility and Infrastructure  
Senate Committee: Civil Rights, Judiciary, Public Safety

**CONTENT**

House Bill 4250 (H-5) would amend Section 602b of the Michigan Vehicle Code to do the following:

- Modify provisions prohibiting an individual from texting on a cell phone while operating a motor vehicle to prohibit an individual from using a mobile electronic device while operating a motor vehicle or school bus.
- Prescribe situations under which the prohibition described above would not apply, including use of a mobile electronic device for emergency purposes.
- Modify penalties for a violation of Section 602b.
- Allow a court to order an individual to complete a basic driver improvement course within a reasonable time as determined by the court if that individual was responsible for three or more civil infractions under Section 602b within a 3-year period.
- Allow a law enforcement officer enforcing Section 602b to treat a violation as the primary or sole reason for issuing a citation to a driver.
- Specify that the bill's provisions would not apply beginning five years after its effective date.

House Bill 4251 (H-4) would amend the Michigan Vehicle Code to do the following:

- Require the Secretary of State (SOS) to suspend an individual's chauffeur's or operator's license as prescribed by Section 602b.
- Prescribe the number of points assigned to a person's driving record for a second or subsequent violation of Section 602b.
- Specify that an individual ordered by the court to complete a basic driver improvement course under Section 602b would have to do so, even if he or she was otherwise ineligible to take a basic driver improvement course under the Code.
- Require the SOS to enter the points prescribed under Section 320 of the Code for an individual who completed a court-ordered basic driver improvement court but was otherwise ineligible under the Code.

House Bill 4252 (H-2) would amend the Michigan Vehicle Code to do the following:

- Increase, from \$200 to \$250, the civil fine that could be ordered for a second or subsequent offense of Section 602b for a violation that did not involve an accident.
- For a violation of Section 602b that involved an accident, prescribe a civil fine of \$200 for a first offense and \$500 for a second or subsequent offense.

- For a violation of Section 602b that involved an individual driving a commercial vehicle or school bus, prescribe a civil fine of \$200 for a first offense and \$500 for a second and subsequent offense for a violation that did not cause an accident.
- For a violation of Section 602b that involved an individual driving a commercial vehicle or school bus, prescribe a civil fine of \$400 for a first offense and \$1,000 for a second and subsequent offense for a violation that caused an accident.
- Require the Department of State Police (MSP) to submit, 42 months after the bill's effective date, a report to the Governor and the Legislature that included specified information related to violations of Sections 602b and 602c.

The bills are tie-barred.

MCL 257.602b (H.B. 4250)  
 257.319b (H.B. 4251)  
 257.602c (H.B. 4252)

### **BRIEF RATIONALE**

According to the National Highway Traffic Safety Administration, 3,522 people died due to distracted driving in 2021. Current Michigan law prohibits texting while driving; however, some people believe that this prohibition is not effective enough because it does not address other uses of a cellphone while driving, many of which also lead to distracted driving. Accordingly, it has been suggested that the law be expanded to prohibit the general use of cellphones while driving.

### **PREVIOUS LEGISLATION**

*(Please note: This section does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)*

House Bill 4250, House Bill 4251, and House Bill 4252 are companion bills to Senate Bill 239, Senate Bill 240, and Senate Bill 241, respectively.

Legislative Analyst: Tyler P. VanHuyse

### **FISCAL IMPACT**

House Bill 4250 (H-5) could have a positive fiscal impact on the State and local units of government. The bill provides for the imposition of a civil fine of \$100 for a first violation and \$250 for a second or subsequent violation for drivers of a motor vehicle and fines of \$200 and \$500, respectively, for drivers of commercial vehicles or school buses. Revenue collected from civil fines is used to support local libraries. Additionally, \$10 of the civil fine would be deposited into the state Justice System Fund. This Fund supports justice-related activities across State government in the Departments of Corrections, Health and Human Services, State Police, and Treasury. The Fund supports justice-related issues in the Legislative Retirement System and the Judiciary. The amount of revenue to the State or for local libraries is indeterminate and dependent on the actual number of violations. The bill also would provide for the suspension of an individual's driver license after three or more violations in a three-year period. The SOS charges a fee of \$125 to reinstate a suspended driver license. The amount of additional revenue for the SOS would depend on the number of violations that result in a suspension and how many of those individuals eventually seek reinstatement.

House Bill 4251 (H-4) could have a positive fiscal impact on the SOS because of revenue from the \$100 fee that would be collected from each individual eligible and enrolled in a driver improvement course as specified in the bill. The amount of additional revenue is indeterminate and depends on the actual number of individuals that ultimately enroll in the course.

All revenue received would be deposited in the Basic Driver Improvement Course Fund and funds could only be used to pay the costs of administering the program. House Bill 4252 (H-2) would have a minimal fiscal impact on the MSP.

Date Completed: 5-5-23

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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.