

SUBSTITUTE FOR
HOUSE BILL NO. 4250

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 602b (MCL 257.602b), as amended by 2016 PA 332.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 602b. (1) Except as otherwise provided in this section, a
2 ~~person~~**an individual** shall not ~~read, manually type, or send a text~~
3 ~~message on a wireless 2-way communication~~**hold or use a mobile**
4 **electronic** device ~~that is located in the person's hand or in the~~
5 ~~person's lap, including a wireless telephone used in cellular~~
6 ~~telephone service or personal communication service, while~~
7 operating a motor vehicle. ~~that is moving on a highway or street in~~
8 ~~this state. As used in this subsection, a wireless 2-way~~
9 ~~communication device does not include a global positioning or~~

1 ~~navigation system that is affixed to the motor vehicle.~~ This
2 subsection does not apply to ~~a person~~ **an individual** operating a
3 commercial **motor vehicle or a school bus**.

4 (2) Except as otherwise provided in this section, ~~a person~~ **an**
5 **individual** shall not ~~read, manually type, or send a text message on~~
6 ~~a wireless 2-way communication~~ **hold or use a mobile electronic**
7 ~~device that is located in the person's hand or in the person's lap,~~
8 ~~including a wireless telephone used in cellular telephone service~~
9 ~~or personal communication service,~~ while operating a commercial
10 motor vehicle or a school bus. ~~on a highway or street in this~~
11 ~~state. As used in this subsection, a wireless 2-way communication~~
12 ~~device does not include a global positioning or navigation system~~
13 ~~that is affixed to the commercial motor vehicle or school bus.~~

14 (3) ~~Except as otherwise provided in this section, a person~~
15 ~~shall not use a hand held mobile telephone to conduct a voice~~
16 ~~communication while operating a commercial motor vehicle or a~~
17 ~~school bus on a highway, including while temporarily stationary due~~
18 ~~to traffic, a traffic control device, or other momentary delays.~~
19 ~~This subsection does not apply if the operator of the commercial~~
20 ~~vehicle or school bus has moved the vehicle to the side of, or off,~~
21 ~~a highway and has stopped in a location where the vehicle can~~
22 ~~safely remain stationary. As used in this subsection, "mobile~~
23 ~~telephone" does not include a 2-way radio service or citizens band~~
24 ~~radio service. As used in this subsection, "use a hand held mobile~~
25 ~~telephone"~~ **electronic device** means 1 or more of the following:

26 (a) ~~Using at least 1 hand to hold a mobile telephone~~
27 **electronic device** to ~~conduct a voice communication.~~

28 (b) ~~Dialing or answering a mobile telephone by pressing more~~
29 ~~than a single button.~~ **do any task, including, but not limited to,**

1 any of the following:

2 (i) Send or receive a telephone call.

3 (ii) Send, receive, or read a text message.

4 (iii) View, record, or transmit a video.

5 (iv) Access, read, or post to a social networking site.

6 (b) ~~(e) Reaching for a mobile telephone~~ **electronic device** in a
7 manner that requires a driver to maneuver so that ~~he or she~~ **the**
8 **driver** is no longer in a seated driving position, restrained by a
9 seat belt that is installed as required by 49 CFR 393.93 and
10 adjusted in accordance with the vehicle manufacturer's
11 instructions.

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

15 ~~(a) Report a traffic accident, medical emergency, or serious~~
16 ~~road hazard.~~

17 ~~(b) Report a situation in which the person believes his or her~~
18 ~~personal safety is in jeopardy.~~

19 ~~(c) Report or avert the perpetration or potential perpetration~~
20 ~~of a criminal act against the individual or another person.~~

21 ~~(d) Carry out official duties as a police officer, law~~
22 ~~enforcement official, member of a paid or volunteer fire~~
23 ~~department, or operator of an emergency vehicle.~~

24 ~~(e) Operate or program the operation of an automated motor~~
25 ~~vehicle while testing or operating the automated motor vehicle~~
26 ~~without a human operator.~~

27 ~~(5) Subsection (1) does not apply to a person using an on-~~
28 ~~demand automated motor vehicle network.~~

29 **(3) Subsections (1) and (2) do not apply to any of the**

1 following situations:

2 (a) The use of a mobile electronic device by a law enforcement
3 officer, firefighter, emergency medical technician, paramedic,
4 operator of an authorized emergency vehicle, or similarly engaged
5 paid or volunteer public safety first responder during the
6 performance of that individual's official duties, or a public
7 utility employee or contractor acting within the scope of that
8 individual's employment when responding to a public utility
9 emergency.

10 (b) The use of a mobile electronic device for emergency
11 purposes, including calling or texting a 9-1-1 system, or making an
12 emergency call to a law enforcement agency, health care provider,
13 fire department, or other emergency services agency or entity to
14 report to appropriate authorities any of the following:

15 (i) A fire, traffic accident, serious road hazard, or medical
16 or hazardous materials emergency.

17 (ii) An operator of another motor vehicle who is driving in a
18 reckless or otherwise unsafe manner or who appears to be driving
19 under the influence of alcohol or drugs.

20 (iii) A crime being committed.

21 (c) The use of a global positioning or navigation feature of a
22 mobile electronic device if information is not entered by hand into
23 the global positioning or navigation system feature of the mobile
24 electronic device.

25 (d) The use of a mobile electronic device in a voice-operated
26 or hands-free mode if the operator of the motor vehicle does not
27 use the operator's hands to operate the device, except for either
28 of the following:

29 (i) Using a single button press, tap, or swipe to activate or

1 deactivate a feature or function of the mobile electronic device or
2 to select a telephone number or name.

3 (ii) Using a mobile electronic device that is integrated into a
4 motor vehicle and utilizes the user interfaces that are permanently
5 installed into the motor vehicle.

6 (e) The use of a mobile electronic device used for the sole
7 purpose of continuously recording or broadcasting video inside or
8 outside of a motor vehicle.

9 (f) The use of a mobile electronic device that is placed in a
10 mount and used in any manner as described in subdivisions (a) to
11 (e).

12 (4) ~~(6) An~~ Except as provided in subsection (6), an individual
13 who violates ~~this section~~ subsection (1) is responsible for a civil
14 infraction and ~~shall must~~ be ordered to ~~pay a civil fine as~~
15 ~~follows:do the following:~~

16 (a) For a first violation, **pay a \$100.00 civil fine or perform**
17 **16 hours of community service, or both.**

18 (b) For a second or subsequent violation, ~~\$200.00~~ **pay a**
19 **\$250.00 civil fine or perform 24 hours of community service, or**
20 **both.**

21 (5) Except as provided in subsection (6), an individual who
22 violates subsection (2) is responsible for a civil infraction and
23 must be ordered to do the following:

24 (a) For a first violation, **pay a \$200.00 civil fine or perform**
25 **32 hours of community service, or both.**

26 (b) For a second or subsequent violation, **pay a \$500.00 civil**
27 **fine or perform 48 hours of community service, or both.**

28 (6) If an individual is involved in an accident for which the
29 individual is at fault when the individual violates this section,

1 any civil fine ordered must be double the amount that would
2 otherwise be ordered under subsection (4) or (5), as applicable.

3 (7) This section supersedes all local ordinances regulating
4 the use of a ~~communications~~ **mobile electronic** device while
5 operating a motor vehicle in motion on a highway or street, except
6 that a unit of local government may adopt an ordinance or enforce
7 an existing ordinance substantially corresponding to this section.

8 (8) If an individual is responsible for 3 or more civil
9 infractions for violations of subsection (1) within a 3-year
10 period, a court shall order the individual to complete a basic
11 driver improvement course within a reasonable time as determined by
12 the court. This subsection does not apply to a violation of
13 subsection (2).

14 (9) A police officer enforcing this section may treat a
15 violation of this section as the primary or sole reason for issuing
16 a citation to a driver. A police officer shall not search a motor
17 vehicle or the driver or passenger in the motor vehicle solely
18 because of a violation of this section.

19 (10) This section does not apply to any of the following:

20 (a) A level 3, 4, or 5 automated driving system, as described
21 in "J3016: Taxonomy and Definitions for Terms Related to Driving
22 Automation Systems for On-Road Motor Vehicles", April 2021 edition,
23 published by SAE International, or an automated vehicle equipped
24 with an automated driving system as described in this subdivision,
25 during testing or operation with the automated driving system
26 engaged.

27 (b) Viewing or using in a hands-free manner a device mounted
28 in a vehicle for displaying information related to testing or
29 operating an automated driving system or automated technology.

1 (c) Operating, or programming the operation of, an automated
2 motor vehicle while testing or operating the automated motor
3 vehicle without a human operator while the automated driving system
4 is engaged.

5 (11) This section does not apply beginning 5 years after the
6 effective date of the amendatory act that added subsection (12).

7 (12) As used in this section:

8 (a) "Hold" means to physically support with any part of the
9 hands, arms, or shoulders.

10 (b) "Mobile electronic device" means an electronic device that
11 is not permanently installed in a motor vehicle, including, but not
12 limited to, a device capable of text messaging, voice
13 communication, entertainment, navigation, accessing the internet,
14 or producing email. Mobile electronic device does not include
15 either of the following:

16 (i) A radio designed for the Citizens Band Service or the
17 Amateur Radio Service of the Federal Communications Commission or a
18 commercial 2-way radio communications device or equipment
19 permanently installed in a motor vehicle.

20 (ii) A medical device that is designed to be worn, including,
21 but not limited to, an insulin pump.

22 (c) "Operate" means to drive or assume physical control of a
23 motor vehicle on a public way, street, road, or highway, including
24 operation while temporarily stationary because of traffic, road
25 conditions, a traffic light, or a stop sign. Operate does not
26 include a motor vehicle that is lawfully parked.

27 (d) "Social networking site" means any web-based service that
28 allows individuals to construct a profile within a founded system
29 and communicate with other users of the site for social or

1 amusement purposes.

2 (13) Except as otherwise provided in subsection (2), as used
3 in this section, "use a mobile electronic device" means using a
4 mobile electronic device to do any task, including, but not limited
5 to, any of the following:

6 (i) Send or receive a telephone call.

7 (ii) Send, receive, or read a text message.

8 (iii) View, record, or transmit a video.

9 (iv) Access, read, or post to a social networking site.

10 Enacting section 1. This amendatory act does not take effect
11 unless all of the following bills of the 102nd Legislature are
12 enacted into law:

13 (a) House Bill No. 4251.

14 (b) House Bill No. 4252.

15 Enacting section 2. This amendatory act takes effect June 30,
16 2023.