

**SUBSTITUTE FOR  
HOUSE BILL NO. 4277**

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 shall not ~~read, manually type, or send a text message on a~~  
3 ~~wireless 2-way communication~~ **use a mobile electronic** device that is  
4 ~~located in the person's hand or in the person's lap, including a~~  
5 ~~wireless telephone used in cellular telephone service or personal~~  
6 ~~communication service,~~ while operating a motor vehicle **or a school**  
7 **bus.** that is moving on a highway or street in this state. As used  
8 in this subsection, a wireless 2-way communication device does not  
9 include a global positioning or navigation system that is affixed



1 ~~to the motor vehicle. This subsection does not apply to a person~~  
2 ~~operating a commercial vehicle.~~

3 (2) Subsection (1) does not apply to any of the following  
4 situations:

5 (a) A law enforcement officer, firefighter, emergency medical  
6 technician, paramedic, operator of an authorized emergency vehicle,  
7 or similarly engaged paid or volunteer public safety first  
8 responder during the performance of that person's official duties,  
9 and a public utility employee or contractor acting within the scope  
10 of that person's employment when responding to a public utility  
11 emergency.

12 (b) The use of a mobile electronic device for emergency  
13 purposes, including a text messaging device to contact a 9-1-1  
14 system, or an emergency call to a law enforcement agency, health  
15 care provider, fire department, or other emergency services agency  
16 or entity to report to appropriate authorities a fire, traffic  
17 accident, serious road hazard, or medical or hazardous materials  
18 emergency; to report the operator of another motor vehicle who is  
19 driving in a reckless or otherwise unsafe manner or who appears to  
20 be driving under the influence of alcohol or drugs; or to report a  
21 crime.

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

26 (d) Selecting a telephone number or name in a mobile  
27 electronic device for the purpose of making or receiving a  
28 telephone call or if a person otherwise activates or deactivates a  
29 feature or function of a mobile electronic device.



1 (e) The use of a mobile electronic device in a voice-operated  
2 or hands-free mode if the operator of the motor vehicle does not  
3 use his or her hands to operate the device, except to activate or  
4 deactivate a feature or function of the mobile electronic device or  
5 the use of a mobile electronic device that is integrated into a  
6 motor vehicle and utilizes the user interfaces that are permanently  
7 installed into the motor vehicle.

8 (3) A person shall not operate a motor vehicle or school bus  
9 while accessing, reading, or posting to a social networking site.

10 (4) A person shall not operate a motor vehicle or school bus  
11 while viewing, recording, or transmitting a video on a mobile  
12 electronic device. This subsection does not apply to a mobile  
13 electronic device used for the sole purpose of continuously  
14 recording or broadcasting video inside or outside of a motor  
15 vehicle or school bus.

16 (5) ~~(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~~  
23 **"wireless 2-way communication device" means a mobile telephone as**  
24 **that term is defined in 49 CFR 390.5. Wireless** 2-way communication  
25 device does not include a global positioning or navigation system  
26 that is affixed to the commercial motor vehicle. ~~or school bus.~~

27 (6) ~~(3)~~—Except as otherwise provided in this section, a person  
28 shall not use a hand-held mobile telephone to conduct a voice  
29 communication while operating a commercial motor vehicle ~~or a~~



1 ~~school bus~~ on a highway, including while temporarily stationary due  
 2 to traffic, a traffic control device, or other momentary delays.  
 3 This subsection does not apply if the operator of the commercial  
 4 vehicle ~~or school bus~~ has moved the vehicle to the side of, or off,  
 5 a highway and has stopped in a location where the vehicle can  
 6 safely remain stationary. As used in this subsection, "mobile  
 7 telephone" **means that term as defined in 49 CFR 390.5. Mobile**  
 8 **telephone** does not include a 2-way radio service or citizens band  
 9 radio service. As used in this subsection, "use a hand-held mobile  
 10 telephone" means 1 or more of the following:

11 (a) Using at least 1 hand to hold a mobile telephone to  
 12 conduct a voice communication.

13 (b) Dialing or answering a mobile telephone by pressing more  
 14 than a single button.

15 (c) Reaching for a mobile telephone in a manner that requires  
 16 a driver to maneuver so that he or she is no longer in a seated  
 17 driving position, restrained by a seat belt that is installed as  
 18 required by 49 CFR 393.93 and adjusted in accordance with the  
 19 vehicle manufacturer's instructions.

20 **(7)** ~~(4)~~ Subsections ~~(1)~~, ~~(2)~~, ~~(5)~~ and ~~(3)~~ ~~(6)~~ do not apply to  
 21 an individual who is using a device described in subsection ~~(1)~~ ~~(5)~~  
 22 or ~~(3)~~ ~~(6)~~ to do any of the following:

23 (a) Report a traffic accident, medical emergency, or serious  
 24 road hazard.

25 (b) Report a situation in which the person believes his or her  
 26 personal safety is in jeopardy.

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

29 (d) Carry out official duties as a police officer, law



1 enforcement official, member of a paid or volunteer fire  
2 department, or operator of an emergency vehicle.

3 (e) Operate or program the operation of an automated motor  
4 vehicle while testing or operating the automated motor vehicle  
5 without a human operator **while the automated driving system is**  
6 **engaged.**

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

9 (8) ~~(6) An~~ **Except as provided in subsection (9),** an individual  
10 who violates this section is responsible for a civil infraction and  
11 ~~shall~~ **must** be ordered to pay a civil fine, **community service, or**  
12 **both,** as follows:

13 (a) For a first violation, \$100.00 **or 16 hours of community**  
14 **service.**

15 (b) For a second or subsequent violation, ~~\$200.00~~ **\$250.00 or**  
16 **24 hours of community service, or both.**

17 (9) **If an individual is involved in an accident at the time**  
18 **the individual violates this section, the civil fine ordered must**  
19 **be double the amount under subsection (8) and a law enforcement**  
20 **officer investigating the accident shall indicate in a written**  
21 **accident report that the individual was using a mobile electronic**  
22 **device at the time of the accident.**

23 (10) ~~(7)~~ **This section supersedes all local ordinances**  
24 **regulating the use of a ~~communications~~ mobile electronic device**  
25 **while operating a motor vehicle in motion on a highway or street,**  
26 **except that a unit of local government may adopt an ordinance or**  
27 **enforce an existing ordinance substantially corresponding to this**  
28 **section.**

29 (11) **A court may suspend an individual's driver license for**



1 not more than 90 days if the individual is responsible for 3 or  
2 more civil infractions under this section within a 3-year period.

3 (12) A law enforcement officer enforcing this section may  
4 treat a violation of this section as the primary or sole reason for  
5 issuing a citation to a driver. A law enforcement officer shall not  
6 search a motor vehicle or the driver or passenger in the motor  
7 vehicle solely because of a violation of this section.

8 (13) Except as otherwise provided in this section, as used in  
9 this section:

10 (a) "Mobile electronic device" means any handheld or portable  
11 electronic device capable of providing wireless data or voice  
12 communication between 2 or more individuals or amusement, including  
13 a cellular telephone; broadband personal communication device; 2-  
14 way messaging device; text messaging device; pager; electronic  
15 device that can receive or transmit text or character-based images,  
16 access or store data, or connect to the internet; personal digital  
17 assistant; laptop computer; computer tablet; stand-alone computer;  
18 portable computing device; mobile device with a touchscreen display  
19 that is designed to be worn; electronic game; equipment that is  
20 capable of playing a video, taking photographs, capturing images,  
21 or recording or transmitting video; and any similar device that is  
22 readily removable from a vehicle and is used to write, send, or  
23 read text or data or capture images or video through manual input.  
24 Mobile electronic device does not include a radio designed for the  
25 Citizens Band Service or the Amateur Radio Service of the Federal  
26 Communications Commission or a commercial 2-way radio  
27 communications device or equipment permanently installed in a motor  
28 vehicle.

29 (b) "Operate" means to drive or assume physical control of a



1 motor vehicle on a public way, street, road, or highway, including  
2 operation while temporarily stationary because of traffic, road  
3 conditions, a traffic light, or a stop sign. Operate does not  
4 include a motor vehicle that is lawfully parked or an automated  
5 vehicle with an SAE level 3, 4, or 5 automated driving system that  
6 performs dynamic driving tasks in automated mode as referenced in  
7 the Society of Automotive Engineers, Inc. International Standard  
8 J3016, 2014 edition.

9 (c) "Social networking site" means any web-based service that  
10 allows individuals to construct a profile within a founded system  
11 and communicate with other users of the site for social or  
12 amusement purposes.

13 Enacting section 1. This amendatory act takes effect 90 days  
14 after the date it is enacted into law.

15 Enacting section 2. This amendatory act does not take effect  
16 unless all of the following bills of the 101st Legislature are  
17 enacted into law:

18 (a) House Bill No. 4278.

19 (b) House Bill No. 4279.

