

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



1 ~~that is affixed to the motor vehicle. This subsection does not~~
2 ~~apply to a person 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 individual's official
9 duties, and a public utility employee or contractor acting within
10 the scope of that individual's employment when responding to a
11 public utility 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 an individual otherwise activates or
29 deactivates a 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) An individual shall not operate a motor vehicle or school
 9 bus while accessing, reading, or posting to a social networking
 10 site.

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

17 (5) ~~(2)~~ Except as otherwise provided in this section, ~~a person~~
 18 **an individual** shall not read, manually type, or send a text message
 19 on a wireless 2-way communication device that is located in the
 20 ~~person's individual's~~ hand or in the ~~person's individual's~~ lap,
 21 including a wireless telephone used in cellular telephone service
 22 or personal communication service, while operating a commercial
 23 motor vehicle ~~or a school bus~~ on a highway or street in this state.
 24 As used in this subsection, ~~a wireless~~ **wireless 2-way**
 25 **communication device** means a mobile telephone as that term is
 26 defined in 49 CFR 390.5. **Wireless** 2-way communication device does
 27 not include a global positioning or navigation system that is
 28 affixed to the commercial motor vehicle. ~~or school bus.~~

29 (6) ~~(3)~~ Except as otherwise provided in this section, ~~a person~~



1 **an individual** shall not use a hand-held mobile telephone to conduct
 2 a voice communication while operating a commercial motor vehicle ~~or~~
 3 ~~a school bus~~ on a highway, including while temporarily stationary
 4 due to traffic, a traffic control device, or other momentary
 5 delays. This subsection does not apply if the operator of the
 6 commercial vehicle ~~or school bus~~ has moved the vehicle to the side
 7 of, or off, a highway and has stopped in a location where the
 8 vehicle can safely remain stationary. As used in this subsection,
 9 "mobile telephone" **means that term as defined in 49 CFR 390.5.**

10 **Mobile telephone** does not include a 2-way radio service or citizens
 11 band radio service. As used in this subsection, "use a hand-held
 12 mobile telephone" means 1 or more of the 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 (7) ~~(4)~~ Subsections ~~(1)~~, ~~(2)~~, ~~(5)~~ and ~~(3)~~ ~~(6)~~ do not apply to
 23 an individual who is using a device described in subsection ~~(1)~~ ~~(5)~~
 24 or ~~(3)~~ ~~(6)~~ 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~~ **individual** believes
 28 his or her personal safety is in jeopardy.

29 (c) Report or avert the perpetration or potential perpetration



1 of a criminal act against the individual or another person.

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

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

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

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

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

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

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

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



1 section.

2 (11) A court may suspend an individual's driver license for
3 not more than 90 days if the individual is responsible for 3 or
4 more civil infractions under this section within a 3-year period.

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

10 (13) This section does not apply to either of the following:

11 (a) A level 3, 4, or 5 automated driving system, as described
12 in "J3016: Taxonomy and Definitions for Terms Related to Driving
13 Automation Systems for On-Road Motor Vehicles", April 2021 edition,
14 published by SAE International, or an automated vehicle equipped
15 with an automated driving system as described in this subdivision
16 during testing or operation with the automated driving system
17 engaged.

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

21 (14) Except as otherwise provided in this section, as used in
22 this section:

23 (a) "Mobile electronic device" means any handheld or portable
24 electronic device capable of providing wireless data or voice
25 communication between 2 or more individuals or amusement, including
26 a cellular telephone; broadband personal communication device; 2-
27 way messaging device; text messaging device; pager; electronic
28 device that can receive or transmit text or character-based images,
29 access or store data, or connect to the internet; personal digital



1 assistant; laptop computer; computer tablet; stand-alone computer;
2 portable computing device; mobile device with a touchscreen display
3 that is designed to be worn; electronic game; equipment that is
4 capable of playing a video, taking photographs, capturing images,
5 or recording or transmitting video; and any similar device that is
6 readily removable from a vehicle and is used to write, send, or
7 read text or data or capture images or video through manual input.
8 Mobile electronic device does not include a radio designed for the
9 Citizens Band Service or the Amateur Radio Service of the Federal
10 Communications Commission or a commercial 2-way radio
11 communications device or equipment permanently installed in a motor
12 vehicle. Mobile electronic device does not include a medical device
13 that is designed to be worn, including, but not limited to, an
14 insulin pump.

15 (b) "Operate" means to drive or assume physical control of a
16 motor vehicle on a public way, street, road, or highway, including
17 operation while temporarily stationary because of traffic, road
18 conditions, a traffic light, or a stop sign. Operate does not
19 include a motor vehicle that is lawfully parked.

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

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

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

29 (a) House Bill No. 4278.



1 (b) House Bill No. 4279.

