

**SUBSTITUTE FOR
HOUSE BILL NO. 4198**

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~~ **digitally communicate using 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 operating a commercial~~
3 ~~vehicle. not a commercial motor vehicle.~~

4 (2) Subsection (1) does not apply to a person who is using a
5 mobile electronic device to do any of the following:

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

9 (b) Respond to a public utility emergency, if the response is
10 by a public utility employee or contractor acting within the scope
11 of that person's employment.

12 (c) Report or avert an emergency, including the use of text
13 messaging to contact a 9-1-1 service system.

14 (d) Operate or program the operation of an automated motor
15 vehicle while testing or operating the automated motor vehicle
16 without a human operator.

17 (3) ~~(2)~~ Except as otherwise provided in this section, a person
18 shall not read, manually type, or send a text message on a wireless
19 ~~2-way communication~~ **digitally communicate using a mobile electronic**
20 device that is located in the person's hand or in the person'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~~
24 ~~state. As used in this subsection, a 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 (4) ~~(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~~
 2 ~~due to traffic, a traffic control device, or other momentary~~
 3 ~~delays. This subsection does not apply if the operator of the~~
 4 ~~commercial vehicle or school bus has moved the vehicle to the side~~
 5 ~~of, or off, a highway and has stopped in a location where the~~
 6 ~~vehicle can safely remain stationary.~~ As used in this subsection,
 7 "mobile telephone" ~~does not include a 2-way radio service or~~
 8 ~~citizens band radio service.~~ **means that term as defined in 49 CFR**
 9 **390.5.** 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 **(5)** ~~(4)~~ Subsections ~~(1), (2), and (3)~~ **and (4)** do not apply to
 21 an individual who is using **a mobile electronic device or** a device
 22 described in subsection ~~(1) or (3)~~ **(4)** 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.

6 **(6)** ~~(5)~~—Subsection (1) does not apply to a person using an on-
7 demand automated motor vehicle network.

8 **(7)** ~~(6)~~—An individual who violates this section is responsible
9 for a civil infraction and ~~shall~~**must** be ordered to pay a civil
10 fine as follows:

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

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

13 **(8)** ~~(7)~~—This section supersedes all local ordinances
14 regulating the use of a communications device while operating a
15 motor vehicle in motion on a highway or street, except that a unit
16 of local government may adopt an ordinance or enforce an existing
17 ordinance substantially corresponding to this section.

18 **(9)** **A law enforcement officer enforcing this section may treat**
19 **a violation of this section as the primary or sole reason for**
20 **issuing a citation to a driver. A law enforcement officer shall not**
21 **search a motor vehicle or the driver or passenger in the motor**
22 **vehicle solely because of a violation of this section.**

23 **(10)** **This section does not apply to the use of radio equipment**
24 **that is allowed under 47 CFR 90 or 47 CFR 97.**

25 **(11)** **As used in this section:**

26 **(a)** **"Digitally communicate" means manual interaction on a**
27 **mobile electronic device limited to writing, sending, or reading a**
28 **text-based communication, mobile gaming, viewing or posting on a**
29 **social networking site, or viewing, capturing, recording, or**



1 transmitting a video or photo on a mobile electronic device.
2 Digitally communicate does not include hands-free interaction,
3 voice communication, or a navigation function.

4 (b) "Mobile electronic device" means a mobile telephone as
5 that term is defined in 49 CFR 390.5. Mobile electronic device also
6 includes a computer but does not include a watch or a global
7 positioning or navigation system affixed to a motor vehicle.

8 (c) "Operate" means to drive a motor vehicle on a public way,
9 street, road, or highway in this state, including operation while
10 temporarily stationary for not longer than 5 minutes because of
11 traffic, road conditions, a traffic light, or a stop sign. Operate
12 does not include a motor vehicle that is lawfully parked.

13 (d) "Social networking site" means any web-based service that
14 allows individuals to construct a profile within a founded system
15 and communicate with other users of the site for social or
16 amusement purposes.

