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BILL ANALYSIS

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Senate Bill 1036 (as introduced 1-22-08)
Sponsor: Senator Raymond E. Basham
Committee: Transportation

Date Completed: 8-12-08

CONTENT

The bill would amend the Michigan Vehicle Code to prohibit a person from using a cell phone while driving, unless it were a hands-free device or other exceptions applied; and designate a violation a civil infraction enforceable as a secondary action.

Specifically, except as provided below, a person could not use a cellular telephone device while operating a motor vehicle upon a highway or street. For purposes of this provision, "use" would mean to initiate a call; answer a call; listen to or engage in verbal communication through the device; or type, send, or receive a text message or an instant message.

The prohibition would not apply to an individual who was using a cellular telephone device to do the following:

- Report a traffic accident, medical emergency, or serious road hazard.
- Report a situation in which the person believed his or her personal safety was in jeopardy.
- Report or avert the perpetration or potential perpetration of a criminal act against the individual or another person.
- Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or operator of an emergency vehicle.

The prohibition would not apply to a person who was using a hands-free cellular telecommunications device.

Enforcement of the prohibition by State or local law enforcement agencies would have to be accomplished only as a secondary action when a driver had been detained for a suspected violation of another section of the Code.

An individual who violated the prohibition would be responsible for a civil infraction and could be fined a maximum of \$100.

The Secretary of State could not record any points on a person's driving record for a violation.

MCL 257.320a et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill could result in additional revenue to the State and local units of government. To the extent that there would be additional violations, the bill would result in additional fine revenue, courts costs, and Justice System Fund assessments. Fine revenue from civil infractions under the Michigan Vehicle Code is allocated to public libraries. Fines resulting from citations for violations of corresponding local ordinances are shared by the local unit of government and the court funding unit. Justice System Fund assessments support various programs in the judiciary, the Department of Corrections, and the Department of State Police.

The amount of revenue is indeterminate as there currently are no data available on the number of potential infractions.

Fiscal Analyst: Joe Carrasco
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