

SUBSTITUTE FOR  
SENATE BILL NO. 402

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
(MCL 257.1 to 257.923) by adding section 602b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 602B. (1) EXCEPT AS PROVIDED IN THIS SECTION, A PERSON  
2        SHALL NOT READ, WRITE, OR SEND A TEXT MESSAGE ON A WIRELESS 2-WAY  
3        COMMUNICATION DEVICE THAT IS LOCATED IN THE PERSON'S HAND OR IN THE  
4        PERSON'S LAP, INCLUDING A WIRELESS TELEPHONE USED IN CELLULAR  
5        TELEPHONE SERVICE OR PERSONAL COMMUNICATION SERVICE, WHILE  
6        OPERATING A MOTOR VEHICLE THAT IS MOVING ON A HIGHWAY OR STREET IN  
7        THIS STATE. AS USED IN THIS SUBSECTION, A WIRELESS 2-WAY  
8        COMMUNICATION DEVICE DOES NOT INCLUDE A GLOBAL POSITIONING OR

1 NAVIGATION SYSTEM THAT IS AFFIXED TO THE MOTOR VEHICLE.

2 (2) SUBSECTION (1) DOES NOT APPLY TO PROHIBIT AN INDIVIDUAL  
3 FROM OPERATING A CELLULAR TELEPHONE OR OTHER COMMUNICATION DEVICE  
4 USING HANDS-FREE TECHNOLOGY OR FROM USING A CELLULAR TELEPHONE OR  
5 OTHER COMMUNICATION DEVICE TO DO ANY OF THE FOLLOWING:

6 (A) REPORT A TRAFFIC ACCIDENT, MEDICAL EMERGENCY, OR SERIOUS  
7 ROAD HAZARD.

8 (B) REPORT A SITUATION IN WHICH THE PERSON BELIEVES HIS OR HER  
9 PERSONAL SAFETY IS IN JEOPARDY.

10 (C) REPORT OR AVERT THE PERPETRATION OR POTENTIAL PERPETRATION  
11 OF A CRIMINAL ACT AGAINST THE INDIVIDUAL OR ANOTHER PERSON.

12 (D) CARRY OUT OFFICIAL DUTIES AS A POLICE OFFICER, LAW  
13 ENFORCEMENT OFFICIAL, MEMBER OF A PAID OR VOLUNTEER FIRE  
14 DEPARTMENT, OR OPERATOR OF AN EMERGENCY VEHICLE.

15 (3) ENFORCEMENT OF THIS SECTION BY STATE OR LOCAL LAW  
16 ENFORCEMENT AGENCIES SHALL BE ACCOMPLISHED ONLY AS A SECONDARY  
17 ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN DETAINED FOR A  
18 SUSPECTED VIOLATION OF ANOTHER SECTION OF THIS ACT.

19 (4) THIS SECTION SUPERSEDES ALL LOCAL ORDINANCES REGULATING  
20 THE USE OF A COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE  
21 IN MOTION ON A HIGHWAY OR STREET, EXCEPT THAT A UNIT OF LOCAL  
22 GOVERNMENT MAY ADOPT AN ORDINANCE OR ENFORCE AN EXISTING ORDINANCE  
23 SUBSTANTIALLY CORRESPONDING TO THIS SECTION.

24 Enacting section 1. This amendatory act does not take effect  
25 unless Senate Bill No. 468 of the 95th Legislature is enacted into  
26 law.