

# HOUSE BILL No. 5735

August 27, 2014, Introduced by Rep. Shirkey and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 602b (MCL 257.602b), as amended by 2013 PA 231.

## 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 device that is located in the person's  
4 hand or in the person's lap, including a wireless telephone used in  
5 cellular 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  
9 navigation system that is affixed to the motor vehicle. ~~Beginning~~  
10 ~~October 28, 2013, this~~ **THIS** subsection does not apply to a person  
11 operating a commercial vehicle.

(2) Except as otherwise provided in this section, a person shall not read, manually type, or send a text message on a wireless 2-way communication device that is located in the person's hand or in the person's lap, including a wireless telephone used in cellular telephone service or personal communication service, while operating a commercial motor vehicle or a school bus on a highway or street in this state. As used in this subsection, a wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the commercial motor vehicle or school bus. ~~This subsection applies beginning October 28, 2013.~~

(3) Except as otherwise provided in this section, a person shall not use a hand-held mobile telephone to conduct a voice communication while operating a commercial motor vehicle or a school bus on a highway, including while temporarily stationary due to traffic, a traffic control device, or other momentary delays. This subsection does not apply if the operator of the commercial vehicle or school bus has moved the vehicle to the side of, or off, a highway and has stopped in a location where the vehicle can safely remain stationary. As used in this subsection: ~~"mobile~~

(A) **"MOBILE** telephone" does not include a 2-way radio service or citizens band radio service. ~~This subsection applies beginning October 28, 2013. As used in this subsection, "use~~

(B) **"USE** a hand-held mobile telephone" means 1 or more of the following:

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

(ii) ~~(b)~~ Dialing or answering a mobile telephone by pressing

1 more than a single button.

2       (iii) ~~(e)~~ Reaching for a mobile telephone in a manner that  
3 requires a driver to maneuver so that he or she is no longer in a  
4 seated driving position, restrained by a seat belt that is  
5 installed as required by 49 CFR 393.93 and adjusted in accordance  
6 with the vehicle manufacturer's instructions.

7       (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON  
8 SHALL NOT USE A HAND-HELD MOBILE TELEPHONE TO CONDUCT A VOICE  
9 COMMUNICATION WHILE OPERATING A MOTOR VEHICLE THAT IS MOVING ON A  
10 HIGHWAY OR STREET IN A WORK ZONE WHILE WORKERS ARE PRESENT. AS USED  
11 IN THIS SUBSECTION:

12       (A) "MOBILE TELEPHONE" DOES NOT INCLUDE A 2-WAY RADIO SERVICE  
13 OR CITIZENS BAND RADIO SERVICE.

14       (B) "USE A HAND-HELD MOBILE TELEPHONE" MEANS 1 OR MORE OF THE  
15 FOLLOWING:

16       (i) USING AT LEAST 1 HAND TO HOLD A MOBILE TELEPHONE TO CONDUCT  
17 A VOICE COMMUNICATION.

18       (ii) DIALING OR ANSWERING A MOBILE TELEPHONE BY PRESSING MORE  
19 THAN A SINGLE BUTTON.

20       (iii) REACHING FOR A MOBILE TELEPHONE IN A MANNER THAT REQUIRES  
21 A DRIVER TO MANEUVER SO THAT HE OR SHE IS NO LONGER IN A SEATED  
22 DRIVING POSITION, RESTRAINED BY A SEAT BELT THAT IS INSTALLED AS  
23 REQUIRED BY 49 CFR 393.93 AND ADJUSTED IN ACCORDANCE WITH THE  
24 VEHICLE MANUFACTURER'S INSTRUCTIONS.

25       (C) "WORK ZONE" MEANS THAT TERM AS DEFINED IN SECTION 79D(A)  
26 AND (B).

27       (5) ~~(4)~~ Subsections (1), (2), ~~and~~ (3), AND (4) do not apply to

1 an individual who is using a device described in subsection (1), ~~or~~  
2 (3), **OR (4)** to do any of the following:

3 (a) Report a traffic accident, medical emergency, or serious  
4 road hazard.

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

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

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

12 (e) Operate or program the operation of an automated motor  
13 vehicle while testing the automated motor vehicle in compliance  
14 with section 665, if that automated motor vehicle displays a  
15 special plate issued under section 224(3) in the manner required  
16 under section 225.

17 **(6)** ~~(5)~~—An individual who violates this section is responsible  
18 for a civil infraction and shall be ordered to pay a civil fine as  
19 follows:

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

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

22 **(7)** ~~(6)~~—This section supersedes all local ordinances  
23 regulating the use of a communications device while operating a  
24 motor vehicle in motion on a highway or street, except that a unit  
25 of local government may adopt an ordinance or enforce an existing  
26 ordinance substantially corresponding to this section.