



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 670 (Substitute S-1)  
Sponsor: Senator Margaret O'Brien  
Committee: Judiciary

Date Completed: 12-12-17

**CONTENT**

**The bill would amend the Michigan Vehicle Code to require the Secretary of State (SOS) to enter six points on a person's driving record for a conviction of a distracted driving offense causing death or serious impairment of a body function.**

The Code requires the SOS, within five days after receiving an abstract from a court of this or another state, to record the date of conviction, civil infraction determination, or probate court disposition, and the number of points for a driving offense. Under the bill, the SOS would have to record six points for a violation of Section 602b(7) or (8). (Please see **BACKGROUND** for an explanation of these offenses.)

The bill would take effect 90 days after its enactment. The bill is tie-barred to Senate Bill 581, which would add subsections (7) and (8) to Section 602b.

MCL 257.320a

Legislative Analyst: Jeff Mann

**BACKGROUND**

Section 602b of the Michigan Vehicle Code prohibits an individual from reading, manually typing, or sending a text message on a wireless two-way communication device that is located in his or her hand or lap, including a wireless telephone used in cellular telephone service or personal communication service, while operating a vehicle, commercial vehicle, or school bus on a State highway or street. An individual who violates the prohibition is responsible for a civil infraction and must be ordered to pay a civil fine of \$100 for a first violation, and \$200 for a second or subsequent violation. Under Senate Bill 581, this would apply except as provided in Section 602b(7) or (8).

Under Section 602b(7), an individual who violated the prohibition and caused the death of another individual would be guilty of a felony punishable by up to five years' imprisonment or a maximum fine of \$2,000, or both.

Under Section 602b(8), if a violation resulted in serious impairment of a body function to another person, the offender would be guilty of a misdemeanor punishable by imprisonment for up to one year or a maximum fine of \$500, or both.

**FISCAL IMPACT**

The bill could have a negligible fiscal impact on the Department of State; however, the cost is indeterminate and dependent on the number of additional court abstracts for which the

Department would have to record the date of conviction, civil infraction determination, probate disposition, and the number of points for each. The Department believes that any additional costs could be absorbed within its annual appropriations.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.