

HOUSE BILL NO. 4198

February 14, 2019, Introduced by Reps. Cole and Sheppard and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 602b and 602c (MCL 257.602b and 257.602c),
section 602b as amended by 2016 PA 332 and section 602c as added by
2012 PA 592.

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, **view**, manually type, or send a ~~text message~~
3 **an interactive communication, or access, read, or post to a social**

1 **media site** on a wireless 2-way communication device that is located
2 in the person's hand or in the person's lap, including a wireless
3 telephone used in cellular telephone service or personal
4 communication service, while operating a motor vehicle that is
5 moving on a highway or street in this state. As used in this
6 subsection, a wireless 2-way communication device **includes a**
7 **computer but** does not include a global positioning or navigation
8 system that is affixed to the motor vehicle. This subsection does
9 not apply to a person operating a commercial vehicle.

10 (2) Except as otherwise provided in this section, a person
11 shall not read, **view**, manually type, or send ~~a text message~~ **an**
12 **interactive communication, or access, read, or post to a social**
13 **media site** on a wireless 2-way communication device that is located
14 in the person's hand or in the person's lap, including a wireless
15 telephone used in cellular telephone service or personal
16 communication service, while operating a commercial motor vehicle
17 or a school bus on a highway or street in this state. As used in
18 this subsection, a wireless 2-way communication device **includes a**
19 **computer but** does not include a global positioning or navigation
20 system that is affixed to the commercial motor vehicle or school
21 bus.

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

1 safely remain stationary. As used in this subsection, "mobile
2 telephone" does not include a 2-way radio service or citizens band
3 radio service. As used in this subsection, "use a hand-held mobile
4 telephone" means 1 or more of the following:

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

7 (b) Dialing or answering a mobile telephone by pressing more
8 than a single button.

9 (c) Reaching for a mobile telephone in a manner that requires
10 a driver to maneuver so that he or she is no longer in a seated
11 driving position, restrained by a seat belt that is installed as
12 required by 49 CFR 393.93 and adjusted in accordance with the
13 vehicle manufacturer's instructions.

14 (4) Subsections (1), (2), and (3) do not apply to an
15 individual who is using a device described in subsection (1) or (3)
16 to do any of the following:

17 (a) Report a traffic accident, medical emergency, or serious
18 road hazard.

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

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

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

26 (e) Operate or program the operation of an automated motor
27 vehicle while testing or operating the automated motor vehicle
28 without a human operator.

29 (5) Subsection (1) does not apply to a person using an on-

1 demand automated motor vehicle network.

2 (6) An individual who violates this section is responsible for
3 a civil infraction and ~~shall~~**must** be ordered to pay a civil fine as
4 follows:

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

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

7 (7) This section supersedes all local ordinances regulating
8 the use of a communications device while operating a motor vehicle
9 in motion on a highway or street, except that a unit of local
10 government may adopt an ordinance or enforce an existing ordinance
11 substantially corresponding to this section.

12 (8) **As used in this section, "interactive communication" means**
13 **a text- or image-based communication including, but not limited to,**
14 **a text message, an instant message, or electronic mail.**

15 Sec. 602c. (1) ~~Except as provided in this section, an~~**In**
16 **addition to the requirements of section 602b, an** individual issued
17 a level 1 or level 2 graduated license under section 310e **or an**
18 **individual who is under the age of 18** shall not use a cellular
19 telephone while operating a motor vehicle upon a highway or street.
20 For purposes of this subsection, "use" means to initiate a call;
21 answer a call; or listen to or engage in verbal communication
22 through the cellular telephone.

23 (2) Subsection (1) does not apply to an individual who is
24 using a cellular telephone to do any of the following:

25 (a) Report a traffic accident, medical emergency, or serious
26 road hazard.

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

29 (c) Report or avert the perpetration or potential perpetration

1 of a criminal act against the individual or another person.

2 (3) Subsection (1) does not apply to an individual using a
3 voice-operated system that is integrated into the motor vehicle.

4 (4) An individual who violates this section is responsible for
5 a civil infraction.

6 (5) This section supersedes all local ordinances regulating
7 the use of a cellular telephone by an individual issued a level 1
8 or level 2 graduated license **or who is under the age of 18** while
9 operating a motor vehicle in motion on a highway or street, except
10 that a unit of local government may adopt an ordinance or enforce
11 an existing ordinance substantially corresponding to this section.

12 (6) This section shall be known and may be cited as "Kelsey's
13 Law".