

DRIVING: CELL PHONE USE

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House Bill 4369

Sponsor: Rep. Gino Polidori

Committee: Transportation

Complete to 4-22-09

A SUMMARY OF HOUSE BILL 4369 AS INTRODUCED 2-19-09

The bill would amend the Michigan Vehicle Code (MCL 257.320a) to prohibit an individual from using a cellular telephone device while operating a motor vehicle on a highway or street, subject to various exceptions; and designate a violation a civil infraction enforceable as a secondary action.

Specifically, a person could not use a cellular telephone device, while operating a motor vehicle while on a highway or street. The bill would define "use" to mean the following:

- 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 or other communication device to do any of 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.

In addition, the prohibition would not apply to an individual 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 punishable by a fine of \$100.

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

FISCAL IMPACT

There would be an indeterminate fiscal impact on the judiciary. Any fiscal impact would depend on the number of civil infraction violations coupled with the increase in administrative and court costs in processing the violations. Any fine revenue received from a civil infraction would go to the support of county public libraries. House Bill 4369 would have no fiscal impact to the Michigan Department of State.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.