

SUBSTITUTE FOR
HOUSE BILL NO. 4181

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 602c. (1) Except as provided in this section, **and in**
2 **addition to the requirements of section 602b**, an individual issued
3 a level 1 or level 2 graduated license under section 310e **or an**
4 **individual who is under the age of 18** shall not use a cellular
5 telephone while operating a motor vehicle upon a highway or street.
6 For purposes of this subsection, "use" means to initiate a call;
7 answer a call; or listen to or engage in verbal communication
8 through the cellular telephone.

9 (2) Subsection (1) does not apply to an individual who is



1 using a cellular telephone to do any of the following:

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

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

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

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

10 **(3)** ~~(4)~~—An individual who violates this section is responsible
11 for a civil infraction.

12 **(4)** ~~(5)~~—This section supersedes all local ordinances
13 regulating the use of a cellular telephone by an individual issued
14 a level 1 or level 2 graduated license **or who is under the age of**
15 **18** while operating a motor vehicle in motion on a highway or
16 street, except that a unit of local government may adopt an
17 ordinance or enforce an existing ordinance substantially
18 corresponding to this section.

19 **(5)** ~~(6)~~—This section shall be known and may be cited as
20 "Kelsey's Law".



Legislative Analysis



USE OF A MOBILE ELECTRONIC DEVICE WHILE OPERATING A MOTOR VEHICLE

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4181 (proposed substitute H-1)
Sponsor: Rep. Mari Manoogian

Analysis available at
<http://www.legislature.mi.gov>

Committee: Transportation
Complete to 4-30-19

SUMMARY:

House Bill 4181 would amend section 602c of the Michigan Vehicle Code to prohibit the use of a cell phone while driving by any individual who is under 18 years of age.

Currently, section 602c prohibits an individual with a level 1 or level 2 graduated driver's license from using a cell phone while operating a motor vehicle. (Level 1 and level 2 graduated licenses are restricted licenses issued in conjunction with driver education courses, the accumulation of behind-the-wheel experience, and related testing and other criteria.) The prohibition does not apply if the phone is being used to report a traffic accident, medical emergency, serious road hazard, crime, or threat to personal safety or if the individual is using a voice-operated system that is integrated into the vehicle.

The bill would extend the above prohibition against using a cell phone while driving to apply also to all individuals under the age of 18.

The bill would also eliminate the exception allowing use of a voice-operated system that is integrated with the vehicle. (The exceptions related to emergency calls would be retained.)

Under both current law and the bill, using a cell phone is defined to mean making a call, answering a call, or listening to or engaging in verbal communication over the phone.

The above prohibition would not apply to a person who uses a mobile electronic device to do any of the following:

- Report a traffic accident, medical emergency, or serious road hazard.
- Report a situation in which the person believes his or her personal safety is in jeopardy.
- Report or avert the perpetration or potential perpetration of a criminal act against the individual or another person.

MCL 257.602c

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on the state and on local units of government. The fiscal impact on local court systems would depend on how provisions of the bills affected caseloads and related administrative costs. As provided in the Vehicle Code for civil infractions under the Code, civil fine revenues would be applied to the support of public and county law libraries. The state could see an increase in revenue as Justice System assessment revenue is deposited into the state Justice System Fund, which supports various justice-related endeavors in the judicial and legislative branches of government and the Departments of State Police, Corrections, Health and Human Services, and Treasury.

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