

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.602b Reading, typing, or sending text message on wireless 2-way communication device prohibited; use of hand-held mobile telephone prohibited; exceptions; "use a hand-held mobile telephone" defined; violation as civil infraction; fine; local ordinances superseded.

Sec. 602b. (1) 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 motor vehicle that is moving 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 motor vehicle. This subsection does not apply to a person 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.

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

- (a) Using at least 1 hand to hold a mobile telephone to conduct a voice communication.
- (b) Dialing or answering a mobile telephone by pressing more than a single button.

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

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

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

(d) 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.

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

(5) Subsection (1) does not apply to a person using an on-demand automated motor vehicle network.

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

- (a) For a first violation, \$100.00.
- (b) For a second or subsequent violation, \$200.00.

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

History: Add. 2010, Act 60, Eff. July 1, 2010;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011;—Am. 2012, Act 498, Eff. Mar. 28, 2013;—Am. 2013, Act 36, Imd. Eff. May 21, 2013;—Am. 2013, Act 231, Eff. Mar. 27, 2014;—Am. 2016, Act 332, Imd. Eff. Dec. 9, 2016.