

Act No. 41  
Public Acts of 2023  
Approved by the Governor  
June 7, 2023  
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June 7, 2023  
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**STATE OF MICHIGAN  
102ND LEGISLATURE  
REGULAR SESSION OF 2023**

**Introduced by Reps. Koleszar, Morse, Weiss, Rheingans, Scott, Brenda Carter, Steckloff, Brabec and Whitsett**

# **ENROLLED HOUSE BILL No. 4250**

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 602b (MCL 257.602b), as amended by 2016 PA 332.

*The People of the State of Michigan enact:*

Sec. 602b. (1) Except as otherwise provided in this section, an individual shall not hold or use a mobile electronic device while operating a motor vehicle. This subsection does not apply to an individual operating a commercial motor vehicle or a school bus.

(2) Except as otherwise provided in this section, an individual shall not hold or use a mobile electronic device while operating a commercial motor vehicle or a school bus. As used in this subsection, “use a mobile electronic device” means 1 or more of the following:

(a) Using a mobile electronic device to do any task, including, but not limited to, any of the following:

(i) Send or receive a telephone call.

(ii) Send, receive, or read a text message.

(iii) View, record, or transmit a video.

(iv) Access, read, or post to a social networking site.

(b) Reaching for a mobile electronic device in a manner that requires a driver to maneuver so that the driver 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.

(3) Subsections (1) and (2) do not apply to any of the following situations:

(a) The use of a mobile electronic device by a law enforcement officer, firefighter, emergency medical technician, paramedic, operator of an authorized emergency vehicle, or similarly engaged paid or volunteer public safety first responder during the performance of that individual's official duties, or a public utility employee or contractor acting within the scope of that individual's employment when responding to a public utility emergency.

(b) The use of a mobile electronic device for emergency purposes, including calling or texting a 9-1-1 system, or making an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity to report to appropriate authorities any of the following:

(i) A fire, traffic accident, serious road hazard, or medical or hazardous materials emergency.

(ii) An operator of another motor vehicle who is driving in a reckless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs.

(iii) A crime being committed.

(c) The use of a global positioning or navigation feature of a mobile electronic device if information is not entered by hand into the global positioning or navigation system feature of the mobile electronic device.

(d) The use of a mobile electronic device in a voice-operated or hands-free mode if the operator of the motor vehicle does not use the operator's hands to operate the device, except for either of the following:

(i) Using a single button press, tap, or swipe to activate or deactivate a feature or function of the mobile electronic device or to select a telephone number or name.

(ii) Using a mobile electronic device that is integrated into a motor vehicle and utilizes the user interfaces that are permanently installed into the motor vehicle.

(e) The use of a mobile electronic device used for the sole purpose of continuously recording or broadcasting video inside or outside of a motor vehicle.

(f) The use of a mobile electronic device that is placed in a mount and used in any manner as described in subdivisions (a) to (e).

(4) Except as provided in subsection (6), an individual who violates subsection (1) is responsible for a civil infraction and must be ordered to do the following:

(a) For a first violation, pay a \$100.00 civil fine or perform 16 hours of community service, or both.

(b) For a second or subsequent violation, pay a \$250.00 civil fine or perform 24 hours of community service, or both.

(5) Except as provided in subsection (6), an individual who violates subsection (2) is responsible for a civil infraction and must be ordered to do the following:

(a) For a first violation, pay a \$200.00 civil fine or perform 32 hours of community service, or both.

(b) For a second or subsequent violation, pay a \$500.00 civil fine or perform 48 hours of community service, or both.

(6) If an individual is involved in an accident for which the individual is at fault when the individual violates this section, any civil fine ordered must be double the amount that would otherwise be ordered under subsection (4) or (5), as applicable.

(7) This section supersedes all local ordinances regulating the use of a mobile electronic 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.

(8) If an individual is responsible for 3 or more civil infractions for violations of subsection (1) within a 3-year period, a court shall order the individual to complete a basic driver improvement course within a reasonable time as determined by the court. This subsection does not apply to a violation of subsection (2).

(9) A police officer enforcing this section may treat a violation of this section as the primary or sole reason for issuing a citation to a driver. A police officer shall not search a motor vehicle or the driver or passenger in the motor vehicle solely because of a violation of this section.

(10) This section does not apply to any of the following:

(a) A level 3, 4, or 5 automated driving system, as described in "J3016: Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles", April 2021 edition, published by SAE International, or an automated vehicle equipped with an automated driving system as described in this subdivision, during testing or operation with the automated driving system engaged.

(b) Viewing or using in a hands-free manner a device mounted in a vehicle for displaying information related to testing or operating an automated driving system or automated technology.

(c) Operating, or programming the operation of, an automated motor vehicle while testing or operating the automated motor vehicle without a human operator while the automated driving system is engaged.

(11) This section does not apply beginning 5 years after the effective date of the amendatory act that added subsection (12).

(12) As used in this section:

(a) "Hold" means to physically support with any part of the hands, arms, or shoulders.

(b) "Mobile electronic device" means an electronic device that is not permanently installed in a motor vehicle, including, but not limited to, a device capable of text messaging, voice communication, entertainment, navigation, accessing the internet, or producing email. Mobile electronic device does not include either of the following:

(i) A radio designed for the Citizens Band Service or the Amateur Radio Service of the Federal Communications Commission or a commercial 2-way radio communications device or equipment permanently installed in a motor vehicle.

(ii) A medical device that is designed to be worn, including, but not limited to, an insulin pump.

(c) "Operate" means to drive or assume physical control of a motor vehicle on a public way, street, road, or highway, including operation while temporarily stationary because of traffic, road conditions, a traffic light, or a stop sign. Operate does not include a motor vehicle that is lawfully parked.

(d) "Social networking site" means any web-based service that allows individuals to construct a profile within a founded system and communicate with other users of the site for social or amusement purposes.

(13) Except as otherwise provided in subsection (2), as used in this section, "use a mobile electronic device" means using a mobile electronic device to do any task, including, but not limited to, any of the following:

(i) Send or receive a telephone call.

(ii) Send, receive, or read a text message.

(iii) View, record, or transmit a video.

(iv) Access, read, or post to a social networking site.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 102nd Legislature are enacted into law:

(a) House Bill No. 4251.

(b) House Bill No. 4252.

Enacting section 2. This amendatory act takes effect June 30, 2023.

This act is ordered to take immediate effect.

  
Clerk of the House of Representatives

  
Secretary of the Senate

Approved \_\_\_\_\_

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Governor