

HOUSE BILL No. 5053

July 13, 2005, Introduced by Rep. Stewart and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
(MCL 257.1 to 257.923) by adding section 677b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 677B. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
2 PERSON SHALL NOT OPERATE A MOTOR VEHICLE ON A PUBLIC HIGHWAY WHILE
3 USING ANY TYPE OF HANDHELD CELLULAR OR OTHER HANDHELD MOBILE
4 TELECOMMUNICATION DEVICE.

5 (2) A PERSON MAY USE A HANDHELD TELECOMMUNICATION DEVICE WHILE
6 OPERATING A MOTOR VEHICLE ON A PUBLIC HIGHWAY UNDER ANY OF THE
7 FOLLOWING CIRCUMSTANCES:

8 (A) BY MEANS OF A HANDS-FREE FEATURE OR FUNCTION.

9 (B) IF THE MOTOR VEHICLE IS NOT IN MOTION AND THE MOTOR IS NOT
10 ENGAGED.

1 (C) IN AN IMMEDIATE HEALTH OR SAFETY EMERGENCY TO OBTAIN HELP
2 OR NOTIFY AUTHORITIES.

3 (3) AN OPERATOR OF A MOTOR VEHICLE CREATES A REBUTTABLE
4 PRESUMPTION THAT THE OPERATOR IS USING A TELECOMMUNICATION DEVICE
5 BY HOLDING IT NEAR HIS OR HER EAR. THE PRESUMPTION IS REBUTTABLE BY
6 EVIDENCE TENDING TO SHOW THAT THE OPERATOR WAS NOT OPERATING THE
7 TELECOMMUNICATION DEVICE.