

# Legislative Analysis

---



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

## **PROHIBIT TEXTING WHILE DRIVING**

**Senate Bill 468 as reported from House Committee**  
**Sponsor: Sen. Roger Kahn, M.D.**

**House Bill 4370 as passed by the Senate**  
**Sponsor: Rep. Gino Polidori**

**House Bill 4394 as passed by the Senate**  
**Sponsor: Rep. Lee Gonzales**

**House Committee: Transportation**  
**Senate Committee: Transportation**

**Complete to 4-20-10**

## **A SUMMARY OF SENATE BILL 468 AS REPORTED FROM HOUSE COMMITTEE AND HOUSE BILLS 4370 & 4394 AS PASSED BY THE SENATE**

Senate Bill 468 is part of a three-bill package that would amend the Michigan Vehicle Code to prohibit "texting" while driving. It is tie-barred to the two other bills, House Bills 4370 and 4394.

Senate Bill 468 would amend Section 907 of the Vehicle Code to apply to violations of the texting ban. A person would be ordered to pay costs and a civil fine of \$100 for a first offense and \$200 for a second or subsequent offense. The bill also would amend Section 732 to specify that a texting violation would not be entered on the master driving record.

House Bill 4394 would amend the Vehicle Code to prohibit a person from reading, typing, or sending text messages using a wireless two-way communication device, including a wireless phone, that was located in the person's hand or lap while operating a moving motor vehicle on a street or highway in the state. ("Wireless two-way communication device" would not include a global positioning or navigation system affixed to the vehicle.)

This would not prohibit an individual from using a device to 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; or carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or emergency vehicle operator.

An individual who violated the bill would be responsible for a civil infraction and could be fined \$100 for a first offense and \$200 for a subsequent offense.

The bill would supersede all local ordinances regulating the use of a communication device while operating a motor vehicle in motion on a street or highway, although a local unit of government could adopt an ordinance or enforce an existing ordinance substantially corresponding to the bill.

House Bill 4370 would amend the Michigan Vehicle Code to prohibit points from being entered on a person's driving record for a violation of the provisions in House Bill 4394 (S-5).

The bills would take effect on July 1, 2010. The bills are tie-barred to each other, meaning none would take effect unless all were enacted.

**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 public libraries. The bill would have no fiscal impact on the Department of State.

Legislative Analyst: Chris Couch  
Fiscal Analyst: Ben Gielczyk

---

■ 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.