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VEHICLE CODE

Michigan Vehicle Code (MVC) amended to generally prohibit the use of a "mobile electronic device" while operating a motor vehicle and identify exemptions when the prohibition does not apply.

Public Act 41 of 2023, effective June 30, 2023, amended MCL 257.602b of the MVC to prohibit an individual from holding or using a "mobile electronic device" while operating a motor vehicle, commercial motor vehicle (CMV), or a school bus.

Definitions

"Hold" means to physically support with any part of the hands, arms, or shoulders. [MCL 257.602b\(12\)\(a\)](#).

"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. [MCL 257.602b\(12\)\(b\)](#).

- "Mobile electronic device" does not include radios designed for citizens band (CB) service, amateur radio service of the Federal Communications Commission (FCC), or a commercial 2-way radio communications device or equipment permanently installed in a motor vehicle. [MCL 257.602b\(12\)\(b\)\(i\)](#).
- A medical device that is designed to be worn, including an insulin pump. [MCL 257.602b\(12\)\(b\)\(ii\)](#).

"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. [MCL 257.602b\(12\)\(c\)](#).

"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. [MCL 257.602b\(12\)\(d\)](#).

"Use a mobile electronic device" means using a mobile electronic device to do any task, including, but not limited to, any of the following:

- Send or receive a telephone call
- Send, receive, or read a text message
- View, record, or transmit a video
- Access, read, or post to a social networking site

Individuals Operating a Motor Vehicle (Not a CMV or School Bus)

An individual shall not hold or use a mobile electronic device while operating a motor vehicle. [MCL 257.602b\(1\)](#).

A violation of [MCL 257.602b\(1\)](#) is punishable as a civil infraction with fines as described in [MCL 257.602b\(4\)](#), [MCL 257.602b\(6\)](#) and [MCL 257.602b\(8\)](#).

Individuals Operating a CMV or School Bus

An individual shall not hold or use a mobile electronic device while operating a CMV or school bus. [MCL 257.602b\(2\)](#).

For CMV and school buses only, the above definition for "use a mobile electronic device" also includes 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. [MCL 257.602b\(2\)\(b\)](#).

A violation of [MCL 257.602b\(2\)](#) is punishable as a civil infraction with fines as described in [MCL 257.602b\(5\)](#) and [MCL 257.602b\(6\)](#).

Police - Primary Enforcement and Searches

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. [MCL 257.602b\(9\)](#).

Exemptions

The above prohibitions applicable to a motor vehicle, CMV, or school bus do not apply to any of the following situations:

- 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. [MCL 257.602b\(3\)\(a\)](#).
- 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:
 - A fire, traffic accident, serious road hazard, or medical or hazardous materials emergency. [MCL 257.602b\(3\)\(b\)\(i\)](#).
 - 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. [MCL 257.602b\(3\)\(b\)\(ii\)](#).
 - A crime being committed. [MCL 257.602b\(3\)\(b\)\(iii\)](#).
- 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. [MCL 257.602b\(3\)\(c\)](#).
- 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:
 - 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. [MCL 257.602b\(3\)\(d\)\(i\)](#).
 - 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. [MCL 257.602b\(3\)\(d\)\(ii\)](#).

- 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. [MCL 257.602b\(3\)\(e\)](#).
- The use of a mobile electronic device that is placed in a mount and used in any manner as described above. [MCL 257.602b\(3\)\(f\)](#).
- The testing or operating of certain automated driving vehicles as described in [MCL 257.602b\(10\)](#).

Preemption

Except for an ordinance adopted by a local unit of government which substantially corresponds to this section, [MCL 257.602b](#) supersedes all local ordinances regulating the use of a mobile electronic device while operating a motor vehicle in motion on a highway or street. [MCL 257.602b\(7\)](#).

SCHOOL BUS

The Pupil Transportation Act (PTA) amended to prohibit unauthorized persons from entering a school bus without the bus driver's permission.

Public Act 49 of 2021 amended [MCL 257.1859](#) of the PTA to prohibit an individual, other than an "authorized person," from entering a school bus without permission of the driver. [MCL 257.1859\(4\)](#).

As used in this subsection, "authorized person" means any of the following:

- A pupil.
- A person enrolled in a school-sponsored preschool program.
- A teacher or other school employee.
- A chaperone of the pupils authorized by a school.
- A person authorized by a school or the operator of the school bus for the protection of property or the health, safety, and welfare of the occupants of the school bus.

A violation of [MCL 257.1859\(4\)](#) is punishable as a civil infraction. [MCL 257.1859\(6\)](#).

The PTA amended to prohibit a person from impeding the progress or operation of a school bus.

Public Act 49 of 2021 amended [MCL 257.1859](#) of the PTA to prohibit a person from impeding the progress or operation, or both, of a school bus.

A violation of [MCL 257.1859\(5\)](#) is punishable as a civil infraction. [MCL 257.1859\(6\)](#).