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MICHIGAN HOUSE OF REPRESENTATIVES

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HB 4466 FAQ/Fact Sheet

HB 4466 Summary:

- HB 4466 does not prohibit an individual from using a cell phone while behind the wheel. This legislation merely updates Michigan's current law, which only addresses texting while driving. The goal of this legislation is to address the visual distractions associated with cell phone use while behind the wheel.
- If enacted, HB 4466 would require drivers to safely mount their cell phones and use these devices exclusively in hands-free mode while operating a motor vehicle (Examples: hands-free technology installed in the vehicle, Bluetooth headset, or speakerphone).
- Under this legislation, drivers will still be able to activate their cell phone's voice activation capabilities or answer a call with a single touch or single swipe on the screen, or the driver can initiate this function prior to operating the vehicle.
- The bill includes reasonable penalties:
    - First time offenders will receive a 250 dollar fine.
    - The second offense will include a 500 dollar fine and a one point penalty.
    - The third offense includes a 500 dollar fine and two points.

FAQ's:

Does this legislation prohibit or ban cell phone use while driving?

No, this legislation does not prohibit drivers from using a cell phone. HB 4466 merely requires drivers to use their portable electronic device in a safe and responsible manner (hands-free mode).

Does HB 4466 infringe on my right to do what I please in my own vehicle?

No. Drivers will still be allowed to use a cell phone in hands-free mode which will protect drivers, commuters, and pedestrians from avoidable accidents. A driver's "right" to use a cell phone does not infringe upon another commuter's right to travel safely on our roadways.

Recycled Paper

Why do we need to pass HB 4466?

Currently, Michigan law only prohibits texting and driving. However, our cell phones are used for a plethora of other functions including internet browsing, email, social media, and an endless list of applications that can serve as a distraction for drivers. For this reason, Michigan's current texting ban is insufficient and increasingly more difficult to enforce. The data regarding the growing number of accidents, injuries, and fatalities associated with distracted driving is alarming (See below).

Michigan Distracted Driving Statistics

**Note: MSP believes distracted driving is underreported because often times the individual does not admit they were distracted at the time of the crash when the police report is completed.*

Year	Fatal	Incapacitating Injury	Non-Incapacitating	Possible Injury	No Injury	Total
2015	28	156	588	1605	5133	7510
2014	13	119	471	1084	3663	5350
2013	20	121	385	1130	3346	5002

If HB 4466 is enacted how can I use my cell phone while driving?

If HB 4466 is enacted, drivers will be required to use mobile electronic devices exclusively in hands-free mode while operating a motor vehicle. Drivers will still be able to activate the voice-operated technology on their device or accept a call using a single swipe or a single tap of their finger.

Will HB 4466 impact passengers?

HB 4466 will not prohibit passengers from using cell phones. This legislation only addresses the actions of the driver.

What if I don't have hands-free technology in my car or own a smart phone?

If you do not have hands-free technology or a smart phone with a touchscreen, you can still mount your phone safely inside the car and utilize speaker phone.

If HB 4466 is passed, can I still hold my phone up to my ear to talk?

No. Holding a phone up to your ear blocks your peripheral vision. If HB 4466 is enacted, drivers will be required to talk on the phone using hands-free means while operating a motor vehicle. This will ensure their field of vision is clear and their eyes are focused on the road at all times.

Does the definition or portable electronic device found in HB 4466 apply to just cell phones?

No, if HB 4466 is enacted all devices, including but not limited to Apple Watches and iPads, must be used in hands-free mode while the driver is behind the wheel.

Do other states have similar hands-free laws in place?
Yes. According to data from the Council on State Governments, 14 states and the District of Columbia have laws on the books that prohibit drivers from using hand-held cell phones at all while driving.

Have other states with hands-free requirements in place reduced distracted driving crashes?
Yes. California passed a similar hands-free ban back in 2008. California's crash records two years before and two years after the hand-held ban went into effect, indicate that overall traffic deaths declined by 22 percent. More importantly, hand-held cell phone driver deaths went down 47 percent. There is no doubt that a hands-free law in Michigan will have a similar positive effect on our roadways.

How will HB 4466 be enforced?
Michigan's current texting ban is difficult to enforce because law enforcement officers have no way of knowing which function (Examples: texting, posting to facebook, posting to twitter, or conducting an internet search) was being performed at the time of the traffic stop.

HB 4466 seeks to update the current law to reflect today's technology and institute a hands-free policy for all drivers, which will limit the visual distractions associated with hand-held cell phone use. Drivers will be able to use their phone if the function (Examples: voice call, text, or navigation) can be conducted in hands free mode or with a single swipe or tap of the driver's finder. Therefore, only a driver who chooses to hold a mobile device in his or her hand while operating a motor vehicle will be in violation of this law.