

State Texting, Driving Ban Trumps Local Laws

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Michael K. Sheehy

(313) 983-4721

msheehy@plunkettcooney.com

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For almost three years now, Michigan has been part of the majority of states that has banned texting and driving for all drivers.

The controlling state laws, MCL 257.602b(1) and (2), provide that “a person shall not read, manually type, or send a text message on a wireless 2-way communication device that is located in the person's hand or in the persons' lap . . . while operating a motor vehicle that is moving on a highway or street,” or “while operating a commercial vehicle on a highway or street in this state.” Subsection 3 states that “a person shall not use a hand-held mobile telephone to conduct a voice communication or to reach for or dial a mobile telephone while operating a commercial motor vehicle on a highway.”

This ban does not apply to reporting a traffic accident, medical emergency, serious road hazard, situations in which a driver's personal safety is in jeopardy or a crime, as well as law and fire department officials or emergency vehicle operators who are carrying out official duties.

Any person who violates this law is responsible for a civil infraction and is ordered to pay a civil fine. Effective March 28, a subsection was added to make clear that the state law supersedes all local ordinances, except where an existing ordinance is substantially similar to the state statute.