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Hands Free Driving

Michigan gov signs hands-free driving bills into law: What that means for drivers.

Michigan Gov. Gretchen Whitmer signed legislation into law Wednesday, making it illegal to drive while holding or using a cellphone.

Michigan has become one of 26 states to pass so-called hands-free driving legislation meant to curb distracted driving and related crashes. The Michigan Legislature sent three approved bills to the governor's desk last month for final approval.

Gov. Whitmer signed the legislation into law on Wednesday, June 7. The new rules could take effect as soon as June 30.

The newly signed legislation will make any cellphone use that isn't hands-free illegal, including scrolling, searching, calling, etc. The language in the bills will amend Michigan law to make it illegal to "use a mobile electronic device to do any task, including, but not limited to" 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.
- It will also become illegal to reach for a cellphone or mobile electronic device in a way that requires the driver to maneuver so that they're no longer "in a seated driving position, restrained by a seat belt."
- The bills passed last month make holding or using a cellphone while driving a primary offense -- meaning that law enforcement could pull someone over and ticket them for this offense. The new legislation specifically states, however, that police would not be allowed to search a driver solely because of this violation.
- The legislation defines holding a cellphone or electronic device as physically supporting it with "any part of the hands, arms or shoulders."
- "Mobile electronic device" is defined in the legislation as any "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."

Potential fines

Once the new rules take effect, drivers caught violating the law can face fines and/or be required to perform community service.

If a person is caught holding or using a cellphone, or mobile electronic device, while driving a **regular** motor vehicle, they would face the following fines:

- **First violation:** \$100 fine or 16 hours of community service, or both.
- **Second or subsequent violation:** \$250 fine or 24 hours of community service, or both.

Source: <https://www.clickondetroit.com/news/michigan/2023/06/07/michigan-gov-to-sign-hands-free-driving-bills-into-law-what-that-means-for-drivers/>

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If three violations occur within a 3-year period: The driver would be ordered If a person driving a **commercial vehicle** or a **school bus** is caught holding or using a cellphone, they would face the following fines:

- **First violation:** \$200 fine or 32 hours of community service, or both.
- **Second or subsequent violation:** \$500 fine or 48 hours of community service, or both.
- **If three violations occur within a 3-year period:** The driver would be ordered by the court to complete a driver improvement course.

Under the rules, if a crash were to occur and the at-fault driver was holding or using a cellphone while driving, any civil fines ordered “must be double the amount that would otherwise be ordered.”

