

Judicial Information Systems / District Court System

Updating SOS Code Files and Statute Files with New SOS Codes:
3296 - Operating CMV/School Bus While Texting {MCL 257.602b(2)} and
3297 - Use of Hand-Held Mobile Telephone While Operating CMV/School Bus
{MCL 257.602b(3)}

Effective October 28, 2013

MCL 257.602b(2) provides 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 person's lap, including a wireless telephone used in cellular telephone service or personal communication service, while operating a commercial motor vehicle or a school bus on a highway or street in this state. A wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the commercial motor vehicle or school bus.

A violation cited under MCL 257.602b(2), is a civil infraction, 2 points will be assessed, and is eligible for abstract of conviction and FCJ suspension. These convictions and suspensions shall be submitted to MDOS using offense code 3296.

MCL 257.602b(3) provides a person shall not use a hand-held mobile telephone to conduct a voice communication while operating a commercial motor vehicle or a school bus on a highway, including while temporarily stationary due to traffic, a traffic control device, or other momentary delays. This does not apply if the operator of the commercial vehicle or school bus has moved the vehicle to the side of, or off, a highway and has stopped in a location where the vehicle can safely remain stationary. "Mobile telephone" does not include a 2-way radio service or citizens band radio service. "Use a hand-held mobile telephone" means 1 or more of the following:

- (a) Using at least 1 hand to hold a mobile telephone to conduct a voice communication.
- (b) Dialing or answering a mobile telephone by pressing more than a single button.
- (c) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position or restrained by a seat belt.

A violation cited under MCL 257.602b(3), is a civil infraction, 2 points will be assessed, and is eligible for abstract of conviction and FCJ suspension. These convictions and suspensions shall be submitted to MDOS using offense code 3297.

An individual who violates MCL 257.602b(2) and 257.602b(3) shall be ordered to pay a civil fine as follows:

- (a) For a first violation, \$100.00.
- (b) For a second or subsequent violation, \$200.00.

Also, MCL 257.319b provides that violation 257.602b(2) or 257.602b(3) will be classified as a "serious violation".

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IMPORTANT: MUST UPDATE SOS CODE FILE INQUIRY FIRST

Step 1: Using your Administrative Sign-On, add SOS Offense Code 3296 to the SOS Code File via the **SOS Code File Inquiry & Update** screen. Populate fields as shown below and press **F2-Add**. **NOTE:** JIS has already taken this step for the Online Courts.

SOS Code File Inquiry & Update		9/04/13	09:17:15
Code: <u>3296</u>	CODE Effective: <u>102813</u>	Begin	End
Vehicle Type: <u>C</u>	(Blank, C=Commercial, S=Snowmobile, W=Watercraft, 0=ORV)		
Offense Type: <u>-</u>	(Blank, A=Alcohol, D=Drug, M=MIP, S=Speeding P=Parking, H=Handicap Parking)		
Description: TEXTING WHILE OPERATING A CMV			
Abstract	: <u> </u>	<u> </u>	<u>0</u> NOTICE BASED ON: (A=Adjudication Date, 0=Offense Date)
Deferral Abs:	: <u> </u>	<u> </u>	-
Audit Abs	: <u> </u>	<u> </u>	-
FAC	: <u> </u>	<u> </u>	-
FCJ	: <u> </u>	<u> </u>	<u>0</u>
FCPV	: <u> </u>	<u> </u>	-
14D	: <u> </u>	<u> </u>	<u>0</u>
NNC	: <u> </u>	<u> </u>	-
Susp/Rest	: <u> </u>	<u> </u>	- Last Chgd: <u>08/26/2013</u> Chgd By: <u>JAYA</u>
Enter-Inquiry F1-Clear Screen F2-Add F3-Update F23-Delete F24-Previous Menu Roll-Page			

Step 2: Press **F1-Clear Screen**. Add SOS Offense Code 3297 to the SOS Code File. Populate the fields as shown below and press **F2-Add**. **NOTE:** JIS has already taken this step for Online Courts.

SOS Code File Inquiry & Update		9/04/13	09:18:05
Code: <u>3297</u>	CODE Effective: <u>102813</u>	Begin	End
Vehicle Type: <u>C</u>	(Blank, C=Commercial, S=Snowmobile, W=Watercraft, 0=ORV)		
Offense Type: <u>-</u>	(Blank, A=Alcohol, D=Drug, M=MIP, S=Speeding P=Parking, H=Handicap Parking)		
Description: USE OF HAND HELD MOBILE TELEPHONE WHILE OPERATING A CMV			
Abstract	: <u> </u>	<u> </u>	<u>0</u> NOTICE BASED ON: (A=Adjudication Date, 0=Offense Date)
Deferral Abs:	: <u> </u>	<u> </u>	-
Audit Abs	: <u> </u>	<u> </u>	-
FAC	: <u> </u>	<u> </u>	-
FCJ	: <u> </u>	<u> </u>	<u>0</u>
FCPV	: <u> </u>	<u> </u>	-
14D	: <u> </u>	<u> </u>	<u>0</u>
NNC	: <u> </u>	<u> </u>	-
Susp/Rest	: <u> </u>	<u> </u>	- Last Chgd: <u>08/26/2013</u> Chgd By: <u>JAYA</u>
Enter-Inquiry F1-Clear Screen F2-Add F3-Update F23-Delete F24-Previous Menu Roll-Page			

