



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE HOUSE STANDING COMMITTEE
ON TRANSPORTATION

May 1, 2019

3:59 p.m.

Room 327 House Office
Building, Lansing, Michigan

Representative O'Malley, Chair, called the meeting to order.

MEMBERS PRESENT: Representatives O'Malley, Eisen, Cole, Sheppard, Alexander, Bellino, Howell, Afendoulis, Sneller, Clemente, Yancey, Haadsma, Shannon.
ASBENT/EXCUSED: None.

Representative Alexander made a motion to adopt the minutes of the meeting held on April 30, 2019. No objections being offered, the minutes were accepted as presented.

The Chair laid HB 4181, HB 4198, and HB 4199 before the committee.

HB 4181 (Rep. Manoogian) Traffic control; violations; penalties for operating a vehicle while sending or receiving a message on an electronic wireless device; enhance.

HB 4198 (Rep. Cole) Traffic control; violations; prohibition of electronic communication while operating a motor vehicle; expand and prohibit use of a cellular telephone by a minor while operating a motor vehicle.

HB 4199 (Rep. Sheppard) Traffic control; violations; Traffic control; violations; Traffic control; violations; penalties for operating a vehicle while sending, receiving, or reading a message on a wireless device; increase.

Representative Sheppard moved to refer HB 4198 to the committee on Ways and Means, with recommendation, as substitute (H-1). The motion prevailed 13-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives O'Malley, Eisen, Cole, Sheppard, Alexander, Bellino, Howell, Afendoulis, Sneller, Clemente, Yancey, Haadsma, Shannon.

Nays: None.

Pass: None.

Representative Yancey offered the following amendment to HB 4198, as substitute (H-3):

1. Amend page 4, following line 24, by inserting:

"(10) IF A LAW ENFORCEMENT OFFICER ISSUES A CITATION FOR A VIOLATION OF THIS SECTION, THE LAW ENFORCEMENT OFFICER MUST RECORD THE RACE AND ETHNICITY OF THE PERSON WHO WAS ISSUED THE CITATION. ALL LAW ENFORCEMENT AGENCIES MUST MAINTAIN THE INFORMATION RECORDED UNDER THIS SUBSECTION AND REPORT THE INFORMATION TO THE DEPARTMENT OF STATE POLICE ON A FORM AND IN THE MANNER DETERMINED BY THE DEPARTMENT OF STATE POLICE. THE DEPARTMENT OF STATE POLICE SHALL BIANNUALLY REPORT ON THE DATA COLLECTED UNDER THIS SUBSECTION TO THE GOVERNOR, THE MAJORITY LEADER OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES. THE DEPARTMENT OF STATE POLICE MAY ISSUE REPORTS TO OTHER DEPARTMENTS OF THIS STATE REGARDING THE DATA COLLECTED UNDER THIS SUBSECTION." and renumbering the remaining subsection.

Representative Yancey explained the amendment.

Representative Sneller moved to adopt the amendment to HB 4198, as substitute (H-3). The motion did not prevail 5-8-0.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Sneller, Clemente, Yancey, Haadsma, Shannon.

Nays: Representatives O'Malley, Eisen, Cole, Sheppard, Alexander, Bellino, Howell, Afendoulis.

Pass: None.

Representative Cole explained the proposed amendments to HB 4198, as substitute (H-3).

Edward Hude, representing the American Radio Relay League, testified in support of the bills.

The Chair laid the committee at ease, the time being 4:06 p.m.

The Chair brought the committee back to order, the time being 4:07 p.m.

Representative Cole offered the following amendments to HB 4198, as substitute (H-3):

1. Amend page 1, line 2, after "not" by striking out "read or".
2. Amend page 2, line 15, after "not" by striking out "read or".
3. Amend page 4, line 27, after **"TO"** by striking out **"TEXTING,"** and inserting **"WRITING, SENDING, OR READING A TEXT-BASED COMMUNICATION,"**.
4. Amend page 4, line 27, after **"GAMING,"** by striking out **"USING ELECTRONIC MAIL,"** and inserting **"VIEWING OR"**.
5. Amend page 5, line 1, after **"VIEWING,"** by inserting **"CAPTURING,"**.
6. Amend page 5, line 2, after **"VIDEO"** by inserting **"OR PHOTO"**.

Representative Cole moved to adopt the amendments to HB 4198, as substitute (H-3). The motion prevailed 13-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives O'Malley, Eisen, Cole, Sheppard, Alexander, Bellino, Howell, Afendoulis, Sneller, Clemente, Yancey, Haadsma, Shannon.

Nays: None.

Pass: None.

Representative Cole offered the following amendment to HB 4198, as substitute (H-3):

1. Amend page 4, following line 24, by inserting:

"(10) THIS SECTION DOES NOT APPLY TO THE USE OF RADIO EQUIPMENT THAT IS ALLOWED UNDER 47 CFR 90 OR 47 CFR 97." and renumbering the remaining subsection.

Representative Cole moved to adopt the amendment to HB 4198, as substitute (H-3). The motion prevailed 13-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives O'Malley, Eisen, Cole, Sheppard, Alexander, Bellino, Howell, Afendoulis, Sneller, Clemente, Yancey, Haadsma, Shannon.

Nays: None.

Pass: None.

Representative Cole offered the following amendment to HB 4198, as substitute (H-3):

1. Amend page 2, following line 13, by inserting:

"(D) OPERATE OR PROGRAM THE OPERATION OF AN AUTOMATED MOTOR VEHICLE WHILE TESTING OR OPERATING THE AUTOMATED MOTOR VEHICLE WITHOUT A HUMAN OPERATOR."

Representative Cole moved to adopt the amendment to HB 4198, as substitute (H-3). The motion prevailed 13-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives O'Malley, Eisen, Cole, Sheppard, Alexander, Bellino, Howell, Afendoulis, Sneller, Clemente, Yancey, Haadsma, Shannon.

Nays: None.

Pass: None.

Representative Bellino moved to refer HB 4198 to the committee on Ways and Means, with recommendation, as amended, as substitute (H-5). The motion prevailed 13-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives O'Malley, Eisen, Cole, Sheppard, Alexander, Bellino, Howell, Afendoulis, Sneller, Clemente, Yancey, Haadsma, Shannon.

Nays: None.

Pass: None.

Representative Sheppard moved to refer HB 4199 to the committee on Ways and Means, with recommendation. The motion prevailed 13-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives O'Malley, Eisen, Cole, Sheppard, Alexander, Bellino, Howell, Afendoulis, Sneller, Clemente, Yancey, Haadsma, Shannon.

Nays: None.

Pass: None.

Tiffany Hauser, representing the American Automobile Association of Michigan, submitted a card in support of the bills, but did not wish to speak.

There being no further business before the committee, the Chair adjourned the meeting at 4:11 p.m.

Representative Jack O'Malley, Chair

Dakota Soda, Committee Clerk (517) 373-0350