

Michigan bill seeks to curb cellphone use by drivers

Jonathan Oosting, Detroit News Lansing Bureau Published 1:39 p.m. ET May 16, 2017 | Updated 1:40 p.m. ET May 16, 2017



(Photo: Spencer Platt / Getty Images)

Lansing – Laurel Zimmerman hopes a Michigan bill to ban handheld cellphone use while driving could be a “stepping stone” to saving lives of young people like her daughter, a 16-year-old who was killed by a distracted driver in Macomb County.

House Bill 4466 would prohibit drivers from holding and operating a portable electronic device on Michigan roadways, limiting them to hands-free functions or single swipes on a cellphone mounted to a windshield, dashboard or console.

“I don’t want any parent to go through what I’ve gone through,” Zimmerman told reporters after her emotional testimony Tuesday in the House Transportation and Infrastructure Committee, which is considering a bill that would build on a 2010 state law that prohibits texting while driving.

Ally Zimmerman, a student at Romeo High School in Macomb County, spent several days on life support and died in early 2011 after an accident at Romeo Plank and 32 Mile.

“She had the green light, she had her seat belt on and she was T-boned by a distracted driver who went right through the red light and lost her life for that,” her mom said.

Traffic safety and law enforcement officials joined Zimmerman in testifying in support of the bill, arguing technological advances have outpaced current law and made enforcement a challenge. Distracted driving crashes are on the rise because of increased cellphone usage, they said.

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State Rep. Martin Howrylak, R-Troy, introduced a similar measure late last session. Around the time he was drafting the bill, he was “ironically” rear-ended by a distracted driver as he idled at a traffic light on eastbound Big Beaver at Crooks roads, he said.

“My vehicle was hit by a young lady going about 42 miles per hour, and she was definitely using the mobile phone,” Howrylak told The Detroit News. “She admitted it multiple times, and we believe it was Pokemon.”

Howrylak’s car was totaled, he said, but both he and the young driver who hit him walked away from the crash without injury.

Others are not as lucky, said Jim Santilli, a traffic safety advocate and CEO of the Transportation Improvement Association, who attended Ally Zimmerman’s funeral in 2011 and said he was traumatized by her death.

Michigan's 2010 law prohibits text messaging, "but now we have people emailing, surfing the web and using Facetime," Santilli said. "There's an app for pretty much everything. Technology has evolved significantly, so this law is actually ineffective at this point."

Auburn Hills police Sgt. Rick Leonard, supervisor for the South Oakland County Crash Investigation Team, said law enforcement officers need tougher cell phone laws to crack down on distracted driving.

"When the texting (law) first came out, we were excited about the opportunity to get drivers back to their main task of driving," he told legislators.

"However, we very quickly found out because of the limited scope we were losing tickets because we could not prove they were actually using the mobile device for texting and not some other type of reason like... looking at pictures or Facebook."

The legislation would expand the definition of cell phone "use" to include searching, viewing images, playing games, emailing, text messaging and other functions. Drivers could not hold a cellphone and use it in those ways while moving or temporarily stopped at a traffic light.

The proposal would increase penalties for distracted drivers, raising fines for a first violation from \$100 to \$250 and for a second violation from \$200 to \$500. A second violation would also result in one point on a driver's record and subsequent violations would result in two points.

The legislation would not prohibit hands-free cellphone operation, and motorists could also pull over to the side of the road to place calls or text.

Drivers could make a single swipe or tap on a cellphone mounted to a windshield, dashboard or center console. It would allow for certain functions like maps, which regular motorists and Uber drivers employ.

The transportation committee did not vote Tuesday on the measure. Rep. Triston Cole, who chairs the panel, said he wants to give members the opportunity to read the "finer points" of the bill and consider testimony.

"But I'm very intrigued by this," said Cole, R-Mancelona, whose 15-year-old daughter just got her driving learner's permit. "Distracted driving is something that is very important to address."

joosting@detroitnews.com

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