



THE DOCKET

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CELL PHONES RAISE ISSUES OF SAFETY ON MICHIGAN ROADWAYS

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Overview:

Cell phones have become a valuable tool in the way we go about our daily lives. In the business world, employees use them to perform their jobs. They help boost productivity as employees can easily reach clients while driving from one destination to another. Cell phone commercials show teenagers typing text messages constantly to each other, with lingo they only understand. However, cell phones also raise a number of issues involving safety on our roadways. Distracted driving increases the likelihood of you being in a crash. It involves doing another activity that takes your attention away from driving.

There are three main types of distraction:

- Visual—taking your eyes off the road,
- Manual—taking your hands off the wheel, and
- Cognitive—taking your mind off of driving.

Distracted driving activities include using a cell phone, texting, and other activities such as eating, combing your hair, or trying to read a newspaper or magazine. While all of these types of activities endanger the driver and others, texting while driving is especially dangerous because it combines all three types of distractions. **Distracted Driving in the United States: It is a problem!**

It is important to note that more than nine people are killed and 1,060 more are injured in crashes that involve a distracted driver. For example: In 2011, 3,331 people were killed in crashes involving a distracted driver compared to

3,267 in 2010.¹ In 2011, 387,000 people were injured in motor vehicle crashes involving a distracted driver.² In 2010, "distraction" was reported as being a factor in nearly one in five crashes (18 percent) in which someone was injured.³ In June 2011, more than 196 billion text messages were sent or received in the United States, up nearly 50 percent from June 2009.⁴ 31% of U.S drivers ages age 18-64 reported that they had read or sent text messages or e-mail messages while driving at least one within the 30 days before they were surveyed.⁵

What are the States and the federal government doing?

Many states are enacting laws such as banning while driving, or using graduated driver licensing systems for teen drivers in order to help awareness about the dangers of distracted driving and preventing it from happening.

¹ National Highway Traffic Safety Administration. Facts and Statistics. <http://www.distraction.gov/content/get-the-facts/facts-and-statistics.html>.

² Id.

³ Id.

⁴ Id.

⁵ Centers for Disease Control and Prevention. Mobile Device Use While Driving — United States and Seven European Countries, 2011. MMWR 2013 / 62(10);177-182. http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6210a1.htm?cid=mm6210a1_w

Talking on a hand-held cellphone while driving is banned in 12 states (California, Connecticut, Delaware, Hawaii, Illinois, Maryland, Nevada, New Jersey, New York, Oregon, Washington, and West Virginia) and the District of Columbia.⁶

The use of all cellphones by novice drivers is restricted in 37 states and the District of Columbia and the use of all cellphones while driving a school bus is prohibited in 21 states and the District of Columbia.⁷

Text messaging is banned for all drivers in 41 states and the District of Columbia. In addition, novice drivers are banned from texting in 6 states (Mississippi, Missouri, New Mexico, Oklahoma, South Dakota, and Texas) and school bus drivers are banned from text messaging in 3 states (Mississippi, Oklahoma, and Texas).⁸

Many localities have enacted their own bans on cellphones or text messaging. In some but not all states, local jurisdictions need specific statutory authority to do so.⁹

On September 30, 2009, President Barack Obama issued an executive order prohibiting federal employees from texting while driving on government business or with government equipment.¹⁰ Additionally, on October 27, 2010, the Federal Motor Carrier Safety Administration enacted a ban that prohibits commercial vehicle drivers from texting while driving.¹¹

What is Michigan doing?

In 2010, Governor Jennifer Granholm signed a texting ban that reads in pertinent part as follows: “Except as otherwise provided in this section, 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 motor vehicle that is moving on a highway or street in this state.”¹² Fines are \$100 for a first

offense, \$200 for a subsequent offense, and it is a civil infraction.¹³ However, the law does not cover such activities as reading and writing emails, checking Facebook or watching a streaming Detroit Tigers baseball game.

In March Of 2013, Governor Rick Snyder signed into law “Kelsey’s Law” that reads in pertinent part as follows: “Except as provided in this section, an individual issued a level 1 or level 2 graduated license under section 310e shall not use a cellular telephone while operating a motor vehicle upon a highway or street. For purposes of this subsection, “use” means to initiate a call; answer a call; or listen to or engage in verbal communication through the cellular telephone.”¹⁴ A violation of the law is a civil infraction and carries a \$100.00 fine, court costs, and potential license suspension or extension of the probationary period.¹⁵ The law is named after Kelsey Raffaele, a teenager from Sault St. Marie, who sadly died in a 2010 car crash while talking on her cell phone. Kelsey’s mother, Bonnie, was instrumental in making sure that this became law. She lobbied the Michigan state legislature for tougher restrictions on cellphone use by novice drivers a year after her daughter's death.

Lastly, effective October 28, 2013, the Michigan Department of State will implement Public Act 159 of 2011, Public Act 498 of 2012 and Public Act 36 of 2013, amending 257.602b of the Michigan Vehicle Code. The law prohibits commercial motor vehicle drivers and bus drivers from reading manually typing, or sending 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.

What steps can you do to be safe on Michigan roadways?

The Center for Disease and Control Prevention makes the following recommendations:

Steps for all drivers:

- Model safe behavior behind the wheel—never text and drive.
- Always stay focused and alert when driving.
- Take the pledge—commit to distraction-free driving.
- Speak out if the driver in your car is distracted.
- Encourage your friends and family to designate their cars a “no phone” zone when driving.

⁶ www.iihs.org/laws/cellphonelaws.aspx

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ National Highway Traffic Safety Administration. Regulations. Available from: <http://www.distraction.gov/content/dot-action/regulations.html>

¹¹ Federal Motor Carrier Safety Administration. Limiting the Use of Wireless Communication Devices. Washington DC: US Department of Transportation, Federal Motor Carrier Safety Administration, 2011. Available from: <http://www.fmcsa.dot.gov/>

¹² Michigan Compiled Law 257.602b

¹³ Id.

¹⁴ Michigan Compiled Law 257.602c

¹⁵ Id.

- Spread the word—get involved in promoting safe driving in your community.

Steps for parents of teen drivers:

- Know and obey the laws in your state. Many states have Graduated Driver Licensing (GDL) laws that include cell phone and texting bans for young drivers.
- Discuss what it means to be a safe driver with your teen and set ground rules for when they are behind the wheel.
- Make a family pledge and have other members in your family commit to distraction-free driving.
- Set a positive example for your teen by putting your cell phone away every time you drive.¹⁶

There are also resources available at the following links that are very helpful:

[CDC MMWR: Mobile Device Use While Driving — United States and Seven European Countries, 2011](#)

[Distracted Driving Digital Press Kit](#)

[Official U.S. Government Website for Distracted Driving](#)

[Insurance Institute for Highway Safety: Q&As about cell phone use and driving and state cell phone law maps](#)

[World Health Organization - Mobile Phone Use: A Growing Problem of Driver Distraction](#) [PDF 180.28 KB]

[Eyes on the Road – \(A Cup of Health with CDC\)](#)

Conclusion

Using a cell phone on the roadways in Michigan is unsafe at any age. The bottom line is that texting while driving is illegal. The best advice is that if an individual receives a cell phone call while driving, she/he should let voice mail answer it and/or call back when she/he can stop at a safe area. Common sense always should dictate paying attention to the road while driving!

Retired D67 Attorney Magistrate Roberta Wray Inducted into the Genesee Regional Women's Hall of Fame

By Paul Janczewski, Macomb County Legal News

[Reprinted with Permission from Macomb County Legal News.] Here's link to original story: <http://www.legalnews.com/macomb/1375540/>

Roberta J.F. Wray has crammed so many things into her life – including a name change – that it would take a book to tell her entire story. An article of this length just wouldn't do her justice. But we'll try.

In her 72 years, Wray has played piano and trombone. Dabbled in acting. And worked as Michigan's first female broadcast photojournalist at several television stations. As a reporter, she's interviewed many local, state and national public figures, several of whom went on to become President of the United States.

Wray has covered riots, fires, police matters and numerous court cases. She's interviewed celebrities, ridden with the Blue Angels in acrobatic air shows, and walked on wings of smaller crafts at other air shows – twice! Later in life, Wray graduated from law school, worked for a Genesee County firm, and served 11 years as a district court magistrate judge. Oh, and she continues to write for the Genesee County Bar Association's publication, The Bar Beat.

For all her accomplishments, Wray was recently honored with an induction into the Genesee Regional Women's Hall of Fame. When she looks back on her life, Wray is somewhat taken aback by all the things she's done, all that she's accomplished.

"I've tried a whole bunch of things in my life," she said, noting that her philosophy throughout has been to "try everything" within reach. "If there's something you want to do, find out about it and look for it. Try it, and when you find something you really want to do, do it," she said. "My philosophy in life is you can do anything you put your mind to."

She was born in 1940 as Roberta Jean Funsch in a community called Eldorado that doesn't even exist anymore, named after a Crawford County, Mich. post office that was decommissioned in 1952.

Wray said it was just an old stagecoach stop halfway between Mio and Roscommon, with no stores and only a few houses.

¹⁶ www.cdc.gov/Motorvehiclesafety/Distracted_Driving.

Her great-grandfather was the postmaster, and her grandmother took over the job after he died.

To entertain themselves, Wray and her younger brother, Russell, took care of farm duties, gardened, raised chickens, enjoyed two-person softball, and played in the surrounding woods. At first, Wray thought she'd like to become a nurse, but gave that idea up when she ruined one of her dolls while playing nurse.

The family moved to Flint during World War II when her father, Robert, got a job at the AC plant as a bombsight inspector, moved back north after the war, but returned when he took the same job during the Korean War. Wray was taking piano and trombone lessons, and continued those as she went through the Flint school system, graduating from Flint Central High School in 1958 with distinction. She thought of becoming a history or music teacher, but did not attend college immediately after high school.

She decided to become an actress, and worked in a local summer stock theater, but knew she'd have to get a real job to have something to fall back on. As a senior, she decided to alter her name. A year earlier, while with the camera club, her group visited a radio station, and upon hearing her name, Roberta Jean Funsch, a local deejay told her "it sounded like a mouthful of peanut butter."

With a career goal as a writer, or actress, she combined her own name with a part from her grandmother's maiden name, and selected Roberta J.F. Wray as her stage name a year later while working as an apprentice at a musical production in Clio.

It was a name she used for years at TV 5 in Flint, and she legally changed it in 1992. But dreams of being an actress soon faded. Wray was working at a music shop in Flint, and deejays would come in to buy records for dances, and one invited her to the studio to see the goings-on, and she began gathering news for him. He later let her write up news stories, which led to her being hired by a Lansing television station, where she was paid to shoot film.

"My Dad launched me on photography work," she said, starting with her camera club exposure.

Next, Wray was hired at WNEM Channel 5 in Flint. She is widely believed to be the first female broadcast photojournalist in Michigan. Although it was a man's world, Wray was not intimidated. "Frankly, I didn't think about it," she said. "I liked what I was doing, taking pictures and talking to people, and I just had to prove myself to gain confidence."

She developed a love and strong passion for it, hauling equipment, filming news events, mingling with police,

firefighters, judges and lawyers and covering court proceedings. But in the late 1980s, after a quarter-century in the business, Wray became discouraged with the profession, saying it became more about exploitation and entertainment than news, and decided to switch courses.

Many people she had come to know over the years encouraged her to think about a career in law. So she buckled down and obtained her undergraduate degree from the University of Michigan-Flint. Wray had been taking classes towards a degree on and off for years.

"There was a long time I didn't think it was necessary," she said. "I had a good job, and I loved what I was doing, but when I decided wanted to be a lawyer, I knew I had to finish my undergrad degree."

In 1990, at the age of 50, Wray got her degree and started at Cooley Law School. Cashing out her retirement funds, Wray was now on a course toward a law degree and a career in constitutional law and civil rights. She graduated in 1994, and worked briefly for a judge in Bay County as a law clerk before being hired by a Flint law firm. But she was mainly handling divorce matters, "and it was killing me," she said. It just was not what she had envisioned for herself in law. Wray figured she was too old to start her own practice when an opening for a 67th District Court Magistrate Judge became available. Officials were thrilled to have Wray. Despite her minimal legal background, "I had a lot of life experience," she said. Besides, it didn't hurt that nearly everyone in the legal community knew of Wray and her reputation from her news days.

"My reputation was one of fairness."

Wray was named magistrate in 1997 and worked in the court post for 11 years, retiring in 2008. "What I enjoyed the most was working with young people," she said. "I loved to give them little lectures from the bench."

After retiring, Wray spent time traveling, being a caregiver to a close friend who later died, and writing frequently for the Genesee County Bar Association. She is currently working on three articles for the next publication. Wray never dreamed her career would be so diverse and encompassing.

"But it sure has been fun," she said. "Looking forward, as an 18-year-old, I didn't know what my life would look like. And looking back now, I had no idea it would be so varied. I got to do an awful lot of things that nobody ever gets to do." Such as flying with the Blue Angels. Wing-walking with a stunt air-show pilot. Interviewing Jimmy Carter and John F. Kennedy as he ran for Congress. Covering politics, riots, political and entertainment figures. Interviewing famed German rocket scientist Werner Von Braun. Getting her pilot's license,

logging about 150 hours of flight time, and teaching students basic ground instructions. Winning a UPI news reporting award in 1984, the Genesee County Historical Society's Clarence M. Young History Writing award in 1989, and her nomination in 1989 for the Athena Award.

And now, the culmination of a career that is still going strong, induction into the Genesee Regional Women's Hall of Fame. It's presented by the Flint Zonta Club 1, a service organization for business and professional women that began in the 1920s.

The Hall of Fame was only started several years ago. She was nominated for the achievements already mentioned, as well as her many community contributions to civic and charitable groups.

The Hall of Fame honors women in the community who have made a difference and changed the history of Genesee County in recognition of their accomplishments. The induction took place April 25 at the Flint Institute of Arts. Wray was one of six new honorees. Wray, a past president of the Zonta Club of Flint, is thrilled by her selection.

"I'm really gratified to be deemed worth of recognition," she said. "There's a tremendous group of women that are already in the Hall of Fame, and my co-inductees this year, many that I know and some long since dead, are wonderful. It's nice to be recognized. And it feels validating. Being in that whole group of women is humbling." As a lawyer and magistrate, Wray wanted to be ethical, above board "and try not to disrespect the profession. And I think I accomplished that."

Her future remains open. Wray will continue writing, travel and maybe write a biography or children's books.

"I don't know if it'll get published, but it's a way to occupy my time," she said.

Wray said she was playing a role in all of her professions, from acting, news gathering, music playing, lawyering, judging, and all her other talents.

"Like Shakespeare said, 'All the world's a stage.' And that pretty much sums it up. That's life. And I was playing a role."

SCAO Changes

Congratulations to Jill Booth [former 10th District Court Magistrate & Trial Court Services Management Analyst] who was appointed as the new Region V Administrator for the SCAO. Also, congratulations to Julia Norton [former 61st District Court Clerk of the Court] who was hired as a Trial Court Services Management Analyst. Julia Norton and Bobbi Morrow will be the SCAO contacts/liaisons for MADCM.

NTSB Recommends 0.05% BAC For Legally Drunk

On Tuesday, May 14, 2013 the National Transportation Safety Board recommended that all 50 states lower the benchmark for determining when a driver is legally drunk from 0.08 blood-alcohol content to 0.05. The idea is part of an initiative to eliminate drunken driving, which accounts for about a third of all road deaths.

Lowering the rate to 0.05 would save about 500 to 800 lives every year, the safety board said. The NTSB cannot mandate changes, but the agency is influential on matters of public safety.

Under current law, a 180-pound male typically will hit the 0.08 threshold after drinking four drinks in an hour, according to an online blood alcohol calculator published by the University of Oklahoma.

Source: Get complete coverage of breaking news on CNN.com, CNN TV and CNN Mobile. One CNN Center Atlanta, GA 30303
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Strive For A Safer Drive is a teen driving initiative aimed at reducing serious traffic crashes, injuries, and fatalities among Michigan's most inexperienced drivers - teens. It is presented by AAA Michigan, Ford Driving Skills for Life, and Michigan Office of Highway Safety Planning.
<http://www.michigan.gov/msp/0,4643,7-123-58984---00.html>

Rules of the Road and Tips for Riders

Reprinted from MSP Website

Michigan Motor Vehicle Law

Every rider should be aware of all Michigan's motor vehicle laws, particularly those which apply specifically to motorcycles. These laws can be found in the [Michigan Motorcycle Operator Manual](#) available from the Secretary of State and can be obtained at any Secretary of State branch office.

Training and Licensing

In Michigan, half of all motorcycle fatalities involve riders who are not properly licensed. Michigan law requires a motorcycle endorsement (CY) on a driver's license to legally ride a motorcycle on the state's roadways. It is a misdemeanor to ride a motorcycle without a CY endorsement and can result in points on a driving record and fines up to \$300.

Motorcyclists under 18 years of age with a Michigan driver's license are required to take a motorcycle safety course to obtain a motorcycle endorsement. Although applicants over 18 years old are not required to take an instruction course, it is highly recommended for all new or returning riders of all ages. Training and education is an ongoing process for every rider and should not end with licensure.

The Michigan Motorcycle Safety Program currently provides Motorcycle Safety Foundation Basic and Returning Rider Basic Rider Courses for \$25. Visit the [Michigan Department of State Motorcycle Safety Program](#) to locate the nearest training site.

Protective Gear

Proper riding gear helps protect riders in the event of a crash. It also provides comfort, as well as protection from heat, cold, debris, and hot and moving parts of the motorcycle. It can also make riders more visible to other motorists.

- **Helmet:** Wear a DOT-compliant helmet that allows you see as far to the sides as necessary. Make sure the fit is snug and the helmet has no obvious defects such as cracks, loose padding, or frayed straps. Never wear a helmet that has been involved in a crash or dropped on the ground as this could ruin the effectiveness of the helmet. A full face helmet is strongly recommended for all riders.
- **Eye and Face Protection:** Use a plastic face shield or goggles to protect eyes from wind, dust, dirt, rain, insects, and stones. Make sure eye or face protection is free of scratches,

made of material that does not shatter, and gives a clear view to either side.

- **Body Protection:** Wear protective riding gear, including long sleeves, pants, gloves, and over-the-ankle boots. Thick leather or other material such as Kevlar will provide greater protection in the event of a crash.
- **Visibility:** Wear brightly colored clothing that includes fluorescent red, orange, yellow, or green and retro-reflective trim to increase your visibility to other motorists.

Key Riding Skills

There are three basic but important skills that can help make a ride a safer experience:

- **Negotiating Curves:** Riders should slow down before a curve, look where they want to go, press the handlebar in the same direction as the curve, and roll on the throttle during a turn.
- **Turning:** Connect the dots by looking to the end of the turn and the motorcycle will follow.
- **Braking:** Seventy percent of a motorcycle's stopping power is in the front brake. Squeezing the front brake and pressing down on the rear brake will allow a rider to make smooth, controlled stops.

Riding Sober

Riding a motorcycle is a demanding and complex task. Riders need to pay attention to the riding environment to identify potential hazards and execute decisions quickly and skillfully. Alcohol and drugs, more than any other factor, degrade a rider's ability to think clearly and to ride safely. In Michigan, alcohol was involved in 35 percent of all fatal motorcycle crashes in 2012.

Motorcycle Equipment Checklist

A motorcycle needs more frequent attention than a passenger vehicle. A minor technical failure on a car is seldom more than an inconvenience for the driver. The same failure on a motorcycle could result in a crash. Riders should conduct a pre-ride inspection before every ride.

- **Tires and Brakes:** Check the air pressure, tread, bearings, and brakes. Brakes should feel firm and hold the motorcycle when applied.
- **Controls:** Check levers, switches, cables, hoses, and throttle. Make sure they work smoothly. The throttle should snap back when let go.
- **Lights and Electrical:** Make sure brake lights, headlights, taillights, and turn signals all work.

- Oil and Other Fluids: Check for leaks and the levels of gas, oil, brake fluid, and coolant.
- Chassis: Check the suspension and chain, belt, or drive shaft.
- Stands and Mirrors: Make sure side and center stands are functioning correctly. Clean and adjust mirrors.

For more information on motorcycle safety, visit the following Web sites:

[Michigan Department of State Motorcycle Safety Program](#)

[Motorcycle Safety Foundation](#)

[National Highway Traffic Safety Administration](#)

[Ride Safe to Ride Again](#)

[SMARTER](#)

Save the Date !!!

**Michigan Traffic
Safety Summit
March 25-27, 2014**

OHSP is seeking ideas for general sessions and workshops for the annual Traffic Safety Summit. Contact Alicia Sledge at sledgea@michigan.gov or (517) 241-1505 or complete the form on the website. Completed forms are due by 9/13/2023.