

Act No. 243  
Public Acts of 2016  
Approved by the Governor  
June 23, 2016  
Filed with the Secretary of State  
June 24, 2016  
EFFECTIVE DATE: September 22, 2016

**STATE OF MICHIGAN  
98TH LEGISLATURE  
REGULAR SESSION OF 2016**

Introduced by Senators Casperson, Jones and Nofs

# **ENROLLED SENATE BILL No. 434**

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," (MCL 257.1 to 257.923) by adding sections 43b and 625t.

*The People of the State of Michigan enact:*

Sec. 43b. "Preliminary oral fluid analysis" means the on-site taking of a preliminary oral fluid test, performed by a certified drug recognition expert, as that term is defined in section 625t, from the oral fluid of a person for the purpose of detecting the presence of a controlled substance, as that term is defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

Sec. 625t. (1) The department of state police may establish a pilot program in 5 counties in this state for roadside drug testing to determine whether an individual is operating a vehicle while under the influence of a controlled substance in violation of section 625.

(2) A pilot program established under this section shall be for a period of 1 calendar year. The funding of a pilot program established under this section is subject to appropriation.

(3) Except as provided in subsection (8), the department of state police shall select 5 counties in which to implement a pilot program established under this section.

(4) A county is eligible to participate in the pilot program if the county has a law enforcement agency within its boundary, including, but not limited to, a state police post, a sheriff's department, or a municipal police department, that employs not fewer than 1 law enforcement officer who is a certified drug recognition expert.

(5) The department of state police shall develop a written policy for the implementation of the pilot program and the administration of roadside drug testing.

(6) The department of state police may promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement a pilot program established under this section.

(7) Not more than 90 days after the conclusion of a pilot program established under this section, the department of state police shall submit a report to the legislative committees of the senate and house of representatives with primary responsibility for judicial and criminal justice issues. The report shall cover all of the following:

(a) How pilot program participant counties were selected.

(b) The different types of law enforcement agencies in the pilot program participant counties that engaged in roadside drug testing.

(c) Relevant statistical data, including, but not limited to, the following:

(i) The number of traffic stops resulting in an arrest for operating under the influence of a controlled substance in violation of section 625 as a result of roadside drug testing by a certified drug recognition expert.

(ii) The number and type of convictions resulting from an arrest made based on the result of a roadside drug test by a certified drug recognition expert.

(8) Upon the conclusion of a pilot program established under this section, the department of state police may, subject to appropriation, establish additional pilot programs in eligible counties not included among the 5 counties initially selected under subsection (3). The duration of a pilot program established under this subsection shall be for a period of 1 year.

(9) As used in this section:

(a) "Certified drug recognition expert" means a law enforcement officer trained to recognize impairment in a driver under the influence of a controlled substance rather than, or in addition to, alcohol.

(b) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

Enacting section 1. This amendatory act shall be known and may be cited as the "Barbara J. and Thomas J. Swift Law".

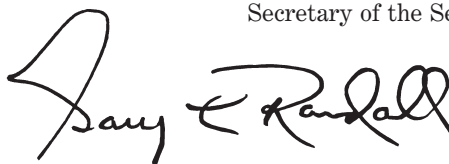
Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 3. This amendatory act does not take effect unless Senate Bill No. 207 of the 98th Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved .....

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Governor