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"DRUNK FLYING" AMENDMENTS

House Bill 4181

Sponsor: Rep. Michael E. Nye

Committee: Judiciary and Civil Rights

Complete to 2-6-95

A SUMMARY OF HOUSE BILL 4181 AS INTRODUCED 1-30-95

The bill would amend the Aeronautics Code with respect to provisions on flying under the influence of alcohol or a controlled substance. The bill would:

** Reduce the unlawful blood alcohol threshold from .04 percent to .02 percent, and specify that the standard is to apply at the time of testing if the test is at least three hours after the time the alleged violation occurred. The bill also would clarify that the amount of alcohol in the body may be measured by the amount in blood, breath, or urine, and specify the permissible amounts in each.

** Extend provisions to include flying under the influence of any drug or combination of drugs that render a person incapable of safely operating an aircraft or acting as a crew member of an aircraft.

** Extend provisions to apply to crew members (and people attempting to act as crew members), as well as pilots.

** Make refusal to submit to chemical testing a misdemeanor punishable by up to 90 days in jail, a fine of up to \$100, or both. This testing, performed at the request of a peace officer having reasonable grounds to believe that a violation had occurred, may be performed by a person of the alleged violator's own choosing. The bill would delete language requiring a person to be told that he or she may refuse a test and that after refusal, a test would not be given without a court order. Also deleted would be language that under certain circumstances requires a jury to be instructed not to consider a person's refusal of a chemical test in determining guilt or innocence.

MCL 259.185 et al.

House Bill 4181 (2-6-95)