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House Bill 4181 (Substitute H-2 as reported with amendment)  
Sponsor: Representative Michael E. Nye  
House Committee: Judiciary  
Senate Committee: Transportation and Tourism

### **CONTENT**

The bill would amend the Aeronautics Code to do the following:

- Reduce from .04% to .02% the blood alcohol level at which a person is prohibited from operating an aircraft, and prohibit a person with an unlawful alcohol content from acting as a crew member of an aircraft.
- Prohibit a person from operating an aircraft or acting as a crew member while under the influence of any drug or a combination of drugs that rendered a person incapable of safely operating an aircraft or acting as a crew member.
- Establish felony penalties for a person who caused another person's death or "serious impairment of a body function" while operating an aircraft or acting as a crew member.
- Revise penalties for first-time and subsequent misdemeanor violations under the Code.
- Revise provisions on chemical testing to determine alcohol and drug levels, and permit a person operating under the delegation of a licensed physician to draw blood for testing.
- Delete the jury instruction that must be given regarding a defendant's refusal to submit to a chemical test.

The bill would take effect October 1, 1995.

MCL 259.185 et al.

Legislative Analyst: L. Arasim

### **FISCAL IMPACT**

The bill would have an indeterminate, although most likely small fiscal impact on the Department of Corrections.

The increased penalties, and expanded provisions of impaired flying contained in the bill could result in increased costs for prosecuting and sanctioning violators. Although there are very few data regarding the number of pilots or crew members who violate current standards of "drunk flying" in Michigan each year, the increased costs to the criminal justice system as a result of the new expanded provisions in the bill, are not expected to be significant.

Date Completed: 5-2-95

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.