

## PROHIBIT INTOXICATED OR IMPAIRED ADULT FROM ACCOMPANYING STUDENT DRIVER

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House Bills 4367 and 4368  
Sponsor: Rep. Lorence Wenke  
Committee: Transportation

Complete to 11-22-05

### A SUMMARY OF HOUSE BILLS 4367 AND 4368 AS INTRODUCED 2-22-05

House Bill 4367 would amend the Michigan Vehicle Code (MCL 257.306a et al.) to prohibit a person who is intoxicated or impaired due to the use of alcohol or a controlled substance from accompanying a student driver for the purposes of providing additional instruction. Misdemeanor and felony penalties would apply, depending on the circumstances. House Bill 4368 would amend the Code of Criminal Procedure (MCL 777.12d) to place in the code the felonies created by House Bill 4367.

Under the code, a student enrolled in a driver education course who has successfully completed ten hours of classroom instruction and two hours of behind-the-wheel training can get a temporary certificate to drive while accompanied by a licensed parent or guardian or by an unlicensed parent or guardian and a licensed adult for the purpose of receiving additional instruction until the end of the driver education course.

Under House Bill 4367, a person could not accompany a student driver under this provision if:

- \*\* The person was under the influence of intoxicating liquor, a controlled substance, or a combination of the two;
- \*\* The person's ability to direct the operation of a vehicle was impaired due to the consumption of intoxicating liquor, a controlled substance, or a combination; or
- \*\* The person had a blood alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

A violation would be a crime as follows:

\*\* A person who committed a violation would be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than \$100 or more than \$500, or both a fine and imprisonment.

\*\* If at the time of the violation, the student driver was operating the vehicle while under the influence of alcohol or a controlled substance, or while visibly impaired, and caused the death of another person, then the person accompanying the student would be guilty of

a felony punishable by imprisonment for not more than five years or a fine of between \$1,500 and \$10,000, or both a fine and imprisonment.

\*\* If at the time of the violation, the student driver was operating the vehicle while under the influence of alcohol or a controlled substance, or while visibly impaired, and caused a serious impairment of a body function of another person, then the person accompanying the student driver would be guilty of a felony punishable by imprisonment for not more than two years or a fine between \$1,000 and \$5,000, or a combination of a fine and imprisonment.

A person accompanying a student driver under House Bill 4367 could be arrested without warrant as if he or she were the driver under the influence and would be subject to a chemical test of blood, breath, or urine as a driver would. However, provisions that would lead to the suspension of a driver license for refusal to take a test would not apply.

### **FISCAL IMPACT:**

The bills would have an indeterminate fiscal impact on the state and local units of government, depending on how they affected the numbers of and sentences for people convicted of the applicable misdemeanor and felony offenses. Misdemeanor offenders are a local responsibility, and any costs of incarceration or misdemeanor probation supervision would be local costs, which vary from county to county. Supervision of sentenced felons are a state responsibility; state costs of parole and probation supervision average about \$1,700 per offender per year, while costs of incarceration in a state correctional facility average about \$29,000 per prisoner per year. Any increases in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of such funds.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.