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Senate Bill 637 (Substitute S-2 as reported by the Committee of the Whole)
Senate Bill 638 (Substitute S-1 as reported by the Committee of the Whole)
Senate Bill 639 (as reported without amendment)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

CONTENT

Senate Bill 637 (S-2) would amend the Michigan Vehicle Code to do the following concerning breath alcohol ignition interlock devices (BAIIDs) (which drunk driving offenders may be required to have on their vehicles) :

- Revise provisions regarding certification by the Department of State of BAIIDs.
- Revise requirements that a BAIID manufacturer must comply with in order to be included on the Department's list of approved manufacturers.
- Require a manufacturer, upon request, to give the Department at least two model certified BAIIDs for demonstration and training purposes, and install them in vehicles, at no cost to the State.
- Require a BAIID provider to train Department employees at no cost to the State, and provide a detailed description of the device and complete technical specifications upon request.
- Require a manufacturer to reapply for approval annually.
- Provide that the Department would be responsible for approving BAIID service centers in Michigan, and establish criteria for approval.
- Allow BAIIDs to be serviced only by service centers that were manufacturers and vendors of the devices.
- Beginning July 1, 2016, allow BAIIDs to be installed, serviced, or removed only in a motor vehicle repair facility or in a BAIID manufacturer's corporate office if the office were located in Michigan and were subject to motor vehicle repair facility requirements.
- Require all installations of BAIIDs to be done by a BAIID certified technician or BAIID mechanic.
- Allow installation or removal of a BAIID to be observed only by BAIID mechanics and BAIID certified technicians, and representatives of the manufacturer or the Department.
- Allow the Department to conduct compliance inspections of a manufacturer or service center, at the manufacturer's expense.
- Require a BAIID certified technician or BAIID mechanic to give a customer verification of BAIID installation.
- Prohibit a person from performing BAIID-related service in Michigan without being certified by the Department of State.
- Require a manufacturer to ensure that BAIID certified technicians and BAIID mechanics met requirements prescribed in the bill.
- Prescribe criteria for certification as a BAIID mechanic or technician.
- Provide that an individual who had been convicted of a felony or an alcohol-related driving offense within five years before applying for approval as a BAIID certified technician or BAIID mechanic would not be eligible for approval.

- Authorize the Secretary of State (SOS) or the Department to investigate a BAIID mechanic's or BAIID certified technician's compliance with the Code, and require the SOS to suspend, revoke, or deny certification under certain circumstances.
- Permit the Department to suspend or revoke the certification of a manufacturer and its device from the list of approved certified BAIIDs for a reason listed in the bill.
- Authorize the SOS to order a summary suspension or revocation of the certification of a manufacturer and its BAIID for a reason listed in the bill.
- Delete a provision that exempts the State, the Department, or a court, and its officers, agents, and employees, from liability arising from an act or omission of a BAIID manufacturer, installer, or servicing agent that results in damage to people or property.
- Revise liability insurance provisions for a BAIID manufacturer and provider.

The bill also provides that a required period of suspension or restriction due to a drunk driving conviction would not be subject to appeal to the SOS. Concerning a person whose license was restricted due to multiple or repeated drunk driving convictions, the bill would prohibit a hearing officer from issuing an unrestricted license to the person for one year if the hearing officer determined either of the following:

- The person consumed any alcohol while his or her license was restricted, as determined by breath, blood, urine, or transdermal testing, unless a second test, taken with five minutes after the first test, showed an absence of alcohol.
- The person consumed or otherwise used any controlled substance while his or her license was restricted, except as lawfully prescribed.

In addition, the bill would authorize the SOS to provide any notice required under the Code or another law regulating vehicle operation by electronic means.

Senate Bill 638 (S-1) would amend the sentencing guidelines in the Code of Criminal Procedure to revise citations to sections of the Vehicle Code that Senate Bill 637 (S-2) would amend.

Senate Bill 639 would amend the Motor Vehicle Service and Repair Act to include a BAIID service center in the definition of "motor vehicle repair facility".

Senate Bills 638 (S-1) and 639 are tie-barred to Senate Bill 637.

MCL 257.20d et al. (S.B. 637)
 777.12f (S.B. 638)
 257.1301 (S.B. 639)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Senate Bill 637 (S-2) would have no fiscal impact on the Department of State. Given the program currently in place, any costs to the Department associated with the certification of BAIID mechanics, service centers, or BAIIDs themselves would either be reimbursed by the BAIID manufacturer or be covered by the Department's current annual appropriations. Any increases in costs to the Department would be negligible.

Senate Bills 638 (S-1) and 639 would have no fiscal impact on State or local government.

Date Completed: 10-23-14

Fiscal Analyst: Joe Carrasco

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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.