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CLARIFY DRUNK DRIVING PKG.

House Bill 5099

Sponsor: Rep. Michael E. Nye

Committee: Judiciary

Complete to 9-10-91

A SUMMARY OF HOUSE BILL 5099 AS INTRODUCED 8-22-91

The bill would amend the Michigan Vehicle Code with regard to testing for blood alcohol content performed in connection with drunk driving arrests. The bill would do two things:

****Under the recently-enacted drunk driving reforms (Public Acts 93, 95, 98, and 99 of 1991), provisions for the administration of preliminary breath tests were deleted from one section and, with modifications, added to another section. The section containing the new language (enacted by Public Act 95, enrolled Senate Bill 314) is to take effect January 1, 1992; however, deletion of existing language will take effect October 1, 1991 (Public Act 98, enrolled House Bill 4828). The bill would restore existing language for the period from October 1 to January 1, when the new language takes effect.**

****Public Act 98 also contained provisions aimed at speeding up the disposition of administrative hearings on license suspensions for breathalyzer or other chemical test refusal; under the new procedures, the secretary of state will have to hold a hearing within 45 days after the date of arrest. However, under current law, upon receiving an officer's report, the secretary of state mails to the driver a notice informing him or her of the ability to request a hearing within 14 days of the date of the notice. Under the bill, when a driver refused a chemical test, the officer would immediately give him or her written notice of the ability to request a hearing. The form of the notice would be prescribed and furnished by the secretary of state. This portion of the bill would take effect January 1, 1992, when the other provisions for speedy disposition will take effect.**

MCL 257.625e and 257.623h[1]

House Bill 5099 (9-10-91)