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BILL



ANALYSIS

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Senate Bill 641  
Sponsor: Senator Doug Carl  
Committee: Judiciary

Date Completed: 11-12-96

**SUMMARY OF SENATE BILL 641 as introduced 9-12-95:**

**The bill would amend the Michigan Vehicle Code to reduce the bodily alcohol content level at which operation of a motor vehicle is prohibited, and to reduce the levels at which a person's ability to operate a vehicle is presumed to be impaired or he or she is presumed to be under the influence of alcohol.**

The Code prohibits the operation of a motor vehicle by a person with an alcohol content of .10 gram or more per 100 milliliters of blood, 210 liters of breath, or 67 milliliters of urine. The bill, instead, would prohibit a person with an alcohol content of .08 gram or more from operating a motor vehicle.

In addition, the Code specifies that certain bodily alcohol content levels give rise to certain presumptions about a person's ability to drive. Currently, if a person has an alcohol content of .07 gram or less per 100 milliliters of blood, 210 liters of breath, or 67 milliliters of urine, it is presumed that his or her ability to operate a motor vehicle is not impaired and that he or she is not under the influence; if a person's alcohol content is over .07 gram but less than .10 gram, it is presumed that his or her ability to operate a vehicle is impaired; and, if a person's alcohol content is .10 gram or more, it is presumed that he or she is under the influence of intoxicating liquor. The bill provides, instead, that if a person had an alcohol content of .05 gram or less per 100 milliliters of blood, 210 liters of breath, or 67 milliliters of urine, it would be presumed that his or her ability to operate a motor vehicle was not impaired and that he or she was not under the influence; if a person's alcohol content were more than .05 gram, but less than .08 gram, it would be presumed that his or her ability to operate a motor vehicle was impaired; and, if a person's alcohol content were .08 gram or more, it would be presumed that he or she was under the influence of intoxicating liquor.

It is also a violation of the Code for a person under 21 years old to operate a vehicle if the person has "any bodily alcohol content". "Any bodily alcohol content" means an alcohol content of not less than .02 gram or more than .07 gram per 100 milliliters of blood, 210 liters of breath, or 67 milliliters of urine. The bill would change that standard to not less than .02 gram or more than .05 gram.

Further, the Code prohibits the operation of a commercial vehicle by a person who has an alcohol content of .04 gram or more but not more than .07 gram per 100 milliliters of blood, 210 liters of breath, or 67 milliliters of urine. The bill would change that standard to .04 gram or more, but not more than .05 gram.

MCL 257.303 et al.

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

The bill would have an indeterminate impact on expenditures for the Department of Corrections. In 1995, there were 521 new commitments to the Department of Corrections for the offense of driving a motor vehicle while under the influence of drugs and/or liquor or with a bodily alcohol content of .10 or more (MCL 257.625). Lowering the bodily alcohol content threshold to .08 could result in an increased number of potential violators, yet the exact number cannot be determined due to the lack of sufficient data. If one assumed an increase in convictions of 10%, annual costs for the Department of Corrections could increase by \$1.5 million. This number assumes an additional 52 new annual commitments serving an average two-year minimum prison sentence. Actual costs could differ depending on the number of commitments and actual lengths of stay.

The impact the bill would have on the courts cannot be estimated at this time. The legislation would broaden the number of drivers who could be charged with driving under the influence assuming no deterrent effect occurred. The courts' costs would depend on the number of additional drivers who would be charged under the new legislation.

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.