



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 892 (Substitute S-1 as reported)
Sponsor: Senator Rick Jones
Committee: Judiciary

CONTENT

The bill would amend the Michigan Vehicle Code to specify that the Code would not prohibit a blood alcohol ignition interlock device (BAIID) manufacturer from developing, manufacturing, or selling a startup operated breath engine restrictor (SOBER) in the State. A SOBER could be installed on any motor vehicle properly titled in Michigan by that vehicle's owner, if the vehicle were not owned or operated by an individual who was required by the Department of State or a court order to install a BAIID as a condition of operating a motor vehicle. The bill would prohibit the issuance of an install certificate, report, or any other document bearing a raised seal upon installation of a SOBER device.

"Startup operated breath engine restrictor" or "SOBER" would mean an alcohol concentration measuring device that prevents a motor vehicle from being started at any time without first determining through a deep lung sample the operator's alcohol level, calibrated so that the motor vehicle cannot be started if the blood alcohol level of the operator, as measured by the test, reaches a level of 0.025 gram per 210 liters of breath, and to which all of the following apply: a) the device is voluntarily installed in the motor vehicle by the vehicle owner, b) the device uses alcohol-specific electrochemical fuel sensor technology, c) as its anticircumvention method, the device installation uses a positive-negative-positive air pressure test requirement, a midtest hum tone requirement, or any other anticircumvention method or technology that first became commercially available after July 31, 2017; d) the device is distinguished so as not to be visually confused with a BAIID, and e) the device is not a BAIID.

The Department is authorized to conduct inspections of a BAIID manufacturer or service center to ensure compliance with the Code, or rules promulgated under it. The manufacturer must pay for the Department's actual costs in conducting the inspection. Under the bill, money collected for those inspections would have to be credited to the Transportation Administration Collection Fund.

MCL 257.625k et al.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 3-14-18

Fiscal Analyst: Joe Carrasco