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BILL



ANALYSIS

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

Date Completed: 3-12-18

### **CONTENT**

**The bill would amend the Michigan Vehicle Code to do the following:**

- Allow a vehicle owner to install a startup operated breath engine restrictor (SOBER) on the vehicle, if it were not required to have a blood alcohol ignition interlock device (BAIID).**
- Specify that the Code would not prohibit a BAIID manufacturer from developing, manufacturing, or selling a SOBER in the State.**
- Require money collected by the Department of State for inspections of a manufacturer or BAIID service center to be credited to the Transportation Administration Collection Fund.**

The bill would take effect 90 days after its enactment.

### **Manufacture & Sale of SOBER**

The Code requires BAIID manufacturers that are seeking certification of a device in Michigan to comply with certain requirements, and prescribes ongoing requirements for manufacturers and devices approved for sale in the State. The bill provides that the Code would not prohibit a BAIID manufacturer from developing, manufacturing, or selling a SOBER in the State. A SOBER could be installed on any motor vehicle properly titled in Michigan by that vehicle's owner, if it were not owned or operated by an individual who was required by the Department 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.

### Inspection Fees

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 by the Department would have to be credited to the Transportation Administration Collection Fund.

(Under the Code, the Department of State must spend money, upon appropriation, from the Fund that is credited to it from the revenue collected under Sections 801 to 810 to pay the necessary collection expenses incurred by the Department in administering and enforcing those sections. (Sections 801 to 810 govern the issuance of vehicle registrations, titles, plates, and disability tabs and driver licenses.) The Department also must spend money, as appropriated from the Fund, to pay the necessary expenses incurred in collecting motor fuel taxes, and in administering and enforcing sections of the Code and the Natural Resources and Environmental Protection Act that allow the Secretary of State (SOS) to provide a commercial look-up service of records the SOS maintains, require the SOS to charge a fee, and allow the SOS to provide lists of information to governmental agencies and to sell bulk lists of driver and vehicle information.)

MCL 257.625k

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

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

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.