

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 853 (Substitute S-1 as reported)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

CONTENT

The bill would amend the Michigan Vehicle Code to add to the Code's drunk driving prohibitions the operation of a vehicle while the driver was impaired by or under the influence of a "chemical agent". The bill would take effect on May 1, 1998, and is tie-barred to Senate Bill 852, which would add the proposed offense to the Crime Victim's Rights Act's definition of "serious misdemeanor". "Chemical agent" would mean "a substance containing or consisting of a chemical, anesthetic gas, or organic solvent, or any combination of a toxic chemical, anesthetic gas, or organic solvent, that is toxic or releases toxic vapors" and would include, but not be limited to, acetone, toluene, carbon tetrachloride, hydrocarbons, hydrocarbon derivatives, glue, and nitrous oxide.

Under the Code, it is a misdemeanor for a person to operate a vehicle if the driver is under the influence of intoxicating liquor and/or a controlled substance; the driver has an alcohol content of .1 gram or more per 100 milliliters of blood, 210 liters of breath, or 67 milliliters of urine; or the driver's ability to operate the vehicle is visibly impaired due to the consumption of intoxicating liquor and/or a controlled substance. It is also a misdemeanor for the owner of a vehicle to authorize or knowingly permit it to be operated by a person who is under the influence.

Under the bill, those misdemeanors would apply to a person who was under the influence of, or impaired by, intoxicating liquor, a controlled substance, a chemical agent, or any combination of those items. The bill also would include reference to a chemical agent, along with intoxicating liquor and a controlled substance, in the Code's provisions for driver's license sanctions; consent to chemical breath analysis; admissibility of chemical analysis results as evidence; prior convictions for enhanced penalties for subsequent drunk driving convictions; arrest without a warrant for drunk driving; and court deadlines for processing drunk driving cases.

The bill also includes provisions regarding license sanctions and proposed new drunk driving offenses, that reflect other bills recently reported from the Judiciary Committee.

MCL 257.303 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bills 852 (S-1) and 853 (S-1) would have an indeterminate fiscal impact on State and local government. There are no data currently available that would indicate how many more people might be convicted if chemical agents were added to drunk driving violations. However, State and local government could incur costs for incarceration and/or receive additional fine revenue based on the additional number of convictions under the proposed legislation. Further, the State could incur additional costs for technical computer programming costs to implement the program.

Date Completed: 3-13-98

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Analysis available @ <http://www.michiganlegislature.org>

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