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0.08 BAC FOR ORVS, WATERCRAFT, AND SNOWMOBILES

House Bill 5130

Sponsor: Rep. Andrew Meisner

House Bill 5131

Sponsor: Rep. Mike Nofs

House Bill 5132

Sponsor: Rep. Paul Condino

Committee: Criminal Justice

Complete to 10-7-03

A SUMMARY OF HOUSE BILLS 5130-5132 AS INTRODUCED 10-7-03

The bills would amend various provisions of the Natural Resources and Environmental Protection Act pertaining to the operation of ORVs, watercraft, and snowmobiles to make them conform to recent changes in the drunk driving provisions of the Michigan Vehicle Code. Currently under the NREPA, it is prohibited to operate an ORV, watercraft, or snowmobile while under the influence of alcohol or a controlled substance, or both. The bills would, in general, do the following:

- Prohibit a person from operating an ORV, watercraft, or snowmobile with a bodily alcohol content of 0.08 grams or higher or any bodily amount of a Schedule 1 controlled substance or cocaine. This would be in addition to the current prohibitions on being under the influence of intoxicating liquor or a controlled substance or both and of operating a vehicle or vessel while visibly impaired from the consumption of intoxicating liquor or a controlled substance or both.

- Prohibit the owner or person in charge of an ORV, watercraft, or snowmobile from allowing another person to operate the vehicle or vessel while having a bodily alcohol content of 0.08 grams or higher; any bodily amount of a Schedule 1 controlled substance or cocaine; or while the person's ability to operate the vehicle or vessel was visibly impaired due to the consumption of alcohol, a controlled substance, or a combination of both. This would be in addition to the current prohibition on being under the influence of intoxicating liquor or a controlled substance or both.

- Change all references to a BAC of 0.10 to 0.08.

- Delete language pertaining to legal presumptions. Currently, if at the time of the offense the person had a BAC of 0.07 grams or less, he or she is presumed not to be impaired. A BAC of more than 0.07 grams but less than 0.10 is presumed to be impaired. A BAC of 0.10 or more is presumed to be under the influence. (Identical presumptions contained in the Michigan Vehicle Code were recently eliminated by Public Act 61 of 2003.)

House Bills 5130-5132

House Bill 5130 would amend provisions pertaining to ORVs (MCL 324.81134 and 324.81136); House Bill 5131 would amend provisions pertaining to watercraft (MCL 324.80171 et al.); and House Bill 5132 would amend provisions pertaining to snowmobiles (MCL 324.82127 et al.).

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.