



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 175 (Substitute S-1 as reported)
Senate Bill 176 (Substitute S-1 as reported)
Senate Bill 357 (Substitute S-1 as reported)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

CONTENT

Senate Bill 176 (S-1) would amend the Michigan Vehicle Code to do the following:

- Provide that only service centers that were breath alcohol ignition interlock device (BAIID) manufacturers and vendors could install, service, or remove a BAIID approved for use in the State.
- Provide that the Department of State would be responsible for approving BAIID service centers in Michigan, and establish criteria for approval.
- Require each service center to have at least one mechanic who possessed a specialty certification in BAIID service and certification to work as a BAIID installer.
- Prohibit a person from installing, servicing, or removing a BAIID in Michigan without being certified by the Department, and require a manufacturer to ensure that BAIID installers met requirements prescribed in the bill.
- Authorize the Secretary of State (SOS) to suspend or revoke a manufacturer's BAIID certification under certain circumstances.
- Establish requirements for a person to be certified as a BAIID installer, including that he or she be a motor vehicle mechanic and possess a specialty certification in BAIID service.
- Preclude an installer convicted of a felony or alcohol-related driving offense within the previous five years from BAIID approval eligibility.
- Authorize the SOS to investigate a BAIID installer's compliance with the Code, and require the SOS to suspend, revoke, or deny BAIID certification under certain circumstances.
- Revise requirements that a BAIID manufacturer must comply with in order to be included on the Department's list of approved manufacturers.
- Require a manufacturer to reapply for approval annually.
- Allow the Department to conduct compliance inspections of a manufacturer or service center, at the manufacturer's expense.
- Require a manufacturer, upon request, to give the Department model-certified BAIIDs and install them in vehicles at no cost to the State for demonstration and training purposes.
- Require a BAIID provider to train Department employees at no cost to the State, and provide a detailed description of the device and complete technical specifications upon request.
- Delete provisions exempting the State, the Department of State, or a court, as well as officers, agents, and employees of those entities, from liability regarding damage to people or property resulting from a BAIID manufacturer's, installer's, or servicing agent's act or omission.
- Revise liability insurance provisions for a BAIID manufacturer and provider.
- Require a BAIID to be capable of recording a digital image of the person providing a breath sample and recording the time and date the sample was provided.
- Require a BAIID to meet or exceed 2013 Federal model specifications, or any subsequent version of them, rather than 1992 Federal model specifications.

- Allow BAIIDs that met the 1992 model specifications that were installed in a vehicle before the bill's effective date to be used for 12 months after that date.
- Provide that a required period of suspension or restriction due to a drunk driving conviction would not be subject to appeal to the SOS.
- Prohibit a hearing officer from issuing an unrestricted driver license for one year if he or she determined that a person consumed alcohol or unlawfully used a controlled substance during the time the person's license was restricted.
- Authorize the SOS to provide by electronic means any notice required under the Code or another law regulating vehicle operation.

Senate Bill 175 (S-1) would amend the sentencing guidelines in the Code of Criminal Procedure to revise references to sections of the Vehicle Code that Senate Bill 176 (S-1) would amend.

Senate Bill 357 (S-1) would amend the Motor Vehicle Service and Repair Act to:

- Prohibit a motor vehicle repair facility from providing BAIID service without the approval of the Department of State.
- Establish operational requirements for a facility that provided BAIID service.
- Authorize the Department to inspect a repair facility that provided BAIID service.
- Beginning July 1, 2016, prohibit a person from performing BAIID service in Michigan without having a specialty mechanic's certificate in BAIID service.
- Require the SOS to develop or adopt an examination for a specialty mechanic's certification in the repair or service of BAIIDs.
- Establish requirements for a motor vehicle repair facility and BAIID mechanic.

The bills would take effect 90 days after their enactment. Senate Bills 176 (S-1) and 357 (S-1) are tie-barred. Senate Bill 175 (S-1) is tie-barred to Senate Bill 176.

MCL 777.12f (S.B. 175)
 257.20d et al. (S.B. 176)
 257.1302 et al. (S.B. 357)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 175 (S-1) would have no fiscal impact on State or local government.

Senate Bill 176 (S-1) would have no fiscal impact on the Department of State or on local government. Given the program currently in place, any costs to the Department associated with the certification of BAIID mechanics, service centers, or BAIIDs themselves would either be reimbursed by the BAIID manufacturer or be covered by the Department's current annual appropriations. Any increases in costs to the Department would be negligible.

Senate Bill 357 (S-1) would have no fiscal impact on the Department of State or on local government. Given the program currently in place, any costs to the Department associated with the certification of BAIID mechanics or BAIID service centers would be covered by the Department's current annual appropriations. Any increases in costs would be negligible.

Date Completed: 10-9-15

Fiscal Analyst: Joe Carrasco

Floor'sb175

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.