



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

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bills 4920 through 4924 (as passed by the House)

Sponsor: Representative Paul Scott (H.B. 4920)
Representative Kurt Heise (H.B. 4921)
Representative John Walsh (H.B. 4922)
Representative Bob Constan (H.B. 4923)
Representative Paul Muxlow (H.B. 4924)

House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 11-29-11

CONTENT

The bills would amend various statutes to authorize cities, townships, and villages to enact an ordinance adopting by reference Section 625(1)(c) of the Michigan Vehicle Code, which prohibits a person from operating a vehicle while having a bodily alcohol content (BAC) of 0.17 gram or more per 100 milliliters of blood, 210 liters of breath, or 67 milliliters of urine. Under the bills, the penalty for an ordinance violation would be the same as for a violation of Section 625(1)(c).

House Bill 4920 would amend the Home Rule City Act; House Bill 4921 would amend the Charter Township Act; and House Bill 4922 would amend Public Act 246 of 1945, which authorizes township boards to adopt ordinances and regulations to secure the public health, safety, and general welfare. House Bill 4923 would amend the General Law Village Act, and House Bill 4924 would amend the Home Rule Village Act.

The Michigan Vehicle Code prohibits a person, whether licensed or not, from operating a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for parking, if the person is operating while intoxicated. Under Section 625(1)(c), if the person has a BAC of 0.17 or more, the penalty for operating while intoxicated is one or more of the following:

- Imprisonment for up to 180 days.
- A fine of not less than \$200 or more than \$700.
- Community service for up to 360 hours.

The statutes that the bills would amend generally authorize a city, township, or village to adopt ordinances and prescribe penalties for violations, and to adopt by reference certain provisions of State statute, including the Michigan Vehicle Code. As a rule, the penalty for an ordinance violation may not exceed a fine of \$500 and/or 90 days' imprisonment. A violation may be punishable by up to 93 days' imprisonment and/or a maximum fine of \$500, however, if the violation substantially corresponds to a violation of State law that is a misdemeanor punishable by imprisonment for up to 93 days.

House Bills 4920, 4921, 4922, 4923, and 4924 would authorize a home rule city, a charter township, a township, a village, and a home rule village, respectively, to adopt Section 625(1)(c) of the Michigan Vehicle Code by reference in an adopting ordinance. The local unit would have to include the same penalty for a violation as the Code prescribes for a violation of that section.

MCL 117.3 & 117.4i (H.B. 4920)
42.21 (H.B. 4921)
41.181 & 41.184 (H.B. 4922)
66.2 & 66.4 (H.B. 4923)
78.23 & 78.24 (H.B. 4924)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on local units of government. To the extent that local units chose to exercise their authority under the bills, the distribution of penal fine revenue among local entities could be altered. Penal fine revenue collected pursuant to State law is distributed to public libraries; under local ordinances, penal fine revenue is distributed to local courts and local governing units. Passage of these bills would allow local units to effectively redistribute penal fine revenue to local courts and governing units, at the expense of public libraries. The extent of the revenue gained by local governments and lost by public libraries would be contingent on decisions made at the local level.

Fiscal Analyst: Matthew Grabowski

S1112\4920sa.

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.