

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bill 167 (Substitute S-1 as passed by the Senate)  
Senate Bill 168 (Substitute S-1 as passed by the Senate)  
Senate Bill 169 (Substitute S-1 as passed by the Senate)  
Sponsor: Senator Vern Ehlers  
Committee: Judiciary

Date Completed: 6-23-89

**RATIONALE**

Reportedly, more than one-half of all traffic-related deaths involve alcohol or drug use. Recently, the U.S. Surgeon General recommended alcohol testing of all drivers involved in traffic accidents, and some people contend that the full extent of the drunk driving problem in Michigan cannot be realized until testing for the presence of alcohol and controlled substances is conducted, and test results are made admissible, in all injurious traffic accidents.

**CONTENT**

Senate Bills 167 (S-1), 168 (S-1), and 169 (S-1) would amend the Michigan Vehicle Code, the Aeronautics Code of the State of Michigan, and the Marine Safety Act, respectively, to provide for the testing for alcohol or controlled substances of a person who operated a motor vehicle, an aircraft, or a watercraft if the person were arrested for an offense that resulted in a serious or aggravated injury to, or the death of, a person. The results of such tests would be admissible as evidence in a criminal prosecution of the operator for that offense. In addition, each of the Acts requires that a blood sample be drawn from an operator of a vehicle, an aircraft, or a watercraft who dies in a traffic accident to test for alcohol or controlled substances. The bills would require that the medical examiner or the attending physician

report the level of blood alcohol content to the investigating law enforcement agency and the State Police.

Further, Senate Bill 169 (S-1) would allow the chemical analysis of blood drawn for medical purposes from an operator of a vessel who was involved in an accident to be admitted in a criminal prosecution to show the amount of alcohol or presence of a controlled substance in the person's blood. The chemical analysis results would be admissible regardless of whether the person had been offered or had refused such a test. The test results would have to be disclosed to a prosecuting attorney who requested them. The medical facility or person who disclosed the information would not be liable for making the disclosure. (This provision currently is included in the Michigan Vehicle Code and the Aeronautics Code.)

Each of the Acts currently provides for testing, and the admissibility of the test results, if the person is arrested for operating a vehicle while under the influence of, or impaired by, alcohol or controlled substances or for manslaughter. The Michigan Vehicle Code also allows testing of persons arrested for felonious driving or negligent homicide; and the Aeronautics Code allows testing of persons arrested for operating an aircraft within eight hours after consuming alcohol or a controlled substance.

The Michigan Vehicle Code and the Aeronautics

S.B. 167-169 (6-23-89)

Code specify that an operator of a vehicle or aircraft, respectively, "is considered to have given consent to chemical tests". The Marine Safety Act provides that an operator of a vessel "may be requested by a peace officer to submit to chemical tests".

MCL 257.625a and 257.625c (S.B. 167)  
259.187 and 259.188 (S.B. 168)  
281.1073a and 281.1073c (S.B. 169)

### **FISCAL IMPACT**

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

### **ARGUMENTS**

#### **Supporting Argument**

By extending the evidentiary admissibility of drug and alcohol tests to criminal charges derived from accidents that result in serious injury or death, the bills would provide for more effective enforcement of drunk driving laws. Further, allowing chemical tests in such instances and requiring the results of chemical tests of deceased victims to be reported to the State Police would increase public awareness of the extent of the problem of impaired drivers on the State's roads and waterways and in its air space.

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