



**House  
Legislative  
Analysis  
Section**

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**IGNITION INTERLOCK DEVICES**

House Bill 4469 as enrolled  
Second Analysis (6-29-87)

**RECEIVED**

Sponsor: Rep. David Honigman  
Committee: Transportation

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Mich. State Law Library

***THE APPARENT PROBLEM:***

Michigan law allows judges to order the issuance of a restricted license to a probationer convicted of drunk driving in order for the probationer to travel to and from work or for certain other purposes. Although recognizing the need of probationers to get to and from work, many judges are very concerned that such a person will drink and drive again. The refinement of the ignition interlock device over the past few years has encouraged several judges in Michigan and other states to order its installation in the vehicles of convicted drivers. The device renders a vehicle inoperable unless the driver blows into a breath analyzer which measures blood alcohol level, thus allowing probationers to maintain the privilege of driving while affording judges some assurance that they will be less tempted to drink and drive. Currently, judges can impose any "reasonable condition of probation", and some have required the use of interlock devices with this intent in mind. However, the law does not clearly specify what is considered "reasonable". Thus, legislation is needed that would clearly state that judges could order installation of the devices.

***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Vehicle Code to allow a court to order a person granted probation for a violation of driving under the influence (probationer) to refrain from operating a motor vehicle during probation unless the vehicle were equipped with a functioning, certified ignition interlock device (CIID). The bill would define a CIID as an instrument approved by the Department of State which is installed in a motor vehicle to measure the percentage of alcohol in the blood of a person by analyzing a sample of the person's breath, and which would prevent the operation of the vehicle if the percentage of alcohol in the person's blood exceeded 0.02 percent. The court could require installation of a CIID on any vehicle which the probationer owned or operated.

Under the bill, the cost of certification of the interlock ignition devices would be borne by the manufacturers, and the Department of State would circulate specifications for the devices to all manufacturers. The department would also be responsible for publishing a list of all manufacturers of certified devices. Warning labels, designed by the department, would have to be promptly affixed by the probationer to each CIID upon installation. The labels would warn that any person tampering, circumventing, or misusing the device would be guilty of a misdemeanor and could be subject to civil liability.

The bill would restrict a probationer from soliciting another person to blow into the device in order to start the vehicle, and it would restrict another person from blowing into the device in order to start the vehicle. The bill would also restrict a probationer from tampering or circumventing the operation of the device. Violation of these provisions would

result in a misdemeanor, punishable by imprisonment for not more than six months or by a fine of not more than \$5,000, or both.

MCL 257.1 et al.

***FISCAL IMPLICATIONS:***

According to the Department of State, the bill would have some administrative costs associated with the implementation and maintenance of a process for certification of the equipment. However, exact estimates of cost are unavailable. (6-29-87)

***ARGUMENTS:***

***For:***

The bill would give explicit authority for judges to require the use of the ignition interlock device as a condition of probation. The bill also provides for the certification of the devices and penalties for tampering or misuse of the devices. These controls would add credibility to the sanction as it gains widespread use. The variety and complexity of our society is better served by a variety of tools to use in the fight against drunken driving.

***Against:***

The bill discriminates against indigent people because it does not provide any method of payment for devices to be used by them. Under the Constitution, all citizens are to be treated equally. Therefore, it is sometimes necessary for taxpayers to foot the bill for those who cannot afford basic civil rights. Even employed people are not necessarily above the poverty level and able to afford to pay \$400, for example, for an interlock device. The bill should provide that the public would pay for installation of the devices when the probationer could not.

***Response:*** Driving is a privilege. Driving on a restricted license is an even greater privilege. Usually, a person who is allowed to drive on a restricted license is allowed to do so because he or she must get to and from work. It is generally assumed that if a person can afford a car, gas, and insurance, then the person can afford the interlock device in order to maintain driving privileges. If the public did have to pay for the installation of these devices, many persons who were not indigent would try to get the device installed for free. The amount of the court's time spent on investigating whether or not each person who applied to get a free device was actually indigent would be enormous and unnecessary.

H.B. 4469 (6-29-87)