

# Legislative Analysis

---



## IGNITION INTERLOCK DEVICES

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4980 as enacted**  
**Public Act 34 of 2016**  
**Sponsor: Rep. Klint Kesto**

Analysis available at  
<http://www.legislature.mi.gov>

**Senate Bills 176 & 357 as enacted**  
**Public Acts 32 & 33 of 2016**  
**Sponsor: Sen. Tonya Schuitmaker**

**House Committee: Judiciary**  
**Senate Committee: Judiciary**  
**Complete to 10-5-16**

### BRIEF SUMMARY:

Senate Bill 176 revises provisions in the Michigan Vehicle Code regarding ignition interlock devices. Among other things, the bill requires that only *breath alcohol ignition interlock device (BAIID) manufacturers and vendors* install, service, or remove a BAIID approved for use in the state.

Senate Bill 357 requires a mechanic to hold a specialty mechanic's certificate in BAIID service before performing service on a BAIID and to perform such services only at a facility authorized to perform BAIID service.

House Bill 4980 revises provisions within the sentencing guidelines to conform to changes to the Michigan Vehicle Code made by Senate Bill 176 regarding certain BAIID-related offenses.

Ignition interlock device/BAIID: An ignition interlock device or BAIID is a device that when installed in a vehicle prevents the vehicle from starting at any time without first determining the operator's alcohol level. A driver must breathe into the device and if the device measures a breath alcohol level of 0.025 grams, the vehicle will not start.

Each of the bills took effect June 6, 2016.

### FISCAL IMPACT:

Senate Bill 176: The bill would have no fiscal impact to the state or local governments. Any increase in costs to the Department of State associated with inspecting the BAIID devices or installation centers would be covered by the BAIID manufacturers and installation centers.

Senate Bill 357: The bill would have a minimal fiscal impact to the Department of State and no fiscal impact on local government. The department could face a negligible increase in costs that would be covered under current funding levels.

House Bill 4980 would not have a direct fiscal impact on state correctional costs.

#### **DETAILED SUMMARY:**

**Senate Bill 176** amends the Michigan Vehicle Code (MCL 257.20d et al.). Under the bill, the terms "ignition interlock device," "breath alcohol ignition interlock device," and "BAIID" would be interchangeable. Previously, a BAIID had to meet or exceed 1992 federal model specifications. The bill instead requires the devices to meet the May 8, 2013, or subsequent federal model specifications. (A BAIID that meets the 1992 model specifications and installed in a vehicle prior to the bill taking effect could be used for 24 months after that date). The bill makes numerous revisions to laws pertaining to ignition interlock devices. Significant changes include, but are not limited to, the following:

- ❖ Provide that only service centers located in a fixed facility that are breath alcohol ignition interlock device (BAIID) manufacturers and vendors may install, service, or remove a BAIID approved for use in the state.
- ❖ Require, beginning July 1, 2016, a BAIID to be installed, serviced, or removed only in a motor vehicle repair facility
- ❖ Grandfather in a business that is providing BAIID services on the bill's effective date without being certified as a motor vehicle repair facility if at least one certified BAIID installer is employed to perform the BAIID services.
- ❖ 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 SOS, and require a manufacturer to ensure that BAIID installers met requirements prescribed in the bill.
- ❖ Require a BAIID approved for use in Michigan to be serviced at a service center located within the state, unless the customer is unable to return to the state because of significant personal hardship.
- ❖ 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 being a motor vehicle mechanic and possessing 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, 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.
- ❖ 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 the officer 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.
- ❖ Rescind R 257.1005 and R 257.1006 of the Michigan Administrative Code. Those rules pertain to conditions under which the SOS may remove a manufacturer or laboratory from the list of manufacturers of approved certified BAIIDs or the list of approved laboratories.

**Senate Bill 357** amends the Motor Vehicle Service and Repair Act (MCL 257.1302 and 257.1310). Briefly, the bill would do the following:

- Prohibit a motor vehicle repair facility from providing BAIID service without the approval of the Department of State.
- Prohibit a person, beginning July 1, 2016, from performing BAIID service in Michigan without having a specialty mechanic's certificate in BAIID service.
- Establish requirements for a motor vehicle repair facility and BAIID mechanic.
- Establish operational requirements for a facility that provides BAIID service.
- Authorize the department to inspect a repair facility that provides BAIID service.
- Require the SOS to develop or adopt an examination for a specialty mechanic's certification in the repair or service of BAIIDs. An initial specialty mechanic's certification in BAIID service could be issued, without examination, to an individual who holds a valid specialty mechanic's certificate in electrical systems repair on the bill's effective date.

"BAIID service" would be defined to mean the installation, removal, repair, or other servicing of breath alcohol ignition interlock devices. The term "BAIID" is defined in Section 20d of the Michigan Vehicle Code.

**House Bill 4980** amends the sentencing guidelines portion of the Code of Criminal Procedure (MCL 777.12f). Among the numerous revisions to the Michigan Vehicle Code by Senate Bill 176, that bill also relocated the penalty provisions for certain violations pertaining to a BAID from Section 625k to Section 625q, but did not revise the penalties. House Bill 4980 thus revises the statutory citations for the two felony penalties related to BAIDs to refer instead to violations of Sections 257.625q(3) and 257.625q(5). [Section 257.625q(3) and (5) pertain to knowingly providing false information concerning a BAID and failure to report an illegal BAID, respectively. Both penalties carry a maximum term of imprisonment of 10 years.]

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Perry Zielak

---

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