

## INCREASE DRUNK DRIVING FINES

### House Bill 5814 as passed by the House Second Analysis (10-15-02)

**Sponsor: Rep. Thomas George**  
**Committee: Criminal Justice**

#### ***THE APPARENT PROBLEM:***

Some feel that the minimum fines in statute for drunk driving offenses are too low. Many of these fine amounts have not been adjusted for inflation or increased for years. Further, at a minimum of \$100 for a first offense, Michigan has one of the lowest minimum fines among the states for a drunk-driving related misdemeanor offense. The national average is a fine of \$300 for a first offense that is a misdemeanor. In light of the seriousness of drunk driving offenses, some would like to see the minimum fines for drunk driving or driving under the influence of controlled substances increased. Legislation has been offered to address this issue.

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

House Bill 5814 would amend the Michigan Vehicle Code (MCL 257.625) to increase the mandatory minimum fines for several drunk-driving offenses. The bill would take effect January 1, 2003.

Currently the law prohibits a person from operating a vehicle if he or she is under the influence of intoxicating liquor, a controlled substance, or a combination of the two; or, if a person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. In addition to other penalties such as a term of imprisonment and/or community service, the person may be fined by the court. The bill would increase the minimum fine for a first offense from \$100 to \$200, increase the minimum fine for a second offense occurring within seven years from \$200 to \$400, and increase the minimum fine for a third or subsequent offense occurring within ten years from \$500 to \$800. The maximum fine for these offenses would remain the same at \$500, \$1,000, and \$5,000, respectively.

Additionally, the code prohibits a person, whether licensed or not, from operating a vehicle if – due to the consumption of alcohol, a controlled substance, or a combination of the two – the person's ability to operate the vehicle is visibly impaired. As above, the

bill would increase the minimum fine for a second offense occurring within seven years from \$200 to \$400 and increase the minimum fine for a third or subsequent offense occurring within ten years from \$500 to \$800. The maximum amount of a fine for each of these offenses would remain the same.

The Michigan Vehicle Code also provides enhanced penalties for certain driving offenses if a person less than 16 years of age was in the vehicle. The bill would increase the minimum fines for these offenses as well. The minimum fines for driving under the influence of intoxicating liquor, a controlled substance, or a combination of the two; driving while visibly impaired; causing the death of another person when driving under the influence or visibly impaired; and causing serious impairment of a body function when driving under the influence or visibly impaired with a person under 16 years of age in the vehicle at the time would increase from \$200 to \$400 for a first offense and from \$500 to \$800 for a second offense occurring within seven years or a third or subsequent offense occurring within ten years. The maximum amount of a fine for each of these offenses would remain the same.

#### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill could increase collections of penal fine revenues, which are constitutionally dedicated to local libraries. The extent of the fiscal impact would depend on the number of offenders who otherwise would have received the current, lower fines but instead would receive the increased fines. (5-17-02)

#### ***ARGUMENTS:***

##### ***For:***

The bill would merely increase the minimum fine allowed to be imposed by a court for a drunk driving offenses. These fine amounts have not been increased in years. If adjusted to compensate for inflation, these fine amounts would appear

ridiculously low. To continue to be an effective punishment and deterrent, the fine amounts need to be increased. Further, since penal fine revenue is mandated by the state constitution to fund libraries, the state and county libraries could benefit greatly from the additional funding.

***Response:***

The increase in the fine for a first time drunk driving offense is still too low. The national average for a first drunk driving incident is \$300, yet the bill would only increase this amount to \$200.

***Against:***

House Bill 5814 would raise the minimum fine for several drunk-driving related offenses. People convicted for one of these offenses already face stiff penalties that include fines, imprisonment, rehab or treatment programs, mandatory urine or breathalyzer tests, loss of driving privileges, community service, victim restitution, and can also be ordered to reimburse the state or a local government for costs associated with responding to the incident and prosecution costs. Just driving into a construction barrel can cost a person thousands of dollars. This is not needed.

***Response:***

Any accident or incident that involves operating a vehicle under the influence of alcohol or a controlled substance is indeed serious. People are killed or seriously injured every day by the irresponsibility of drunk or impaired drivers. The fine increases contained in the bill would reflect the national average for how other states fine these offenders and are not seen as being overly harsh or punitive in nature.

***POSITIONS:***

The Department of State Police is neutral on the bills.  
(5-21-02)

Analyst: S. Stutzky

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