



Senate Fiscal Agency
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House Bills 5020 and 5021 (as passed by the House)
Sponsor: Representative Nancy E. Jenkins (H.B. 5020)
Representative Dan Lauwers (H.B. 5021)
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 11-5-13

CONTENT

House Bills 5020 and 5021 would amend the Michigan Vehicle Code and the Revised Judicature Act, respectively, to provide for the continuation of the DWI/sobriety court interlock project (described below, in BACKGROUND).

The bills are tie-barred.

House Bill 5020

The bill would delete the word "pilot" from the term "DWI/sobriety court interlock pilot project" in provisions that require driver responsibility fees to be held in abeyance while a person with a restricted license is participating in the project; exempt a project participant from vehicle immobilization or forfeiture; and define the term.

House Bill 5021

The bill would delete a provision that requires the DWI/sobriety court interlock pilot project to begin on January 1, 2011, and to continue for a period of three years after that date. It also would delete the word "pilot" from references to the project.

MCL 257.304 (H.B. 5020)
600.1084 (H.B. 5021)

BACKGROUND

Public Acts 154 and 155 of 2010 amended the Revised Judicature Act and the Michigan Vehicle Code, respectively, to create and implement a three-year DWI/sobriety court interlock pilot project for individuals convicted of two or more violations of operating a vehicle while intoxicated or impaired.

Under the program, the Secretary of State must issue a restricted license to an individual who is in a DWI/sobriety court program, after a 45-day suspension or revocation of the person's driver license, if an interlock device has been placed on each of his or her vehicles. The restricted license allows travel only to and from a driving skills test, work, school, or alcohol or drug treatment program, and allows the person to operate only a vehicle equipped with an ignition interlock device.

The Secretary of State must hold in abeyance all driver responsibility fees while a program participant has a restricted license. If a person is in good standing with, or satisfactorily completes, a DWI/sobriety court program, and does not commit subsequent violations that are subject to vehicle immobilization or forfeiture, his or her vehicle is exempt from immobilization or forfeiture.

A restricted license must be suspended or revoked if the program participant commits certain violations, such as operating a motor vehicle without an ignition interlock device or operating under the influence. If the restricted license is suspended or revoked, the person's driver license must be suspended or revoked as provided in the Code.

If it is not suspended or revoked, a restricted license remains in effect until a hearing officer orders an unrestricted license. A person may not be considered for an unrestricted license until the earlier of the following: 1) the court notifies that Secretary of State that the person has successfully completed the DWI/sobriety court program; or 2) the minimum period of license sanction that otherwise would have been imposed has been completed.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The Department of State has indicated that the removal of the sunset date and the change from a pilot program to an ongoing program would likely increase costs to the Department associated with operating the program. The Department anticipates that cost increases could exceed current appropriations due to an expected increase in the number of cases overseen. The amount of additional costs is indeterminate and dependent on the number of additional cases. Additional costs would include certifying mechanics to install interlock devices as well as inspecting facilities that install and maintain interlock devices.

The bill also would have a limited impact on local court systems. In 2012, there were 28 DWI/sobriety courts in operation in Michigan, with 13 of those courts receiving state grant support. Many of these programs preceded the interlock pilot project and the operations of these 28 DWI/sobriety courts will likely continue with or without the removal of the sunset for the interlock pilot program.

Fiscal Analyst: Joe Carrasco
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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.