

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

***** 324.82136.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 31, 2015 *****

324.82136.amended Arrest without warrant; preliminary chemical breath analysis.

Sec. 82136. (1) A peace officer, without a warrant, may arrest a person if the peace officer has reasonable cause to believe that the person was, at the time of an accident, the operator of a snowmobile involved in the accident in this state while in violation of section 82127(1), (3), (4), (5), (6), or (7) or a local ordinance substantially corresponding to section 82127(1), (3), or (6).

(2) A peace officer who has reasonable cause to believe that a person was operating a snowmobile and that, by the consumption of alcoholic liquor, the person may have affected his or her ability to operate a snowmobile may require the person to submit to a preliminary chemical breath analysis. The following apply with respect to a preliminary chemical breath analysis:

(a) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.

(b) The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime enumerated in section 82143(1) or in an administrative hearing solely to assist the court or hearing officer in determining a challenge to the validity of an arrest. This subdivision does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

(c) A person who submits to a preliminary chemical breath analysis remains subject to the requirements of sections 82143 to 82146 for the purposes of chemical tests described in those sections.

(d) A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2014, Act 404, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles