

Administrative Rule Analysis



TESTS FOR BREATH ALCOHOL

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Rule Set No.: 2016-039 SP
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Analysis available at
<http://www.house.mi.gov/hfa>

Department: State Police
Agency: Training Division
Enabling Statute: [Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.190;
Michigan Vehicle Code, 1949 PA 300, MCL 257.625a(6)(g)]

Analysis Complete to: 12-5-2017

SUMMARY OF PROPOSED RULES

These changes to the Michigan Administrative Code are intended to provide individuals with the correct address for the Department of State Police in order for individuals to properly request copies of existing evidential and preliminary breath alcohol test instruments model specifications for evidential breath alcohol analysis; adjust the number of training hours required of law enforcement officers, based upon breath alcohol instrument operator class; and remove a breath alcohol instrument operator class that is no longer utilized by the State.

FISCAL IMPACT OF PROPOSED RULES

These rule changes would have an indeterminate fiscal impact on the Department of State Police, resulting from the number of law enforcement officers who attend the alcohol breath instrument operation training courses. The Department of State Police has indicated that all costs incurred due to the rule changes will be covered by revenues from the Drunk Driving Prevention and Training Fund established by the Michigan Vehicle Code 1949 PA 300, MCL 257.625h, which supports the purchase and maintenance of breath-alcohol testing equipment and training to law enforcement officers utilizing the equipment. The Drunk Driving Prevention and Training Fund is supported by revenues from \$125 license reinstatement fees paid to the Secretary of State. The Michigan Commission on Law Enforcement Standards October 2017 law enforcement population trends report¹ indicates that there are approximately 18,550 State and local law enforcement officers employed in the State of Michigan.

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■ 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.

¹ http://www.michigan.gov/documents/mcoles/LEO_Population_10-31-17_604963_7.pdf; accessed December 5, 2017.