



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: June 10, 2015
TO: Circuit, District, Family and Municipal Court Judges and Staff
FROM: Court Liaisons; Kari Ferri, Lee Ann Gaspar, and David Handsor
Michigan Department of State
SUBJECT: 2014 Public Act 402, 404, & 405 (House Bills 4441, 4443, 4445)

Effective March 31, 2015, the Michigan Department of State implemented Public Act's 402,404, & 405 of 2014, amending 324.80176, 324.80177, 324.80178a, 324.82127, 324.82128, 324.82129a, 324.81134, 324.81136, 324.81137, 324.81140 and 324.81140b of the Michigan Natural Resources and Environmental Protection Act.

Per Public Act 402 - MCL324.80176(6) provides that a person who is less than 21 years of age, whether licensed or not, shall not operate a motorboat on the waters of this state if the person has any bodily alcohol content (Zero Tolerance). As used in this subsection, "any bodily alcohol content" means either of the following:

- (a) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- (b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

A person who commits a violation of MCL 324.80176(6) is guilty of a misdemeanor punishable by a fine of not more \$250.00 and/or community service of not more than 360 hours. Violations of MCL 324.80176(6) are not eligible for FAC/FCJ suspension, do not generate any points and shall be reported to MDOS using offense code **6230**.

MCL324.80176 (7) provides that a person, whether licensed or not, is subject to the following requirements:

(a) He or she shall not operate a motorboat in violation of subsection (1), (3), (4), or (5) while another person who is less than 16 years of age is occupying the motorboat (Child Endangerment).

(b) He or she shall not operate a motorboat in violation of subsection (6) while another person who is less than 16 years of age is occupying the motorboat (Child Endangerment).

A person who commits a violation of MCL 324.80176(7)(a) is guilty of a misdemeanor punishable by a fine of not of not less than \$200 or more than \$1000 and to one or more of the following: community service of not than 30 days or more than 90 days and/or imprisonment for not less than five days or more than one year.

A person who commits a violation of MCL 324.80176(7)(b) is guilty of a misdemeanor punishable by one or more of the following: a fine of not more than \$500, community service of not than 60 days, imprisonment of not more than 93 days.

Violations of MCL 324.80176(7)(a) or (b) are not eligible for FAC/FCJ suspension, do not generate any points and shall be reported to MDOS using offense code **6240**.

Per Public Act 404 - MCL 324.82127(6) provides that a person who is less than 21 years of age, whether licensed or not, shall not operate a snowmobile if the person has any bodily alcohol content (Zero Tolerance). As used in this subsection, "any bodily alcohol content" means either of the following:

(a) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

A person who commits a violation of MCL 324.82127(6) is guilty of a misdemeanor punishable by not more than a fine of \$250 and community service of not more than 360 hours. Violations of MCL 324.82127(6) are not eligible for FAC/FCJ suspension, do not generate any points and shall be reported to MDOS using offense code **7230**.

MCL 324.82127(7) provides that a person, whether licensed or not, is subject to the following requirements:

(a) He or she shall not operate a snowmobile in violation of subsection (1), (3), (4), or (5) while another person who is less than 16 years of age is occupying the snowmobile (Child Endangerment).

(b) He or she shall not operate a snowmobile in violation of subsection (6) while another person who is less than 16 years of age is occupying the snowmobile (Child Endangerment).

A person who commits a violation of MCL 324.82127(7) (a) is guilty of a misdemeanor punishable by not more than a fine of not less than \$200 or more than \$1000 and to one or more of the following: community service of not more than 30 days or more than 90 days and/or imprisonment for not less than five days or more than one year.

A person who commits a violation of MCL 324.82127(7) (b) is guilty of a misdemeanor punishable by not more than a fine of not more than \$500, community service of not more than 60 days and/or imprisonment for not more than 93 days.

Violations of MCL 324.82127 (7)(a) or (b) are not eligible for FAC/FCJ suspension, do not generate any points and shall be reported to MDOS using offense code **7240**.

Per Public Act 405 – MCL 324.81134(6) provides that a person who is less than 21 years of age, whether licensed or not, shall not operate an ORV if the person has any bodily alcohol content (Zero Tolerance). As used in this subsection, "any bodily alcohol content" means either of the following:

(a) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

A person who commits a violation of MCL 324.81134(6) is guilty of a misdemeanor punishable by not more than a fine of \$250 and community service of not more than 360 hours. Violations of MCL 324.81134(6) are not eligible for FAC/FCJ suspension, do not generate any points and shall be reported to MDOS using offense code **8060**.

Page 3
2014 Public Act 402, 404, & 405
June 10, 2015

MCL 324.81134(7) provides that a person, whether licensed or not, shall not operate an ORV in violation of subsection (1), (3), (4), (5), or (6) while another person who is less than 16 years of age is occupying the ORV (Child Endangerment).

A person who commits a violation of MCL 324.81134(7) while in violation of subsection (1), (3), (4), or (5) is guilty of a misdemeanor punishable by not more than a fine of not less than \$200 or more than \$1000 and to one or more of the following: community service of not than 30 days or more than 90 days and/or imprisonment for not less than five days or more than one year.

A person who commits a violation of MCL 324.81134(7) while in violation of subsection (6) is guilty of a misdemeanor punishable by not more than a fine of not more than \$500, community service of not than 60 days and/or imprisonment for not more than 93 days.

Violations of MCL 324.81134 (7) are not eligible for FAC/FCJ suspension, do not generate any points and shall be reported to MDOS using offense code **8070**.

The Michigan Department of State Court Manual, and the offense code listing located on our web site at: http://www.michigan.gov/documents/OffenseCode_73877_7.pdf will be updated to reflect these changes.

If you have any questions, please contact Court Liaisons Kari Ferri (517) 636-0962, Lee Ann Gaspar (810) 762-0764 or David Handsor (517) 636-0129.