

DEPARTMENT OF STATE POLICE

SPECIAL OPERATIONS DIVISION

DRUNK DRIVING PREVENTION EQUIPMENT AND TRAINING FUND

Filed with the secretary of state on May 22, 2023

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of state police by section 625h of the Michigan vehicle code, 1949 PA 300, MCL 257.625h)

R 257.991, R 257.992, R 257.993, R 257.994, and R 257.996 of the Michigan Administrative Code are amended, as follows:

R 257.991 Definitions.

Rule 1. As used in these rules:

- (a) "Act" means the Michigan vehicle code, 1949 PA 300, of MCL 257.1 to 257.923.
- (b) "Breath alcohol test instrument" means an evidential breath-testing device that indicates a specific breath alcohol concentration expressed as grams of alcohol per 210 liters of breath.
- (c) "Department" means the department of state police.
- (d) "Fund" means the drunk driving prevention equipment and training fund described in section 625h of the act, MCL 257.625h.
- (e) "Preliminary breath alcohol test instrument" means a breath alcohol screening device that indicates the presence or absence of alcohol in the individual's breath.

R 257.992 Fund.

Rule 2. (1) The department shall allocate sufficient money from the fund to cover the following:

- (a) The salaries and other necessary expenses to administer the fund.
- (b) The acquisition and maintenance of breath alcohol test instruments, supplies, and accessories.
- (c) The training required for law enforcement personnel on the use of breath alcohol testing instruments.

(2) The department may allocate fund money for the acquisition of preliminary breath alcohol test instruments, supplies, and accessories.

R 257.993 Purchase of breath alcohol test instruments.

Rule 3. The department shall purchase, maintain, and retain ownership of breath alcohol test instruments. At least 1 breath alcohol test instrument must be placed in each county at a location determined by the department. Additional instruments must be

placed, maintained, or moved by the department according to considerations including, but not limited to, population density, proximity of additional instruments, historical usage, instrument accessibility, and the department's ability to adequately maintain the instruments.

R 257.994 Maintenance of equipment.

Rule 4. The department shall manage the maintenance of instruments that are purchased from the fund.

R 257.996 Purchase of preliminary breath alcohol test instruments.

Rule 6. (1) The department shall evaluate and designate preliminary breath alcohol test instruments that can be purchased by all law enforcement agencies in this state.

(2) The department may expend fund money as grants to law enforcement agencies for preliminary breath alcohol test instruments, including the maintenance of the instruments. The following agencies may apply for preliminary breath alcohol test instruments:

- (a) The department.
- (b) County sheriff departments.
- (c) Local law enforcement agencies.

(3) An agency shall submit an application for grant funding to the department on the form and in the manner prescribed by the department. The completed application must contain all of the information required by the department.

(4) The department may distribute preliminary breath alcohol test instruments as follows:

(a) A certified law enforcement agency that does not have any instruments must receive at least 1 instrument.

(b) The ratio of distribution of fund money among the department, sheriff departments, and local agencies must be based on the ratio of marked patrol vehicles at the department, sheriff departments, and local agencies.

(c) The department shall allocate money from the fund each fiscal year for other breath alcohol test instruments.