

**DEPARTMENT OF STATE POLICE**

**SPECIAL OPERATIONS DIVISION**

**DRUNK DRIVING PREVENTION EQUIPMENT AND TRAINING FUND**

(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 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.

History: 1992 AACCS; 1997 AACCS; 2023 MR 10, May 22, 2023.

**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.

History: 1992 AACCS; 1997 AACCS; 2023 MR 10, May 22, 2023.

**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.

History: 1992 AACCS; 1997 AACCS; 2023 MR 10, May 22, 2023.

**R 257.994 Maintenance of equipment.**

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

History: 1992 AACCS; 2023 MR 10, May 22, 2023.

**R 257.995 Training.**

Rule 5. The department shall coordinate instructor and operator training on the use of all instruments purchased from the fund. Fund monies may be used to pay for training if money is available after all instruments and maintenance contract costs are paid. Michigan law enforcement agencies other than the department shall pay all of the wages and benefits of the persons from their own agencies who attend training.

History: 1992 AACCS; 1997 AACCS.

**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.

History: 1992 AACCS; 1997 AACCS; 2023 MR 10, May 22, 2023.