



# HOUSE BILL No. 4139

January 17, 1995, Introduced by Rep. McBryde and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 19 of Act No. 74 of the Public Acts of 1968, entitled as amended "The Michigan snowmobile act," as added by Act No. 98 of the Public Acts of 1994, being section 257.1519 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 19 of Act No. 74 of the Public Acts of  
2 1968, as added by Act No. 98 of the Public Acts of 1994, being  
3 section 257.1519 of the Michigan Compiled Laws, is amended to  
4 read as follows:

5 Sec. 19. (1) A peace officer, without a warrant, may arrest  
6 a person if the peace officer has reasonable cause to believe  
7 that the person was  ~~, at the time of an accident, the operator~~  
8  ~~of a snowmobile involved in the accident in this state while~~  
9 OPERATING A SNOWMOBILE in violation of section 15a(1), (3), (4),

1 or (5) or a local ordinance substantially corresponding to  
2 section 15a(1) or (3).

3 (2) A peace officer who has reasonable cause to believe that  
4 a person was operating a snowmobile and that, by the consumption  
5 of intoxicating liquor, the person may have affected his or her  
6 ability to operate a snowmobile, may require the person to submit  
7 to a preliminary chemical breath analysis. The following provi-  
8 sions apply with respect to a preliminary chemical breath  
9 analysis:

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

12 (b) The results of a preliminary chemical breath analysis  
13 are admissible in a criminal prosecution for a crime enumerated  
14 in section 27(1) or in an administrative hearing solely to assist  
15 the court or hearing officer in determining a challenge to the  
16 validity of an arrest. This subdivision does not limit the  
17 introduction of other competent evidence offered to establish the  
18 validity of an arrest.

19 (c) A person who submits to a preliminary chemical breath  
20 analysis remains subject to the requirements of sections 27 to 30  
21 for the purposes of chemical tests described in those sections.

22 (d) A person who refuses to submit to a preliminary chemical  
23 breath analysis upon a lawful request by a peace officer is  
24 guilty of a misdemeanor.

25 Section 2. This amendatory act shall not take effect unless  
26 all of the following bills of the 88th Legislature are enacted  
27 into law:

1 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4137  
2 (request no. 02128'95).

3 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4138  
4 (request no. 02128'95 a).