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March 8, 2012

VIA E-MAIL

Mayor Bryan K. Barnett
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

Re: ***Michigan Vehicle Code-“Super Drunk”***

Dear Mayor Barnett:

In 2008, Michigan enacted an amendment to the Michigan Vehicle Code making operation of a motor vehicle with high blood alcohol content (“BAC”) of 0.17% or more a misdemeanor with enhanced penalties. However, this law, commonly referred to as the “super drunk” law, has been enforceable only as a state law offense because the enhanced penalties exceeded the maximum penalties that could be imposed under local ordinance.

Meanwhile, last month, the Governor signed into law Public Act 7 of 2012, which amended the Home Rule Cities Act to authorize the cities to adopt local ordinances prohibiting operation of a vehicle with high BAC and to prosecute those violations under local ordinances with the same enhanced penalties available under state law.

In order to take advantage of this change in the law, I have prepared and enclose a proposed ordinance amendment to prohibit high BAC violations and provide for enhanced penalties. I recommend adoption of this proposed ordinance by the City Council so that high BAC offenses may be cited and prosecuted under City ordinance.

Very truly yours,



John D. Staran

JDS/ijd
Enclosure

cc: Mr. Greg Hooper, City Council (w/enc.)
Ms. Leanne Scott, City Council Liaison (w/enc.)
Captain Mike Johnson, OCSD (w/enc.)