

WHAT HAPPENS IF I REFUSE THE TEST?

- Aside from the separate consequences listed herein, if you refuse the chemical test it is not difficult for an officer to get a search warrant for drawing blood at the hospital. There is a good chance officers will be able to determine your BAC or presence of drugs regardless of cooperation with the chemical test.
- If you allegedly refused to take this test, you have a right to request an administrative hearing. The form for this hearing is located on the back of your Chemical Test form. Fill this out and submit it within 14 days of your arrest. At the hearing the officer has to prove certain things before the penalties listed above would apply. You should seek legal advice or representation from a licensed attorney to assist with the hearing.

WHAT HAPPENS IF I REFUSE ROADSIDE PBT?

- If you refuse to take a PBT (Preliminary Breath Test), you may be charged with a civil infraction, which carries an estimated fine of \$150 + court costs*. Additionally, a person under 21 who refuses will have 2 points added to his or her driving record.

***These penalties are based on Michigan law and are subject to change.**

- AND whether you take test or not, you have still impliedly agreed to take the evidentiary chemical test required by Michigan law referenced above.

WHAT IF THIS IS MY SECOND OFFENSE?

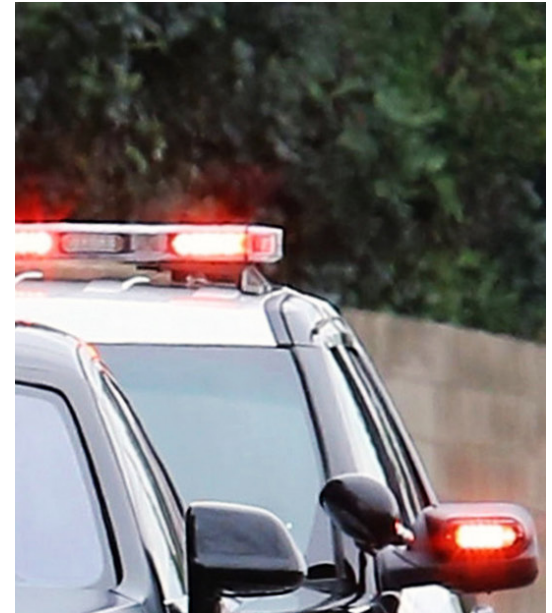
- A second offense is still considered a Misdemeanor (except in case of OWI/OWVI Death/Injury which is ALWAYS a felony). However, these second offense misdemeanors carry harsher penalties. As well, second offenders MUST complete a rehabilitation program.

***See inside panels for a detailed description of the individual charges and their penalties.**

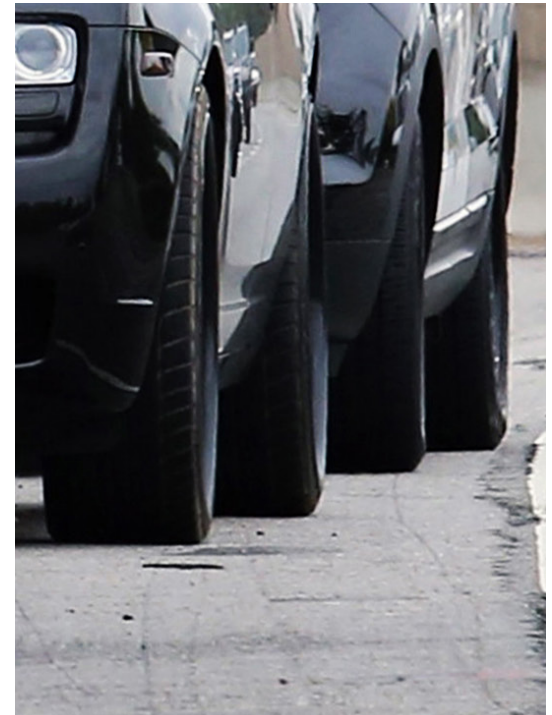
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This pamphlet is prepared by the law office of Jeffries and Associates, PLLC with assistance from Taylor Cawley. It is intended to provide students with general information only and should not be considered as a substitute for legal advice from a licensed attorney. If you need legal advice or representation, contact Student Legal Services immediately to schedule an appointment.



DRUNK DRIVING



DON'T FORGET

Alcohol will impair your judgement. If you plan to drink you should also plan NOT to drive. This pamphlet is meant to educate you on the possible consequences, but these consequences can be avoided by making the right decision.

WHAT WAS MY CHARGE?

- Operating While Intoxicated (OWI)
- OWI + BAC of .17 or Higher (Super Drunk)
- Operating While Visibly Impaired (OWVI)
- Operating With Presence of Drugs (OWPD)
- OWI/OWVI Resulting in Injury or Death
- Operating While under 21 with BAC .02<.08

WHY DOES THIS MATTER?

The different Substance Abuse and Driving Charges come with different penalties. The more severe the charge, the more severe the punishment.

CAN MY CAR BE IMMOBILIZED?

YES. In Michigan, a judge may decide to immobilize your vehicle for up to 180 days. If this is your second offense or an OWI/OWVI Resulting in Injury/Death charge, your vehicle WILL be impounded for up to 180 days, and it may also be forfeited. A third offense results in 1-3 years immobilization.

SHOULD I HAVE TAKEN A BREATH TEST?

When you receive your Michigan Driver's License, you agree to abide by Michigan's Implied Consent law. This means that if you've been arrested for any of the above charges, you've already agreed to submit to a chemical test to determine your blood alcohol content or the presence of drugs in your body.

Failure to submit to this chemical test has consequences separate from the penalties associated with your conviction. These include:

- 6 points added to driving record
- License suspended for 1 year if first offense, 2 years if second offense within 7 years.

The chemical test is taken at the police station, and there are steps officers need to follow to ensure accuracy.

FIRST OFFENSES

OPERATING WHILE INTOXICATED OR OPERATING WITH PRESENCE OF DRUGS

- \$100-\$500 fine
- Up to 93 days in jail
- Up to 360 hours of community service
- Driver's license suspension for 30 days, followed by license restrictions for 150 days
- 6 points added to driving record
- Driver Responsibility Fee (DRF)
 - OWI: \$1,000 for 2 consecutive years
 - OWPD: \$500 for 2 consecutive years

OPERATING WHILE INTOXICATED BAC >.17

- \$200-\$700 fine
- Up to 180 days in jail
- Up to 360 hours of community service
- Driver's license suspended for 1 year
 - Eligible for restrictions after 45 days *if* an ignition interlock device is installed on the vehicle.
- Possible license plate confiscation
- 6 points added to driving record
- DRF: \$1,000 for 2 consecutive years

OPERATING WHILE VISIBLY IMPAIRED

- Up to a \$300 fine
- Up to 93 days in jail
- Up to 360 hours of community service
- Driver's license restrictions for 90 days
- 4 points added to driving record
- DRF: \$500 for 2 consecutive years

OPERATING WHILE UNDER 21 with BAC .02<.08

- Up to a \$250 fine
- Up to 360 hours of community service
- Driver's license restrictions for 30 days
- 4 points added to driving record
- DRF: \$500 for 2 consecutive years

OWI/OWVI RESULTING IN INJURY/DEATH

- Death: up to 15 years in jail (20 if Emergency Responder Death) and/or fine between \$2,500 and \$10,000
- Injury: up to 5 years in jail and/or fine between \$1000-\$5,000
- Driver's license revocation for minimum of 1 year
- License plate confiscation
- 6 points added to driving record
- DRF: \$1,000 for 2 consecutive years

SECOND OFFENSES within 7 years

2nd OWI or OWPD or OWVI (any combination)

- \$200-\$1,000 fine
- 5 days to 1 year in jail
- 30-90 days of community service
- Driver's license revocation for minimum of 1 year
- License plate confiscation
- 6 points added to driving record
- DRF: \$1,000 for 2 consecutive years
 - \$500 for OWVI

2nd OPERATING WHILE UNDER 21 BAC .02<.08

- Up to a \$500 fine
- Up to 60 days of community service
- Up to 93 days in jail
- Driver's license suspended for 90 days
- 4 points added to driving record
- DRF: \$500 for 2 consecutive years

2nd or 3rd OWI/OWVI RESULTING IN DEATH/INJURY

- See First Offense penalties for the same offense + Driver's license revocation and denial for 5 years minimum

***These penalties are based on Michigan law and are subject to change.**