

# Michigan Law Updates

This guide is to provide law enforcement officers with information on Michigan's new OWI laws and other related law changes that are in effect as of **October 31, 2010**.

## FOR OFFICIAL LAW ENFORCEMENT REFERENCE

### OWI law changes

#### High BAC = .17 or higher (MCL 257.625(1)(c))

**Offense code—8027 High BAC .17 or above**

#### Enhanced penalties:

- » Applies only to first-time offenders
- » 180 days jail (compared to 93 days for less than .17)
- » One year license suspension
- » Restricted license with ignition interlock after 45 days
- » Ignition interlock—vehicle cannot be started if BAC is .025 or higher

#### Breath Alcohol Ignition Interlock Device (BAIID) penalties (MCL 257.625I—6 month misdemeanor)

#### A person:

- » Shall not operate vehicle without BAIID if required
- » Shall not request or solicit someone to blow into BAIID
- » Shall not blow into device for a person who has BAIID installed
- » Shall not tamper with or circumvent the operation of BAIID

#### Unlawful removal of BAIID (MCL 257.322a—90 day misdemeanor)

- » A person issued a BAIID shall not remove or cause device to be removed without an order issued by SOS

#### Impoundment (MCL 257.625I)

#### Operator is the owner:

- » Vehicle shall be impounded if person required to have BAIID is driving vehicle without one
- » Vehicle plate shall be confiscated
- » Assign temporary plate
- » SOS shall be notified through LEIN

#### Operator is not the owner:

- » Vehicle is impounded
- » Owner is responsible for costs
- » Vehicle cannot be released until owner pays
- » If not claimed, the vehicle is considered abandoned

# Michigan Law Updates

This guide is to provide law enforcement officers with information on Michigan's new restrictions for Level 2 license holders under the Graduated Driver Licensing (GDL) program. A Level 2 license holder must be at least 16 years old. The changes took effect July 20, 2011.

## FOR OFFICIAL LAW ENFORCEMENT REFERENCE

### Graduated Licensing for Level 2 Drivers (MCL 257.310e(6) amended)

#### Shall not operate a motor vehicle between 10 p.m. and 5 a.m., except:

- » when driving to, or from, or in the course of employment;
- » while driving to or from an authorized activity;\* or
- » when accompanied by a parent or legal guardian, or a licensed driver 21 years of age or older designated by the parent or legal guardian.

#### Shall not operate a motor vehicle with more than one passenger who is less than 21 years of age, except:

- » when the additional passengers are immediate family members;
- » when driving to, or from, or in the course of employment;
- » while going to or from an authorized activity;\* or
- » when accompanied by a parent or legal guardian, or a licensed driver 21 years of age or older designated by the parent or legal guardian.

#### \*Authorized activity means any of the following:

- » A school or a school-sanctioned event or activity. School refers to a public or private school, including a home school.
- » A sporting event or activity, or extracurricular event or activity, that is not school-sanctioned but is part of an official sports league or association, or an official extracurricular club, or that is paid for as a service offered by a business specializing in those events, or activities, or training for those events or activities.
- » A class or program of vocational instruction offered by a college, community college, nonprofit association, unit of government, or by a business specializing in vocational training.
- » An event or activity sponsored by a religious organization that is tax-exempt under federal law.
- » Transporting an individual in need of immediate emergency care or personal protection to a health care professional, hospital, police station, domestic violence shelter, or public safety location.