

Explanation of the penalties for drinking and driving offenses

If you have been charged with a drinking and driving offense in Michigan, it is imperative that you obtain competent legal counsel. The penalties for operating while intoxicated are significant and can seriously affect your life. Below are the possible sentences for alcohol and drug related driving offenses in Michigan. You deserve the best defense possible. Contact our office NOW for a free consultation.

- **OPERATING WHILE INTOXICATED**

- - Possible Sentence and Effect on Driving Privileges
 - Jail Time:
 - Up to 93 days
 - Community Service:
 - Up to 360 hours
 - Fine:
 - Between \$100.00 and \$500.00
 - Driving Privileges:
 - Possible Vehicle Immobilization
 - Possible Ignition Interlock Device
 - 30 day license suspension followed by 150 days restricted license
 - 6 points assessed to driving record
 - Driver Responsibility Fees of \$1000.00 for 2 years

- **2ND OPERATING WHILE INTOXICATED WITHIN 7 YEARS**

- - Possible Sentence and Effect on Driving Privileges
 - Jail Time:
 - 5 days to 1 year; with 48 hours served consecutively
 - Community Service:
 - Between 30 to 90 days
 - Fine:
 - Between \$200.00 and \$1000.00
 - Driving Privileges:
 - Vehicle Immobilization between 90 to 180 days or Possible Vehicle Forfeiture
 - Possible Ignition Interlock Device
 - License denial or revocation for a 1 year minimum
 - 6 points assessed to driving record
 - License Plate Confiscation
 - Driver Responsibility Fees of \$1000.00 for 2 years

- **3RD OPERATING WHILE INTOXICATED WITHIN ANY TIME PERIOD**

- - Felony Offense
 - Possible Sentence and Effect on Driving Privileges
 - Jail Time:
 - 1 year to 5 years in prison OR
 - 30 days to 1 year in jail with 48 hours served consecutively and probation with 60 to 180 days of community service
 - Fine:
 - Between \$500.00 and \$5000.00
 - Driving Privileges:

- Vehicle Immobilization for 1 to 3 years or Vehicle Forfeiture
- License denial or revocation for a 5 year minimum
- 6 points assessed to driving record
- License Plate Confiscation
- Registration Denial of all owned or leased vehicles
- Driver Responsibility Fees of \$1000.00 for 2 years

- **OPERATING WHILE VISIBLY IMPAIRED**

- - Possible Sentence and Effect on Driving Privileges
 - Jail Time:
 - Up to 93 days
 - Community Service:
 - Up to 360 hours
 - Fine:
 - Up to \$300.00
 - Driving Privileges:
 - Possible Vehicle Immobilization
 - Possible Ignition Interlock Device
 - Restricted License for 90 days
 - 180 days if visibly impaired by controlled substance
 - 4 points assessed to driving record
 - Driver Responsibility Fees of \$500.00 for 2 years

- **2ND OPERATING WHILE VISIBLY IMPAIRED WITHIN 7 YEARS**

- - Possible Sentence and Effect on Driving Privileges
 - Jail Time:
 - Between 5 days and 1 year with 48 hours served consecutively
 - Community Service:
 - Between 30 and 90 days
 - Fine:
 - Between \$200.00 and \$1000.00
 - Driving Privileges:
 - Vehicle Immobilization for 90 to 180 days or Possible Vehicle Forfeiture
 - Possible Ignition Interlock Device
 - License Denial or Revocation for a 1 year minimum
 - 4 points assessed to driving record
 - License Plate Confiscation
 - Driver Responsibility Fees of \$500.00 for 2 years

- **3RD OPERATING WHILE VISIBLY IMPAIRED WITHIN ANY TIME PERIOD**

- - Felony
 - Possible Sentence and Effect on Driving Privileges
 - Jail Time:
 - Between 1 to 5 years in prison OR
 - 30 days to 1 year in jail with 48 hours served consecutively and probation with between 60 and 180 days of community service
 - Fine:
 - Between \$500.00 and \$5000.00
 - Driving Privileges:
 - Vehicle Immobilization for 3 years or Possible Vehicle Forfeiture
 - License Denial or Revocation for a 5 year minimum
 - 4 points assessed to driving record
 - License Plate Confiscation

- Driver Responsibility Fee of \$500.00 for 2 years
- Registration Denial of all owned or leased vehicles

- **OPERATING WHILE UNDER THE INFLUENCE OF A SCHEDULE 1 CONTROLLED SUBSTANCE**

- - Possible Sentence and Effect on Driving Privileges
 - Jail Time:
 - Up to 93 days
 - Community Service:
 - Up to 360 hours
 - Fine:
 - Between \$100.00 and \$500.00
 - Driving Privileges:
 - Possible Vehicle Immobilization
 - Possible Ignition Interlock Device
 - 30 day license suspension followed by 150 days restricted license
 - 6 points assessed to driving record
 - Driver Responsibility Fees of \$500.00 for 2 years

- **2ND OPERATING WHILE UNDER THE INFLUENCE OF A SCHEDULE 1 CONTROLLED SUBSTANCE WITHIN 7 YEARS**

- - Possible Sentence and Effect on Driving Privileges
 - Jail Time:
 - Up to 93 days
 - Community Service:
 - Up to 360 hours
 - Fine:
 - Between \$100.00 and \$500.00
 - Driving Privileges:
 - Vehicle Immobilization or Possible Vehicle Forfeiture
 - Possible Ignition Interlock Device
 - License Denial or Revocation for a 1 year minimum
 - License Plate Confiscation
 - 6 points assessed to driving record
 - Driver Responsibility Fees of \$500.00 for 2 years

- **3RD OPERATING WHILE UNDER THE INFLUENCE OF A SCHEDULE 1 DRUG WITHIN ANY TIME PERIOD**

- - Possible Sentence and Effect on Driving Privileges
 - Jail Time:
 - Between 1 year and 5 years in prison OR
 - 30 days to 1 year in jail with 48 hours served consecutively and probation with between 60 to 180 days of Community Service
 - Fine:
 - Between \$500.00 and \$5000.00
 - Driving Privileges:
 - Vehicle Immobilization or Possible Vehicle Forfeiture
 - Possible Ignition Interlock Device
 - License Denial or Revocation for a 5 year minimum
 - License Plate Confiscation
 - Registration Denial on all owned or leased vehicles
 - 6 points assessed to driving record
 - Driver Responsibility Fees of \$500.00 for 2 years

- **OPERATING WHILE INTOXICATED, OPERATING WHILE VISIBLY IMPAIRED OR OPERATING UNDER INFLUENCE OF A SCHEDULE 1 DRUG CAUSING DEATH**

- - Felony
 - Possible Sentence and Effect on Driving Privileges
 - Jail Time:
 - Up to 15 years in prison
 - Fine:
 - Between \$2,500.00 and \$10,000.00
 - Driving Privileges:
 - Vehicle Immobilization for 180 days or Possible Vehicle Forfeiture
 - License Denial or Revocation for a 1 year minimum
 - License Plate Confiscation
 - Driver Responsibility Fees of \$1000.00 for 2 years
 - 6 points assessed to driving record

- **OPERATING WHILE INTOXICATED, OPERATING WHILE VISIBLY IMPAIRED OR OPERATING UNDER INFLUENCE OF A SCHEDULE 1 DRUG CAUSING A SERIOUS IMPAIRMENT OF A BODILY FUNCTION**

- - Felony
 - Possible Sentence and Effect on Driving Privileges
 - Jail Time:
 - Up to 5 years in prison
 - Fine:
 - Between \$1,000.00 and \$5,000.00
 - Driving Privileges:
 - Vehicle Immobilization up to 180 days or Possible Vehicle Forfeiture
 - License Denial or Revocation for a 1 year minimum
 - License Plate Confiscation
 - Driver Responsibility Fees of \$1000.00 for 2 years
 - 6 points assessed to driving record

- **OPERATING WHILE INTOXICATED, OPERATING WHILE VISIBLY IMPAIRED OR OPERATING UNDER INFLUENCE OF A SCHEDULE 1 DRUG WITH A MINOR UNDER 16 IN VEHICLE**

- - Possible Sentence and Effect on Driving Privileges
 - Jail Time:
 - Between 5 days and 1 year with 48 hours served consecutively
 - Community Service:
 - Between 30 days to 60 days
 - Fine:
 - Between \$200.00 and \$1,000.00
 - Driving Privileges:
 - Vehicle Immobilization or Possible Vehicle Forfeiture
 - 6 points assessed to driving record
 - Driver Responsibility Fee for 2 years

- **2ND OPERATING WHILE INTOXICATED, OPERATING WHILE VISIBLY IMPAIRED OR OPERATING UNDER INFLUENCE OF A SCHEDULE 1 DRUG WITH MINOR UNDER 16 IN VEHICLE WITHIN 7 YEARS**

- - Felony
 - Possible Sentence and Effect on Driving Privileges
 - Jail Time:
 - Between 1 to 5 years in prison OR

- Between 30 days to 1 year in jail with 48 hours served consecutively and probation with community service between 60 days and 180 days
 - Fine:
 - Between \$500.00 and \$5,000.00
 - Driving Privileges:
 - Vehicle Immobilization or Possible Vehicle Forfeiture
 - 6 points assessed to driving record
 - Driver Responsibility Fee for 2 years
- **UNDER 21 WITH ANY BODILY ALCOHOL CONTENT (0 TOLERANCE)**
 - - Possible Sentence and Effect on Driving Privileges
 - Community Service
 - Up to 360 hours
 - Fine:
 - Up to \$250.00
 - Driving Privileges:
 - Restricted license for 30 days
 - 4 points assessed to driving record
 - Driver Responsibility Fee of \$500.00 for 2 years
- **2ND UNDER 21 WITH ANY BODILY ALCOHOL CONTENT (0 TOLERANCE) WITHIN 7 YEARS**
 - - Possible Sentence and Effect on Driving Privileges
 - Jail Time:
 - Up to 93 days
 - Community Service:
 - Up to 60 days
 - Fine:
 - Up to \$500.00
 - Driving Privileges:
 - License Suspension for 90 days or Revocation for 1 year minimum if prior drunk driving conviction
 - 4 points assessed to driving record
 - Driver Responsibility Fee of \$500.00 for 2 years

Sources

MCL §257.625 Driving While Intoxicated and Reckless Driving Statute

MCL §257.320a Recording date of conviction, civil infraction determination, or probate court disposition and number of pints; formula; interview; violation committed in another state

<http://www.michigan.gov/driverresponsibility>

“What Every Driver Must Know” State of Michigan Terri Lynn Land, Secretary of State, 2006.