

# 4 Losing Your Privilege to Drive

The privilege to drive is often taken for granted, but you may lose this privilege for a variety of reasons. Motorists who repeatedly drive while drunk or with a suspended license may automatically lose their privilege to drive. Motorists with a health condition who may pose a safety threat to themselves or others on the road may be required to appear for a driver re-examination. This chapter provides information about the Department of State's Traffic Safety Division, driver assessment re-examinations, how driving sanctions can affect your driver's license, the Graduated Driver Licensing program, probation, and post probation.

## Licensing Actions

### Driver's License Restrictions, Suspensions, and Revocations

Your driver's license may be restricted, suspended, or revoked depending on the situation. With a restricted license, you may only drive under the terms and conditions listed on the restricted license. If your license is suspended, your driving privileges are taken away for a period of time, ranging from days to years. A revoked license means you have lost all driving privileges. With a revocation, you must wait one to five years before you are eligible to request a hearing with the Administrative Hearings Section of the Legal and Regulatory Services Administration to have your driver's license restored.

### Mandatory Licensing Actions Required by State Law

Michigan law requires the Department of State to automatically restrict, suspend, or revoke your driver's license for certain violations. For example, stealing motor fuel, reckless driving, drunken driving, and refusing to submit to a breath test will all result in mandatory restrictions, suspensions, or revocations.

## Licensing Actions Imposed by the Department of State

The Department of State Traffic Safety Division may also impose driver's license restrictions, suspensions, and revocations after a driver assessment re-examination. The actions taken against your driver's license will depend on a number of factors, including the type of violation or unsafe driving behavior involved, your driving record, and your willingness to comply with the recommendations and requirements made in the assessment.

## Driver Assessment Re-examinations

The Department of State Traffic Safety Division conducts driver re-examinations under the *Michigan Vehicle Code*. The Department of State may conduct a re-examination if there is reason to believe you are unable to operate a motor vehicle safely because of health reasons or for violating the restrictions on a driver's license, crash involvement, or an unsatisfactory driving record. If you are a probationary driver or in the Graduated Driver Licensing program, you may be required to attend a driver re-examination after only one or two violations. The purpose of the driver re-examination is to discuss driving performance, determine the appropriate licensing controls to reduce driving risk associated with this performance, and encourage improvement. Licensing controls may include restrictions, suspensions, revocations, or a combination of these actions.

## The Driver Assessment Re-examination Process

The purpose of the driver assessment re-examination is to assess your ability to safely operate a motor vehicle and determine if any licensing controls or further review is necessary.

Michigan law allows for a driver re-examination based on one or more of the following criteria:

- The Department of State has reason to believe that you are incompetent to drive a motor vehicle or have a physical, visual, or mental condition that makes it unsafe for you to operate a motor vehicle.
- You have been involved in a fatal accident.

- You have been involved in three or more traffic crashes resulting in personal injury or property damage within the past two years.
- You have accumulated 12 or more points within a two-year period.
- You have been convicted of violating the restrictions, terms, or conditions of your license.

If you are required to attend a re-examination, a driver analyst will review your driving record and discuss your driving behavior with you. If your license is restricted, suspended, or revoked as result of the re-examination, you will be apprised of your appeal rights and license reinstatement information. A re-examination held due to medical issues will require you to pass several tests, including a vision, written, and on-road exams. You may also be required to present current medical, vision, or psychological information about yourself.

## **Teen Drivers, Probationary Drivers, and Re-examinations**

Probationary drivers and teens with a Graduated Driver License may also be required to attend a driver assessment re-examination based on the violations posted to their driving records. Depending on the nature of the violation, a license may be restricted or suspended for up to a year.

The parent or legal guardian of GDL drivers will be notified if their teen drivers violate certain conditions of the GDL license. Any suspension action taken against a teen's GDL license may delay advancement to the next GDL level.

Licensing controls may also extend probation. Safe driving not only reduces the risk of a traffic crash or violation, but it helps ensure that a teen or new driver will successfully complete GDL or probation on time.

## **Losing Your Privilege to Drive – A Note for Teens**

Michigan law deals harshly with teens who make bomb threats or file false reports about them. Teens convicted of this serious felony face several sanctions, including delayed entry into driver education and loss of their driving privileges. There is no appeal granted under the law.

- Individuals less than 14 years old will be prohibited from taking driver education until they are 16 years old and may not be issued their first Graduated Driver License until they are 17 years old.
- Individuals 14-to-20 years old who are unlicensed will be prohibited from taking any driver education and may not be issued a driver's license for three years from their conviction date.
- Individuals 14-to-20 years old who are licensed will have their driver's license suspended for one year, followed by a restricted license for up to two years.