

# 7 Your Michigan Driving Record – Alcohol, Drugs and Consequences

Michigan maintains a driving record for every driver. The driving record contains information the Secretary of State is required to maintain, such as moving violations, traffic crashes and alcohol-related convictions. Michigan takes a strong stand against drivers who abuse substances and drive. 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 reexamination.

## YOUR DRIVING RECORD

Driving is a privilege. Once you obtain a driver's license, you must continually show that you have the skill and knowledge to drive safely or your driver's license may be restricted, suspended or revoked. The Secretary of State has access to accident information reported by law enforcement as well as for moving violations and certain drug crimes from the courts. Your driving record will include information about civil or criminal moving violations and at-fault crashes.

The Secretary of State is also notified of any traffic crashes, convictions and findings of responsibility in other states. Convictions from other states will appear on your Michigan driving record along with any points assessed according to Michigan's point system. You may purchase a copy of your own driving record at any Secretary of State office.

Most convictions stay on your driving record for at least seven years. Certain convictions and licensing actions stay on your driving record for at least 10 years. A conviction for a fatality or for drunken or drugged driving remains on your driving record permanently.

Under Michigan's Driver Privacy Protection Act, personal information on your driving record is private and is not released to the general public unless there is a permissible use as prescribed by law. Personal information includes your name, address, driver's license number and similar information. Some examples of permissible uses include insurance rating, automobile recalls and driver verification for car rental companies.

## TRAFFIC VIOLATIONS AND MICHIGAN'S POINT SYSTEM

Under Michigan law, some traffic violations are civil infractions, while others are misdemeanors or felonies. Depending on the violation and how it is resolved, you may be fined, referred to a special program or, in the most serious situations, sent to jail. In most cases, if you do not take care of a traffic ticket, your driver's license will be suspended. Any traffic tickets for moving violations received while your license is suspended will result in additional suspensions on your driving record and payment of a reinstatement fee.

Each time you are convicted of a traffic violation, you will have to pay certain court fines and costs. In addition, points may be posted to your driving record.

Each traffic violation has a point value, which is set by law in the Michigan Vehicle Code. Points are placed on your driving record only after you have been convicted or found guilty of, or responsible for, a moving violation. Points placed on your driving record remain there for two years from the date of conviction.

The system used to post points to your driving record is separate from the points assigned by an insurance company to determine your rate.

If you believe there are extenuating circumstances for the ticket you received, these must be submitted when you appear in court. The

Secretary of State cannot set aside a court conviction. The following shows the points for some traffic violations.

**Six Points:**

- Manslaughter, negligent homicide, or other felony involving use of a motor vehicle.
- Operating while intoxicated or operating with any presence of a Schedule 1 drug or cocaine.
- Failing to stop and give identification at the scene of a crash.
- Reckless driving.
- Refusal to take a chemical alcohol test.
- Fleeing or eluding a police officer.
- Failure to yield causing death or injury of emergency responder, construction worker or person operating implements of animal husbandry.
- Moving violation causing injury or death.

**Four Points:**

- Drag racing.
- Impaired driving.
- Younger than age 21 with any bodily alcohol content.
- 16 mph or more over the legal speed limit.
- Failure to yield/show due caution for emergency vehicles.
- Moving violation resulting in an at-fault collision.

**Three Points:**

- Careless driving.
- Disobeying a traffic signal or stop sign or improper passing.
- 11 through 15 mph over the legal speed limit.
- Failure to stop at railroad crossing.
- Failure to stop for a school bus or for disobeying a school crossing guard.

**Two Points:**

- 10 mph or less over the legal speed limit.
- Open alcohol container in vehicle.

- All other moving violations of traffic laws.
- Refusal of Preliminary Breath Test by anyone younger than age 21.

## ALCOHOL, DRUGS AND YOUR DRIVING RECORD

When you drink alcohol or use other drugs and drive, you endanger your life as well as the lives of your passengers and other motorists. Each year, thousands of people are killed or permanently disabled because someone drove under the influence of alcohol or other chemical substances. Michigan takes a strong stand against drivers who abuse substances and drive.

The effects of alcohol are the same whether you drink beer, wine or whiskey. A 12-ounce can of beer, 5-ounce glass of wine and a 1.5-ounce shot of whiskey all contain the same amount of alcohol. Drink a standard serving of any of these and the effects will be the same to your body. Your judgment and self-control will be affected. Drinking even one drink can impair your ability to drive, slow your reaction time, dull your concentration and cause visual problems. Many people mistakenly believe that coffee, a cold shower, exercise or fresh air can sober them up. The only thing that sobers you up is time.

It is best to never drink and drive. If you plan on drinking, select a designated driver ahead of time who is not going to drink. You also can ask someone else to give you a ride, call a taxi, use public transportation or seek other assistance. If someone you know has been drinking or using drugs, do not let him or her drive. Find a designated driver, call a taxi or insist that the person use public transportation. Never ride with anyone who has been drinking or using drugs. If necessary, take away a person's car keys and offer him or her a place to sleep. Be sure drivers are completely sober before they get behind the wheel.

Michigan law requires driver's license suspensions for drug convictions, even if you were not driving at the time of the offense. Even the possession, manufacture or distribution of drugs may result in a driver's license suspension. If there are no prior drug

violations, your driver's license is suspended for six months. A restricted license will not be issued during the first 30 days. One or more prior drug convictions in seven years means your driver's license will be suspended for one year. A restricted license will not be issued during the first 60 days. The driver's license reinstatement fee is \$125. This fee is separate from the reinstatement fee required for any other driving activity.

## THE DRIVER RESPONSIBILITY LAW

In an effort to promote greater traffic safety, Michigan enacted the Driver Responsibility Law to deter potentially dangerous driving behavior, thereby saving lives.

**The Driver Responsibility law calls for monetary sanctions for drivers who:**

- Accumulate seven or more points on their driving record (Category 1 offenses)
- Are convicted of specific qualifying offenses (Category 2 offenses)

The Driver Responsibility fee is based on the number of points on the driving record, with a minimum of seven points required before a fee is assessed. The fees begin at \$100 and increase by \$50 for each additional point above seven points.

Drivers assessed a fee under Category 1 are assessed only once per year. Drivers will be assessed each year in which seven or more points show on the record.

7 Points \$100	8 Points \$150	9 Points \$200
10 Points \$250	11 Points \$300	12 Points \$350
13 Points \$400	14 Points \$450	15 Points \$500

Category 2 offenses carry their own Driver Responsibility fee independent from the number of points on the driving record. Drivers convicted of these offenses are assessed a Driver Responsibility fee of \$150, \$200, \$500 or \$1,000 for two consecutive years. The amount is determined by the type of offense.

### **For example:**

- Drunken driving or operating while intoxicated – \$1,000
- Reckless driving – \$500

Points from Category 2 offenses and convictions are not counted toward the point total for Category 1. Multiple Driver Responsibility fees are assessed if a driver is convicted of multiple offenses under Category 2.

The second year's fees will be assessed on the anniversary date of the first year's fees. Failure to pay results in an indefinite suspension of the driver's license. Fee assessments apply to both licensed and unlicensed drivers. As with other suspensions, a \$125 reinstatement fee is required before the license is restored.

The Driver Responsibility Program will officially end in October 2019 and no more new fees will be issued after that date. The revised law also changes the Driver Responsibility fee structure for offenses, gradually reducing fees, beginning Oct. 1, 2015. **Only Driver Responsibility fees for points or tickets issued on or after Oct. 1, 2015 are eligible for a rate reduction.** The amount of the reduction for qualifying fees will be increased over the next few years until the program's end in 2019.

You cannot withhold a payment for a Driver Responsibility fee issued in one year to take advantage of a lower discount in a subsequent year. **Driver Responsibility fees for points or qualifying offenses that occurred before Oct. 1, 2015 do not qualify for a rate reduction and do not change.**

Failure to pay Driver Responsibility fees on time may result in a driver's license suspension and other penalties. For more information, please visit the Driver Responsibility website at [www.michigan.gov/driverresponsibility](http://www.michigan.gov/driverresponsibility).

## **DRIVER REEXAMINATIONS**

The Secretary of State may conduct a reexamination 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 reexamination after only one or two violations.

The purpose of the driver reexamination 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.

**Michigan law allows for a driver reexamination based on one or more of the following criteria:**

- The Secretary 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 in three or more traffic crashes resulting in personal injury or property damage over 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 reexamination, 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 reexamination, you will be apprised of your appeal rights and license reinstatement information.

A reexamination 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.