

Law Enforcement Information

“Repeat Offender”

What is a repeat offender?

1. Drinking and Driving Convictions: 2nd offense, or subsequent of OUIL, UBAC, OWI, OUID, .04 CDL, Zero Tolerance, New Child Endangerment, etc., or their attempts.
2. Driving While License Suspended, Revoked, or Denied: 2nd offense allows permissive immobilization up to 180 days by court order, 3rd offense results in license plate confiscation and mandatory 90 to 180 day immobilization, 5th offense results in one to three year immobilization.

Four Components of New Law:

1) Plate Confiscation

Applies only to arrests for alcohol or suspension/revocation violation.

- SOS response on inquiries into driver's status will check prior alcohol and suspension/revocation violations and will read:
“This driver has # ___ prior alcohol convictions and/or # ___ prior violations of suspension/revocations. If arresting for 2nd alcohol or 3rd violation of suspension/revocation, plate confiscation required. Destroy it and issue paper plate. Do not confiscate out-of-state, rental, tribal, or IRP plates, M.C.L. 257.904c.”
- If there are no priors, it will read:
“This driver has no prior violation of suspension/revocation or alcohol related convictions.”
- **Procedures**
 - Write metal plate number, metal plate expiration date, arrest date, vehicle description, and arresting agency on paper plate.
 - Back of paper plate informs driver the paper plate is valid until it expires or until the criminal matter is adjudicated and the vehicle may be driven only by a sober and licensed driver.
 - Officer should not confiscate plate if SOS system is down, and thus cannot verify status.

2) Immobilization

- Court orders immobilization of the vehicle. Tether technology immobilizes driver only.
- SOS plate LEIN response will read:
“Vehicle ordered immobilized for driver W000111222333 from 00/00/0000 thru 00/00/0000 by 54A District Court. No title transfer except to non-immediate family members or by court.”
- If a vehicle that is being operated in violation of an immobilization order is stopped, the vehicle SHALL be impounded pending an order of the court.
- Officers do not effect immobilization.

3) Ignition Interlock

- DLAD-ordered devices. Restrictions on bedsheet license and status will read:
“May only operate vehicle equipped with interlock device, may drive to and from calibration, original action to be reinstated upon violation, ignition interlock required for one year from date of restriction.”
- The “one year” begins from date of restriction.
- New crime: tampering with or circumventing an ignition interlock device.

4) Registration Denial

- **Effective 6/1/2000** - SOS will cancel and deny registration for 3rd Offense Drunk Driving and/or 4th Offense Driving While License Suspended or Revoked.
- SOS LEIN response will indicate registration is denied.

Major Sponsors of Bill Package

- 1) Governor Engler's office
- 2) Secretary Miller
- 3) Senator VanRegenmorter
- 4) Past Representative, now Insurance Commissioner Fitzgerald

REPEAT OFFENDER MATRIX

DRIVING DURING TRAFFIC SAFETY <i>OR</i> FAC/FCJ SUSPENSION/REVOICATION* (within 7 years)						
FREE	1 ST OFFENSE	2 ND OFFENSE	3 RD OFFENSE	4 TH OFFENSE	5 TH OFFENSE	
FAC/FCJ ONLY	EITHER	EITHER	EITHER	EITHER	EITHER	
	LIKE OR 30-DAY SUSPENSION OR REVOCATION	LIKE OR 30-DAY SUSPENSION OR REVOCATION	LIKE OR 30-DAY SUSPENSION OR REVOCATION	LIKE OR 30-DAY SUSPENSION OR REVOCATION	LIKE OR 30-DAY SUSPENSION OR REVOCATION	MANDATORY ADDITIONAL PURSUANT TO §904
			YES Mandatory	YES Mandatory	YES Mandatory	VEHICLE PLATE CONFISCATION §904c(1)
	(Mandatory for §904 (4) & (5))	Up To 180 Days Permissive	90-180 Days Mandatory	90-180 Days Mandatory	1-3 Years Mandatory	IMMOBILIZATION §904d
				YES Mandatory	YES Mandatory	REGISTRATION DENIAL OF VEHICLE USED IN OFFENSE §219

- DWLS §904 - Death (4) and Injury (5) includes possible forfeiture.

DRUNK DRIVING - SECTION 625 (Excludes "Knowingly Allow" §625(2))						
	1 ST OFFENSE	2 ND OFFENSE within 7 years	3 RD OFFENSE or More w/i 10 years			
		YES Mandatory	YES Mandatory			VEHICLE PLATE CONFISCATION §904c(1)
	Up To 180 Days [Mandatory for §625 (4) & (5); or if prior §653a(3) conviction]	90 - 180 Days Mandatory [priors include §653a(3)]	1-3 Years Mandatory [priors include §653a(3)]			IMMOBILIZATION §904d
	[Permissive for §625 (4), (5) or (7); or if prior §653a(3) conviction]	Permissive [priors include §653a(3)]	Permissive [priors include §653a(3)]			FORFEITURE §625n
			YES Mandatory			REGISTRATION DENIAL OF VEHICLE USED IN OFFENSE §219

Plate Confiscation Information

November 22, 1999

If you arrest for someone under the repeat offender law (2nd arrest for DD or DWLS arrest w/2 prior 904s) the following apply:

1. **Plate Matches Vehicle** Issue 904c plate, place in the vehicle and send plate and VIN info via LEIN to SOS.
2. **Improper Plate** Fill out 904c plate, do not put in vehicle, send VIN info via LEIN to SOS.
3. **Expired Plate** Issue 904c plate, place in the vehicle and send plate and VIN via LEIN to SOS.
4. **Accident** Violation not observed. If citing for DWLS, then take the metal plate and fill out the paper 904c plate and place in the vehicle. Send VIN via LEIN to SOS.
5. **No Ops In Possession** At the station you find the person is a repeat offender. Since you are unable to remove the metal plate at this time, fill out paper 904c plate info from ticket/citation or tow tag and send VIN info via LEIN to SOS.
6. **LEIN shows vehicle should be immobilized** Issue 904c plate, place in the vehicle and send plate and VIN info via LEIN to SOS and then impound.
7. **Vehicle has 904c Plate already** Remove old paper plate, issue new paper plate, place in the vehicle, and send plate and VIN info via LEIN to SOS.
8. **Stolen Vehicle** Do not issue paper plate - impound vehicle.
9. **Stolen Plate** Fill out plate, do not put on vehicle, send VIN info via LEIN to SOS.
10. **No Plate on Vehicle** Fill out plate, do not put on vehicle, send VIN info via LEIN to SOS.
11. **Temporary Plate** **(14-day plate)** Fill out plate, put the CONTROL NUMBER and expiration date from the 14-day plate on the paper plate, send VIN info via LEIN to SOS. Do not send the control number as the plate number.
12. **Out of State Plate** Do not issue paper plate.
13. **Motorcycles** Remove small metal plate, issue new paper plate, place in front windshield if available or cyclist must carry on person.

In some circumstances, you will only send in the VIN and in others, you will send in both the metal plate number and VIN.

Criminal Sentencing/Administrative Consequences - Repeat Offender (Alcohol Convictions)

Prepared by Michigan Dept of State/DLAD

January 4, 2001

	OUIL/UBAC/OUID 625(1)	OWI 625(3)	OUIL/OWI Death/Injury 625(4) & (5)	Zero Tolerance 625(6)	Child Endangerment 625(7)	.04 CDL 625m(1)
1st Offense (no prior 625 crime)	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: 1 or more of following: Up to 93 days jail; \$100 - \$500 fine; up to 45 days comm svc.</p> <p>Licensing: 30/150 susp./rest.</p> <p>Plate conf: None</p> <p>Immob: Permissive up to 180 days[90-180 days if prior 653a(3)]</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: 1 or more of following: Up to 93 days jail; up to \$300 fine; up to 45 days comm svc.</p> <p>Licensing: 90 day rest</p> <p>Plate conf: None</p> <p>Immob: Permissive up to 180 days[90-180 days if prior 653a(3)]</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: <u>Death</u> - prison up to 15 years OR \$2,500 - \$10,000 fine, or both. <u>Injury</u> - prison up to 5 years OR \$1,000 - \$5,000 fine OR both. <u>EmergencyResponder Death</u> - prison up to 20 years OR \$2,500 to \$10,000 fine, or both.</p> <p>Licensing: minimum 1 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required up to 180 days [90-180 days if prior 653a(3)]</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: Up to \$250 fine OR up to 45 days comm svc, or both.</p> <p>Licensing: 30 day rest.</p> <p>Plate conf: None</p> <p>Immob: None[90-180 days if prior 653a(3)]</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: \$200 - \$1,000 fine AND one or more of the following: 5 days to 1-year jail; 30-90 days comm svc.</p> <p>Licensing: 90/90 susp./rest.</p> <p>Plate conf: None</p> <p>Immob: Permissive up to 180 days[90-180 days if prior 653a(3)]</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: Up to \$300 fine OR up to 93 days jail, or both.</p> <p>Licensing: CDL - 1yr susp, OPR 90 day rest., HAZ - 3 yr susp.</p> <p>Plate conf: None</p> <p>Immob: Permissive up to 180 days[90-180 days if prior 653a(3)]</p> <p>Reg Deny: None</p> <p>Forf: None</p>
2nd Offense or any prior 625 or 653a(4) crime within 7 years	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: \$200 - \$1,000 fine AND one or more of the following: 5 days to 1-year jail; 30-90 days comm svc.</p> <p>Licensing: minimum 1 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required 90 to 180 days unless forfeited [1-3 years if prior 653a(3)]</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: \$200 - \$1,000 fine AND one or more of the following: 5 days to 1-year jail; 30-90 days comm svc.</p> <p>Licensing: minimum 1 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required 90 to 180 days unless forfeited [1-3 years if prior 653a(3)]</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: <u>Death</u> - prison up to 15 years OR \$2,500 - \$10,000 fine OR both. <u>Injury</u> - prison up to 5 years OR \$1,000 - \$5,000 fine OR both. <u>EmergencyResponder Death</u> - prison up to 20 years OR \$2,500 to \$10,000 fine, or both.</p> <p>Licensing: minimum 5 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required 90 to 180 days unless forfeited [1-3 years if prior 653a(3)]</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: One or more of the following: up to 60 days comm svc; up to \$500 fine; up to 93 days jail.</p> <p>Licensing: 90 day susp OR if prior 625 then minimum 1 year revocation/denial</p> <p>Plate conf: None</p> <p>Immob: None [1-3 years if prior 653a(3)]</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: \$500 - \$5,000 fine AND either of the following: 1-5 years prison; probation with 30 days to 1-year jail AND 60-180 days comm svc.</p> <p>Licensing: minimum 1 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required 90 to 180 days unless forfeited [1-3 years if prior 653a(3)]</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: Up to \$1,000 fine OR up to 1-year prison, or both.</p> <p>Licensing: CDL - minimum 10yr rev, OPR 1yr rev/den.</p> <p>Plate conf: Required</p> <p>Immob: Required 90 to 180 days[1-3 years if prior 653a(3)]</p> <p>Reg Deny: None</p> <p>Forf: None</p>
3rd Offense or 2 prior 625 or 653a(4) crimes within 10 years	<p>Felony</p> <p>Fine/Jail/Comm Svc: \$500 - \$5,000 fine AND either of the following: 1-5 years prison; probation with 30 days to 1-year jail AND 60-180 days comm svc.</p> <p>Licensing: minimum 5 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required 1 to 3 years unless forfeited ["Prior" includes 653a(3)]</p> <p>Reg Deny: Required</p> <p>Forf: Permissive</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: \$500 - \$5,000 fine AND either of the following: 1-5 years prison; probation with 30 days to 1-year jail AND 60-180 days comm svc.</p> <p>Licensing: minimum 5 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required 1 to 3 years unless forfeited ["Prior" includes 653a(3)]</p> <p>Reg Deny: Required</p> <p>Forf: Permissive</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: <u>Death</u> - prison up to 15 years OR \$2,500 - \$10,000 fine OR both. <u>Injury</u> - prison up to 5 years OR \$1,000 - \$5,000 fine OR both. <u>EmergencyResponder Death</u> - prison up to 20 years OR \$2,500 to \$10,000 fine, or both.</p> <p>Licensing: minimum 5 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required 1 to 3 years unless forfeited ["Prior" includes 653a(3)]</p> <p>Reg Deny: Required</p> <p>Forf: Permissive</p>		<p>Endangerment - Zero Tolerance w/occupant <16 Misdemeanor</p> <p>Fine/Jail/Comm Svc: 1st - One or more of the following: up to 60 days comm svc; up to \$500 fine; up to 93 days jail.</p> <p>2nd - \$200 - \$1,000 fine AND one or more of the following: 5 days to 1-year jail; 30-90 days comm svc.</p> <p>Licensing: 1st - 90/90 susp./rest. 2nd - revoke</p> <p>Plate conf: See 1st, 2nd offense</p> <p>Immob: See 1st & 2nd</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: \$500 - \$5,000 fine and either of the following: prison from 1 - 5 years; probation with 30 days to 1 year jail AND 60-180 days comm svc.</p> <p>Licensing: CDL - rev for LIFE--if prior approval, OPR-minimum 5 yr den/rev</p> <p>Plate conf: Required</p> <p>Immob: Required 1 to 3 years["Prior" includes 653a(3)]</p> <p>Reg Deny: Required</p> <p>Forf: None</p>

Criminal Sentencing/Administrative Consequences - Repeat Offender (Driving While Suspended Convictions)

	DWLS 904(1)	Knowing Allowed Someone to DWLS 904(2)	DWLS Causing Death 904(4)	DWLS Causing Serious Injury 904(5)	Knowingly Allowed Someone to DWLS Causing Death 904(7)	Knowingly Allowed Someone to DWLS Causing Serious Injury 904(7)
1st Offense (no *priors)	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: Up to 93 days jail; up to \$500 fine, or both.</p> <p>Licensing: Mandatory additional under 904(10), (11) and (12)</p> <p>Plate conf: None. (Cancel upon notice by officer)</p> <p>Immob: None</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: Up to 93 days jail; up to \$500 fine, or both.</p> <p>Licensing: Mandatory additional under 904(10), (11) and (12)</p> <p>Plate conf: None. (Cancel upon notice by officer)</p> <p>Immob: None</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: Prison up to 15 years; \$2,500 - \$10,000 fine, or both.</p> <p>Licensing: minimum 1 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required up to 180 days, unless forfeited.</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: Prison up to 5 years; \$1,000 - \$5,000 fine, or both.</p> <p>Licensing: minimum 1 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required up to 180 days, unless forfeited.</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: Prison up to 5 years; \$1,000 - \$5,000 fine, or both.</p> <p>Licensing: None</p> <p>Plate conf: None</p> <p>Immob: None</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: Prison up to 2 years; \$1,000 - \$5,000 fine, or both.</p> <p>Licensing: None</p> <p>Plate conf: None</p> <p>Immob: None</p> <p>Reg Deny: None</p> <p>Forf: None</p>
2nd Offense or 1 * prior 904 susp within 7 years	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: Up to 1 year jail; up to \$1,000 fine, or both.</p> <p>Licensing: Mandatory additional under 904(10), (11) and (12)</p> <p>Plate conf: None. (Cancel upon notice by officer)</p> <p>Immob: Permissive up to 180 days</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: to 1 year jail; up to \$1,000 fine, or both.</p> <p>Licensing: Mandatory additional under 904(10), (11) and (12)</p> <p>Plate conf: None. (Cancel upon notice by officer)</p> <p>Immob: Permissive up to 180 days</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: Prison up to 15 years; \$2,500 - \$10,000 fine, or both.</p> <p>Licensing: minimum 5 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required up to 180 days, unless forfeited.</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: Prison up to 5 years; \$1,000 - \$5,000 fine, or both.</p> <p>Licensing: minimum 5 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required up to 180 days, unless forfeited.</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Felony</p> <p>Same as 1st offense.</p>	<p>Felony</p> <p>Same as 1st offense.</p>
3rd Offense or 2 *prior 904 susp within 7 years	<p>Misdemeanor Criminal - Same.</p> <p>Licensing: Mandatory additional under 904(10), (11) and (12)</p> <p>Plate conf: Required</p> <p>Immob: 90 to 180 days</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Misdemeanor Criminal - Same.</p> <p>Licensing: Mandatory additional under 904(10), (11) and (12)</p> <p>Plate conf: Required</p> <p>Immob: 90 to 180 days</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Felony Criminal - Same.</p> <p>Licensing: minimum 5 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: 90 to 180 days, unless forfeited.</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Felony Criminal - Same.</p> <p>Licensing: minimum 5 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: 90 to 180 days, unless forfeited.</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Felony</p> <p>Same as 1st offense.</p>	<p>Felony</p> <p>Same as 1st offense.</p>
4th Offense or 3 *prior 904 susp within 7 years	<p>Misdemeanor Criminal - Same.</p> <p>Licensing: Mandatory additional under 904(10), (11) and (12)</p> <p>Plate conf: Required</p> <p>Immob: 90 to 180 days</p> <p>Reg Deny: Required</p> <p>Forf: None</p>	<p>Misdemeanor Criminal - Same.</p> <p>Licensing: Mandatory additional under 904(10), (11) and (12)</p> <p>Plate conf: Required</p> <p>Immob: 90 to 180 days</p> <p>Reg Deny: Required</p> <p>Forf: None</p>	<p>Felony Criminal - Same.</p> <p>Licensing: minimum 5 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: 90 to 180 days, unless forfeited.</p> <p>Reg Deny: Required</p> <p>Forf: Permissive</p>	<p>Felony Criminal - Same.</p> <p>Licensing: minimum 5 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: 90 to 180 days, unless forfeited.</p> <p>Reg Deny: Required</p> <p>Forf: Permissive</p>		
5th Offense or 4 *prior 904 susp within 7 years	<p>Misdemeanor Criminal - Same.</p> <p>Licensing: Mandatory additional under 904(10), (11) and (12)</p> <p>Plate conf: Required</p> <p>Immob: 1-3 years</p> <p>Reg Deny: Required</p> <p>Forf: None</p>	<p>Misdemeanor Criminal - Same.</p> <p>Licensing: Mandatory additional under 904(10), (11) and (12)</p> <p>Plate conf: Required</p> <p>Immob: 1-3 years</p> <p>Reg Deny: Required</p> <p>Forf: None</p>	<p>Felony Criminal - Same.</p> <p>Licensing: minimum 5 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: 1-3 years, unless forfeited.</p> <p>Reg Deny: Required</p> <p>Forf: Permissive</p>	<p>Felony Criminal - Same.</p> <p>Licensing: minimum 5 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: 1-3 years, unless forfeited.</p> <p>Reg Deny: Required</p> <p>Forf: Permissive</p>		

*For purposes of immobilization, priors are defined as prior mandatory additional suspensions/revocations imposed pursuant to 904(10), (11) or (12); not prior convictions of DWLS.

REPEAT OFFENDER IMPLEMENTATION

Law Enforcement Q & A

Revised November 18, 1999

The "Repeat Offender"

1. **What is the definition of a repeat offender?**

"Repeat Offender" as used in the new legislation applies to persons who are eligible for vehicle plate confiscation and immobilization. This applies to any arrest for a 2nd alcohol or drug violation while operating a motor vehicle (convictions for murder, manslaughter, and negligent homicide with a vehicle are included in this calculation), or an arrest or citation for a 3rd violation while suspended or revoked. Convictions and suspension/revocation violations appearing on the driving record prior to October 1, 1999 will be used to determine eligibility for repeat offender status.

2. **What are "violations of suspension/revocation" on the driving record?**

Mandatory additional suspension/revocation actions are imposed by the DOS for commission of any moving violation during a period of suspension/revocation. Look for language that looks like:

"Addl Admin Denied and Revoked (MCL 257.904)"

"Addl to Court Sup."

"Addl Admin Revocation (MCL 257.904)"

"Addl Susp from (date)"

"Addl to Court Revocation (MCL 257.904)"

At the Stop

3. **How does the police officer know a defendant is a "repeat offender"?**

At the time the officer requests a driving status on a 35;

If the LEIN/SOS message returns a "001" or more, in the prior "alcohol conviction" field and you are arresting for drunk driving, take the plate, destroy it, and issue a paper plate.

If the LEIN/SOS message returns a "002" or more, in the "prior additional suspension/revocation" and you are arresting for DWLS, take the plate, destroy it, and issue a paper plate.

The officer or the court can also run a new record that will list every conviction and/or action used to compute and determine whether a defendant is a repeat offender. When used in conviction with the driving record it is easy to see which entries are being counted. Use the following code:

PRIOR;Z123456789123. (Substitute actual operator's license number for example and follow with a period.)

4. **Does the police department confiscate a leased, rental or commercial vehicle plate? What about out-of-state plates, tribal plates, or trailer plates.**

Yes, leased vehicle plates are confiscated. Neither rental, tribal, trailer, manufacturer, dealer, US government, nor out-of-state vehicle plates are confiscated. Commercial plates may be confiscated unless they are Apportioned- International Registration Plan plates.

5. **If the metal plate is expired at the time of the stop, would a paper plate be issued?**

MSP plans to train their Troopers to issue the paper plate showing the expired date. This is because there is no authority to confiscate an expired plate. If the operator continues to drive the car without renewing the registration they could be re-ticketed for the expired plate.

6. What if the plate is improper or there is no plate on the vehicle?

The improper plate should be removed and a paper plate is issued but not placed on the vehicle. For both an improper plate or no plate, officer should leave the plate number field on the paper plate blank. Law enforcement enters the VIN and other information into LEIN. The court gets their copy of the paper plate but does not enter anything in the plate number field. An NOA is issued on adjudication. Immobilization may be ordered.

7. What does the officer do if there is already a paper plate on the vehicle?

The officer should take the previous paper plate off the vehicle and destroy it, then issue a new paper plate. Each adjudication gets a Notice of Adjudication. The drivers/defendants may be different for each paper plate.

8. Where is the vehicle going to be kept after the officer takes the plate?

The vehicle may be driven away by a person not otherwise prohibited to operate a motor vehicle (i.e. not drunk, not suspended, etc.). If there is no person available to drive the vehicle, law enforcement may have the vehicle towed as they do now. In addition, vehicles may be towed if they were reported stolen or in accordance with local police practice.

9. When does a paper plate expire?

The paper plate expires when the underlying plate expires or when adjudicated, whichever is sooner. If the underlying plate expires, the paper plate must be renewed at the branch office and a new paper plate will be issued.

10. How does the court know who the owner of a vehicle is?

The court could request law enforcement to provide a registration status with ownership information along with the ticket or complaint and the paper plate. Or, the court could run this if they have LEIN or SOS access.

11. What if the plate is confiscated in error?

If the error is discovered the same date as the confiscatio, simply delete the entry from the LEIN. If the error is not discovered until a later date, you may remove the flash by sending a message in through LEIN requesting a correction to the record that includes the year, make, VIN, plate number, and date of offense.

Filing the Complaint

12. Can DWLS and OUIL be issued on a ticket?

Citations may be issued for a 93-day misdemeanor for 1st offense written under the Michigan Vehicle Code or a substantially corresponding local ordinance. 2^d and subsequent offenses carrying penalties over 93 days should be filed on a complaint and warrant.

13. Can DWLS and OUIL be written under local ordinance?

Yes, although cities and townships should amend their ordinances to provide for 93 day and immobilization penalties.

14. What if the prosecutor chooses to charge 1st offense when there are prior convictions on the record?

This is the prosecutors prerogative. This would lesson the criminal penalties, but the license sanctions imposed by the Department of State will be based upon the driving record regardless of whether the defendant was convicted of 1st, 2nd, or 3rd offense. The court will receive no notice from SOS of the license action it takes. The defendant will receive a notice of the suspension or restrictions imposed with an effective date.

15. What if prints do not accompany the complaint from the police or prosecutor to the court?

The court would be obligated to order fingerprints taken prior to sentencing. The prints would have to be updated with the appropriate CTN from the county prosecutor, in order to match to the judgment of sentence, dismissal/ acquittal, or nolle prosequi sent to MSP-Central Records.

CTNs are not issued on ordinance violations. Convictions under ordinance for offenses with penalties up to 93 days must also be reported by submitting the original fingerprint card with a copy of the judgment of sentence, dismissal/acquittal or nolle prosequi form. Locations using LIVE SCAN submission of fingerprints should coordinate electronic submission of conviction information using the appropriate CTN or other local tracking number.

16. What if the prosecutor declines to authorize a complaint? How does the defendant get a new metal plate?

The prosecutor has the obligation to notify law enforcement that charges will not be issued. The prosecutor and law enforcement will have to work out an agreement as to which agency has the responsibility to notify the defendant s/he may apply for a new metal plate. Either entity, may correct the LEIN entry which will clear the plate hold.

17. Will a fee be required to get a new plate if charges are not filed?

The Department of State will charge a \$5.00 replacement fee for a new plate regardless of whether the defendant was ever charged or was convicted, or the case was dismissed.

Conviction

18. How does the owner get a new metal plate after the case is adjudicated?

The court must provide the owner with an NOA (Notice of Adjudication) form. This is a combination form with the CORDL (Court Ordered Restricted Driver License). CORDLs will be used on pre-October 1, 1999 alcohol cases and on all drug cases because the court will continue to impose license sanctions on these cases. On all new cases license sanctions will be imposed by the Secretary of State. The CORDL form will be used as an NOA on cases occurring after October 1st when a paper plate was issued. The owner may take this form to an SOS branch office to get a new metal plate.

Sentencing - Immobilization

19. If the defendant is sentenced to jail, can the car be immobilized during that time?

No. Immobilization must follow incarceration. See MCL 257.904d(6).

20. How does the court initiate immobilization, and how does the court determine that it occurred?

SCAO new form MC-267, Order for Vehicle Immobilization is designed for the purpose of ordering immobilization. It contains a certification section by which the defendant can provide proof of compliance with the order.

21. Where are vehicles immobilized and who pays for it?

There are various methods by which this can be accomplished. Any technology that locks the ignition, wheels, or steering of the vehicle, or otherwise prevents any person from operating the vehicle, or that prevents the defendant from operating the vehicle may be used. The court may order the vehicle stored at a location and in a manner it considers appropriate. Costs for immobilization may be ordered paid by the defendant.

The court might wish to provide defendants with a specific place to have a vehicle immobilized, such as an impound lot, or it might wish to provide a list of choices and require the order to be returned completed as verification. Local circumstances and availability of locked storage lots or other means of immobilization will impact these decisions.

22. How much time does the defendant have to prove the vehicle is immobilized? What if the defendant fails to provide proof of immobilization?

Each court must determine how much time to provide for immobilization, and how it will proceed if no proof is provided. The court could set a specific date by which immobilization must occur, or if facilities are available, make it immediate (other than when incarcerated). There could be an Order to Show Cause, with a subsequent Order for Vehicle Impoundment (MC-254) and/or a Bench Warrant for failure to comply with a court order or a condition of probation.

23. How can an innocent owner address the court regarding possible immobilization?

One way could be that the innocent owner files a motion to prove they did not knowingly allow the offender to operate. Each court should determine at what stage it wants to decide this issue; before sentencing or at sentencing and how the judge will make that determination.

24. Will the LEIN/SOS response on a vehicle status inquiry indicate a vehicle has been immobilized?

Yes. It will show the dates of immobilization along with the DLN of the offender.

25. If defendant uses immobilization tether technology that prevents only him/herself from driving the vehicle, how will law enforcement know that a non-defendant is legally operating the vehicle?

The driver license number of the defendant will appear on the registration record for the vehicle ordered immobilized. If a vehicle is driven by someone other than the defendant, law enforcement is being trained to inquire as to why the vehicle isn't immobilized. The driver then should have documentation to show the officer identifying the tether technology has been installed or a copy of the Order of Immobilization.

26. Who monitors the defendant during immobilization to make sure s/he does not purchase or lease another vehicle?

During immobilization the offender may not purchase or lease another vehicle. Only the offending vehicle is affected by the immobilization order. SOS will monitor for no transfer to a family member. It is a crime to purchase or lease a new vehicle and the defendant will be subject to prosecution.

Other Miscellaneous Questions

27. Is there any mandatory jail time?

For a 2nd offense OUIL/OWI within 7 years there is either a minimum of 5 days in jail or a minimum 30 days community service. For a 3rd offense OUIL/OWI within 10 years there is either a mandatory 1 year jail, or with probation, a mandatory 30 days jail.

28. How are suspensions and restrictions applied to the driving record, and how is the driver notified?

Upon receipt of the conviction abstract the Department of State will impose the minimum license sanctions. Restrictions will be the broadest possible under the statute, and the defendant will be required to carry documentation proving their reason for driving (such as letter from employer, school schedule, doctor's appointment card, etc.). The driver is notified by letter by DOS.

29. How is vehicle forfeiture handled?

This procedure is outlined in MCL 257.625n, and is initiated by the prosecutor. There are several SCAO forms; MC-66, MC-68, and MC-69. If the court orders forfeiture the unit of government that seized the vehicle sells it and disposes of the proceeds according to statute.

30. If a defendant has been denied the ability to register a vehicle who will check to see if s/he tries to purchase or lease another vehicle during the denial period?

It will be a crime for a person to purchase or lease another vehicle. Any person suspended or revoked for a 3rd drunk driving or 4th DWLS will be denied the ability to transfer a vehicle to a family member without a court order.

31. Will specific restrictions (work hours, etc. appear on the driving record for license restrictions?

No. These will only appear for old law cases. Any offense occurring on or after 10/1/99 will receive "generic" restrictions and the operator must carry proof of destination and hours with them.

32. When the LEIN/SOS driver status response indicates the operator may only drive a vehicle with an ignition interlock device, what does this mean?

When repeat alcohol offenders are returned to the road with a restricted license, hearing officers must place them on an ignition interlock device for a minimum of one year. This device requires a person take and pass a breath test before operating a vehicle.

Glossary of Often Used Terms

Plate Confiscation:	At time of arrest for a multiple offender, officers will confiscate the vehicle metal plates regardless of ownership, destroy them, and replace them with a paper plate that expires at time the case is decided.
Vehicle Immobilization:	Immobilization of the offending vehicle will be court ordered for repeat offenders. Drivers must have immobilization devices installed at their expense and show proof of this to the court. Technologies include: ignition interlock, steering column club, wheel boot, or driver tether. This will be ordered if offender owns, co-owns, leases or co-leases the vehicle.
Vehicle Forfeiture:	The court will order the vehicle sold. Monies from the sale will be distributed as defined by statute, first to pay secured interests and then to others.
Registration Denial:	The offender cannot register or plate any vehicle with an ownership interest, with the Secretary of State until they are relicensed. This is only for repeat offenders with three alcohol convictions or four or more driving while suspended violations.
Mandatory Substance Abuse Treatment:	This may include in-patient or out-patient care, counseling, or other forms of treatment. Courts are required to order this for persons with two alcohol convictions. Offenders must pay for this program.
Child Endangerment:	Committing any alcohol driving-related offense in a motor vehicle with a passenger that is under the age of 16 in the car at the time of the offense.
Ignition Interlock:	This is a device which prevents the vehicle from starting until the person passes a breath test. If the driver has any bodily alcohol content, the car will not start. Random tests are required while operating the vehicle. These devices are mandatory for repeat offenders who are granted a restricted license after serving a period of revocation. Ignition interlocks are installed at the expense of the offender.
BAC:	Bodily Alcohol Content -- This informatoin is obtained by a blood or breath test.
OWI:	Operating While Intoxicated -- This is the lessor offense to OUIL and is a .08 bodily alcohol content (BAC) crime.

OUIL:	Operating Under the Influence of Liquor -- This is the .10 crime of “drunk driving”.
OUIL/ Death:	While operating under the influence or impaired, the operator caused the death of another. This is a 15 year felony.
OUIL/ Injury:	While operating under the influence or impaired, the operator caused serious injury to another. This is a 5 year felony.
Zero Tolerance:	This is a misdemeanor offense for persons under the age of 21, to drive while having any bodily alcohol content.
DWLS:	Driving While License Suspended or Revoked.
DWLS/Death:	While driving while license suspended/revoked, the operator caused the death of another. This is a 15 year felony.
DWLS/Injury:	While driving while license suspended/revoked, the operator caused serious injury to another. This is a 5 year felony.
Revocation:	This is a permanent loss of a driver license. After the minimum period of revocation, (1 year or 5 years) drivers may re-apply for a license and try to prove they will be safe drivers in the future. The agency may deny the license or may grant a restricted license.
Suspension:	This is a temporary loss of a driver license for an established period of time. Upon expiration of the suspension period and payment of a \$125 reinstatement fee, the license will be returned.
Restrictions:	These are limited driving privileges such as driving to and from work.

**MI Dept of State
Repeat Offender Legislation Index**

Section	Description
Vehicle Code 257.8a	Conviction is defined.
257.23b	Juvenile disposition is defined.
257.44a	Probate court disposition is defined.
257.204a	Driving records; certified copies as evidence.
257.204b	Conviction of attempted violation; effect.
257.219	Registration: refusal and transfer. Title: refusal of title or salvage cert.; grounds.
257.233	Transfers of title or interest: plates and immobilization; effect.
257.258	Cancellation of registration; grounds.
257.303	Revocation/ Denial of driver license.
257.310d	DA probationary driver program.
257.319	Mandatory license suspensions or restrictions; grounds.
257.319b	CDL: suspension/revocation; refusal of chemical test; conditions.
257.320a	Number of points for convictions.
257.320b	Driver safety school.
257.320e	Payment of reinstatement fee; law in effect at time of offense; dictates action.
257.321a	FAC/FCJ
257.322	Hearing officer: powers and duties.
257.323	Circuit Court restoration appeal.
257.602a	Fleeing and Eluding
257.605	Uniform application of laws.
257.619	Notice of home address to law enforcement at crash
257.622a	Ignition interlock device; included in crash report.
257.624a	Transportation/ Possession of Open Intox.
257.624b	Transportation/ Possession of liquor by person under 21.
257.625	Driving while intoxicated.
257.625(1)	OUIL/UBAC/OUID (Drugs)
257.625(2)	Knowingly Allowing Another to OUIL
257.625(3)	OWI

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257.625(2)	Knowingly Allowing Another to OUIL

Section	Description
257.625(3)	OWI
257.625(4)	OUIL/OWI/ Death= 15 yr felony
257.625(5)	OUIL/OWI/Serious Injury= 5 yr. felony
257.625(6)	Zero Tolerance
257.625(7)	Child Endangerment
257.625(8)	OUIL penalties.
257.625(9)	Knowingly Allow OUIL penalties.
257.625(10)	OWI penalties.
257.625(11)	Zero Tolerance penalties.
257.625(12)	Pay costs of prosecution
257.625(13)	Community service.
257.625(14)	Prosecution list prior convictions.
257.625(15)	No plea down to Zero Tolerance.
257.625(16)	Requirements to establish a prior.
257.625 (17-25)	More 625 details.
257.625a	Blood/ Chemical Test & PBT
257.625b	Arrest, screening and mandatory treatment, timeliness, rights.
257.625c	Implied Consent (IC) law.
257.625d	Report of Refusal.
257.625e	IC Hearing Notice procedure.
257.625f	IC Hearing, sanctions, issues.
257.625g	625g permits.
257.625h	Equipment and Case Flow Assistance Funds.
257.625i	Drunk Driving Audit
257.625j	Repealed
257.625k	Ignition interlock device certification.
257.625l	Ignition interlock enforcement crimes.
257.625m	CDL/.04 BAC for CMV.

Section	Description
257.625n	Forfeiture
257.727	Arrest without warrant for 93-day offenses
257.732	Conviction abstract requirements.
257.904	Driving While License Suspended/Revoked
257.904(1)	Operator/Chauffeur shall not DWLS
257.904(2)	Knowingly Allow a person to DWLS
257.904(3)	DWLS (1) and (2) penalties
257.904(4)	DWLS causing Death.
257.904(5)	DWLS causing Serious Injury
257.904(6)	DWLS/Death or DWLS/Serious Injury: immobilization or forfeiture.
257.904(7)	Knowingly Allowing DWLS/Death or Serious Injury.
257.904(8)	Prosecution list prior convictions.
257.904(9)	Requirements to establish a prior
257.904(10)	Mandatory like additional suspension/revocations for moving violations.
257.904(11)	Mandatory 30 day suspensions for moving violations during indefinite suspensions..
257.904(12)	Mandatory additional for CDL violations.
257.904(13)	Same incident language.
257.904(14)	Police provide court with driving record.
257.904(15)	Protecting human life exception.
257.904(16)	CDL Driving Suspended or Revoked crime.
257.904(17)	Second 904 suspension requires immobilization.
257.904(18)	Single free FAC/FCJ violation exception.
257.904(19)	Definition of person who never applied.
257.904c	Plate confiscation; duties of police.
257.904d	Immobilization penalties.
257.904e	Immobilization: manner, storage, removal, enforcement
257.904f	Immobilization and paper plates on LEIN.
769.1f Code of Crim Pro	Reimbursement for expenses.

Section	Description
41.183 Charter Twp Act	Township Ordinance Local Authority.
42.21 Charter Twp Act	Township Ordinance Local Authority.
66.2 Gen. Law Vill. Act	Village Local Authority
78.24 Home Rule Vill. Act	Village Charter; 93 day offenses.
117.4i Home Rule City Act	City Charter; 93 day offenses.
324.81134 NREPA	Operation of ORV while intoxicated.
333.7408a Public Health	Drug Crime Licensing Sanctions.
436.1703 L.C.C.	Minor in Possession.
600.8511 RJA	District Court Magistrate: duties; 93 day offenses.
750.367c Penal Code	Theft of Motor Vehicle Fuel.
750.382 Penal Code	Malicious Destruction of Property; turfing.
750.479a Penal Code	Fleeing and Eluding.
752.192 Felonious Driving	Felonious Driving; suspension of license.
761.1 Code of Crim Pro	Definition of terms; minor offense.
764.1e Code of Crim Pro	Complaint Certification
764.9f Code of Crim Pro	Appearance Ticket; 93 day offenses

****Bold: Please refer to clean-up legislation****

Repeat Offender Legislation - October 16, 1998

HB 4210- Public Act 340
 HB 5123- Public Act 341
 HB 5122-Public Act 342
 HB 5952-Public Act 343
 HB 5953-Public Act 344
 SB 269- Public Act 345
 SB 625-Public Act 346
 SB 627- Public Act 347
 SB 869- Public Act 348
 HB 4959-Public Act 349

SB 870- Public Act 350
 SB 953- Public Act 351
 HB 5954-Public Act 352
 HB 5955- Public Act 353
 HB 5956- Public Act 354
 SB 268- Public Act 355
 HB 5951- Public Act 356
 HB 4576- Public Act 357
 HB 4961- Public Act 358
 HB 4960- Public Act 359

Clean-up Legislation - June 15, 1999

SB 556-Public Act 73
 SB 557-Public Act 74
 SB 558-Public Act 75
 SB 559-Public Act 76
 SB 560-Public Act 77
 HB 4580-Public Act 55

HB 4581-Public Act 56
 HB 4582-Public Act 57
 HB 4583-Public Act 58
 HB 4584-Public Act 59
 HB 4585-Public Act 53
 HB 4648-Public Act 51

Repeat Offender Violations

Effective Oct. 1999

Run 2 LEIN checks for **every** traffic violation
, #35;driver inquiry
, #13;plate inquiry

Repeat 625 Offender

If arresting for a 2nd or more alcohol crime (625)
, License plate confiscation
, Mandatory fingerprinting
, Seek a complaint & warrant form
, Prosecuting Attorney

Multiple DWLS Suspensions

If arresting for DWLS (during any type of susp/rev) with 2 or more prior violations of susp/revs.
, License plate confiscation
, Mandatory fingerprinting
, Seek a complaint & warrant from
, Prosecuting Attorney

If Car Is under an Immobilization Order

Check driver's LEIN #35; to see if license matches the immobilization order
If Match - Arrest the driver and impound the vehicle and notify the sentencing court listed on MDR.

If No Match - And the method of immobilization is not tether technology, then impound the vehicle and notify the sentencing court listed on MDR.

Confiscation Procedure

1. If arresting for a 2nd DD or a DWLS follow LEIN check instructions which will list number of prior convictions or susp/rev violations and advise of need to confiscate plate
2. Exceptions: Do not take dealer,

manufacturer, out-of-state, rental, trailer, tribal, US government, or apportioned-IRP plates.

3. Enter the following data on the Paper Plate:
 - A. Vehicle Identification Number (VIN)
 - B. Make and year of the vehicle
 - C. License plate number (or vanity text) from metal plate
 - D. Arrest date
4. Apply the original Paper Plate to the vehicle (Inside rear window, lower left)
5. When returning to the station
 - A. Send 2nd copy to the Prosecuting Attorney's office with police report
 - B. Give 3rd copy to the LEIN operator

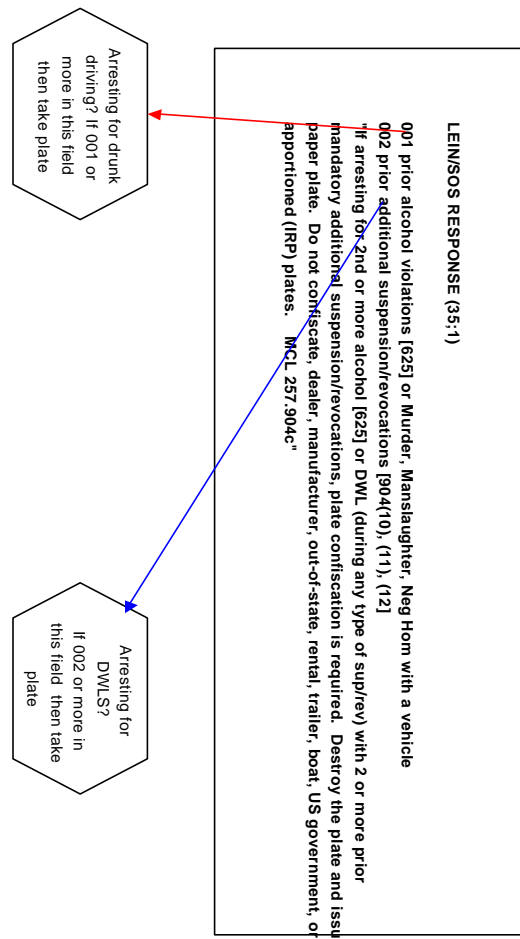


PLATE CONFISCATION BY LAW
ENFORCEMENT

LEIN questions contact MI230015V.

**Immobilization Chart MCL 257. 904d & 904e
Alcohol***

	1st	2nd within 7 years	3rd or more within 10 years
OUIL/ UBAC/ OUID OWI Child Endangerment OUIL/UBAC/OWI/Death OUIL/UBAC/OWI/Injury	Up to 180 days	90-180 days	1-3 years
Person Under 21 with BAC	None	None	None
Failure to Yield /Injury/ Emergency Responder	None	None	None

*Priors include: Murder or Manslaughter with vehicle, 625m, Neg Hom & all those listed above. MCL 257.904d (8).

- OUIL Operated Under Influence Liquor
- OUID Operated Under Influence Drugs
- UBAC Unlawful Blood Alcohol Content
- OWI Operating While Impaired

Driving While License Suspended/Revoked/Denied**

	1 prior 904 additional	2 prior 904 additional within 7 years	3 prior 904 additional within 7 years	4 prior 904 additional within 7 years	5 or more prior 904 additional within 7 years
Any conviction/civil infraction during a suspension/revocation	None	Up to 180 days	90-180 days	90-180 days	1-3 years
DWLS/R/ Death or Injury	Up to 180 days	Up to 180 days	90-180 days	90-180 days	1-3 years

** Prior additional are defined as additional mandatory suspensions imposed pursuant to MCL 257.904 (10) (11) (12) or former MCL 257.904 (2) or (4) for driving during a period of suspension or revocation – not prior convictions for DWLS/Revoked.

- DWLS/R Drove While License Suspended/Revoked

General Requirements:

Defendant must provide VIN # and plate # to court
 Immobilization starts after imprisonment
 Immobilization applies if defendant is owner, co-owner, lessee or co-lessee
 If defendant is not the owner, immobilization applies if owner knowingly permitted defendant to operate vehicle
 Does not apply to vehicle registered in another state
 Immobilization is defined in MCL 257.904e