



TRAFFIC SERVICES SECTION **FIELD UPDATE**

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Enhanced Driver’s Licenses and OWI Confiscation

As described by the Michigan Department of State website, “The enhanced driver's license is a cost-effective and convenient document that meets driving, identification and border-crossing needs. It is a federally approved document that allows you to re-enter the U.S. when traveling by land or sea from Canada, Mexico, Bermuda and the Caribbean. While not required, the enhanced license is an excellent alternative to a standard license because it is especially handy for business travel, vacations or quick trips. Several states, in addition to Michigan, offer an enhanced license.” See http://www.michigan.gov/sos/0,1607,7-127-1627_8669_53333-213045--,00.html.

The Traffic Services Section has recently been asked whether or not an enhanced driver's license should be confiscated when a motorist is arrested for Operating While Intoxicated.

MCL 28.304(5) says, "The holder of an enhanced driver license issued under this act is subject to every licensing sanction provided under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. As used in this subsection, ‘licensing sanction’ means the restriction, suspension, revocation, or denial of a driver license; the addition of points to a driving record; the assessment of a driver responsibility fee; the assessment of a civil

fine or criminal penalty resulting from a conviction; a civil infraction determination; the imposition of probationary terms and conditions; or any other penalty provided under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.”

Further, the Department of State has advised that enhanced driver's licenses should be confiscated in the same manner as non-enhanced licenses. The motorist will be allowed to apply for an enhanced identification card to replace the enhanced driver's license. The \$30 fee for an original enhanced identification card will be assessed.

Given the wording of MCL 28.304(5) and the response from the Department of State, officers should confiscate enhanced driver's licenses when a motorist is arrested for Operating While Intoxicated.

This update is provided for informational purposes only. Officers should contact their local prosecutor for an interpretation before applying the information contained in this update