

## HIGH BAC FREQUENTLY ASKED QUESTIONS

Q: What is a High BAC offense?

A: Effective Oct 31, 2010, there is another type of alcohol-related driving offense. This offense, also known as a High BAC offense, provides increased sanctions for individuals convicted of operating a motor vehicle with an alcohol content of 0.17 or more.

Q: What happens to my driver's license if I am convicted of a High BAC offense?

A: If this is your first alcohol-related driving offense, your driver's license will be suspended for one year. You may be eligible for a restricted driver's license after 45 days. If this is your second alcohol-related driving offense within seven years or your third alcohol-related driving offense within 10 years, your driver's license will be revoked and denied. After the minimum period of license revocation, you may apply for a hearing before the Administrative Hearings Section for relicensure.

Q: How is the driver's license suspension for a High BAC conviction applied to the driving record and how is the driver notified?

A: Upon conviction, the court provides the Secretary of State with an abstract of conviction, and the driving record is updated. An Order of Suspension is automatically generated and mailed to the offender as notification that his or her driving privileges are suspended for one year. The Order of Suspension will also include instructions on how to obtain a restricted driver's license after 45 days. An offender's driving record will show the driver's license as suspended for one year.

Q: What do I have to do to get a restricted driver's license?

A: Have a breath alcohol ignition interlock device (BAIID) installed in any vehicle you intend to operate and submit proof of installation to a Secretary of State branch office. At that point, the driver's record will be updated to show the driver's license restrictions.

Q: How do I get a BAIID installed?

A: Manufacturers and providers who are currently authorized to install ignition interlock devices for Michigan drivers are listed at:

[http://www.michigan.gov/sos/0,1607,7-127-1627\\_8665-70471--,00.html](http://www.michigan.gov/sos/0,1607,7-127-1627_8665-70471--,00.html)

You can contact any of the providers by calling their toll-free phone number to obtain additional information concerning cost, the location of service centers and

to schedule installation. You will have to be driven to and from the installation center by a licensed driver and until the restricted license is issued.

Q: What if I don't know a licensed driver who can drive me to and from the installation center?

A: Contact the BAIID provider and request mobile service to come to your home.

Q: How much does the BAIID cost?

A: The state does not regulate the cost of the BAIID. You should contact a BAIID provider to obtain cost information. The Legislature did limit the amount that can be charged to people on low incomes to a maximum of \$2 per day. In order to qualify for this reduced fee your income must fall below 150 percent of the current poverty guidelines published by the U.S. Secretary of Health and Human Services. To determine if you may qualify see your vendor for details. The law does require that you submit a copy of your state income tax return for the previous year to the BAIID vendor.

Q: What if I don't own a vehicle?

A: If you do not own a vehicle, and do not intend to operate a vehicle, your driving privileges will remain suspended for one year, and no restricted driving privileges will be issued. However, if you intend to operate a vehicle belonging to someone else, you must have a BAIID installed on the vehicle you intend to operate and provide proof of installation to the Secretary of State.

Q: If I get a restricted driver's license, what are the license restrictions?

A: You may only operate a motor vehicle equipped with a BAIID. In addition, you may only operate a vehicle in the course of your employment or occupation, to and from any of the following: your residence; your work location; an alcohol or drug education or treatment program as ordered by the court; the court probation department; a court-ordered community service program; an education institution at which you are enrolled as a student; a place of medical treatment for a serious medical condition for you or a member of your household or immediate family. You must carry proof of your destination and hours of employment, class, or other reason for traveling.

Q: If I request permission to change the driver's license restrictions, will my request be granted?

A: No. The license restrictions are set by statute (MCL 257.319(17)) and cannot be amended.

- Q: If I operate a motor vehicle outside of the license restrictions could that impact my driver's license?
- A: Yes. If you are convicted of violating a condition of your restricted license you will receive an additional one year license suspension.
- Q: What do I do if the BAIID registers an alcohol reading that I believe is an error?
- A: First, you should follow all instructions given to you by the BAIID provider. If you fail a test, you should continue to provide breath samples until you pass the test, or the device locks you out. Between providing breath samples, rinse your mouth with water. If the reading results in an additional period of suspension, you may be eligible to obtain a restricted driver's license after 45 days.
- Q: How long will the BAIID have to remain installed in the vehicle?
- A: For the remainder of the one year suspension (plus any additional periods of suspension/restriction) and until you receive an Order/Authorization to Remove Breath Alcohol Ignition Interlock Device from the Administrative Hearings Section of the Department of State.
- Q: When am I eligible to receive full driving privileges?
- A: After you complete the remainder of the one year High BAC license suspension (plus any additional periods of suspension/restriction), receive an Order/Authorization to Remove Breath Alcohol Ignition Interlock Device from the Administrative Hearings Section of the Department of State and pay your reinstatement fee.
- Q: What if someone else uses the motor vehicle during the period it is equipped with a BAIID?
- A: The use of the motor vehicle does not have to be limited to the individual with restricted driving privileges. You should inform any individual operating the motor vehicle that the BAIID will request a startup test when starting the vehicle and periodic rolling retests. You should be aware that you will be held responsible for any alcohol readings recorded by the BAIID regardless of who is driving the vehicle.
- Q: Whom do I call if I have problems with the BAIID?
- A: Call the BAIID vendor's toll-free number and follow the instructions. Do not call the installation company or where you went for calibration unless the main company office so instructs you. If you do not call that office, the call may not be properly noted in their records. This may cause you problems down the road with violations. You should keep a record of the date and time of the call and with whom you spoke.

Q: Whom do I call if I am having problems and the BAIID vendor is not helping me?

A: You may register a detailed written complaint through the Administrative Hearings Section by mail, PO Box 30196, Lansing, MI 48909-7696, or by fax at (517) 335-2190.

Q: What happens if I choose to change BAIID vendors?

A: When you change BAIID vendors, you must install a new BAIID within seven days of having the previous vendor remove its device. You must mail or fax a copy of the new installation certificate to the department to verify the device was reinstalled within seven days. You must get a BAIID report from each vendor you use to provide to the department when you request removal of the device.

Q: Can I drive a work vehicle?

A: Yes, as long the vehicle is equipped with an ignition interlock device. **THERE ARE NO EXCEPTIONS.**

Q: What if I operate a motor vehicle without a BAIID during the period of license restrictions?

A: If you are pulled over by law enforcement during the period of license restrictions and you are found to be operating a motor vehicle without a properly installed BAIID, the officer is required to impound the vehicle. In addition, you could be ticketed for the misdemeanor offense of operating a motor vehicle without a properly installed ignition interlock device. If you are convicted of operating a motor vehicle without a properly installed BAIID during the period of license restriction, the sentencing court must order the motor vehicle involved to be immobilized for not less than 90 days or more than 180 days.

Q: Will a conviction for operating a motor vehicle without a properly installed BAIID result in license sanctions?

A: Yes. A conviction for operating a motor vehicle without a properly installed BAIID will result in an additional one-year license suspension.

Q: If I am convicted of operating a motor vehicle without a properly installed BAIID when will I be eligible to apply for a restricted license?

A: You may be eligible for a restricted driver's license after you have completed 45 days of the additional suspension. If your motor vehicle was immobilized following a conviction for operating without a properly installed BAIID, the court must suspend the immobilization order if you obtain a restricted license and a BAIID is properly installed in the vehicle.

- Q: Can I remove the BAIID without first obtaining an Order/Authorization to Remove Breath Alcohol Ignition Interlock Device?
- A: No. New section 322a [MCL 257.322a] prohibits removal of an ignition interlock device without first obtaining an order from the department.
- Q: What if the Ignition Interlock Report reveals alcohol readings?
- A: If the Ignition Interlock Report reveals any reading of a blood alcohol level of 0.025 grams or higher per 210 liters of breath, you may receive an additional one-year suspension.
- Q: Does the department notify me when I become eligible to request removal of the BAIID?
- A: No. It is up to you to keep track of the date you are eligible to request removal of the BAIID. If you have no violations causing additional suspensions, you will be eligible to request removal one year after the beginning date of the original license suspension.
- Q: When I have completed my license restrictions how do I get my full driving privileges?
- A: You can request an Order/Authorization to Remove Breath Alcohol Ignition Interlock Device by submitting a completed [request form](#) along with an Ignition Interlock Report from the Ignition Interlock vendor to the Administrative Hearings Section of the Department of State. If your request is granted, you will receive an Order/Authorization to Remove Breath Alcohol Ignition Interlock Device. You must take the Order to the Ignition Interlock vendor to have the device removed. After you have been approved to remove the BAIID, you must still pay a reinstatement fee of \$125 to the department before you will receive your full driving privileges. You should keep a copy of the Order/Authorization to Remove Breath Alcohol Ignition Interlock Device with you whenever operating a motor vehicle until you have paid your reinstatement fee and received your full driving privileges.
- Q: What happens to my commercial driver's license if I am convicted of operating a vehicle with an alcohol content of 0.17 or more?
- A: Your privilege to operate a commercial motor vehicle will be suspended even if the offense occurred in a noncommercial motor vehicle. The privilege to operate a commercial motor vehicle will remain suspended for the duration of the one-year suspension even if you receive a restricted license to operate a passenger vehicle.
- Q: What if I don't intend to drive, do I have to install the BAIID?

A: No. If you do not intend to operate a motor vehicle you are not required to install a BAIID. However, if you do not install the BAIID you will not be eligible for a restricted driver's license and your driving privileges will remain suspended for one year.