

ORV OFFICER'S REPORT OF REFUSAL TO SUBMIT TO CHEMICAL TEST

PERSON'S FULL NAME (AS APPEARS ON MICHIGAN DRIVER'S LICENSE)					BIRTH DATE (MM/DD/YY)		SEX MALE FEMALE	
ADDRESS (NUMBER & STREET)					MICHIGAN DRIVER'S LICENSE NUMBER			
CITY		STATE		ZIP		OTHER STATE DRIVER'S LICENSE NUMBER		STATE
HEIGHT	WEIGHT	EYE COLOR	HAIR COLOR		<input type="checkbox"/> OPERATOR <input type="checkbox"/> CHAUFFEUR <input type="checkbox"/> MOPED			
ARREST DATE (MM/DD/YY)		MILITARY TIME			REFUSAL DATE (MM/DD/YY)		MILITARY TIME	
COUNTY (OF ARREST)			CITY OR TOWNSHIP (OF ARREST)			CO/CTY/TWP CODE		
*VEHICLE TYPE ORV	Was person YES involved in an accident?	NO	INSTRUMENT # REFUSED	BAC #1 N/A	BAC #2 N/A	BAC #3 N/A	UCR CODE	COMPLAINT NUMBER
ARRESTING OFFICER'S NAME					BADGE NUMBER	ORI NUMBER		
BREATH TEST OPERATOR'S NAME, only if not listed above and necessary for hearing					BADGE NUMBER	ORI NUMBER		
OTHER OFFICER, if necessary for hearing					BADGE NUMBER	ORI NUMBER		

The above named person was arrested for a violation of Sections 81134(1), (3), (4), (5), (6) or (7) of the Natural Resources and Environmental Protection Act, as amended, or a local ordinance substantially corresponding to Sections 81134(1), (3) or (6) or for the offense of negligent homicide or manslaughter resulting from the operation of an ORV.

The officer had reasonable grounds to believe that the above named person violated Sections 81134(1), (3), (4), (5), (6) or (7) of the Natural Resources and Environmental Protection Act, as amended, or a local ordinance substantially corresponding to Sections 81134(1), (3) or (6) or for the offense of negligent homicide or manslaughter resulting from the operation of an ORV while impaired by or under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and a controlled substance, or while having an unlawful alcohol content, or if the person is less than 21 years of age while having any bodily alcohol content.

The above named person was requested to take a chemical test. The person was advised of the chemical test rights as required under Section 81136 and refused to take a chemical test.

SERVICE OF NOTICE OF SUSPENSION

I certify that I hand delivered a copy of the document containing the Notice of Suspension and Appeal Rights to the person named above.

Officer's Signature _____

Date (MM/DD/YY) _____

OFFICER'S INSTRUCTIONS

Give two green copies to person
Keep two white copies

REQUEST FOR HEARING

Request For Hearing:

I request a hearing before the Administrative Hearings Section to contest issues number(s) _____
(Issues are listed on the Notice of Suspension.)

Affirmative Address Statement:

- The address on my master driving record is correct. Send all correspondence to this address.
- The address on my master driving record should be changed to the address shown on the reverse side. Send all correspondence to this address.
- The address on the reverse side is only a temporary address. Send all correspondence to this address. Please **DO NOT CHANGE** the address on my master driving record file.

Signature _____ Date _____

Driver's License Number _____ Telephone _____

This request for hearing must be mailed within 14 days of the receipt of the Officer's Report Of Refusal to Submit to Chemical Test containing the Notice of Suspension, or your ORV operating privilege will be suspended. Send this form. Do not send a photocopy.

Mail to: MICHIGAN DEPARTMENT OF STATE
ADMINISTRATIVE HEARINGS SECTION
P O BOX 30196
LANSING MI 48909-7696

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CITY		STATE		ZIP		OTHER STATE DRIVER'S LICENSE NUMBER		STATE
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*VEHICLE TYPE	Was person YES involved in an accident?	NO	INSTRUMENT #	BAC #1	BAC #2	BAC #3	UCR CODE	COMPLAINT NUMBER
ORV			REFUSED	N/A	N/A	N/A		
ARRESTING OFFICER'S NAME					BADGE NUMBER	ORI NUMBER		
BREATH TEST OPERATOR'S NAME, only if not listed above and necessary for hearing					BADGE NUMBER	ORI NUMBER		
OTHER OFFICER, if necessary for hearing					BADGE NUMBER	ORI NUMBER		

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The above named person was requested to take a chemical test. The person was advised of the chemical test rights as required under Section 81136 and refused to take a chemical test.

SERVICE OF NOTICE OF SUSPENSION

I certify that I hand delivered a copy of the document containing the Notice of Suspension and Appeal Rights to the person named above.

Officer's Signature _____

Date (MM/DD/YY) _____

OFFICER'S INSTRUCTIONS

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Keep two white copies

NOTICE OF SUSPENSION & APPEAL RIGHTS

Notice of Suspension

You have allegedly refused to take a chemical test. Your Michigan ORV operating privilege will be suspended.

Appeal Rights:

If you do not appeal within 14 days your ORV operating privilege will be automatically suspended. If you wish to request a hearing you must do so within 14 days of the date of service of this Notice of Suspension.

Hearing Issues:

MCL 257.81140 limits the issues appealable at a hearing ONLY to the following:

1. Whether the peace officer had reasonable grounds to believe that you committed a crime described in MCL 324.81137(1).
2. Whether you were placed under arrest for a crime described in MCL 324.81137(1).
3. Whether you refused to submit to a chemical test upon the request of the officer, and if so, whether the refusal was reasonable.
4. Whether you were advised of your rights under MCL 324.81136.

To request a hearing, complete the Request for Hearing and mail to the Department of State within 14 days of the date of the service of this notice.

You are not required to have an attorney at this hearing, but an attorney may represent you if you wish.

I will be requesting that you take a chemical test to determine the alcohol content and/or presence of a controlled substance in your body. IF YOU WERE ASKED TO TAKE OR TOOK A PRELIMINARY BREATH TEST PRIOR TO YOUR ARREST, YOU MUST STILL TAKE THE TEST I AM ABOUT TO OFFER YOU.

CHEMICAL TEST RIGHTS

Read the rights that follow in their entirety

If you refuse to take this chemical test, it will not be given without a court order, but I may seek to obtain such a court order. Your refusal to take this test shall result in the suspension of your ORV operating privilege.

After taking my chemical test, you have a right to demand that a person of your own choosing administer a breath, blood, or urine test. You will be given a reasonable opportunity for such a test. You are responsible for obtaining a chemical analysis of a test sample taken by a person of your own choosing.

The results of both chemical tests shall be admissible in a judicial proceeding, and will be considered with other admissible evidence in determining your innocence or guilt.

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The officer had reasonable grounds to believe that the above named person violated Sections 81134(1), (3), (4), (5), (6) or (7) of the Natural Resources and Environmental Protection Act, as amended, or a local ordinance substantially corresponding to Sections 81134(1), (3) or (6) or for the offense of negligent homicide or manslaughter resulting from the operation of an ORV while impaired by or under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and a controlled substance, or while having an unlawful alcohol content, or if the person is less than 21 years of age while having any bodily alcohol content.

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Officer's Signature _____

Date (MM/DD/YY) _____

Notice to the officer:

Complete this form to record ORV implied consent refusals, including most search warrants. (See DI-1770)

Note: This LEIN data is a continuation of the written report prescribed and furnished by the Secretary of State. The encoded information will print at the Secretary of State office and will include the following statement. "The officer had reasonable grounds to believe that the person had committed a crime described in Section 81137(1), and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal" as required by Section 81140.

OFFICER'S INSTRUCTIONS

Give two green copies to person
Keep two white copies

OFFICER'S COPY

I am a peace officer. You are under arrest for the offense of: *(Read only the charge that applies)*

- Operating an offroad recreational vehicle (ORV) while under the influence of an alcoholic liquor or a controlled substance or both, or with an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- Operating an ORV while visibly impaired due to the consumption of an alcoholic liquor or a controlled substance or both.
- Operating an ORV with any presence of schedule 1 drugs or cocaine.
- Causing the death of another while operating an ORV while under the influence of, or while visibly impaired by an alcoholic liquor or a controlled substance or both, or with an unlawful bodily alcohol content.
- Causing a serious impairment of a body function of another while operating an ORV while under the influence of, or while visibly impaired by an alcoholic liquor or a controlled substance or both, or with an unlawful bodily alcohol content.
- Manslaughter resulting from the operation of an ORV.
- Negligent Homicide resulting from the operation of an ORV.
- Operating an ORV while less than 21 years of age while having any bodily alcohol content.
- Endangerment. (Operating under the influence or while visibly impaired with person under age of 16.)

I will be requesting that you take a chemical test to determine the alcohol content and/or presence of a controlled substance in your body. IF YOU WERE ASKED TO TAKE OR TOOK A PRELIMINARY BREATH TEST PRIOR TO YOUR ARREST, YOU MUST STILL TAKE THE TEST I AM ABOUT TO OFFER YOU.

CHEMICAL TEST RIGHTS

Read the rights that follow in their entirety

If you refuse to take this chemical test, it will not be given without a court order, but I may seek to obtain such a court order. Your refusal to take this test shall result in the suspension of your ORV operating privilege.

After taking my chemical test, you have a right to demand that a person of your own choosing administer a breath, blood, or urine test. You will be given a reasonable opportunity for such a test. You are responsible for obtaining a chemical analysis of a test sample taken by a person of your own choosing.

The results of both chemical tests shall be admissible in a judicial proceeding, and will be considered with other admissible evidence in determining your innocence or guilt.

Will you take a: (Select the appropriate test from the following list)

Breath Test? Or *Blood Test? or Urine Test?

Notice to Peace Officer: (1) Use this form only for ORV arrests and refusals under the Natural Resources and Environmental Protection Act; Use the DI-93 for arrests under the Vehicle Code.

(2) Issue the two green pages of this document to the arrested person.

*MCL 324.81137(2) provides that a person afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant shall not be considered to have given consent to the withdrawal of blood.

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