



State:

Michigan

Statute/Law:

257.625: Operating motor vehicle while intoxicated; operating motor vehicle when visibly impaired; operation of motor vehicle by person less than 21 years of age; requirements; controlled substances.

Per Se Law?:

Yes

Statute/Law Language:

(1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person is operating while intoxicated. As used in this section, "operating while intoxicated" means any of the following:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state by a person if any of the following apply:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(c) The person's ability to operate the motor vehicle is visibly impaired due to the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state when, due to the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.





Penalties Following Conviction:

For a first offense, not more than 93 days (no mandatory) imprisonment, not less than \$100 fine or more than \$500;

For a Second offense within 7 years, 5 days (mandatory) - 1 year, \$200 (mandatory) - \$1000;

For a third or subsequent offense (felony) - 1 year (mandatory) - 5 years, \$500 (mandatory) - \$5000 only if prison is ordered. 5 years (no mandatory), \$1000 - \$5000 for any DUI offense with a “serious impairment of a body function” (felony).

Discretionary Court-Ordered Penalties:

The court can order the defendant up to 5 years probation and not less than 30 days or more than 1 year incarceration in jail instead of prison; The court may order community service in addition to or in lieu of jail time with some minimum mandatory periods if done in lieu of imprisonment. The court may also order restitution directly to the victim.

For more information:

[http://www.legislature.mi.gov/\(S\(acuwxz132ragxwf451crvra55\)\)/mileg.aspx?page=getobject&objectname=mcl-257-625](http://www.legislature.mi.gov/(S(acuwxz132ragxwf451crvra55))/mileg.aspx?page=getobject&objectname=mcl-257-625)

Current as of August 2016