

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.625g Duties of peace officer if person refuses chemical test or if test reveals unlawful alcohol content or presence of controlled substance or other intoxicating substance; test results; duration of temporary license or permit; definitions.

Sec. 625g. (1) If a person refuses a chemical test offered under section 625a(6), the peace officer who requested the person to submit to the chemical test shall comply with subdivisions (a) and (b). If a person submits to the chemical test or a chemical test is performed under a court order and the test reveals an unlawful alcohol content, or the presence of a controlled substance or other intoxicating substance, or any combination of them, the peace officer who requested the person to submit to the test shall do all of the following, other than subdivision (b)(i):

(a) On behalf of the secretary of state, immediately confiscate the person's license or permit to operate a motor vehicle and, if the person is otherwise eligible for a license or permit, issue a temporary license or permit to the person. The temporary license or permit must be on a form provided by the secretary of state.

(b) Except as provided in subsection (2), immediately do all of the following:

(i) Forward a copy of the written report of the person's refusal to submit to a chemical test required under section 625d to the secretary of state.

(ii) Notify the secretary of state by means of the law enforcement information network that a temporary license or permit was issued to the person.

(iii) Destroy the person's driver's license or permit.

(2) If a person submits to a chemical test offered under section 625a(6) that requires an analysis of blood or urine and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to submit to the test shall comply with subsection (1)(a) and (b)(ii) and indicate in the notice under subsection (1)(b)(ii) that a subsequent chemical test is pending. If the report reveals an unlawful alcohol content, or the presence of a controlled substance or other intoxicating substance, or any combination of them, the peace officer who requested the person to submit to the test shall immediately comply with subsection (1)(b)(iii). If the report does not reveal an unlawful alcohol content, or the presence of a controlled substance or other intoxicating substance, or any combination of them, the peace officer who requested the person to submit to the test shall immediately notify the person of the test results and immediately return the person's license or permit by first-class mail to the address provided at the time of arrest.

(3) A temporary license or permit issued under this section is valid for 1 of the following time periods:

(a) If the case is not prosecuted, for 90 days after issuance or until the person's license or permit is suspended under section 625f, whichever occurs earlier. The prosecuting attorney shall notify the secretary of state if a case referred to the prosecuting attorney is not prosecuted. The arresting law enforcement agency shall notify the secretary of state if a case is not referred to the prosecuting attorney for prosecution.

(b) If the case is prosecuted, until the criminal charges against the person are dismissed, the person is acquitted of those charges, or the person's license or permit is suspended, restricted, or revoked.

(4) As used in this section:

(a) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(b) "Intoxicating substance" means that term as defined in section 625.

(c) "Unlawful alcohol content" means any of the following, as applicable:

(i) If the person tested is less than 21 years of age, 0.02 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(ii) If the person tested was operating a commercial motor vehicle within this state, 0.04 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(iii) If the person tested is not a person described in subparagraph (i) or (ii), 0.08 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2021, 0.10 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

History: Add. 1967, Act 253, Eff. Nov. 2, 1967;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2013, Act 23, Imd. Eff. May 9, 2013;—Am. 2014, Act 315, Eff. Jan. 12, 2015;—Am. 2017, Act 153, Eff. Feb. 6, 2018.

Administrative rules: R 325.2651 et seq. of the Michigan Administrative Code.