



**House
Legislative
Analysis
Section**

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DRUNK DRIVING PENALTIES

House Bill 4002
Sponsor: Rep. Jan Dolan
Committee: Judiciary

Complete to 2-4-91

A SUMMARY OF HOUSE BILL 4002 AS INTRODUCED 1-31-91

The Michigan Vehicle Code distinguishes between driving "under the influence" of alcohol or a controlled substance (OUIL), and the lesser offense of driving "while impaired" (OWI). A first conviction for either offense is a misdemeanor punishable by imprisonment for 90 days; allowable fines differ, with a maximum fine of \$300 applying to OWI, and a range of \$100 to \$500 applying to OUIL. Subsequent convictions are subject to escalating penalties; the bill would revise that schedule of penalties with regard to license revocations and applicable time periods.

Enhanced penalties now apply when a second conviction for either offense follows within seven years of a prior conviction. The bill would extend the period to ten years, and count an earlier OWI conviction as a prior conviction when the second offense is OUIL. (A prior OUIL conviction already counts when the second offense is OWI. A second offense, whether OWI or OUIL, is punishable by imprisonment for up to one year, a fine of up to \$1,000, or both. However, license revocation is mandated when the second offense is OUIL, while license suspension applies when the second offense is OWI.)

The law now calls for license revocation upon a second OUIL conviction with seven years (to be ten years under the bill), or upon a third OWI conviction within ten years. In addition to requiring the driver's license to be revoked when an OUIL conviction followed an OWI conviction within ten years, the bill would mandate revocation when two OWI convictions followed an OUIL conviction within ten years.

MCL 257.303 et al.