



## Frequently Asked Questions

### FAQ 2019

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#### Ignition Interlock Program

This FAQ is regarding the Ignition Interlock Program established by Michigan Compiled Laws (MCL) 600.1084 and MCL 257.304. For further information on procedures related to MCL 257.304 (restricted driver's license) contact Michigan Department of State (MDOS) Court Liaisons Kari Ferri at 517-636-0962, David Handsor at 517-636-1029, or Melissa Noll at 517-241-3460. For all other questions contact Trial Court Services at [TrialCourtServices@courts.mi.gov](mailto:TrialCourtServices@courts.mi.gov).

**#1 Q: What are the qualifications for a court to participate in the Ignition Interlock Program?**

**A:** Courts desiring to participate in the Ignition Interlock Program must meet the eligibility criteria described in MCL 600.1084(9)(a). This includes any DWI/sobriety court, drug treatment court, or veterans' treatment court on the State Court Administrative Office (SCAO) official list of recognized programs (i.e., local administrative order approved by SCAO and certified under MCL 600.1062(5), MCL 600.1084(3) or MCL 600.1201(5).)

**#2 Q: What offenses qualify for the MCL 257.304 restricted license?**

**A:** Pursuant to MCL 257.304(1), to qualify for sobriety court license restrictions, drivers must be arrested on or after January 1, 2011, for violation of 625(1) or (3) of the Motor Vehicle Code with a prior violation of 625(1), (3), or (6) on the record.

Violations that do not qualify for the restricted license are MCL 257.625 (4), (5), (7) and (8).

**#3 Q: Where can I locate an electronic version of form MC 393?**

**A:** The MC 393 form can be accessed on the Michigan Supreme Court website at: <https://courts.michigan.gov/Administration/SCAO/Forms/courtforms/mc393.pdf>

**#4 Q: What are the reasons that a defendant's restricted license can be suspended or revoked?**

**A:** Under MCL 600.1084(7) a restricted license shall be suspended or revoked if any of the following occur:

- a) The court orders that a defendant be removed from the court program before he or she successfully completes it.
- b) The court becomes aware that a defendant operates a motor vehicle that is not equipped with an interlock device or tampers with, circumvents, or removes a court-ordered interlock device without prior court approval.
- c) A defendant is charged with a new violation of section 625 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.625.

**#5 Q: Does a defendant have to be terminated from the treatment court program before the MDOS will revoke the restricted license?**

**A:** No, under MCL 600.1084(7)(b)(c), the court shall notify the MDOS if the defendant operates a motor vehicle that is not equipped with an interlock device or tampers with, circumvents, or removes a court-ordered interlock device without prior court approval, or a defendant is charged with a new violation of section 625 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.625. Even if the judge allows a defendant to remain in the program after any of these incidents occur, the restricted license will still be suspended or revoked.

**#6 Q: Can a Breath Alcohol Ignition Interlock Device (BAIID) be removed from a defendant's vehicle and reinstalled?**

**A:** If a device is removed, it must be reinstalled within 7 days. The court may request permission from MDOS for a temporary removal for specific circumstances, such as totaled vehicle due to accident, repossession, etc. The request must be made prior to removal, and should include documentation as to why the request is being made and the estimated time of reinstallation. These requests can be made to RademacherM1@michigan.gov.

If the request is approved, MDOS takes the licensing action for the removal, but once the court sends proof that a device has been reinstalled, the licensing action is removed and the driver returns to the sobriety court restrictions. If no prior approval is given, the licensing action is taken and the defendant may request an administrative hearing through MDOS.

**#7 Q: How is compliance with the BAIID monitored?**

**A:** While the participant is under court supervision, courts should review written and electronic reports provided by the vendor to monitor compliance. Once the participant successfully completes the program, BAIID compliance is monitored by MDOS.

**#8 Q: How is eligibility for a restricted driver's license determined?**

**A:** When determining eligibility for a restricted license courts can run a sobriety court inquiry (SC; DLN) through their case management vendor. Below are samples of treatment court check, SC; Inquiry, with several possible Eligibility/Ineligibility Responses.

SC;S333666777999.

S-333-666-777-999 EXPIRED LIC  
MICHIGAN R SOBRIETY 12/30/1958 M 5-09 160 BLU  
1066 MAIN TRL R-OPER 03/03/1987 1988  
KALAMAZOO MI 49009-1250 \*\*\*\_\*\*\*\*\_\*\*\*  
ELIGIBLE FOR SOBRIETY COURT RESTRICTED LICENSE - BEGINNING  
10/11/2019

Other Possible Sobriety Court Eligibility Responses from an SC Inquiry:  
NOT ELIGIBLE FOR SOBRIETY COURT RESTRICTED LICENSE – NO  
QUALIFYING ALCOHOL OFFENSE  
NOT ELIGIBLE FOR SOBRIETY COURT RESTRICTED LICENSE –  
DISQUALIFYING ACTIVITY ON DRIVING RECORD  
NOT ELIGIBLE FOR SOBRIETY COURT RESTRICTED LICENSE – NO  
ELIGIBLE PRIOR OFFENSE  
NOT ELIGIBLE FOR SOBRIETY COURT RESTRICTED LICENSE – NO  
OPEN ACTION ASSOCIATED WITH NEW QUALIFYING ALCOHOL  
CONVICTION  
STATUS DOUBTFUL, CHECK WITH SOS FIN RESP SECTION  
CURRENTLY UNDER SOBRIETY COURT RESTRICTIONS

Eligibility determination assistance is also available through the MDOS Driver Records Activity Unit at 517-636-6406 or the MDOS Court Liaisons.

**#9 Q: Who makes the final determination on a defendant's eligibility?**

**A:** MDOS makes the final determination on eligibility for the restricted license.

**#10 Q: When is the BAIID installed?**

**A:** The BAIID can be installed after it is determined the driver is eligible and has served the minimum 45 day suspension/revocation.

**#11 Q: When is form MC 393 sent to the MDOS?**

**A:** Once the defendant has been admitted into the treatment court program, the restricted license eligibility has been determined, the 45 day suspension/revocation has been served and an approved, certified ignition interlock device has been installed in each motor

vehicle owned or operated, or both, the Court needs to fax form MC 393 and the ignition interlock installation certificate to the MDOS Driver Records Activity Unit at 517-636-7515.

The MC 393 form shall also be sent to MDOS for the following reasons:

- The defendant has successfully completed the DWI/sobriety court program.
- An ignition interlock violation occurs as outlined under MCL 600.1084(7).
- The court orders the device removed for any reason - i.e. medical or financial reasons.
- The defendant is removed from sobriety court prior to successful completion.

**#12 Q: How does the court confirm installation of the BAID?**

**A:** Courts should request an installation certificate from vendors that will verify the BAID has been properly installed on all required vehicles.

**#13 Q: When seeking removal of driver license restrictions, does the defendant's time in the treatment court program count toward the mandated minimum duration of sobriety?**

**A:** MCL 257.304(8) provides that the successful completion of the treatment court program and a certificate from the treatment court judge must be considered positive evidence of the petitioner's abstinence while the petitioner participated in the treatment court program.

**#14 Q: How does a defendant get a BAID installed?**

**A:** A list of Ignition Interlock Manufacturers can be found at: [https://www.michigan.gov/sos/0,4670,7-127-1627\\_8665\\_9070-70471--,00.html](https://www.michigan.gov/sos/0,4670,7-127-1627_8665_9070-70471--,00.html). The defendant will have to be driven to and from a vendor's installation center by a licensed driver.

**#15 Q: How much does the BAID cost?**

The state does not regulate the cost of the BAID. Contact a BAID provider to obtain cost information. The Legislature limited the amount the daily rate for low income defendants to a maximum of \$2 per day. In order to qualify for this reduced fee a defendant's 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 a defendant qualifies, consult with the selected vendor.

Note that the law does require that a defendant submit a copy of his or her state income tax return for the previous year to the BAID vendor to assist in determining if he or she qualifies for a reduced fee.

**#16 Q: What driving restrictions does the defendant receive with their restricted license?**

**A:** MCL 257.304(4) permits the following driver's license restrictions:

- To operate a vehicle to take any driving skills test required by MDOS.
- To drive to and from any combination of the following locations or events:
  - a) In the course of the person's employment or occupation if the employment or occupation does not require a commercial driver license.
  - b) To and from any combination of the following:
    - i. The person's residence.
    - ii. The person's work location.
    - iii. An alcohol, drug, or mental health education and/or treatment as ordered by the court.
    - iv. Alcoholics Anonymous, Narcotics Anonymous, or other court-ordered self-help programs.
    - v. Court hearings and probation appointments.
    - vi. Court-ordered community service.
    - vii. An educational institution at which the person is enrolled as a student.
    - viii. A place of regularly occurring medical treatment for a serious condition or medical emergency for the defendant or a member of the defendant's household or immediate family.
    - ix. Alcohol or drug testing as ordered by the court.
    - x. An ignition [interlock](#) service provider as required.
    - xi. At the discretion of the judge, the custodian of a minor child may drive to and from the facilities of a provider of day care services at which the custodian's minor child is enrolled, or an educational institution at which the custodian's minor child is enrolled as a student for the purposes of classes, academic meetings or conferences, and athletic or other extracurricular activities sanctioned by the educational institution in which the minor child is a participant.
      - To receive the restriction regarding minor children travel must be indicated on the MC 393 form.

**#17 Q: Can a participant continue to drive on a restricted license after completing the treatment court program?**

**A:** Yes, except as otherwise provided in MCL 257.304, the restricted license, including the requirement to drive with an ignition interlock device properly installed, is effective until a hearing officer orders an unrestricted license.

**#18 Q: What are the State Court Administrative Office's requirements for data collection for courts participating in the Ignition Interlock Program?**

**A:** Data requirements and instructions on submitting data in the Drug Court Case Management Information System (DCCMIS) can be accessed on the

Michigan Supreme Court website at  
<http://www.courts.michigan.gov/scao/services/DCCMIS/Interlock-Instructions.pdf>.

**#19 Q: Are treatment court participants subject to vehicle immobilization or forfeiture?**

**A:** No, under MCL 257.304(12), a treatment court participant's vehicle that would otherwise be subject to immobilization or forfeiture is exempt from both immobilization and forfeiture under sections 625n and 904d if both of the following apply:

- a) The person is a DWI/sobriety court program participant in good standing or the person successfully satisfactorily completes the DWI/sobriety court program.
- b) The person does not subsequently violate a law of this state for which vehicle immobilization or forfeiture is a sanction.