

Frequently Asked Questions



FAQ 2023 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 Liaison Melissa Noll at 517-230-2562. For all other questions contact Field Services at PSC@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) and (b). This includes any specialty 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), MCL 600.1091(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 specialty court license restrictions, drivers must be arrested for a 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://www.courts.michigan.gov/siteassets/forms/scao-approved/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 WagnerC4@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 specialty 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 specialty court inquiry through their case management vendor. Below are instructions:

Steps to Submit a Secretary of State Driver Record Inquiry by Driver License Number

1. On the *District Court System* screen populate the **Option** field with **5. SOS/LEIN** and press **ENTER**, or on a hop line, populate the **NXT** field with **SOS** and press **Enter**.
 - o Depending on your authority, either the *SOS & LEIN Selection Menu* or *Secretary of State Michigan Driver Record Inquiry* screen will display.
 - § If the *SOS & LEIN Selection Menu* displays, populate the **Option** field with **1. Secretary of State Inquiry** and press **Enter**.
 - § The *Secretary of State Michigan Driver Record Inquiry* screen will display. See screen example below and proceed to step 2 for inquiry by driver license number.
 - § If the *Secretary of State Michigan Driver Record Inquiry* screen displays, see screen example below and proceed to step 2 for inquiry by driver license number.

Display

Secretary of State Michigan Driver Record Inquiry

(Page Up/Down-Vehicle Inquiry)

DLN: _____ Optional: ___ (CER SCS PRI)

CER: Include Certified Message in DLN response
SCS: Sobriety Court Status by DLN only
PRI: Prior 625g/904c Viol. by DLN only

OR

Search by Name/DOB.
Last name is required and DOB is recommended. Any search element entered must be an exact match for a successful return of a record or a list limited to the first 100 potential matches.

Last Name: _____ DOB: _____
First Name: _____ mddyyyy
Middle Name: _____
Suffix: _____

F5-Retrieve F6-Display/Print F7-Outq F24-Previous Menu Page/Roll

2. Populate the **DLN** field with the driver license number. The **Optional** field can be left blank to receive a complete driving record, or populated with **CER**, **SCS**, or **PRI**.

- **CER** = Certified Driver Record message will be included at end of the SOS response.
- **SCS** = Provides sobriety court eligibility status.
- **PRI** = Provides prior violations of MCL 257.904 of suspension/revocation of license or MCL 257.625 convictions for alcohol related convictions.
- Press **Enter**.
 - If in **Display** mode, press **F7-Outq** to access the out queue with the SOS response.
 - **If in Print mode, the response from SOS will print to the defined out queue for SOS and LEIN responses.**

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 BAID installed?

A: The BAID 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 specialty 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 or email it to sosap@michigan.gov.

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

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

#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 BAIID installed?

A: A list of Ignition Interlock Manufacturers can be found at:

<https://www.michigan.gov/sos/license-id/License-restoration/ignition-interlock-manufacturers-list>. 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 BAIID cost?

The state does not regulate the cost of the BAIID. Contact a BAIID 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 BAIID 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 for Drug, Veterans and Mental Health Courts and instructions on submitting data in the Drug Court Case Management Information System (DCCMIS) can be accessed in the Resources Section in DCCMIS.

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

A: No, under MCL 257.304(11), 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 specialty court program participant in good-standing or the person successfully satisfactorily completes the specialty court program.

- b) The person does not subsequently violate a law of this state for which vehicle immobilization or forfeiture is a sanction.