

# Beier Howlett

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ATTORNEYS AND COUNSELORS

## *OWI and OWVI Charges in Michigan*

by Rebecca A. Camargo

### **What You Need to Know Before You Get Behind the Wheel.**

If you get behind the wheel of a vehicle with any form of intoxication or impairment from alcohol or other forms of substance abuse in your system, you are putting yourself, your passengers, and other drivers on the road in danger. Thousands of people are injured, permanently disabled, or die each year in Michigan because of an intoxicated driver or a driver that has other chemicals or controlled substances in their bodies.

There are two main offenses in Michigan when driving while under the influence of alcohol and/or drugs. The first is called OWI, operating while intoxicated, which is a serious criminal offense. The other is a lesser offense, but still serious, called OWVI, operating while visually impaired. They are both considered misdemeanors in Michigan, but you could also be charged with a felony depending

on the circumstances and previous OWI/OWVI charges.

### **OWI Charges**

If you are pulled over and charged with an OWI it is because you had a blood alcohol content (BAC) of .08% or greater, or because you were driving while under the influence of alcohol or any controlled substance. This can also include prescription medication. If you have a BAC of .17% you are considered "super drunk" which can come with more serious consequences.

A judge will take into consideration any prior convictions within the last seven years as well as the circumstances surrounding the current charge, but there are certain parameters that a judge must stay within. They are as follows:

#### **For a 1<sup>st</sup> Offense:**

- Up to 93 days in Jail (If your BAC is above .17%,

then you could see up to 180 days in jail.)

- \$100-\$500 in fines. ( If your BAC is above .17%, then you could pay \$200-\$700 in fines.)
- Up to 360 hours of community service.

#### **For a 2<sup>nd</sup> Offense:**

- Jail time of 5 days to 1 year.
- \$200-\$1,000 in fines.
- 30-90 days of community service.

#### **For a 3<sup>rd</sup> Offense:**

- Jail time of 1 to 5 years (30 days to 1 year if community service is ordered.)
- \$500-\$5,000 in fines.
- 60-180 days of community service.

### **OWVI Charges**

If you are charged with an OWVI, it is because a police officer

witnessed you driving with a visual impairment. This charge does not require a chemical test to confirm your impairment so you can be charged with an OWVI even if your BAC is under .08%. The officer needs to witness the person driving in an unsafe manner, they do not need proof of illegal intoxication. The penalties for an OWVI charge are similar to that of an OWI charge, but the fine limit is only up to \$300 on your first offense.

### License Suspensions

If you are convicted of either an OWI or an OWVI, you will also face the consequences of having your driver's license suspended. A first time OWI offense will result in a 180-day suspension, but if your BAC was greater than .17% then your license will be suspended for one year. There are some circumstances where you may be able to get a restricted license after 30 days of your suspension. A restricted license would allow you to drive only to the following:

- Your place of employment.

- School if you are currently a student.
- Probation meetings.
- Alcohol or substance abuse treatment programs.
- Medical appointments for you or a member of your family.
- Court ordered community service.

If you drive with your restricted license, you must carry with you proof of your work schedule, your destination, any classes that you are enrolled in, or your school schedule. If you are pulled over while driving with a restricted license and are not carrying this proof or if you are found to be driving for a reason that isn't allowed with your restricted license, then you could face new criminal penalties and an extension of your current license suspension.

An OWI/OWVI charge will go on your record and stay there indefinitely which can have a negative effect on your future. There are benefits to hiring a

lawyer to walk you through this since they are very familiar with the process which would limit any surprises that might come your way throughout the legal proceedings. Also, a lawyer knows the appropriate plea bargains to make during the legal process.

Both of these charges can have serious consequences for you and for others around you. Think very hard before getting behind the wheel with any form or amount of alcohol or other controlled substances in your body. Making the choice to NOT get behind the wheel could save your life, the lives of others, and your future. ♦

Rebecca A. Camargo:  
[rcamargo@bhlaw.us.com](mailto:rcamargo@bhlaw.us.com)  
(248)282-1076



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3001 W. Big Beaver Road, Suite 200

Troy, MI 48084

(248)645-9400

[www.bhlaw.us.com](http://www.bhlaw.us.com)

