

GETTING YOUR MICHIGAN DRIVER'S LICENSE BACK

In Michigan, if you have two or more drunk driving convictions (OWI, OWVI, OUIL, UBAL) within seven years or three such convictions within ten years, you will lose your driving privileges and have to pay dearly to get them back. Losing your license for any length of time can be burdensome; not only on yourself but on those around you who have now become your defacto chauffeurs. And if you have more than one revocation within seven years, you will have to wait *five years* before applying to get your driving privileges back. When it comes to drunk driving, Michigan doesn't mess around.

Your first step in getting your license back after you have waited the mandatory time period, is to apply for a hearing with the Drivers Assessment and Appeals Division (DAAD). The burden of proof is on you, the petitioner, to demonstrate through "clear and convincing evidence" that you deserve to have your license back. At a bare minimum, you will have to demonstrate and affirm complete abstinence from alcohol for at least six months and in many cases a year (or even longer if your BAC was 0.20 or higher, you relapsed, or have three or more drunk driving convictions). That means no drinking. Period. That's right—no afternoon cocktails, evening nightcaps, or even a glass of wine at Cousin Bill's wedding. Any of those incidents will immediately get you disqualified and you'll have to wait another year to re-apply. You will also have to show that you are at minimum a low risk of being a repeat offender, and that you have the ability and motivation to obey the law.

As evidence, you will need quality letters of reference and recommendation. While the DAAD requests three, I also tell clients to have five. Make sure they are people who can attest to your character and your abstention from alcohol. Letters from clergy, AA sponsors are always good ones to have. You will also need letters and proof that you have completed and are still attending treatment programs, 12-step programs, AA meetings, Sobriety Court, etc. Without these you will not get your license back. Make sure you have character witnesses to testify on your behalf at the hearing. Also, very important: make sure you have paid your driver responsibility fees!

The DAAD will first give you a restricted license require you to use an ignition interlock device. You can then re-apply for your full driving privileges to be re-instated after a year and if you have had no major problems with the interlock. If you are denied, you can always appeal to the circuit court, but don't get your hopes up. Appeals to the circuit court are often costly and rarely render a positive result. Your best bet is to prevail at the DAAD hearing.

Do you need a lawyer to handle your appeal? Not necessarily, but I wouldn't advise anyone to go it alone. The process can be very tedious and complicated and for those unfamiliar with the process and what the board is really looking for, it can become overwhelming. And if your appeal for re-instatement is denied, you have to wait a full year before re-applying! The risks are too high and your diving privileges are too important. Plus, an experienced attorney can tell you exactly what the DAAD is looking for and what will definitely get you disqualified. Experience attorneys can also tell you what you'll need and what you won't need as well as preparing your witnesses for the board's questioning. Statistics show that your chances of prevailing are much better when you have a lawyer. Your diving privileges are too important. It's worth the investment to get your license back.