

Commercial Driver's License and DUI

Ordinarily a plea to a reduced charge of Operating While Visibly Impaired (Impaired Driving) or the non-alcohol related offense of Reckless Driving is acceptable to most people charged with OWI. However, for those who have a commercial driver's license (CDL) such as: delivery persons, truck drivers, chauffeurs, bus drivers, or heavy equipment operators this will not suffice. Any sanction on a regular operator's driver's license will automatically result in a CDL sanction. The stakes are much higher for CDLs because unlike an ordinary driving suspension, the Secretary of State *shall not* issue a license to a person whose operator's license has been suspended in any state. The Secretary of State can grant the CDL if five years has passed since the suspension period lapsed and the suspension was from a jurisdiction other than the one who issued the driver's license. The bottom line: if your driver's license is suspended or restricted, you lose your CDL which means you lose your job. The only option other than a dismissal for drivers who depend on their CDL is the civil infraction of careless driving which prosecutors rarely give. That is, unless they have to or you can force their hand by making their case crumble apart.

There is also a different blood alcohol content (BAC) for those operating a commercial motor vehicle. The regular BAC of .08 does not apply. Instead, the legislators impose a more strict BAC of .04 - .08. You can lawfully operate a commercial motor vehicle only if you have a BAC less than .04. If you are charged with operating a commercial vehicle with an unlawful BAC, you face up to 93 days in jail, a \$300 fine, and costs of prosecution. You may re-apply for a CDL after the suspension period of 90 days lapses. If you are convicted of such an offense two times in a seven-year period, you permanently lose your Michigan CDL. Oddly enough, the statute doesn't address operating a commercial vehicle with a BAC above .08, but it's safe to say the legislators were merely trying to adopt a lower threshold for those operating a commercial vehicle.

If you depend on your CDL for a living and you are charged with OWI, you have a lot to lose. That is why you need the best representation possible. Seek out an experienced Michigan OWI attorney so you can get the best possible resolve.