

# APPENDIX

## E



DI-93 (02/06) By the authority of P.A. 300 of 1949 as amended

## OFFICER'S REPORT OF REFUSAL TO SUBMIT TO CHEMICAL TEST

PERSON'S FULL NAME (AS APPEARS ON MICHIGAN DRIVERS LICENSE)						BIRTH DATE (MM/DD/YY)		SEX MALE      FEMALE		
ADDRESS (NUMBER & STREET)						MICHIGAN DRIVER LICENSE NUMBER				
CITY		STATE		ZIP		OTHER STATE DRIVER LICENSE NUMBER		STATE		
HEIGHT		WEIGHT		EYE COLOR		HAIR COLOR		OPERATOR      CHAUFFEUR      MOPED		
ARREST DATE (MM/DD/YY)				MILITARY TIME		REFUSAL DATE (MM/DD/YY)		MILITARY TIME		
COUNTY (OF ARREST)				CITY OR TOWNSHIP (OF ARREST)				CO/CTY/TWP CODE		
*VEHICLE TYPE		Was person YES NO involved in an accident?		INSTRUMENT # <b>REFUSED</b>		BAC #1 N/A	BAC #2 N/A	BAC #3 N/A	UCR CODE	COMPLAINT NUMBER
ARRESTING OFFICER'S NAME						BADGE NUMBER		ORI NUMBER		
BREATH TEST OPERATOR'S NAME, only if not listed above and necessary for hearing						BADGE NUMBER		ORI NUMBER		
OTHER OFFICER, if necessary for hearing						BADGE NUMBER		ORI NUMBER		

The above named person was arrested for a violation of section 625(1), (3), (4), (5), (6), (7), (8), 625a(5) or 625m of the Michigan Vehicle Code, as amended, or a local ordinance substantially corresponding to section 625(1), (3), (4), (5), (6), (7), (8), 625a(5) or 625m or for the offense of felonious driving, manslaughter, murder, or negligent homicide resulting from the operation of a motor vehicle.

The officer had reasonable grounds to believe that the above named person violated section 625(1), (3), (4), (5), (6), (7), (8), 625a(5) or 625m of the Michigan Vehicle Code, as amended, or local ordinance substantially corresponding to section 625(1), (3), (4), (5), (6), (7), (8), 625a(5) or 625m or committed the offense of felonious driving, negligent homicide, manslaughter or murder resulting from the operation of a motor vehicle while impaired by or under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and controlled substance, or while having an unlawful bodily alcohol content, or if the person is less than 21 years of age while having any bodily alcohol content. [MCL 257.625c(1)(b)]

The above named person was requested to take a chemical test. The person was advised of the chemical test rights as required under section 625a and refused to take a chemical test.

Michigan Driver License confiscated?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Michigan Driver License destroyed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Under 21? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	LICENSED OUT OF STATE						
Driving status on date of arrest	VALID <input type="checkbox"/>	EXPIRED <input type="checkbox"/>	RESTRICTED <input type="checkbox"/>	SUSPENDED <input type="checkbox"/>	REVOKED <input type="checkbox"/>	DENIED <input type="checkbox"/>	UNLICENSED <input type="checkbox"/>	UNKNOWN <input type="checkbox"/>	STATE <input type="checkbox"/>						
License	Permit	A	B	C	H	N	X	P	T	CDL restrictions	ENDORSEMENT	CY	F	R	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

*VEHICLE TYPES	MD Med Tr w/wo Trl ovr 10,000# (non CDL)	AP Group A Passenger	BH Group B Hazardous	CS Group C School Bus
CY Cycle	OR Offroad Vehicle (ATV type)	AS Group A School Bus	BN Group B Tank	BB Group B
MO Moped	SM Snowmobile	AT Group A Double/Triple	BP Group B Passenger	CX Group C Tank & Hazardous
PA Pass Car & Sta Wgn	OO Other	AX Group A Tank & Hazardous	BS Group B School Bus	
VA Van & Motor Home	AA Group A	AY Group A Tank & Double/Triple	BX Group B Tank & Hazardous	
PU Pickup	AH Group A Hazardous	AZ Group A Hazardous Double/Triple	CH Group C Hazardous	
ST Sm Tr (un 10,000)	AN Group A Tank	AL Grp A Hazard Tank Double/Triple	CP Group C Passenger	

### SERVICE OF NOTICE OF SUSPENSION

I certify that I hand delivered a copy of the document containing the Notice of Suspension and Appeal Rights to the person named above.

Officer's Signature \_\_\_\_\_ Date (MM/DD/YY) \_\_\_\_\_

OFFICER'S INSTRUCTIONS  
 Give two white copies to person  
 Keep two pink copies

# REQUEST FOR HEARING

# Request For Hearing:

I request a hearing before the Driver Assessment & Appeal Division to contest issues number(s) \_\_\_\_\_  
(Issues are listed on the Notice of Suspension.)

## Affirmative Address Statement:

- The address on my master driving record is correct. Send all correspondence to this address.
- The address on the reverse side is only a temporary address. Send all correspondence to this address.  
Please DO NOT CHANGE the address on my master driving record file.

If you need to inform the Department of State of a permanent address change, you can obtain our change of address form by telephone 1-888-SOS-MICH (1-888-767-6424), by fax (517) 335-4329 or over the internet at [www.sos.state.mi.us](http://www.sos.state.mi.us)

Signature \_\_\_\_\_ Date \_\_\_\_\_

Driver License Number \_\_\_\_\_ Telephone \_\_\_\_\_

**This request for hearing must be mailed within 14 days of the receipt of the Officer's Report Of Refusal to Submit to Chemical Test containing Notice of Suspension, or your operator's or chauffeur's license and vehicle group designation or operating privilege will be suspended. Send this form. Do not send a photocopy.**

**Mail to:** MICHIGAN DEPARTMENT OF STATE  
DRIVER ASSESSMENT & APPEAL DIVISION  
P O BOX 30196  
LANSING MI 48909-7696

# OFFICER'S REPORT OF REFUSAL TO SUBMIT TO CHEMICAL TEST

PERSON'S FULL NAME (AS APPEARS ON MICHIGAN DRIVERS LICENSE)						BIRTH DATE (MM/DD/YY)		SEX MALE      FEMALE		
ADDRESS (NUMBER & STREET)						MICHIGAN DRIVER LICENSE NUMBER				
CITY		STATE		ZIP		OTHER STATE DRIVER LICENSE NUMBER		STATE		
HEIGHT		WEIGHT		EYE COLOR		HAIR COLOR		OPERATOR      CHAUFFEUR      MOPED		
ARREST DATE (MM/DD/YY)				MILITARY TIME		REFUSAL DATE (MM/DD/YY)		MILITARY TIME		
COUNTY (OF ARREST)				CITY OR TOWNSHIP (OF ARREST)				CO/CTY/TWP CODE		
*VEHICLE TYPE		Was person YES NO involved in an accident?		INSTRUMENT # <b>REFUSED</b>		BAC #1 N/A	BAC #2 N/A	BAC #3 N/A	UCR CODE	COMPLAINT NUMBER
ARRESTING OFFICER'S NAME						BADGE NUMBER		ORI NUMBER		
BREATH TEST OPERATOR'S NAME, only if not listed above and necessary for hearing						BADGE NUMBER		ORI NUMBER		
OTHER OFFICER, if necessary for hearing						BADGE NUMBER		ORI NUMBER		

The above named person was arrested for a violation of section 625(1), (3), (4), (5), (6), (7), (8), 625a(5) or 625m of the Michigan Vehicle Code, as amended, or a local ordinance substantially corresponding to section 625(1), (3), (4), (5), (6), (7), (8), 625a(5) or 625m or for the offense of felonious driving, manslaughter, murder, or negligent homicide resulting from the operation of a motor vehicle.

The officer had reasonable grounds to believe that the above named person violated section 625(1), (3), (4), (5), (6), (7), (8), 625a(5) or 625m of the Michigan Vehicle Code, as amended, or local ordinance substantially corresponding to section 625(1), (3), (4), (5), (6), (7), (8), 625a(5) or 625m or committed the offense of felonious driving, negligent homicide, manslaughter or murder resulting from the operation of a motor vehicle while impaired by or under the influence of alcoholic liquor or a controlled substance, or a combination of alcoholic liquor and controlled substance, or while having an unlawful bodily alcohol content, or if the person is less than 21 years of age while having any bodily alcohol content. [MCL 257.625c(1)(b)]

The above named person was requested to take a chemical test. The person was advised of the chemical test rights as required under section 625a and refused to take a chemical test.

Michigan Driver License confiscated?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Michigan Driver License destroyed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Under 21?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	LICENSED OUT OF STATE							
Driving status on date of arrest	VALID <input type="checkbox"/>	EXPIRED <input type="checkbox"/>	RESTRICTED <input type="checkbox"/>	SUSPENDED <input type="checkbox"/>	REVOKED <input type="checkbox"/>	DENIED <input type="checkbox"/>	UNLICENSED <input type="checkbox"/>	UNKNOWN <input type="checkbox"/>	STATE <input type="checkbox"/>							
CDL	License <input type="checkbox"/>	Permit <input type="checkbox"/>	A <input type="checkbox"/>	B <input type="checkbox"/>	C <input type="checkbox"/>	H <input type="checkbox"/>	N <input type="checkbox"/>	X <input type="checkbox"/>	P <input type="checkbox"/>	T <input type="checkbox"/>	CDL restrictions	ENDORSEMENT	CY <input type="checkbox"/>	F <input type="checkbox"/>	R <input type="checkbox"/>	Other _____

### MICHIGAN TEMPORARY DRIVING PERMIT

This temporary driving permit is valid only if you have a valid Michigan operator's or chauffeur's license. If your license has a CDL and/or endorsement or restrictions, this permit grants you the same CDL and/or endorsements or restrictions. You may not apply for a replacement photo license. This permit is valid until the criminal charges are dismissed or you are acquitted, or your license or permit is suspended, restricted, or revoked for a conviction. [MCL257.625g(3)]

### SERVICE OF NOTICE OF SUSPENSION

I certify that I hand delivered a copy of the document containing the Notice of Suspension and Appeal Rights to the person named above.

Officer's Signature \_\_\_\_\_

Date (MM/DD/YY) \_\_\_\_\_

### Notice to the officer:

**Complete this form to record implied consent refusals, including most search warrants. (See DI-177)**

**Confiscate and destroy arrested person's Michigan driver license or permit. Do Not confiscate the out of state licenses.**

**Input arrest data into LEIN Alcohol File (F Breath Screen)**

**Note:** This LEIN data is a continuation of the written report prescribed and furnished by the Secretary of the State. The encoded information will print at the Secretary of State office and will include the following statement, "The officer had reasonable grounds to believe that the person had committed a crime described in section 625c(1), and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal" as required by section 625d.

#### OFFICER'S INSTRUCTIONS

- Give two white copies to person
- Keep two pink copies

## Read the complete page to the arrested person.

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I am a peace officer. You are under arrest for the offense of: *(Read only the charge that applies)*

- Operating a vehicle while under the influence of an alcoholic liquor or a controlled substance or a combination of both, or with a bodily alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- Operating a vehicle while visibly impaired due to the consumption of an alcoholic liquor or a controlled substance or a combination of both.
- Operating with any presence of schedule 1 drugs or cocaine.
- Causing the death of another while operating a vehicle while under the influence of, or while visibly impaired by an alcoholic liquor or a controlled substance or a combination of both, or with an unlawful bodily alcohol content.
- Causing serious injury to another while operating a vehicle while under the influence of, or while visibly impaired by an alcoholic liquor or a controlled substance or a combination of both, or with an unlawful bodily alcohol content.
- Operating a commercial motor vehicle with bodily alcohol content of 0.04 grams or more but less than 0.80 grams per 100 milliliters of blood, per 210 liter of breath, or per 67 milliliters of urine.
- Operating a vehicle while less than 21 years of age and having any bodily alcohol content.
- Murder resulting from the operation of a motor vehicle.
- Manslaughter resulting from the operation of a motor vehicle.
- Felonious Driving.
- Negligent Homicide.
- Refusing a Preliminary Breath Test if arrested while operating a commercial motor vehicle.
- Endangerment (Operating while intoxicated with person under age of 16.)

### CHEMICAL TEST RIGHTS

I am requesting that you take a chemical test to check for alcohol and/or controlled substances in your body. **IF YOU WERE ASKED TO TAKE A PRELIMINARY BREATH TEST BEFORE YOUR ARREST, YOU MUST STILL TAKE THE TEST I AM OFFERING YOU.**

If you refuse to take this chemical test, it will not be given without a court order, but I may seek to obtain such a court order. Your refusal to take this test shall result in the suspension of your operator's or chauffeur's license and vehicle group designation or operating privilege, and the addition of six points to your driving record.

After taking my chemical test, you have a right to demand that a person of your own choosing administer a breath, blood, or urine test. You will be given a reasonable opportunity for such a test. You are responsible for obtaining a chemical analysis of a test sample taken by a person of your own choosing.

The results of both chemical tests shall be admissible in a judicial proceeding, and will be considered with other admissible evidence in determining your innocence or guilt.

Will you take a: (Select the appropriate test from the following list)

Breath Test?                      Or                      \*Blood Test?                      or                      Urine Test?

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\*MCL 257.625c(2) provides that a person afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant shall not be considered to have given consent to the withdrawal of blood.

# OFFICER'S REPORT OF REFUSAL TO SUBMIT TO CHEMICAL TEST

PERSON'S FULL NAME (AS APPEARS ON MICHIGAN DRIVERS LICENSE)						BIRTH DATE (MM/DD/YY)		SEX MALE      FEMALE	
ADDRESS (NUMBER & STREET)						MICHIGAN DRIVER LICENSE NUMBER			
CITY		STATE		ZIP		OTHER STATE DRIVER LICENSE NUMBER		STATE	
HEIGHT	WEIGHT	EYE COLOR	HAIR COLOR	OPERATOR	CHAUFFEUR	MOPED			
ARREST DATE (MM/DD/YY)		MILITARY TIME		REFUSAL DATE (MM/DD/YY)		MILITARY TIME			
COUNTY (OF ARREST)			CITY OR TOWNSHIP (OF ARREST)			CO/CTY/TWP CODE			
*VEHICLE TYPE	Was person YES NO involved in an accident?	INSTRUMENT #	BAC #1	BAC #2	BAC #3	UCR CODE	COMPLAINT NUMBER		
		REFUSED	N/A	N/A	N/A				
ARRESTING OFFICER'S NAME						BADGE NUMBER	ORI NUMBER		
BREATH TEST OPERATOR'S NAME, only if not listed above and necessary for hearing						BADGE NUMBER	ORI NUMBER		
OTHER OFFICER, if necessary for hearing						BADGE NUMBER	ORI NUMBER		

The above named person was arrested for a violation of section 625(1), (3), (4), (5), (6), (7), (8), 625a(5) or 625m of the Michigan Vehicle Code, as amended, or a local ordinance substantially corresponding to section 625(1), (3), (4), (5), (6), (7), (8), 625a(5) or 625m or for the offense of felonious driving, manslaughter, murder, or negligent homicide resulting from the operation of a motor vehicle.

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The above named person was requested to take a chemical test. The person was advised of the chemical test rights as required under section 625a and refused to take a chemical test.

Michigan Driver License confiscated?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Michigan Driver License destroyed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Under 21? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	LICENSED OUT OF STATE						
Driving status on date of arrest	VALID <input type="checkbox"/>	EXPIRED <input type="checkbox"/>	RESTRICTED <input type="checkbox"/>	SUSPENDED <input type="checkbox"/>	REVOKED <input type="checkbox"/>	DENIED <input type="checkbox"/>	UNLICENSED <input type="checkbox"/>	UNKNOWN <input type="checkbox"/>	STATE <input type="checkbox"/>						
CDL	License <input type="checkbox"/>	Permit <input type="checkbox"/>	A <input type="checkbox"/>	B <input type="checkbox"/>	C <input type="checkbox"/>	H <input type="checkbox"/>	N <input type="checkbox"/>	X <input type="checkbox"/>	P <input type="checkbox"/>	T <input type="checkbox"/>	CDL restrictions	CY <input type="checkbox"/>	F <input type="checkbox"/>	R <input type="checkbox"/>	Other _____

### MICHIGAN TEMPORARY DRIVING PERMIT

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### SERVICE OF NOTICE OF SUSPENSION

I certify that I hand delivered a copy of the document containing the Notice of Suspension and Appeal Rights to the person named above.

Officer's Signature \_\_\_\_\_

Date (MM/DD/YY) \_\_\_\_\_

### OFFICER'S INSTRUCTIONS

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Keep two pink copies

## Read the complete page to the arrested person.

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I am a peace officer. You are under arrest for the offense of: *(Read only the charge that applies)*

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After taking my chemical test, you have a right to demand that a person of your own choosing administer a breath, blood, or urine test. You will be given a reasonable opportunity for such a test. You are responsible for obtaining a chemical analysis of a test sample taken by a person of your own choosing.

The results of both chemical tests shall be admissible in a judicial proceeding, and will be considered with other admissible evidence in determining your innocence or guilt.

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## OFFICER'S REPORT OF REFUSAL TO SUBMIT TO CHEMICAL TEST

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ADDRESS (NUMBER & STREET)					MICHIGAN DRIVER LICENSE NUMBER						
CITY			STATE		ZIP			OTHER STATE DRIVER LICENSE NUMBER		STATE	
HEIGHT		WEIGHT		EYE COLOR		HAIR COLOR		OPERATOR		CHAUFFEUR	MOPED
ARREST DATE (MM/DD/YY)				MILITARY TIME			REFUSAL DATE (MM/DD/YY)		MILITARY TIME		
COUNTY (OF ARREST)				CITY OR TOWNSHIP (OF ARREST)				CO/CTY/TWP CODE			
*VEHICLE TYPE	Was person YES NO		INSTRUMENT #		BAC #1	BAC #2	BAC #3	UCR CODE	COMPLAINT NUMBER		
	involved in an accident?		REFUSED		N/A	N/A	N/A				
ARRESTING OFFICER'S NAME					BADGE NUMBER		ORI NUMBER				
BREATH TEST OPERATOR'S NAME, only if not listed above and necessary for hearing					BADGE NUMBER		ORI NUMBER				
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The above named person was requested to take a chemical test. The person was advised of the chemical test rights as required under section 625a and refused to take a chemical test.

Michigan Driver License confiscated?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Michigan Driver License destroyed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Under 21?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	LICENSED OUT OF STATE							
Driving status on date of arrest	VALID <input type="checkbox"/>	EXPIRED <input type="checkbox"/>	RESTRICTED <input type="checkbox"/>	SUSPENDED <input type="checkbox"/>	REVOKED <input type="checkbox"/>	DENIED <input type="checkbox"/>	UNLICENSED <input type="checkbox"/>	UNKNOWN <input type="checkbox"/>	STATE <input type="checkbox"/>							
CDL	License <input type="checkbox"/>	Permit <input type="checkbox"/>	A <input type="checkbox"/>	B <input type="checkbox"/>	C <input type="checkbox"/>	H <input type="checkbox"/>	N <input type="checkbox"/>	X <input type="checkbox"/>	P <input type="checkbox"/>	T <input type="checkbox"/>	CDL restrictions	ENDORSEMENT	CY <input type="checkbox"/>	F <input type="checkbox"/>	R <input type="checkbox"/>	Other _____

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This temporary driving permit is valid only if you have a valid Michigan operator's or chauffeur's license. If your license has a CDL and/or endorsement or restrictions, this permit grants you the same CDL and/or endorsements or restrictions. You may not apply for a replacement photo license. This permit is valid until the criminal charges are dismissed or you are acquitted, or your license or permit is suspended, restricted, or revoked for a conviction. [MCL257.625g(3)]

### SERVICE OF NOTICE OF SUSPENSION

I certify that I hand delivered a copy of the document containing the Notice of Suspension and Appeal Rights to the person named above.

Officer's Signature \_\_\_\_\_

Date (MM/DD/YY) \_\_\_\_\_

#### OFFICER'S INSTRUCTIONS

Give two white copies to person  
Keep two pink copies

# MICHIGAN TEMPORARY DRIVING PERMIT

This permit is only valid if you have a valid Michigan driver license.  
This permit is not valid if you are unlicensed or your license is expired, suspended, revoked or denied.

## Carry this permit when driving.



## **Notice of Suspension**

You have allegedly refused to take a chemical test. Your Michigan operator's or chauffeur's license, vehicle group designation or operating privilege will be suspended and six points will be added to your driving record.

### **Appeal Rights:**

If you do not appeal within 14 days your operator's or chauffeur's license, vehicle group designation or operating privilege will be automatically suspended. If you wish to request a hearing you must do so within 14 days of the date of service of this Notice of Suspension.

### **Hearing Issues:**

MCL 257.625f limits the issues appealable at a hearing ONLY to the following:

1. Whether the peace officer had reasonable grounds to believe that you committed a crime described in MCL 257.625c(1).
2. Whether you were placed under arrest for a crime described in MCL 257.625c(1).
3. If you refused to submit to a chemical test upon the request of the officer, whether the refusal was reasonable.
4. Whether you were advised of your rights under MCL 257.625a.

To request a hearing, complete the attached Request for Hearing and mail to the Department of State within 14 days of the date of the service of this notice.

You are not required to have an attorney at this hearing, but an attorney may represent you if you wish.

## **CHEMICAL TEST RIGHTS**

*(As read by peace officer)*

I am requesting that you take a chemical test to check for alcohol and/or controlled substances in your body. IF YOU WERE ASKED TO TAKE A PRELIMINARY BREATH TEST BEFORE YOUR ARREST, YOU MUST STILL TAKE THE TEST I AM OFFERING YOU.

If you refuse to take this chemical test, it will not be given without a court order, but I may seek to obtain such a court order. Your refusal to take this test shall result in the suspension of your operator's or chauffeur's license and vehicle group designation or operating privilege, and the addition of six points to your driving record.

After taking my chemical test, you have a right to demand that a person of your own choosing administer a breath, blood, or urine test. You will be given a reasonable opportunity for such a test. You are responsible for obtaining a chemical analysis of a test sample taken by a person of your own choosing.

The results of both chemical tests shall be admissible in a judicial proceeding, and will be considered with other admissible evidence in determining your innocence or guilt.