



HILLS AT LAW, P.C.

OUTLAW UNIVERSITY

Understanding Chemical Test Refusal in DUI Cases: What You Need to Know

If you've been pulled over under suspicion of driving under the influence (DUI) or drugged driving, you may face a situation where you lose your driving privileges even before your case is fully adjudicated. Here's a breakdown of what happens if you refuse the chemical test and how you can protect your rights.

What Happens When You Refuse the Chemical Test?

When you're pulled over for DUI, the officer usually requests that you take a chemical test to measure your alcohol or drug levels. The most common chemical tests are:

Breath Test: Conducted at the police station using an intoxilyzer machine (currently the Intoxilyzer 9000).

Blood Test: If you're unable to provide a breath sample, a blood test is often used.

Refusing either of these tests is not just a simple infraction—it comes with significant penalties.

1. **License Suspension:** If you refuse the chemical test, the Secretary of State will typically suspend your license for **one year**.
2. **Six Points on Your Driving Record:** Refusing the test will also add **six points** to your driving record, which can impact your ability to drive and result in higher insurance premiums.
3. **Court-Ordered Blood Draw:** If you refuse the test, the officer can obtain a court order (commonly called a search warrant) to forcibly take your blood for testing.

How to Challenge a Chemical Test Refusal

If you've refused the chemical test and are facing suspension, you have **due process rights** to challenge the officer's allegations. However, you only have **14 days** to appeal the decision from the Secretary of State. It's critical that you act quickly.

What is involved in the appeal?

The appeal is not a criminal trial but an administrative hearing with the Secretary of State. The hearing focuses on four key issues:

1. Did the officer have reasonable grounds to believe you committed a DUI or drugged driving offense?
2. Were you lawfully arrested for the offense?
3. Did you refuse to submit to the chemical test?
4. Were you properly advised of your rights regarding the chemical test?

Preparing for the Hearing

- **Legal Representation:** While not required, having an attorney at this hearing can be beneficial, especially if there are complicated legal issues or you have evidence (such as video footage) that can help your case.
- **Testifying:** Be cautious about testifying at the hearing. Any testimony you give could potentially be used against you in a criminal trial if the case proceeds to court. If you do testify, you will be sworn in, and your statements could become part of the record for the prosecution.

What Happens If You Lose the Hearing?

If you lose your hearing with the Secretary of State, you will likely face a **one-year license suspension** and **six points on your driving record**. However, in some rare cases, you may be able to request a **restricted license** through a **hardship appeal** to the circuit court in the county where the offense occurred. A hardship license allows you to drive under certain circumstances, but it does not restore full driving privileges, and the six points on your record will remain.

Final Tip of Advice

Put your Criminal Defense Team in your phone! Scan here!



425 South Westnedge Avenue, Kalamazoo, MI • 115 Main Street, Suite A, Benton Harbor, MI
(269) 373-5430 • www.hillslawoffice.com