

The preliminary breath test (PBT), sometimes called the portable breath test, is a portable device that police officers carry that is used to measure breath alcohol during a stop.

After the officer has conducted the [field sobriety test \(FST\)](#), and the officer still believes you have been drinking (which is usually the case), they will ask you to submit to the PBT. The PBT works by using a fuel cell that will oxidize your breath as it passes over the fuel cell. As the alcohol oxidizes, it will later the electrical current of the device and attempt to measure the amount of alcohol in your system. This device can in no way accurately measure the amount of alcohol in your system and as such, cannot be used against you in court to prove you were driving drunk. This device is used to find probable cause to arrest you for DUI (or OWI- Operating While Intoxicated in Michigan).

You can legally refuse to submit to the preliminary breath test (PBT) and should do so because 1) the officer can arrest you because of the results (more than likely you will be arrested anyway); and 2) the results are really, really inaccurate. According to MCL 257.625a(2)(d), you can refuse to take the preliminary breath test but you will be subject to a civil infraction fine (usually \$100-\$200). **YOU WILL NOT LOSE YOUR LICENSE OR GET ANY POINTS FOR REFUSING THE PBT!** Sometimes the officer may tell you that you are required to take the PBT and that is a lie. Politely refuse to take it.

One caveat: if you have a commercial license, it is a misdemeanor to refuse the PBT and you may be on the hook for jail and points.

The PBT is another in the officers arsenal to find probable cause to arrest you for a DUI. If you take the PBT, you are only helping the officer prove their case against you, so it is best to refuse the test as you will only be liable for a civil infraction. Don't help the officer to arrest you. remember to be polite and respectful in your refusal. We don't want the officer to testify that you were a jerk in front of the jury.

If you have been arrested for a DUI, call your [Metro-Detroit Criminal Lawyer](#) immediately for your free consultation. It is important to start work on your case right away and preserve evidence immediately. In Macomb County, call us at (586) 439-4297 and in Oakland County, call (248) 581-0598.

Also, if you have a smartphone (iPhone or Android) you will want to check out [Emrginfo](#)'s new app. This app has all the info you need to protect yourself during a DUI stop, plus instant connect with your Metro-Detroit Criminal Lawyer. Did I mention this app is free? Check it out.