

Welcome to...

DUI

WEEK

in Law and You

DUI: What is it?

Definitions, penalties vary by age in PA

Over 21:

DUI = .08 Blood Alcohol Content (BAC) or greater

Lower BAC (.02 or higher) can bring a DUI conviction if you show signs of impairment:

too slow

stopping for no reason

too fast

straddling the center line

wide turns

failure to obey signs/signals

DUI: What is it?

Under 21:

You may not drive with any measurable blood alcohol content (BAC)

You're considered under the influence at **.02** or greater

.02 equals one drink – mixed/beer/wine
– over the course of an hour if you weigh 180 pounds

BAC factors

1. Number of drinks
2. How fast you drink
3. Gender
4. Body weight
5. What you've eaten

Is this even legal?

Why isn't BAC testing a violation of privacy?

PA has a law of "Implied Consent"

By applying for a driver's license, you agree to take these tests

Your choices: Breathalyzer, blood, or urine

In the eyes of the law: refusal = guilt

If you refuse to be tested:



Automatic one-year suspension of license, **even if acquitted**

If convicted, up to a 2½ year suspension

You have a prior conviction, and you're convicted again: **three year suspension**

DUI: Mitigating factors

1. Age of driver
2. Number of previous offenses
3. BAC
4. Crash/damage
5. Other mitigating factors

Levels of DUI Impairment

General Impairment

.08 to **.099** BAC

High Rate of Impairment

.10 to **.159** BAC

Highest Rate of Impairment

.16 BAC and higher

General Impairment

.08 to .099 BAC: Legal drinking age only

	1st OFFENSE	2nd OFFENSE	3rd OFFENSE
TIME	Probation: 6 months	Prison: 5 days to 6 months	Prison: 10 days to two years
FINE	\$300	\$300-\$2,500	\$500-\$5,000
LICENSE	No action	12-month suspension	12-month suspension

High Rate of Impairment

.10 to .159 BAC

The following table also applies to...

Underage drivers with BAC of .02 or higher

Commercial drivers with BAC of .04 or higher

School bus drivers with BAC of .02 or more

Drivers with BAC of .08 to .099 involved in a crash resulting in injury or damage

High Rate of Impairment

.10 to .159 BAC

	1st OFFENSE	2nd OFFENSE	3rd OFFENSE
TIME	Prison: 2 days to 6 months	Prison: 5 days to 6 months	Prison: 10 days to two years
FINE	\$500-\$5,000	\$300-\$2,500	\$500-\$5,000
LICENSE	12-month suspension*	12-month suspension	12-month suspension

*60 days mandatory, after which you can drive to work only

Highest Rate of Impairment

.16 BAC and higher

The following table also applies to...

Drivers who refuse chemical testing (at any level)

Drivers under the influence of Schedule I, II, or III narcotics, or any combination thereof

Schedule I

Ecstasy

Heroin

Marijuana

LSD

Mushrooms

Schedule II

Cocaine

Crack

Opium

OxyContin

Most barbiturates

Schedule III

Steroids

Various precursors

Highest Rate of Impairment

.16 BAC and higher

	1st OFFENSE	2nd OFFENSE	3rd OFFENSE
TIME	Prison: 3 days to 6 months	Prison: 90 days to 5 years	Prison: 1 year to 5 years
FINE	\$1,000-\$5,000	\$1,500	\$2,500 minimum
LICENSE	12-month suspension*	18-month suspension	18-month suspension

*60 days mandatory, after which you can drive to work only

Underage drinking

It's against the law to...

buy alcohol.

drink alcohol.

possess alcohol.

have alcohol in the car you're driving.

Driving privileges can also be revoked if you...

lie about your age to buy alcohol.

carry a fake ID.

purchase, possess, or transport alcohol.

have alcohol in the car you're driving.

The police will tell – not ask – your parents.