

DUI Penalties

The three-tiered penalty system establishes graduated grading of offenses and penalties for most adult DUI offenders based upon BAC and number of prior offenses: 1.) **general impairment** (incapable of safe driving with BAC less than .08% or undetermined BAC and .08% to .099% BAC), 2.) **high rate of alcohol** (.10% to .159% BAC) and 3.) **highest rate of alcohol** (.16% and above BAC). Minors, commercial drivers, school vehicle or bus drivers and offenders involved in an accident that injures someone or cause property damage may be subject to the high BAC penalties even if their BAC is not in the high category. Offenders who refuse breath or chemical testing may be subject to the highest BAC penalties. The charts below show the penalties for each of the BAC categories:

General Impairment Penalties (.08% to .099% BAC)

No prior DUI offenses	<ul style="list-style-type: none"> • ungraded misdemeanor • Up to 6 months probation • \$300 fine • Alcohol highway safety school • Treatment when ordered
1 prior DUI offense	<ul style="list-style-type: none"> • ungraded misdemeanor • 12 month license suspension • 5 days to 6 months jail time • \$300 to \$2,500 fine • Alcohol highway safety school • Treatment when ordered • 1 year ignition interlock
2 or more prior DUI offenses	<ul style="list-style-type: none"> • 2nd degree misdemeanor • 12 month license suspension • 10 days to 2 years prison • \$500 to \$5,000 fine • Treatment when ordered • 1 year ignition interlock

High BAC Penalties (.10 to .159% BAC)

No prior DUI offenses	<ul style="list-style-type: none"> • ungraded misdemeanor • 12 month license suspension • 48 hours to 6 months prison • \$500 to \$5,000 fine • Alcohol highway safety school • Treatment when ordered
-----------------------	--

1 prior DUI offense	<ul style="list-style-type: none"> • Ungraded misdemeanor • 12 month license suspension • 30 days to 6 months prison • \$750 to \$5,000 fine • Alcohol highway safety school • Treatment when ordered • 1 year ignition interlock
2 or more prior DUI offenses	<ul style="list-style-type: none"> • 1st degree misdemeanor • 18 month license suspension • 90 days to 5 years prison • \$1,500 to \$10,000 fine • Treatment when ordered • 1 year ignition interlock
3 or more prior DUI offenses	<ul style="list-style-type: none"> • 1st degree misdemeanor • 18 month license suspension • 1 to 5 years prison • \$1,500 to \$10,000 fine • Treatment when ordered • 1 year ignition interlock

Highest BAC Penalties (.16% and higher)

No prior DUI offenses	<ul style="list-style-type: none"> • Ungraded misdemeanor • 12 month license suspension • OLL after 60 day suspension • 72 hours to 6 months prison • \$1,000 to \$5,000 fine • Alcohol highway safety school • Treatment when ordered
1 prior DUI offense	<ul style="list-style-type: none"> • 1st degree misdemeanor • 18 month license suspension • 90 days to 5 years prison • Minimum \$1,500 fine • Alcohol safety school • Treatment when ordered • 1 year ignition interlock
2 or more prior DUI offenses	<ul style="list-style-type: none"> • 1st degree misdemeanor • 18 month license suspension • 1 to 5 years prison • Minimum \$2,500 fine • Treatment when ordered • 1 year ignition interlock