

Pennsylvania has a tough drunk-driving law, one that will take the most serious offenders off our roads and save many innocent lives across this Commonwealth.

*The landmark legislation, is serving as a model for other states. **The new law lowers the state's blood-alcohol level limit from .10 percent to .08 percent and combines harsher penalties with more intensive treatment for the worst offenders.***

The comprehensive overhaul of Pennsylvania's 22-year-old DUI statute was prompted by a federal mandate to institute the .08 threshold or else risk losing up to \$30 million in federal highway funds. The National Highway Traffic Safety Administration (NHTSA) already has reviewed the law and has ruled that it is in full compliance with all federal regulations.

Pennsylvania met the federal directive and went much further, creating what is now the toughest DUI law in the nation. A new tiered system of escalating penalties has been established, based on the severity and frequency of offenses.

We have taken a holistic approach to the serious problem of drunk driving by integrating that stiff punishment with mandatory treatment. Under the new law, drivers who have a blood-alcohol content of .16 percent or higher, as well as repeat offenders, will be required to undergo a complete drug and alcohol assessment and undergo treatment if ordered as a condition of punishment, or else face longer jail sentences.

The state's previous DUI law was not working well enough to keep hard-core drunk drivers off our roads. The federal mandate actually presented us with an opportunity to study this serious problem and ultimately rewrite the law.

Pennsylvania's drunk-driving law is tough, but it is fair. It also is undoubtedly necessary. Over the past five years, alcohol-related fatalities in Pennsylvania have increased by five percent, while they have decreased nationally by 11 percent. Hopefully, this law will help to reverse that tragic trend.



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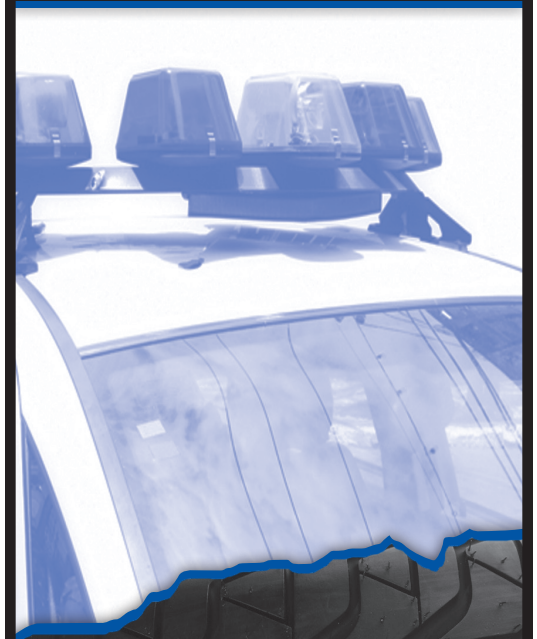
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Pennsylvania's

Drunk-Driving Law



**Punishment
+ Treatment
= Saved Lives,
Safer Highways**

Pennsylvania DUI Penalty Structure

	1st Offense	2nd	3rd and sub.	4th and sub.
New Penalty Structure As of Feb. 1, 2004 .08 to .099 percent Incapable of safe driving	<ul style="list-style-type: none">- Ungraded misdemeanor- 6 months max. probation- \$300 fine- Attend Alcohol Highway Safety School- CRN evaluation- Pending CRN, full assessment and compliance with D&A treatment as part of sentencing	<ul style="list-style-type: none">- Ungraded misdemeanor- 5 days min. imprisonment- \$300 to \$2,500 fine- 12 month license suspension- Attend Alcohol Highway Safety School- Mandatory 1 year Ignition Interlock- CRN evaluation- <i>Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</i>	<ul style="list-style-type: none">- 2nd degree misdemeanor- 10 days min. imprisonment- \$500 to \$5,000 fine- 12 month license suspension- Mandatory 1 year Ignition Interlock- CRN evaluation- <i>Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</i>	
New Penalty Structure As of Feb. 1, 2004 .10 to .159 percent Incapable of safe driving with crash/injuries Minors (.02) CDL drivers (.04) and school bus/vehicle drivers (.02)	<ul style="list-style-type: none">- Ungraded misdemeanor- 48 consecutive hours imprisonment- \$500 to \$5,000 fine- 12 month license suspension- Attend Alcohol Highway Safety School- CRN evaluation- Pending CRN, full assessment and compliance with D&A treatment as part of sentencing	<ul style="list-style-type: none">- Ungraded misdemeanor- 30 days min. imprisonment- \$750 to \$5,000 fine- 12 month license suspension- Attend Alcohol Highway Safety School- Mandatory 1 year Ignition Interlock- CRN evaluation- <i>Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</i>	<ul style="list-style-type: none">- 1st degree misdemeanor- 90 days min. imprisonment- \$1,500 to \$10,000 fine- 18 month license suspension- Mandatory 1 year Ignition Interlock- CRN evaluation- <i>Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</i>	<ul style="list-style-type: none">- 1st degree misdemeanor- 1 year min. imprisonment- \$1,500 to \$10,000 fine- 18 month license suspension- Mandatory 1 year Ignition Interlock- CRN evaluation- <i>Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</i>
New Penalty Structure As of Feb. 1, 2004 .16 percent and higher Controlled Substances Incapable of safe driving after refusing testing	<ul style="list-style-type: none">- Ungraded misdemeanor- 72 consecutive hours min. imprisonment- \$1,000 to \$5,000 fine- 12 month license suspension- Attend Alcohol Highway Safety School- CRN evaluation- <i>Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</i>	<ul style="list-style-type: none">- 1st degree misdemeanor- 90 days min. imprisonment- \$1,500 min. fine- 18 month license suspension- Attend Alcohol Highway Safety School- Mandatory 1 year Ignition Interlock- CRN evaluation- <i>Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</i>	<ul style="list-style-type: none">- 1st degree misdemeanor- 1 year min. imprisonment- \$2,500 min. fine- 18 month license suspension- Mandatory 1 year ignition interlock- CRN evaluation- <i>Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</i>	

Key Components of Pennsylvania's DUI Law

- ✓ *First-time offenders with a blood-alcohol level of .08 percent will not lose their licenses for a first offense, but will be subject to fines and possible probation.*
- ✓ *Pennsylvania was among the first states in the nation to adopt a 'Driving under the influence of Drugs' offense. Individuals driving under the influence of drugs will be subject to the harshest penalties in the tiered punishment system.*
- ✓ *Fines are increased for repeat offenses and tripled for blood alcohol levels of .16 percent or higher.*
- ✓ *The Accelerated Rehabilitation Disposition (ARD) Program becomes standardized throughout all 67 counties. There will be no license suspension for blood-alcohol levels of .08 to .099 percent. There will be a 30-day license suspension if blood-alcohol level is .10 to .159 percent, and a 60-day license suspension if blood-alcohol level is .16 percent or higher, or if blood-alcohol level is unknown.*
- ✓ *ARD will not be granted for a DUI offender who had a child under age 14 in the car at the time of the offense.*
- ✓ *All first and nearly all second offenses would be ungraded misdemeanors subject to a maximum six-month sentence. All such offenses, under the state and federal constitutions, would thus be non-jury trials. This will dramatically reduce the costs associated with taking first and second offenses (which are the vast majority of DUI offenses) to jury trials.*
- ✓ *All offenders will be evaluated to determine if drug and alcohol treatment is required. If treatment is deemed necessary, compliance with such treatment would be mandatory as a condition of sentencing.*
- ✓ *All repeat offenders will be required to have their cars equipped with an ignition-interlock restriction system for one year prior to obtaining an unrestricted license. Also, a new offense is created for driving without a required ignition-interlock system when alcohol is present in driver's system.*
- ✓ *First-time DUI offenders will be allowed to obtain an Occupational Limited License (OLL) after first serving a 60-day hard suspension. OLL's will not be permitted for repeat offenders, juveniles, or person's admitted to the (ARD) Program.*