

Pennsylvania's DUI Statute

Offenses	1st Offense	2nd Offense	3rd and Subsequent	4th and Subsequent Offenses
<p>75§ 3802(a)(1) DUI General Impairment – Incapable of Safe Driving</p> <p>75§ 3802(a)(2) DUI General Impairment – BAC .08 to .099</p>	<ul style="list-style-type: none"> - Ungraded Misdemeanor - OGS = 1 - 6 months mandatory minimum probation - \$300 fine - Attend Alcohol Highway Safety School - CRN evaluation - Pending CRN, full assessment and compliance with D&A treatment as part of sentencing - Mandatory Treatment effective 6/30/09 	<ul style="list-style-type: none"> - Ungraded Misdemeanor - OGS = 1 - 5 days minimum imprisonment and no more than 6 months max - \$300 to \$2,500 fine - 12 month license suspension - Attend Alcohol Highway Safety School - Mandatory 1 year Ignition Interlock - CRN evaluation - Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing - Mandatory Treatment effective 6/30/09 	<ul style="list-style-type: none"> - Misdemeanor 2 - OGS = 3 - 10 days minimum imprisonment - \$500 to \$5,000 fine - 12 month license suspension - Mandatory 1 year Ignition Interlock - CRN evaluation - Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing 	
<p>75§ 3802(b) DUI High Rate Alcohol – BAC .10 to .159</p> <p>75§ 3802(e) DUI Minors</p> <p>75§ 3802(f) DUI Commercial/School Vehicles</p> <p>75§ 3802(a)(1) DUI Incapable of Safe Driving w/crash/injuries</p>	<ul style="list-style-type: none"> - Ungraded Misdemeanor - OGS = 1 - 48 consecutive hours minimum imprisonment and no more than 6 mo maximum - \$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 - Mandatory Treatment effective 6/30/09 	<ul style="list-style-type: none"> - Ungraded Misdemeanor - OGS = 1 - 30 days minimum imprisonment and no more than 6 mo max - \$750 to \$5,000 fine - 12 month license suspension - Attend Alcohol Highway Safety School - Mandatory 1 year Ignition Interlock - CRN evaluation - Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing 	<ul style="list-style-type: none"> - Misdemeanor 1 - OGS = 5 - 90 days minimum imprisonment - \$1,500 to \$10,000 fine - 18 month license suspension - Mandatory 1 year Ignition Interlock - CRN evaluation - Mandatory full assessment and compliance with D&A treatment as part of sentencing 	<ul style="list-style-type: none"> - Misdemeanor 1 - OGS = 5 - 1 year minimum imprisonment - \$1,500 to \$10,000 fine - 18 month license suspension - Mandatory 1 year Ignition Interlock - CRN evaluation - Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing
<p>75 3802(c) DUI Highest Rate of Alcohol – BAC .16 and higher</p> <p>75 3802(d) DUI Controlled Substance</p> <p>75 3802(a)(1) DUI Incapable of Safe Driving After Refusing Testing</p>	<ul style="list-style-type: none"> - Ungraded Misdemeanor - OGS = 1 - 72 consecutive hours minimum imprisonment and no more than 6 months maximum - \$1,000 to \$5,000 fine - 12 month license suspension - Attend Alcohol Highway Safety School - CRN evaluation - Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing 	<ul style="list-style-type: none"> - Misdemeanor 1 - OGS = 5 - 90 days minimum imprisonment - \$1,500 minimum fine - 18 month license suspension - Attend Alcohol Highway Safety School - Mandatory 1 year Ignition Interlock - CRN evaluation - Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing 	<ul style="list-style-type: none"> - Misdemeanor 1 - OGS = 5 - 1 year minimum imprisonment - 18 month license suspension - Mandatory 1 year Ignition Interlock - CRN evaluation - Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing 	<p>DUI legislative history:</p> <p><u>Act 2003-24 (effective 9/30/2003)</u> Amends BAC to .08% under 75 Pa.C.S. §3731</p> <p><u>Act 2003-24 (effective 2/1/2004)</u> Repeals 75 Pa.C.S. §3731 and revises DUI statute under 75 Pa. C.S. §3802 to include tiered penalty structure</p> <p><u>Act 2004-177 (effective 11/29/2004)</u> Grade and penalty are determined by the 10 year look-back period for sentences imposed on or after 11/29/2004</p> <p><u>Act 2012-39 (effective 7/9/2012)</u> Increases grade and penalty when minor in vehicle</p>