Pennsylvania's DUI Statute

Offenses	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> and Subsequent	4 <sup>th</sup> and Subsequent Offenses
75§ 3802(a)(1) DUI General	- Ungraded Misdemeanor	- Ungraded Misdemeanor	- Misdemeanor 2	i una subsequent entenses
Impairment – Incapable of	- OGS = 1	- OGS = 1	- OGS = 3	
Safe Driving	- 6 months mandatory minimum	- 5 days minimum imprisonment	- 10 days minimum imprisonment	
Sale Briving	probation	and no more than 6 months max	- \$500 to \$5,000 fine	
	- \$300 fine	- \$300 to \$2,500 fine	- 12 month license suspension	
75§ 3802(a)(2) DUI General	- Attend Alcohol Highway Safety	- 12 month license suspension	- Mandatory 1 year Ignition	
Impairment – BAC .08 to .099	School	- Attend Alcohol Highway Safety	Interlock	
Impairment – BAC .00 to .033	- CRN evaluation	School	- CRN evaluation	
	- Pending CRN, full assessment	- Mandatory 1 year Ignition	- Mandatory full D&A assessment	
	and compliance with D&A	Interlock	and compliance with D&A	
	treatment as part of sentencing	- CRN evaluation	treatment as condition of	
	- Mandatory Treatment effective	- Mandatory full D&A assessment	sentencing	
	6/30/09	and compliance with D&A	Sentencing	
	0/30/03	treatment as condition of		
		sentencing		
		- Mandatory Treatment effective		
		6/30/09		
75§ 3802(b) DUI High Rate	- Ungraded Misdemeanor	- Ungraded Misdemeanor	- Misdemeanor 1	- Misdemeanor 1
Alcohol – BAC .10 to .159	- OGS = 1	- OGS = 1	- OGS = 5	- OGS = 5
	- 48 consecutive hours minimum	- 30 days minimum imprisonment	- 90 days minimum imprisonment	- 1 year minimum imprisonment
75§ 3802(e) DUI Minors	imprisonment and no more than	and no more than 6 mo max	- \$1,500 to \$10,000 fine	- \$1,500 to \$10,000 fine
705 0002(0, 20	6 mo maximum	- \$750 to \$5,000 fine	- 18 month license suspension	- 18 month license suspension
75§ 3802(f) DUI Commercial/	- \$500 to \$5,000 fine	- 12 month license suspension	- Mandatory 1 year Ignition	- Mandatory 1 year Ignition Interlock
School Vehicles	- 12 month license suspension	- Attend Alcohol Highway Safety	Interlock	- CRN evaluation
	- Attend Alcohol Highway Safety	School	- CRN evaluation	- Mandatory full D&A assessment
75§ 3802(a)(1) DUI Incapable	School	- Mandatory 1 year Ignition	- Mandatory full assessment and	and compliance with D&A
of Safe Driving	- CRN evaluation	Interlock	compliance with D&A treatment	treatment as condition of
w/crash/injuries	- Pending CRN, full assessment	- CRN evaluation	as part of sentencing	sentencing
, , ,	and compliance with D&A	- Mandatory full D&A assessment	0	0
	treatment as part of sentencing	and compliance with D&A		
	- Mandatory Treatment effective	treatment as condition of		
	6/30/09	sentencing		
75 3802(c) DUI Highest Rate	- Ungraded Misdemeanor	- Misdemeanor 1	- Misdemeanor 1	DUI legislative history:
of Alcohol – BAC .16 and	- OGS = 1	- OGS = 5	- OGS = 5	Act 2003-24 (effective 9/30/2003)
higher	- 72 consecutive hours minimum	- 90 days minimum imprisonment	- 1 year minimum imprisonment	Amends BAC to .08% under
-	imprisonment and no more than	- \$1,500 minimum fine	- 18 month license suspension	75 Pa.C.S. §3731
75 3802(d) DUI Controlled	6 months maximum	- 18 month license suspension	- Mandatory 1 year Ignition	Act 2003-24 (effective 2/1/2004)
Substance	- \$1,000 to \$5,000 fine	- Attend Alcohol Highway Safety	Interlock	Repeals 75 Pa.C.S. §3731 and revises DUI statute
	- 12 month license suspension	School	- CRN evaluation	under 75 Pa. C.S. §3802 to include tiered penalty structure
75 3802(a)(1) DUI Incapable	- Attend Alcohol Highway Safety	- Mandatory 1 year Ignition	- Mandatory full D&A assessment	Act 2004-177 (effective 11/29/2004)
of Safe Driving After Refusing	School	Interlock	and compliance with D&A	Grade and penalty are determined by the 10 year
Testing	- CRN evaluation	- CRN evaluation	treatment as condition of	look-back period for sentences imposed on or
	-Mandatory full D&A assessment	- Mandatory full D&A assessment	sentencing	after 11/29/2004
	and compliance with D&A	and compliance with D&A		Act 2012-39 (effective 7/9/2012)
	treatment as condition of sentencing	treatment as condition of sentencing		Increases grade and penalty when minor in vehicle

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