

Pennsylvania's DUI Statute



Pennsylvania Commission on Sentencing

Offenses	1 st Offense	2 nd Offense	3 rd Offense	4 th 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>	<p>Ungraded Misdemeanor OGS = 1 6 months mandatory min probation \$300 fine Attend AHSS No license suspension CRN evaluation Pending CRN, full assessment and compliance with D&A treatment as part of sentencing Mandatory Treatment</p>	<p>Ungraded Misdemeanor OGS = 1 5 days minimum imprisonment and no more than 6 months max \$300 to \$2,500 fine Attend AHSS 12-month license suspension CRN evaluation Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing Mandatory Treatment</p>	<p>Misdemeanor 2 OGS = 3 10 days minimum imprisonment \$500 to \$5,000 fine 12-month license suspension CRN evaluation Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</p>	<p>Felony 3 OGS = 6 10 days minimum imprisonment \$500 to \$5,000 fine 18-month license suspension CRN evaluation Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</p>
<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>	<p>Ungraded Misdemeanor OGS = 1 48 consecutive hours minimum imprisonment and no more than 6 months maximum \$500 to \$5,000 fine Attend AHSS 12-month license suspension CRN evaluation Pending CRN, full assessment and compliance with D&A treatment as part of sentencing Mandatory Treatment</p>	<p>Ungraded Misdemeanor OGS = 1 30 days minimum imprisonment and no more than 6 months max \$750 to \$5,000 fine Attend AHSS 12-month license suspension CRN evaluation Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</p>	<p>Misdemeanor 1 OGS = 5 90 days minimum imprisonment \$1,500 to \$10,000 fine 18-month license suspension CRN evaluation Mandatory full assessment and compliance with D&A treatment as part of sentencing</p>	<p>Felony 3 OGS = 6 1 year minimum imprisonment \$1,500 to \$10,000 fine 18-month license suspension CRN evaluation Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</p>
<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>	<p>Ungraded Misdemeanor OGS = 1 72 consecutive hours minimum imprisonment and no more than 6 months maximum \$1,000 to \$5,000 fine Attend AHSS 12-month license suspension CRN evaluation Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</p>	<p>Misdemeanor 1 OGS = 5 90 days minimum imprisonment \$1,500 minimum fine Attend AHSS 18-month license suspension CRN evaluation Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</p>	<p>Felony 3 OGS= 6 1 year minimum imprisonment \$2,500 minimum fine 18-month license suspension CRN evaluation Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</p>	<p>Felony 3 OGS=6 1 year minimum imprisonment \$2,500 minimum fine 18-month license suspension CRN evaluation Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing</p>



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DUI Legislative History

Act 2018-153 (effective 12/24/2018)

Creates F-3 grading for 3rd offense DUI (highest tier); and
Any 4th and subsequent DUI offenses

Act 2017-30 (effective 7/20/2017)

Modifies language in penalties (§3804(c))

Act 2016-33 (effective 5/25/2016)

Modifies rule and timing for prior offenses (§3806)

Act 2014-189 (effective 10/27/2014 & 12/26/2014)

Modifies language in grading (§3803); and
Prior offenses (§3806)

Act 2012-39 (effective 7/9/2012)

Increases grade and penalty when minor in vehicle

Act 2004-177 (effective 11/29/2004)

Defines grade & penalty 10-year look-back period

Act 2003-24 (effective 2/1/2004)

Repeals 75 Pa.C.S. §3731;
Revises DUI under 75 Pa.C.S. §3802 to include tiered penalty structure

Act 2003-24 (effective 9/30/2003)

Amends BAC to .08% under 75 Pa.C.S. §3731