

PENNSYLVANIA DUI PENALTIES

LEVELS OF IMPAIRMENT	1 st Offense w/in 10 years	2 nd Offense w/in 10 years	3 rd Offense w/in 10 years	4 th Offense w/in 10yrs
1. 3802 (a)(1) Incapable of Safe Driving -No BAC available. -No Refusal.* -No Injury or Damage from accident**	Ungraded Misdemeanor 6 months max. Probation. \$300 fine. AHSS (Alcohol Highway Safety School)	Ungraded Misdemeanor 5 days to 6 months Jail \$300 to \$2,500 fine AHSS 12 months License. suspension 1 year Ignition Interlock	Misdemeanor 2 10 days to 2 years Jail \$500 to \$5,000 fine 12 months License Suspension 1 year Ignition Interlock Full D&A Assessment (6/30/2006)	
2. 3802 (a)(2) BAC .08% to less than .10%	No License Suspension Full D&A Assessment if indicated by CRN (6/30/2009)	Full D&A Assessment (06/30/2009)		
3. 3802 (b) BAC .10% to less than .16%	Ungraded Misdemeanor	Ungraded Misdemeanor	Misdemeanor 1	Misdemeanor 1
4. 3802 (a)(1) with damage or injury**	48 hours to 6 months Jail \$500 to \$5,000 fine	30 days to 6 months Jail \$750 to \$5,000 fine	90 days to 5 years Jail \$1,500 to \$10,000 fine	1 to 5 years Jail \$1,500 to \$10,000 fine
5. 3802 (e) Minors .02% or greater	AHSS	AHSS	18 months License Suspension	18 months License Suspension
6. 3802 (f) Commercial .04% or greater	12 months License Suspension	12 months License Suspension	1 year Ignition Interlock	1 year Ignition Interlock
7. 3802 (f) School Vehicles .02% or greater	Full D&A Assessment (6/30/2009)	1 year Ignition Interlock Full D&A Assessment (06/30/2006)	Full D&A Assessment (02/01/2004)	1 year Ignition Interlock Full D&A Assessment (02/01/2004)
8. 3802(f) Commercial/School Vehicles incapable of safe driving.				
8. 3802 (c) BAC .16 or higher	Ungraded Misdemeanor 72 hours to 6 months Jail	Misdemeanor 1 90 days to 5 years Jail	Misdemeanor 1 1 to 5 years Jail	
9. 3802 (a)(1) with a Refusal*	\$1,000 to \$5,000 fine AHSS	\$1,500 to \$10,000 fine AHSS	\$2,500 to \$10,000 fine 18 months License Suspension	
10. 3802 (d) Controlled Substances	12 months License Suspension Full D&A Assessment (06/30/2006)	18 months License Suspension 1 year Ignition Interlock Full D&A Assessment (02/01/2004)	1 year Ignition Interlock Full D&A Assessment (02/01/2004)	
Mandatory License suspension for ARD is as follows: No suspension if BAC is under .10% and offender is not a minor. A suspension of 30 days if BAC .10% to <.16%. A suspension of 60 days if BAC .16% or greater, BAC unknown, DUI involving drugs or Refusal. A suspension of 90 days if the offender is a minor.			Mandatory Conditions of ARD for a DUI offense. •AHSS •Probation Supervision of a minimum of 6 months up to a maximum of 12 months. •Full D&A Assessment, if BAC .16 or greater or if CRN Profile report indicates the need for further evaluation for D&A counseling or treatment. (06/30/2009) •Mandatory license suspension as indicated. •Restitution to any person who suffered a financial loss. •Payment of any other fee, surcharge or cost required by law including fees for AHSS, evaluation and	
You may be eligible for ARD (a first offenders program) if: -It is your first offense within 10 years. -You have not seriously injured or killed someone as a result of your DUI related accident. -There was no passenger in your car under age 14.				
All penalties include up to 150 hours of community service and a Court Reporting Network (CRN) drug and alcohol evaluation. When a Full Assessment is completed and the assessment indicates a need for counseling or treatment, the Court is required to order treatment as indicated by the Assessment. When the Court Orders treatment or counseling, the Court is required to order the statutory maximum as the top end of the Offender's sentence. *A Violation of 3802(a)(1) that involves a Refusal is subject to the highest penalty. **Violations of 3802(a)(1) and 3802(a)(2) that involve an accident with injury or damage are subject to the 2 nd highest penalty level.				