



Pennsylvania's DUI Statutes

Offenses	1 st Offense	2 nd Offense	3 rd and Subsequent	4 th and Subsequent Offenses
75§ 3802(a)(1) DUI General Impairment – Incapable of Safe Driving	<ul style="list-style-type: none"> – Ungraded Misdemeanor – OGS = 1 – 6 months mandatory minimum probation 	<ul style="list-style-type: none"> – Ungraded Misdemeanor – OGS = 1 – 5 days minimum imprisonment and no more than 6 months max 	<ul style="list-style-type: none"> – Misdemeanor 2 – OGS = 3 – 10 days minimum imprisonment 	
75§ 3802(a)(2) DUI General Impairment – BAC .08 to .099	<ul style="list-style-type: none"> – \$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 06/30/2009 	<ul style="list-style-type: none"> – \$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 06/30/2009 	<ul style="list-style-type: none"> – \$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 	
75§ 3802(b) DUI High Rate Alcohol – BAC .10 to .159	<ul style="list-style-type: none"> – Ungraded Misdemeanor – OGS = 1 	<ul style="list-style-type: none"> – Ungraded Misdemeanor – OGS = 1 	<ul style="list-style-type: none"> – Misdemeanor 1 – OGS = 5 	<ul style="list-style-type: none"> – Misdemeanor 1 – OGS = 5
75§ 3802(e) DUI Minors	<ul style="list-style-type: none"> – 48 consecutive hours minimum imprisonment and no more than 6 month maximum 	<ul style="list-style-type: none"> – 30 days minimum imprisonment and no more than 6 month maximum 	<ul style="list-style-type: none"> – 90 days minimum imprisonment 	<ul style="list-style-type: none"> – 1 year minimum imprisonment
75§ 3802(f) DUI Commercial/School Vehicles	<ul style="list-style-type: none"> – \$500 to \$5,000 fine – 12 month license suspension 	<ul style="list-style-type: none"> – \$750 to \$5,000 fine – 12 month license suspension 	<ul style="list-style-type: none"> – \$1,500 to \$10,000 fine – 18 month license suspension 	<ul style="list-style-type: none"> – 18 month license suspension
75§ 3802(a)(1) DUI Incapable of Safe Driving w/crash/injuries	<ul style="list-style-type: none"> – Attend Alcohol Highway Safety School – CRN evaluation – Pending CRN, full assessment and compliance with D&A treatment as part of sentencing – Mandatory Treatment effective 06/30/2009 	<ul style="list-style-type: none"> – 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"> – 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"> – Mandatory 1 year Ignition Interlock – CRN evaluation – Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing
75 3802(c) DUI Highest Rate of Alcohol – BAC .16 and higher	<ul style="list-style-type: none"> – Ungraded Misdemeanor – OGS = 1 	<ul style="list-style-type: none"> – Misdemeanor 1 – OGS = 5 	<ul style="list-style-type: none"> – Misdemeanor 1 – OGS = 5 	<p>DUI Legislative History:</p> <p>Act 2003-24 (effective 09/30/2003) Amends BAC to .08% under 75 Pa.C.S. §3731</p> <p>Act 2003-24 (effective 02/01/2004) Repeals 75 Pa.C.S. §3731 and revises DUI statute under 75 Pa. C.S. §3802 to include tiered penalty structure</p> <p>Act 2004-177 (effective 11/29/2004) Grade and penalty are determined by the 10 year look-back period for sentences imposed on or after 11/29/2004</p>
75 3802(d) DUI Controlled Substance	<ul style="list-style-type: none"> – 72 consecutive hours minimum imprisonment and no more than 6 months maximum – \$1,000 to \$5,000 fine 	<ul style="list-style-type: none"> – 90 days minimum imprisonment – \$1,500 minimum fine – 18 month license suspension 	<ul style="list-style-type: none"> – 1 year minimum imprisonment – 18 month license suspension – Mandatory 1 year Ignition 	
75 3802(a)(1) DUI Incapable of Safe Driving After Refusing Testing	<ul style="list-style-type: none"> – 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"> – 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"> – Interlock – CRN evaluation – Mandatory full D&A assessment and compliance with D&A treatment as condition of sentencing 	