

# What is a DUI?

**DUI is an abbreviation for driving under the influence of alcohol or any substance that impairs driving ability. It is illegal to drive with a blood or breath alcohol content of .08 or higher, or .02 if under 21 years of age. (KRS 189A.010)**

## Mandatory jail time

The DUI law establishes minimum jail times (which cannot be probated, suspended, conditionally discharged or otherwise subject to early release) if convicted of DUI and aggravating circumstance(s) exist.

### Aggravating circumstances resulting in higher minimum jail time (KRS 189A.010 [11]):

- ▶ Driving 30 mph over the speed limit
- ▶ Driving the wrong way on a limited access highway
- ▶ Causing a crash that results in death or serious physical injury
- ▶ Alcohol level is .15 or more within two hours of operating the vehicle
- ▶ Refusal to submit to testing
- ▶ Transporting passengers under 12 years of age



## DUI penalties (Over 21 years of age)

### First offense within a 10-year period:

- ▶ \$200 to \$500 fine
- ▶ 2 to 30 days in jail
- ▶ 30 to 120 days license suspension
- ▶ 90 day alcohol or substance abuse treatment
- ▶ 48 hours to 30 days community labor
- ▶ 6 month Ignition Interlock Device installation

\* Up to 4 days imprisonment if aggravating circumstances are present

### Second offense within a 10-year period:

- ▶ \$350 to \$500 fine
- ▶ 7 days to 6 months in jail
- ▶ 12 to 18 months license suspension
- ▶ 1 year alcohol or substance abuse treatment
- ▶ 10 days to 6 months community labor
- ▶ 12 months Ignition Interlock Device installation

\* 14 days imprisonment if aggravating circumstances are present

### Third offense within a 10-year period:

- ▶ \$500 to \$1,000 fine
- ▶ 30 days to 12 months in jail
- ▶ 24 to 36 months license suspension
- ▶ 1 year alcohol or substance abuse treatment
- ▶ 10 days to 12 months community labor
- ▶ 30 months Ignition Interlock Device installation

\* 60 days imprisonment if aggravating circumstances are present

### Fourth offense within a 10-year period:

- ▶ Class D Felony
- ▶ Minimum 120 days in jail without probation
- ▶ 60 month license suspension
- ▶ 1 year alcohol or substance abuse treatment
- ▶ 30 months Ignition Interlock Device installation

\* 240 days imprisonment if aggravating circumstances are present

**NOTE:** The 10-year period is measured from the date of conviction.

# Alcohol concentration tests

Only through testing blood, breath or urine can alcohol levels be accurately measured. The breath test measures **B**reath **A**lcohol **C**oncentration (**BRAC**) by analyzing the amount of ethyl alcohol in the breath. A blood test measures **B**lood **A**lcohol **C**oncentration (**BAC**) by analyzing the amount of ethyl alcohol in the blood. Alcohol concentration means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

## License suspension for refusal to take alcohol or subsequent tests

- ▶ First offense: 30 to 120 days
- ▶ Second offense: 12 to 18 months
- ▶ Third offense: 24 to 36 months
- ▶ Fourth offense or subsequent: 60 months

**Whether you are found guilty or innocent of the DUI charge, you will remain answerable for the refusal to submit to test(s) and risk license suspension.**

## Ignition interlock

Senate Bill 133, passed in 2015, requires repeat DUI offenders to blow into an ignition interlock device, which is installed on the vehicle. The vehicle will not start if the person's blood-alcohol concentration exceeds a .02 level.

First-time DUI offenders are not required to have the device installed unless there is an aggravating circumstance, such as speeding or driving drunk with a child in the car. Visit <https://drive.ky.gov/driver-licensing/Pages/ignition-Interlock-Program.aspx> for more information.



## DUI penalties (Under 21 years of age)

### First offense:

- ▶ \$100 to \$500 fine or 20 hours community labor
- ▶ 30 days to 6 months license suspension

**If the driver is under 21 years of age but has an alcohol concentration of .08 or higher, the driver will be subject to penalties established for drivers over 21 years of age.**

## Did you know?

 The metabolism of alcohol takes place in the liver. The body can burn approximately 1/2 ounce of alcohol in one hour. The liver eliminates approximately 90 percent of the alcohol from the body. The rest is eliminated through the lungs, perspiration, and urine. The only thing that will sober you up is time! If you drink alcohol or take other impairing substances, **DO NOT DRIVE!**

### For Additional Information:

- KYTC Division of Driver Licensing: 502.564.1257; <https://drive.ky.gov>
- Mothers Against Drunk Driving (MADD): [www.madd.org](http://www.madd.org)
- NHTSA Stop Impaired Driving Program: [www.nhtsa.gov/drivesober](http://www.nhtsa.gov/drivesober)