



Think BEFORE YOU DRINK



THE LEGAL BLOOD ALCOHOL LEVEL

The fact that the law makes it illegal to drive with a blood alcohol content level of .08 percent (.02 percent for a minor) does not mean that it is safe to drive at a lower alcohol content level. The .08 percent means that eight-hundredths of a percent of the blood in your body is alcohol. While eight-hundredths of a percent may not sound like a lot, it is more than enough to affect every bodily function and ruin your ability to drive safely.

The amount of alcohol it takes to reach the .08 percent level depends on your body weight and how quickly you drink. Generally, a 160 pound person will be legally drunk after drinking four drinks within an hour (four 12 ounce beers; or four 4 ounce glasses of wine; or four 1-1/2 ounce shots of liquor). As a general rule, if you have only one drink per hour, you are not likely to become too drunk to drive.

While eating is a good idea because it slows down the absorption of alcohol into your system, it does not reduce or eliminate the effects of alcohol. It takes about one hour of waiting to eliminate the effects of each drink consumed.

APPROXIMATE BLOOD ALCOHOL PERCENTAGE

Drinks	Body Weight in Pounds								
	100	120	140	160	180	200	220	240	
1	.04	.03	.03	.02	.02	.02	.02	.02	
2	.08	.06	.05	.05	.04	.04	.03	.03	Danger Zone
3	.11	.09	.08	.07	.06	.06	.05	.05	
4	.15	.12	.11	.09	.08	.08	.07	.06	
5	.19	.16	.13	.12	.11	.09	.09	.08	
6	.23	.19	.16	.14	.13	.11	.10	.09	Legally Drunk
7	.26	.22	.19	.16	.15	.13	.12	.11	
8	.30	.25	.21	.19	.17	.15	.14	.13	
9	.34	.28	.24	.21	.19	.17	.15	.14	
10	.38	.31	.27	.23	.21	.19	.17	.16	

NOTE: The penalties identified in this publication may be revised, in whole or in part, by the General Assembly prior to your receipt of a subsequent notice. Please refer to Title 75 PA Vehicle Code for specific DUI regulations.

REMEMBER

- ◆ It is unlawful for a driver to consume alcohol or controlled substances while driving a motor vehicle.
- ◆ A police officer or other qualified person may give one or more tests of blood, breath, or urine.
- ◆ If a fatality occurs in an accident and you are convicted of driving while under the influence, a mandatory minimum imprisonment of 3 years will result.
- ◆ If you are under 21, you do not have to be in or near a car, have a driver's license or even be old enough to drive to lose your right to drive or get a license. Merely being caught with fake ID, drinking, being intoxicated, transporting alcohol or having alcohol in your possession, will result in your driving privilege being suspended.

Fake ID users get caught. They are charged as criminals and get criminal records. They pay fines. They lose their driving privilege. They get points on their driving record.

*In fairness to yourself,
don't drink and drive.*

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Think BEFORE YOU DRINK

Think Before You Drink ♦ Think Before You Drink

- ◆ **With the underage drinking laws, I could get my license suspended. How could this happen?**

Actually, it's quite easy to lose your license. By just carrying a false I.D., lying about your age to get alcohol, or by purchasing, consuming, possessing or transporting alcohol, you could have your driver's license suspended for up to two years, not to mention the fines you'll have to pay.

- ◆ **What if I don't have a license, and I get caught drinking, or carrying a fake I.D.?**

Those who do not have a driver's license will be unable to apply for a learner's permit for the time period of the suspension. For those under the age of 16, their suspension will not begin until their 16th birthday.

- ◆ **What kind of fines would I have to pay for underage drinking?**

In addition to serving a suspension period, you will pay a fine up to \$500 and the police will notify your parents, even if you are over the age of 18. You should also know that the court may require you to successfully complete a program of alcohol education, intervention or counseling. Before you can get your license back or before you can be considered for a learner's permit, you must also pay a restoration fee of at least \$73.

- ◆ **How does the underage drinking law affect those over 21?**

Any adult who buys alcohol for anyone under 21—even their own children—or anyone who makes or sells false I.D. will receive a mandatory fine of \$1000 for their first offense and \$2500 for each following offense.

- ◆ **What harm could a couple of drinks do?**

Do you realize that with just a few drinks, your blood-alcohol content (BAC) can rise above the legal limit of 0.08%? When even such a small portion of your blood is replaced by alcohol, every bodily function is affected, including your driving ability. The general rule to follow is: **"Play it safe. Don't drive after you drink."**

- ◆ **I've heard of the term "implied consent." How does this affect me as a driver?**

When any person drives or is in actual physical control of the movement of a motor vehicle, there exists a condition of implied consent to take one or more chemical tests of breath, blood or urine to determine alcohol or controlled substance content. If you refuse to take a test after being placed under arrest, your license WILL be suspended for one year and your refusal can be used as evidence in a DUI trial. Police may require you to submit to a breathalyzer test before deciding if a DUI arrest should be made.

- ◆ **How bad can a DUI arrest be?**

The Commonwealth needs to prove only that you drove a vehicle when the amount of alcohol in your blood was at least 0.08% for an adult or 0.02% if you are under 21. If a driver is under 21, was operating a commercial or school vehicle, had a blood-alcohol level of 0.10% or higher or was involved in an accident causing injury or property damage, the *minimum* penalty for a first DUI conviction is 48 hours in prison and a fine of \$500, and the *minimum* penalties increase significantly with each subsequent conviction within 10 years. Depending on the circumstances, you could face five years in prison and a fine of \$10,000 for a DUI charge alone. An accident causing injuries or property damage could increase the penalties that are imposed. And keep in mind that a criminal record can severely limit future career and employment opportunities.

- ◆ **Is my violation the same no matter what my BAC is?**

No. If your BAC is .08% or more, but less than .10%, a first offense carries a \$300 fine and probation for at least six months. If your BAC is .10% but less than .16%, a first offense will result in at least 48 hours in prison and a fine of \$500 to \$5,000. If your BAC is .16% or more, the punishment for a first offense is at least 72 hours in prison, and a fine between \$1,000 and \$5,000. For subsequent offenses, the minimum penalties also increase dramatically for each BAC category.

- ◆ **What happens if I drive while my license is suspended for a DUI offense or for refusal to take a blood-alcohol content (BAC) test?**

If you have a BAC of 0.02% when you are arrested the second time, regardless of your age, you face a mandatory fine of \$1,000 and imprisonment for at least 90 days, plus an additional one-year license suspension. Even if no alcohol is involved, you will be fined \$500 and imprisoned for 60 to 90 days.

- ◆ **What is the Accelerated Rehabilitative Disposition program?**

The law does provide a one-time alternative to trial and a potential criminal record. Accelerated Rehabilitative Disposition (ARD) is a probationary supervision program that is a means of dealing with qualified first-time offenders without trial. The ARD program will not be available to a driver who has caused a serious injury or death, or a prior DUI within the preceding 10 years. Other circumstances also might prevent the prosecutor from agreeing to ARD in a case. Every case is individually reviewed. Mandatory conditions of ARD depend on the driver's blood-alcohol level and include:

1. *Payment of all costs.*
2. *A license suspension of at least one month if the BAC is 0.10% but less than 0.16%.*
3. *Payment of restitution.*
4. *Payment of court supervision if restitution, treatment, or counseling is ordered.*
5. *Court supervision for 6 to 12 months.*
6. *Attendance at Alcohol Highway Safety School (also includes a fee).*

- ◆ **What if someone is killed in an accident while I am driving under the influence?**

Conviction of DUI-homicide is a Felony-2 and carries a mandatory minimum sentence of 3 years imprisonment for each person who is killed.

- ◆ **What if I am convicted of DUI in another state?**

The Secretary of Transportation is authorized to enter into reciprocal agreements with other states to exchange records of convictions of DUI. Pennsylvania drivers convicted of DUI in a reciprocal agreement state will have their license suspended for 12 months.