

DRUNK DRIVING PENALTIES

Driving While Intoxicated

DWI [.08% and higher Blood Alcohol Content (BAC) or other evidence of intoxication]

	FINE	JAIL SENTENCE	LICENSE ACTION
1 ST Offense (Misdemeanor)	Minimum \$ 500 Maximum \$ 1,000	Up to 1 Year	Minimum 6-Month Revocation
2 nd Offense (Within 10 years / Class E Felony)	Minimum \$1,000 Maximum \$ 5,000	Up to 4 Years	Minimum 1-Year Revocation*
3 rd Offense (Within 10 years / Class D Felony)	Minimum \$2,000 Maximum \$10,000	Up to 7 Years	Minimum 1-Year Revocation*
A person convicted of DWI could be sentenced to 3 years probation for a misdemeanor conviction and 5 years probation for a felony conviction.			

Aggravated Driving While Intoxicated

ADWI [.18% and higher Blood Alcohol Content (BAC)]

	FINE	JAIL SENTENCE	LICENSE ACTION
1 ST Offense (Misdemeanor)**	Minimum \$1,000 Maximum \$ 2,500	Up to 1 Year	Minimum 1 Year Revocation
2 nd Offense (Class E Felony)	Minimum \$1,000 Maximum \$ 5,000	Up to 4 Years	Minimum 18-Month Revocation
3 rd Offense (Class D Felony)	Minimum \$2,000 Maximum \$10,000	Up to 7 Years	Minimum 18 Month Revocation

Driving While Ability Impaired

DWAI [more than .05% to less than .08% Blood Alcohol Content (BAC)]

	FINE	JAIL SENTENCE	LICENSE ACTION
1 ST Offense (Traffic Infraction)	Minimum \$ 300 Maximum \$ 500	Up to 15 Days	90-Day Suspension
2 nd Offense Within 5 years (Traffic Infraction)	Minimum \$ 500 Maximum \$ 750	Up to 30 Days	Minimum 6-Month Revocation*
3 rd Offense Within 10 years (Misdemeanor)	Minimum \$ 750 Maximum \$1,500	Up to 180 Days	Minimum 6-Month Revocation*

Zero Tolerance

Drivers Under 21 [DMV administrative finding of .02% to .07% Blood Alcohol Content (BAC)]

	CIVIL PENALTY	LICENSE ACTION	ADDED FEE
1 ST Offense	Minimum \$125	6-Month Suspension	\$100 Suspension Termination Fee
2 nd Offense	Minimum \$125	1-Year Revocation or until age 21, whichever is longer	\$100 Re-Application Fee

* The Department of Motor Vehicles decides when your license can be returned. Its return or reinstatement, based on state law or regulation, is not automatic. You must apply for your license, pay civil penalties, a relicense fee and you may have to take a test.

** Cannot plead below DWI Misdemeanor

