



### An Exception to the Rule — ARD

In some cases, first-time DUI offenders may be eligible for the ARD program.

Don't think that if you qualify for the ARD program you are getting off easy. Even though there will be no jail sentence, the program could consist of any or all of the following:

- community service
- 6-12 months probation
- attendance at Alcohol Highway Safety School and its costs
- CRN evaluation
- restitution
- court and administrative costs
- treatment and other conditions that a judge may impose

**The total cost of ARD has been estimated to be \$2,500, excluding attorney fees, but costs can go higher.**

You are not eligible for the ARD program if you have previously been placed in an ARD program, have been convicted of DUI within the past 10 years (except for a first offense 3802 (a)(2) prior convictions), have seriously injured or killed someone as a result of a DUI crash or have a passenger under 14 years of age in the motor vehicle.

**In addition, the district attorney may have other requirements that may disqualify you from ARD.**

### That's Not the End of the Story

The effects of a DUI arrest can continue for years. Is drinking and driving worth:

- depending on family, friends or public transportation for rides?
- serving time in prison, living with parole restrictions and paying court costs?
- possibly causing a crash and injuring or killing yourself or someone else?

If your insurance company considers you a high-risk driver, your premium could be increased or your policy could be canceled.

**It's just not worth it! If you have been drinking, don't drive. Choose to:**

- ask a sober friend
- call a cab, friend or family member
- select a designated sober driver before you go out

***Friends don't let drinking friends drive.***

**Help make Pennsylvania roadways safe — for your family, friends and other drivers.**



For additional information concerning DUI, contact:

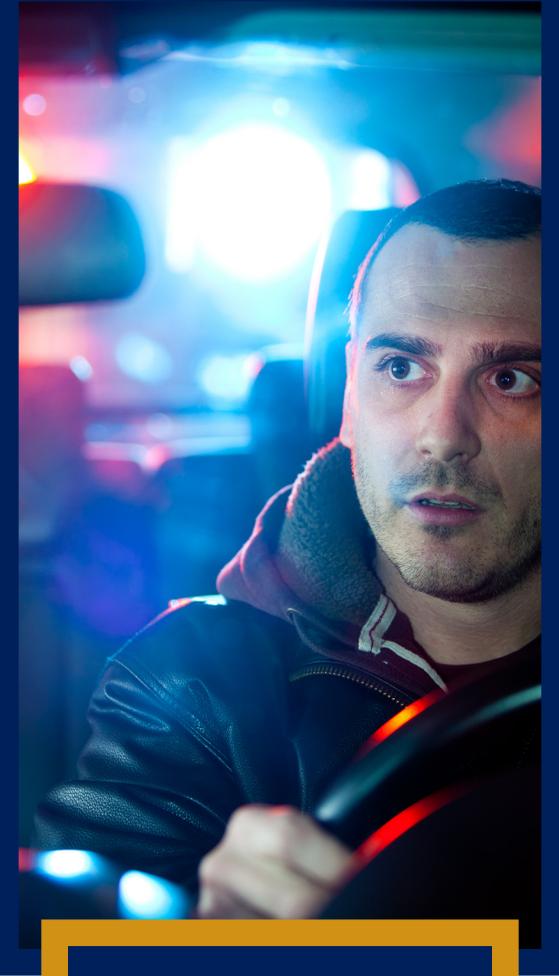
**The Pennsylvania DUI Association**  
2413 N. Front St., Harrisburg, PA 17110  
**800.62.PADUI (72384)**  
www.padui.org

**MADD, Pennsylvania State Office**  
408 E. 4th St., Ste. 310,  
Bridgeport, PA 19405  
**610.825.4902**  
Victim toll-free number:  
**877.MADDHELP (877.623.3435)**  
**800.848.6233**

The Pennsylvania Liquor Control Board's Bureau of Alcohol Education offers a variety of materials free of charge.

**For more information:**  
[ra-lbeducation@pa.gov](mailto:ra-lbeducation@pa.gov)

**Pennsylvania Liquor Control Board**  
Bureau of Alcohol Education  
[www.lcb.state.pa.us](http://www.lcb.state.pa.us)  
**800.453.PLCB (7522)**  
Hearing Impaired TDD/TTY 717.772.3725



**DUI  
ARREST  
in Pennsylvania**



# DUI LAW GRADING AND SENTENCING GUIDE

(Vehicle Code Sections 3802, 3803, 3804, 3805, 3807, 3814 and 3815)

DUI LAW SECTIONS VIOLATED	1ST IN 10 YEARS	2ND IN 10 YEARS	3RD IN 10 YEARS	4TH IN 10 YEARS
3802 (a)(1) Incapable of Safe Driving <ul style="list-style-type: none"> <li>• No blood alcohol content (BAC) available</li> <li>• No implied consent violation*</li> <li>• No injury or damage (accident)**</li> </ul> 3802 (a)(2) BAC 0.08% to less than 0.10%	Ungraded misdemeanor Mandatory 6 months probation Fine — \$300 Alcohol Highway Safety School No license suspension Full drug & alcohol (D&A) assessment if indicated by Court Reporting Network (CRN)	Ungraded misdemeanor Jail — 5 days to 6 months Fine — \$300 to \$2,500 Alcohol Highway Safety School License suspension† Ignition interlock† Full D&A assessment	Misdemeanor 2 Jail — 10 days to 2 years Fine — \$500 to \$5,000 License suspension† Ignition interlock† Full D&A assessment	
3802 (b) BAC 0.10% to less than 0.16% 3802 (a)(1) with damage or injury** 3802 (e) Minors 0.02% or greater 3802 (f) Commercial 0.04% or greater 3802 (f) School vehicles 0.02% or greater 3802 (f) Commercial/school vehicles incapable of safe driving	Ungraded misdemeanor Jail — 48 hours to 6 months Fine — \$500 to \$5,000 Alcohol Highway Safety School License suspension† Ignition interlock† Full D&A assessment	Ungraded misdemeanor Jail — 30 days to 6 months Fine — \$750 to \$5,000 Alcohol Highway Safety School License suspension† Ignition interlock† Full D&A assessment	Misdemeanor 1 Jail — 90 days to 5 years Fine — \$1,500 to \$10,000 License suspension† Ignition interlock† Full D&A assessment	Misdemeanor 1 Jail — 1 to 5 years Fine — \$1,500 to \$10,000 License suspension† Ignition interlock† Full D&A assessment
3802 (c) BAC 0.16 or higher 3802 (a)(1) with an implied consent violation* 3802 (d) Controlled Substances	Ungraded misdemeanor Jail — 72 hours to 6 months Fine — \$1,000 to \$5,000 Alcohol Highway Safety School License suspension† Ignition interlock† Full D&A assessment	Misdemeanor 1 Jail — 90 days to 5 years Fine — \$1,500 to \$10,000 Alcohol Highway Safety School License suspension† Ignition interlock† Full D&A assessment	Misdemeanor 1 Jail — 1 to 5 years Fine — \$2,500 to \$10,000 License suspension† Ignition interlock† Full D&A assessment	

### ARD (Accelerated Rehabilitative Disposition)

A DUI offense is eligible for ARD under the following circumstances:

- It is a first offense within 10 years.
- No person, other than the offender, was killed or seriously injured.
- There was no passenger in the offender's vehicle under the age of 14 at the time of the offense.

### Mandatory license suspension guidelines for ARD are as follows:

- No suspension if BAC is under 0.10% and offender is not a minor.
- A suspension of 30 days if BAC 0.10% to <0.16%.
- A suspension of 60 days if BAC 0.16% or greater, BAC unknown, DUI involving drugs or violations of implied consent or DUI resulting in an accident with bodily injury or damage to a vehicle or property.
- A suspension of 90 days if the offender is a minor.

### Mandatory Conditions of ARD for a DUI offense:

- Alcohol Highway Safety School
- Probation supervision for a minimum of 6 months up to a maximum of 12 months
- Full D&A assessment, if BAC 0.16% or greater or if the CRN profile report indicates a need for further evaluation for D&A counseling or treatment
- 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 Alcohol Highway Safety School, evaluation and treatment
- Any other condition established by the court

### All penalties include up to 150 hours of community service and drug and alcohol evaluation.

A full drug and alcohol assessment is required for a DUI offender prior to sentencing if any one of the following applies:

1. The offender has a prior DUI offense within 10 years.
2. The CRN Evaluation indicates a need for further evaluation for counseling or treatment.
3. The offender's BAC was 0.16% or greater.

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 an implied consent violation 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 second-highest penalty level.

†For more information on license suspension, restoration and ignition interlock requirements please visit PA DOT's website: [www.pennidot.gov](http://www.pennidot.gov)

## Ignition Interlock Systems

An ignition interlock system uses a breath sample to detect whether the driver has consumed alcohol. If so, the vehicle cannot be started.

The ignition interlock system is installed after the license suspension has been served.

## Open Container

It is against the law in Pennsylvania for drivers or their passengers to consume alcohol or possess an open container of alcohol in their vehicle on Pennsylvania roads.

This law does not apply to passengers of legal drinking age in a commercial transport vehicle, such as a bus, taxi or limousine, or those 21 or older riding in the living quarters of a house coach or trailer.

## Under 21?

Underage DUI offenders face the additional charges of underage drinking. These include a \$500 fine for the first underage drinking offense and \$1,000 for the second or subsequent offenses. Your driving privileges could also be suspended for misrepresentation of age to secure, purchase, consume, possess or transport alcoholic beverages and carrying a false identification card. Penalties may also include probation or prison time.

### PLCB DISCLAIMER OF LIABILITY

This information is not intended to be legal advice, but merely conveys information pertinent to alcohol-related offenses. For more information or further clarification, please contact your local district attorney's office or a private attorney.