

Drinking and Driving Laws

Drinking alcohol causes changes in the brain and body that can make it unsafe for that person to drive a motor vehicle. Changes that impair driving include: distorted vision and hearing, impaired judgment, decreased perception and coordination, and drowsiness. Police officers can determine how much alcohol a person drank by testing their blood alcohol concentration (BAC). In the United States, it is illegal to drive if your BAC is over .08 percent. Some states have lower BAC limits defined for minors and commercial drivers. If you are pulled over and your BAC is over the legal limit, you can be charged with the crime of driving while intoxicated, which is also called a DWI, DUI, or drunk driving.

How many drinks does it take to reach the legal limit? There isn't one right answer to this question. There are calculators and charts that can help estimate your blood alcohol concentration level based on how much you have drunk. However, these charts should only be used as a reference. Each individual has unique physical characteristics such as weight, sex, body-fat percentage and genetics that play a role in determining their BAC level.

What counts as one drink? In the United States, one standard drink is any drink that contains about 0.6 fluid ounces or 14 grams of "pure" alcohol. Although the drinks pictured below are different sizes, each contains approximately the same amount of alcohol and counts as one drink.

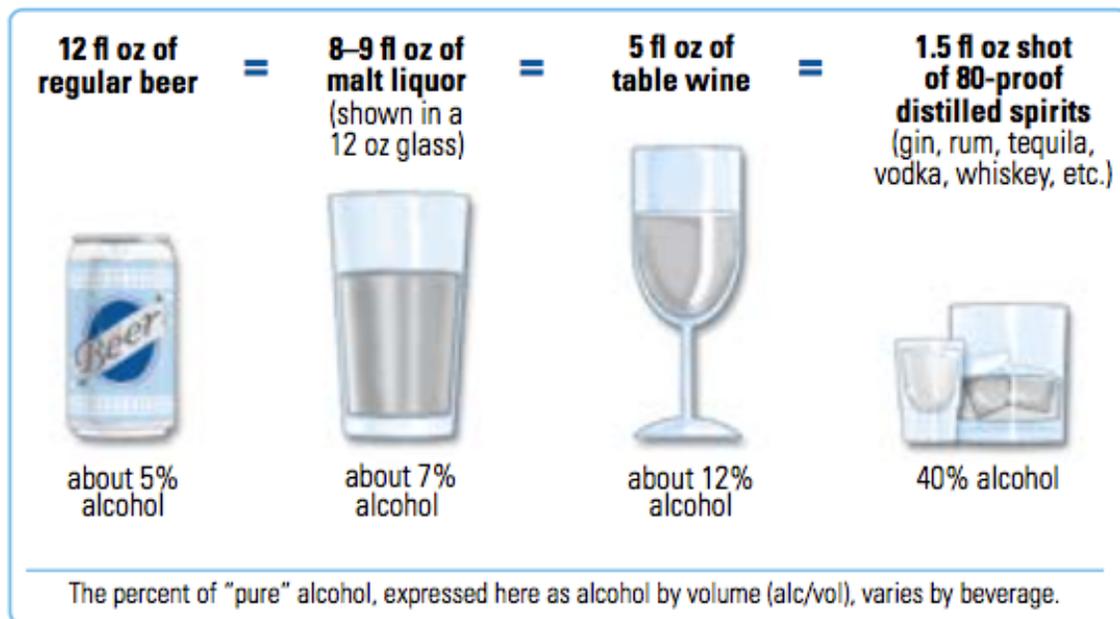


Image from:

http://pubs.niaaa.nih.gov/publications/RethinkingDrinking/Rethinking_Drinking.pdf

The safest choice is not to drink and drive. There are strict laws for drunk driving. When you drink and drive, you risk your freedom, finances and your future.

The following information is a guideline for penalties and sanctions you may experience if you are arrested for impaired driving. There are additional laws, penalties and sanctions for individuals under 21, when you have a higher BAC, and if there is a child in your car. These guidelines are based on offenses that occur within a 10-year period.

The 1st time a person is convicted of drunk driving, their driver's license can be suspended (taken away) for a period of time. The driver also has to pay a fine and/or have to spend time in jail. **Every time** a driver loses their license due to a DWI, they have to meet certain requirements to get their driver's license back, such as paying an additional fine, and completing a DWI knowledge test, driver's license application, and a chemical assessment.

The 2nd time a person is convicted of drunk driving, their driver's license is suspended for a minimum a longer period of time. They also pay a bigger fine and/or could spend more time in jail. Their license plates may be impounded, which means they are taken away and replaced with a special license plate that is only given to people that have been charged with DWIs. They also have to meet the requirements to get their driver's license back.

The 3rd time a person is arrested for a DWI, they lose their drivers license an even longer period of time and have to pay a larger fine and/or spend more time in jail. Their license plates can be impounded, and their vehicle can also be forfeited, which means the police take it away and the owner never gets it back and does not get any money for it. The driver also has to meet the requirements to get their driver's license back. After 3 DWIs, the driver may also have to attend treatment and rehabilitation and submit regular urine tests, in some states for one year, to prove that they are not drinking.

The 4th time a person is charged with a DWI within 10 years, they may be charged with a felony. Their driver's license may be revoked for 4 years and they will be ordered to attend treatment and rehabilitation and submit proof of abstinence from drinking for a minimum of 1 year. Lifetime abstinence may be required after reinstatement. For example, in Minnesota in 2015, people convicted of a felony DWI could serve up to 7 years in prison with a possible 5 year conditional release plus a \$14,000 fine.

Getting a DWI can impact immigration status. When someone is arrested for a DWI, the police take their fingerprints and photographs and enter their information into a national database. That person now has a permanent criminal record. Having a criminal record can have negative consequences when someone applies to change their immigration status. For example, it could result in denial of green card or citizenship, or, in more serious situations, it could result in deportation from the United States.

SOURCE: <http://www.dmv.org/mn-minnesota/automotive-law/dui.php>