



# 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 five-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
  - ▶ Possible 48 hours to 30 days community labor
- \* 4 days imprisonment if aggravating circumstances are present

### Second offense within a five-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
- \* 14 days imprisonment if aggravating circumstances are present

### Third offense within a five-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
- \* 60 days imprisonment if aggravating circumstances are present

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

- ▶ Class D Felony
  - ▶ Minimum 120 days in jail without probation
  - ▶ 1 year alcohol or substance abuse treatment
  - ▶ 60 month license suspension
- \* 240 days imprisonment if aggravating circumstances are present

**NOTE:** In determining the five year period references above, it is measured from the date in which the offense(s) occurred. Only convictions are recorded on your driving record.

# Alcohol Concentration Tests

Only through testing blood, breath or urine can alcohol levels be accurately measured. The breath test measures **Breath Alcohol Concentration (BRAC)** by analyzing the amount of ethyl alcohol in the breath. A blood test measures **Blood Alcohol Concentration (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

**NOTE:** All offenses listed are for refusals within a five-year period.

- ▶ 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.**

## License Plate Confiscation and Ignition Interlocks

Drivers convicted of a second or subsequent DUI will forfeit their license plates to the courts during the period in which the driver's license is suspended. The court may order an ignition interlock device to be installed on the violator's vehicle after the driver serves a statutory suspension period. This device prevents a driver from operating that vehicle if the driver's BAC is .02 or greater. For more information visit <http://drlic.kytc.ky.gov//dui/interlock.htm>



## 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.**

**Being convicted of driving under the influence (DUI) has serious consequences. It may lead to jail time, losing your license, an increase in insurance, or payment of fines and court costs. Most importantly, it could cause serious injury or death.**

## 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:** 502.564.6800; [http://drlic.kytc.ky.gov//dui/DUI\\_laws.htm](http://drlic.kytc.ky.gov//dui/DUI_laws.htm)
- **Legislative Research Commission:** 502.564.8100; [www.lrc.ky.gov/KRS/189A00/CHAPTER.HTM](http://www.lrc.ky.gov/KRS/189A00/CHAPTER.HTM)

Kentucky Transportation Cabinet  
Kentucky Office of Highway Safety



<http://highwaysafety.ky.gov>  
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