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Drunk Driving - What You Need To Know

In Pennsylvania, Driving Under the Influence (DUI) is a serious infraction of the law. If you are convicted of drunk driving or plead guilty to the charge you may receive up to two years in jail. To be guilty of DUI, you must have a minimum blood alcohol content (BAC) of .08 or above and that is what this article is about.

There are three classifications or levels of impairment that the law takes into consideration when punishing you for drunk driving. The first classification is a general impairment where your BAC is .08 to .099 percent. There is no license suspension for a first-time offense. The next level of impairment is .10 to .159 percent BAC, and this is called a high rate of alcohol. Your punishment for a DUI conviction would be more severe than the general impairment. The third tier or level of impairment is .16 percent and higher BAC, which is the highest rate of alcohol. In this tier, you receive the most severe punishment.

If the arrest for DUI is your first offense and you have no prior criminal record, chances are you will receive ARD. ARD is an acronym for Accelerated Rehabilitative Disposition. It is probation without a verdict. Generally speaking, you lose your license for one year when you are convicted of drunk driving. However, if you are accepted into the ARD program, some counties permit the loss of license to be reduced to 30 days, and 60 days in other counties. Generally speaking, you will receive community service as part of your probation between anywhere from 40 to 80 hours. The fines and court costs can range anywhere from \$1,500.00 to \$2,500.00. These are monies that you must pay to the court system for supervision of your probation, as well as miscellaneous costs.

If you hire a criminal defense lawyer, which most DUI defendants do, you will incur legal fees ranging anywhere from \$2,500.00 to \$5,000.00 which fees are over and above your court costs. Consequently, your out-of-pocket expenses associated with a DUI arrest are considerable, and that is why you see signs along major highways that say, "DUI – YOU CAN'T AFFORD IT!"

As part of the ARD program, you are required to participate in an evaluation to discern whether or not you have a drinking problem, and if it is determined that you have a drinking problem, you will be forced or ordered to participate, at a minimum, in outpatient counseling. Generally speaking, the minimum number of sessions you will have to attend is 12. You also must attend an alcohol highway safety school which consists of 12 hours of classroom involvement, either two 6-hour sessions on a Saturday or six consecutive two-hour weekly sessions at night. All of the above requirements are for a first-time offender of driving under the influence.

A second DUI offense, generally speaking, within ten years of the first DUI offense, carries with it 30 days to six months in prison and a 12-month license suspension and a fine of \$750.00 to \$5,000.00. You must attend alcohol highway safety school; and

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Attorney Spotlight

[Richard D. Linderman, Esq.](#), is a graduate of Pottstown High School, West Chester University and received his law degree from Duquesne University in Pittsburgh. He resides with his wife, Virginia, in Pottstown and is the father of one daughter and grandfather of a grandson and a granddaughter.

Mr. Linderman is a Senior Partner of O'Donnell, Weiss & Mattei, P.C., and his areas of practice include Litigation, Estate Planning and Estate Administration. He has been very active in the TriCounty Area Chamber of Commerce, having served as its pro bono solicitor for 20 years. In addition, he has taught at Penn State Berks Campus and Montgomery County Community College, West Campus.

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thereafter, you must have an ignition interlock device placed on your car for a period of one year, which prevents you from starting your motor vehicle without blowing an adequate breath sample into the ignition interlock. If your breath sample registers .02 or above, your motor vehicle will not start.

A third offense within ten years of the first offense carries with it 90 days to five years in prison, a \$1,500.00 to \$10,000.00 fine and an 18-month license suspension. That is if your BAC is between .10 and .159. If your BAC level is .16 or above, the mandatory minimum imprisonment is one to five years in a state correctional facility, and the minimum fine is \$2,500.00. By way of illustration, I recently had a client who was arrested for DUI for the third time within seven years, and the District Attorney's Office demanded that the client serve one and a half to three years in prison.

For a fourth offense within ten years of the first offense, you will spend a minimum of one to five years in prison.

You cannot afford to drink and drive. The risks are too high. Act responsibly!

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UPCOMING EVENTS

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