

## An Exception To The Rule ... ARD

In some cases, first time DUI offenders may be eligible for the Accelerated Rehabilitative Disposition (ARD) program. **You are NOT eligible if you:**

- have previously been placed in an ARD program, had been convicted of DUI within the past 10 years (except for 1<sup>st</sup> offense 3802(a)(2) prior convictions),
- have seriously injured or killed someone as the result of the 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.

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

- potential license suspension of up to 90 days,
- community service,
- 6-12 months probation,
- attendance at Alcohol Highway Safety School and its costs,
- CRN evaluation,
- restitution,
- court and administrative costs, and
- 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.

## That's Not The End Of The Story

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

- 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?

Insurance companies may consider you a high-risk driver, which could increase your premium. They can also cancel your policy or refuse to renew the policy once it expires.

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

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

And don't forget to return the favor. Friends don't let drinking friends drive.

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



For additional information concerning driving under the influence (DUI), contact:

### The Pennsylvania DUI Association

2413 N. Front Street, Harrisburg, PA 17110

**1 (800) 62-PADUI**

[www.padui.org](http://www.padui.org)

### MADD, Pennsylvania State Office

2323 Patton Road, Harrisburg, PA 17112

**(717) 657-3911**

Victim toll free number:

**1 (800) 848-6233**

[www.maddpa.org](http://www.maddpa.org)

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

For more information, please contact us:

### Pennsylvania Liquor Control Board Bureau of Alcohol Education

Northwest Office Building  
Harrisburg PA 17124-0001

[www.lcb.state.pa.us](http://www.lcb.state.pa.us)

Or call our toll-free line:

**1 (800) 453-PLCB (7522)**

If using a TTY line, please call: (717) 772-3725



# DUI Arrest in Pennsylvania



# DUI Law Grading and Sentencing Guide

(Section 3802 of Pennsylvania Vehicle Code)

DUI Law sections violated	1 <sup>ST</sup> in 10 Years	2 <sup>ND</sup> in 10 Years	3 <sup>RD</sup> in 10 Years	4 <sup>TH</sup> in 10 Years
1. 3802 (a)(1) Incapable of Safe Driving 1. No BAC available 2. No Implied Consent Violation* 3. No Injury or Damage (accident)**	Ungraded Misdemeanor Mandatory 6 months Probation Fine \$300 AHSS No License Suspension Full D&A Assessment if indicated by CRN	Ungraded Misdemeanor Jail 5 days to 6 months Fine \$300 to \$2,500 AHSS License Suspension 12 months Ignition Interlock 1 year Full D&A Assessment	Misdemeanor 2 Jail 10 days to 2 years Fine \$500 to \$5,000 License Suspension 12 months Ignition Interlock 1 year Full D&A Assessment	
3. 3802 (b) BAC .10% to less than .16% 4. 3802 (a)(1) with damage or injury** 5. 3802 (e) Minors .02% or greater 6. 3802 (f) Commercial .04% or greater 7. 3802 (f) School Vehicles .02% or greater 8. 3802 (f) Commercial/School Vehicles incapable of safe driving	Ungraded Misdemeanor Jail 48 hours to 6 months Fine \$500 to \$5,000 AHSS License Suspension 12 months Full D&A Assessment	Ungraded Misdemeanor Jail 30 days to 6 months Fine \$750 to \$5,000 AHSS License Suspension 12 months Ignition Interlock 1 year Full D&A Assessment	Misdemeanor 1 Jail 90 days to 5 years Fine \$1,500 to \$10,000 License Suspension 18 months Ignition Interlock 1 year Full D&A Assessment	Misdemeanor 1 Jail 1 to 5 years Fine \$1,500 to \$10,000 License Suspension 18 months Ignition Interlock 1 year Full D&A Assessment
9. 3802 (c) BAC .16 or higher 10. 3802 (a)(1) with an Implied Consent Violation* 11. 3802 (d) Controlled Substances	Ungraded Misdemeanor Jail 72 hours to 6 months Fine \$1,000 to \$5,000 AHSS License Suspension 12 months Full D&A Assessment	Misdemeanor 1 Jail 90 days to 5 years Fine \$1,500 to \$10,000 AHSS License Suspension 18 months Ignition Interlock 1 year Full D&A Assessment	Misdemeanor 1 Jail 1 to 5 years Fine \$2,500 to \$10,000 License Suspension 18 months Ignition Interlock 1 year 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 ten 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 for ARD is as follows:**

- No suspension if BAC is under .10% and offender is not a minor.
- A suspension of 30 days if BAC .10% to <.16%.
- A suspension of 60 days if BAC .16% or greater, BAC unknown, DUI involving drugs or violations of Implied Consent.
- A suspension of 90 days if the offender is a minor.

**Mandatory Conditions of ARD for a DUI offense.**

- Alcohol Highway Safety School (AHSS)
- Probation Supervision of a minimum of 6 months up to a maximum of 12 months.
- Full D&A Assessment, if BAC .16 or greater or if CRN Profile report indicates the 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 AHSS, evaluation and treatment.
- Any other condition established by the Court.

**All penalties include up to 150 hours of community service and a Court Reporting Network (CRN) drug and alcohol evaluation.**

A full drug and Alcohol Assessment is required for a DUI offender prior to sentence if any one of the following applies:

1. The offender has a prior DUI offense within 10 years.
2. The Court Reporting Network Evaluation indicates a need for further evaluation for counseling or treatment.
3. The offender's BAC was .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 2<sup>nd</sup> highest penalty level.

## 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, limousine, or those 21 or older riding in the living quarters of a house coach or trailer.

## Under 21?

Underage DUI offenders also face additional charges of underage drinking. These include fines up to \$300 and suspension of driving privileges for misrepresentation of age to secure, purchase, consume, possess or transport alcoholic beverages, and carrying a false identification card.

**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.