

For Offenses committed AFTER December 24, 2018.

All offenses become graded F3 if prior conviction of Homicide by Vehicle While DUI

DUI	1 st Offense	2 nd Offense ¹	3 rd Offense	4 th and Subseq. Offenses
<p>Tier 1</p> <p>\$3802(a)2 0.08% - 0.099%²</p> <p>\$3802(a)1 General Impairment Incapable of Safe Driving</p>	<ul style="list-style-type: none"> Ungraded Misdemeanor⁴ 6 months. mandatory min 6 months probation \$300 fine Alcohol Hwy. School D&A assessment Mandatory sentencing³ No license suspension ARD eligible if no SBI accident or minor under age 14 	<ul style="list-style-type: none"> Ungraded Misdemeanor⁴ 6 months max. probation 5 days - 6 months jail \$300 - \$2,500 fine Alcohol Hwy. School D&A assessment Mandatory sentencing³ 1-year license suspension 	<ul style="list-style-type: none"> Misdemeanor 2nd degree⁴ 10 days- 2 years jail \$500 - \$5,000 fine D&A assessment County IP available 1-year license suspension Interlock-1 year (after 6 mo) Mandatory sentencing³ 	<ul style="list-style-type: none"> Felony 3rd degree 10 days - 7 years jail \$500 - \$15,000 fine D&A assessment 18 mo. license suspension DNA Sampling Interlock -1 year (after 9 mo) Mandatory sentencing³ County IP NOT permitted <p>(42§9763C1 & 42§9804B5)</p>
<p>Tier 2</p> <p>0.100%-0.159%²</p> <p>\$3802(b)</p> <p>High Rate of Alcohol Minors - 0.02%- \$3802(e)</p> <p>COL drivers - 0.04%</p> <p>School Bus - 0.02%</p> <p>\$3802(f)</p> <p>Accidents with Injury or Damage</p>	<ul style="list-style-type: none"> Ungraded Misdemeanor⁴ 6 months imprisonment max. 48 hours - 6 months jail \$500 - \$5,000 fine Alcohol Hwy. School D&A assessment Mandatory sentencing³ ARD- 30 days' license susp. Accident - ARD- 60 days susp. Conviction - 1 year lic. susp. ¹ 	<ul style="list-style-type: none"> Ungraded Misdemeanor⁴ 6 months imprisonment max. 30 days - 6 months jail \$750- \$5,000 fine Alcohol Hwy. School D&A assessment Mandatory sentencing³ 1-year license suspension 	<ul style="list-style-type: none"> Misdemeanor 1st degree 90 days - 5 years \$1,500- \$10,000 fine D&A assessment Mandatory sentencing³ 18 months' license suspension Interlock -1 year (after 9 mo) 	<ul style="list-style-type: none"> Felony 3rd degree 1 year - 7 years jail \$1,500 - \$15,000 fine D&A assessment 18 months' license suspension DNA Sampling Interlock -1 year (after 9 mo) Mandatory sentencing³ County IP NOT permitted
<p>Tier 3</p> <p>0.160% or Higher²</p> <p>\$3802(c)</p> <p>Highest Rate of Alcohol Controlled Substances</p> <p>\$3802(d)</p> <p>Incapacity</p> <p>Refusal of Chemical Testing (Breath or refusal of blood search warrant)</p>	<ul style="list-style-type: none"> Ungraded Misdemeanor⁴ 6 months imprisonment max. 72 hours - 6 months jail \$1,000 - \$5,000 fine Alcohol Hwy. School D&A assessment Mandatory sentencing³ ARD - 60 days license susp. Conviction - 1 year lic. susp. 	<ul style="list-style-type: none"> Misdemeanor 1st degree 90 days - 5 years jail No less than \$1,500 fine \$1,500 - \$10,000 fine Alcohol Hwy. School D&A assessment Mandatory sentencing³ 18 months' license suspension 	<ul style="list-style-type: none"> Felony 3rd degree 1 year- 7 years jail No less than \$2,500 fine \$2,500 - \$15,000 fine D&A assessment Mandatory sentencing³ 18 months' license suspension DNA Sampling Interlock -1 year (after 9 mo) 	<ul style="list-style-type: none"> Felony 3rd degree 1 year -7 years jail \$2,500 - \$15,000 fine D&A assessment 18 months' license susp. DNA Sampling Interlock -1 year (after 9 mo) Mandatory sentencing³ County IP NOT permitted

¹ Mandatory Ignition Interlock System of one year for second or subsequent offenses. 75 Pa.C.S. § 7002(b).

² Within 2 hours after operation. An exception to the two-hour rules exists at 75 Pa.C.S. §3802(g).

³ Mandatory sentencing provisions include county supervision, parole, treatment, enforcement, fees and other provisions.

⁴ Unless already an F3, all offenses are M1 with Passengers under 18 in driver's car