



# 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 10-year period:**

- \$200 to \$500 fine
- 2 to 30 days in jail
- 6 month license suspension OR minimum of 4 months with an ignition interlock restricted license
- 90 day alcohol or substance abuse treatment
- 48 hours to 30 days community labor

\*Up to 4 days imprisonment if aggravating circumstances are present

**Second offense within a 10-year period:**

- \$350 to \$500 fine
- 7 days to 6 months in jail
- 18 months license suspension OR minimum of 12 months with an ignition interlock restricted license
- 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 10-year period:**

- \$500 to \$1,000 fine
- 30 days to 12 months in jail
- 36 months license suspension OR minimum of 18 months with an ignition interlock restricted license
- 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 10-year period:**

- Class D Felony
- Minimum 120 in jail without probation
- 60 month license suspension OR minimum of 30 months with an ignition interlock restricted license
- 1 year alcohol or substance abuse treatment
- 30 months Ignition Interlock Device installation

\*240 days imprisonment if aggravating circumstances are present

**NOTE:** The 10-year period is measured from the date of occurrence (KRS189A.070).



# DUI laws in Kentucky



Driving under the influence (DUI) is 100 percent preventable. If you plan on drinking alcohol, plan for a designated driver. Alcohol not only dangerously impairs your driving skills—it impairs your judgment. Do not wait until you've been drinking to find a sober driver.

## **.08 Alcohol Concentration**

Alcohol concentration means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. A person's alcohol concentration can be measured through a blood test (BAC) or through a breath test (BRAC). If the test measures .08 or above, the person is legally impaired.

### **Zero Tolerance**

It is illegal for persons under 21 to drive with a BAC of .02 or higher.

### **High BAC (Blood Alcohol Concentration)**

High BAC refers to a driver with a BAC of .15 or higher at the time of the arrest.

### **Open Container**

It is illegal for occupants to have an open container of alcohol in the vehicle, preventing a driver from passing the alcohol to a friend or putting it in the back seat when pulled over.

### **Repeat Offender**

Enhanced penalties for repeat offenders (two or more impaired driving offenses).

### **Look-back Law**

Expands the "look-back" period for previous DUI convictions to ten years. This allows a jury to hear about prior DUI convictions and impose stiffer penalties. Previously, the "look-back" period was five years.

### **Ignition Interlock**

Senate Bill 85, passed in 2019, allows all alcohol-related offenders to utilize an ignition interlock device to drive while suspended and potentially reduce the suspension period. The vehicle will not start if the person's blood-alcohol concentration exceeds a .02 level. Visit <https://drive.ky.gov/driver-licensing/Pages/ignition-Interlock-Program.aspx> for more information.

Find all Kentucky DUI laws here: <https://apps.legislature.ky.gov/law/statutes/chapter.aspx?id=38043>

**Did You Know?** The metabolism of alcohol takes place in the liver. The body can burn approximately one-half 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. A cold shower or cup of coffee will not sober you up. The only thing that works is time.



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