

McLean County Circuit Court

Driving Under the Influence (DUI) in Illinois

The State of Illinois has a number of programs in place to end or strongly discourage Driving Under the Influence (DUI). A few of these include:

A Safer State With .08	Use It & Lose It (Zero Tolerance Law)
Suspended Driving Privileges	Revoked Driving Privileges
DUI Information for Adults	Teenage Drinking and Driving
Zero Tolerance Law for Underage Drinking and Driving	Blood Alcohol Content Table
Traffic Fatalities in Illinois - 1995 to 2004	Myths about Alcohol
How Drunk Drivers are Handled in other Countries	Web Links related to Treatment and Support of Addictions and Abuse

A Safer State With .08

The creation of Illinois' .08 law marked an important milestone in our state's efforts to end drunk driving and improve safety on our roadways.

With this law, Illinois joined a growing number of states that recognized a blood-alcohol content (BAC) of .08 percent as the level at which all motorists are too impaired to drive. Any person who now drives in Illinois with a BAC of .08 or more risks being charged with Driving Under the Influence (DUI).

Unfortunately, alcohol involvement is still the most common factor in highway deaths and injuries. While only 7 percent of all crashes involve alcohol use, 41 percent of fatal crashes do.

Research shows that states with a .08 BAC limit law experiences a significant decline in alcohol-related crashes, injuries and deaths. They do so primarily because .08 laws make all motorists - even habitual drunk drivers - far more reluctant to drink and drive. Experts estimate that as many as 65 lives could be

saved each year in Illinois - and thousands of injuries prevented - due to the .08 law.

By setting a lower limit on the amount of alcohol motorists can consume before driving, we hope Illinois can also save lives and spare more families from heartbreaking, needless tragedies.

What is .08?

In Illinois, a person with a BAC of .08 is considered legally drunk. A driver's BAC is determined by the ratio of alcohol to breath or blood and may be measured by a breathalyzer or blood test.

Any person found operating a motor vehicle in Illinois with a BAC of .08 percent or more can be charged with Driving Under the Influence. A DUI arrest triggers an automatic suspension of one's drivers license.

Is a person really impaired at .08 BAC?

Research shows that critical driving skills are impaired for anyone with a .08 BAC. A driver's attention, comprehension and re-action times are substantially diminished at .08 BAC. Specific skills, such as lane changing, braking and acceleration, also are significantly affected.

At .08 BAC, a driver is 11 times more likely to be killed in a single vehicle crash than a non-drinking driver.

How does the law affect you?

The .08 BAC limit encourages people to think twice about getting behind the wheel after they have had too much to drink. Drivers must make responsible decisions about transportation - before they drink - such as using a designated driver or calling a cab.

What are the consequences of a DUI?

Driving Under the Influence is a serious criminal offense with devastating consequences.

- A person caught driving with a BAC of .08 percent or more can be arrested and charged with DUI and will face an automatic driver's license suspension. A DUI charge can result in the offender being handcuffed, booked, finger printed and put in jail.
- Getting a DUI is costly, embarrassing and leaves a permanent blemish on a person's driving record. Bail bond, fines, attorney fees, court costs, increased insurance premiums and alcohol education programs all contribute to the \$9,000 average cost to a DUI offender.
- By far, the most devastating consequences of DUI are thousands of needless, senseless injuries and deaths. Nationally, more than 17,000 people die each year in alcohol-related crashes, and about 1 million people are injured.

What can you do?

- Think before you drink. Before you begin drinking, choose a designated driver — a person who voluntarily abstains from drinking alcohol and pledges to take everyone home safely.
- If you or someone you know has been drinking, arrange for a taxi or other means of safe transportation home.
- Keep in mind that alcohol impairs judgment. After consuming several drinks you may convince yourself that you can drive safely. Statistics prove otherwise.

Use It & Lose It (Zero Tolerance Law)

Under the "Use It & Lose It" zero tolerance law, drivers under age 21 with any trace of alcohol in their systems will lose their driving privileges. A zero tolerance offense involves the following administrative penalties as outlined below.

Underage drivers are charged with driving under the influence if there is any trace of alcohol, any illegal drugs in their system or if the arresting officer believes the driver to be chemically impaired. A DUI conviction involves both administrative and criminal penalties and will result in both the revocation of the driver's license and the suspension of vehicle registration privileges.

Penalties for drinking and driving under age 21	Zero Tolerance (BAC of .01 or greater)	DUI Conviction (BAC of .08 or greater)
Loss of driving privileges 1st violation	3 months	2 years minimum
Test Refusal 1st violation	6 months	2 years minimum
Loss of driving privileges 2nd violation	1 year	Until age 21 or 3 years minimum
Test Refusal 2nd violation	2 years	Until age 21 or 3 years minimum
Effect on driving record	Except during suspension period not on public driving record as long as there is no subsequent suspension	Permanently on public driving record

Frequently asked questions regarding the zero tolerance law:

What leads to testing for alcohol?

A police officer will test for alcohol if, after issuing a citation for any traffic offense, he or she has probable cause to believe a driver has consumed alcohol. Based on the driver's physical condition or the police officer's first-hand knowledge, a test may be requested.

Aside from the loss of driving privileges and possible fines and jail time, what other consequences can drinking and driving have?

Drinking and driving can result in injuries or death of the driver, passengers, and others. It leads to high insurance costs, mandatory alcohol evaluation and treatment, court and attorney fees and negative long-term effects on your driving record and job opportunities.

Are there any exceptions to suspension?

The only people not subject to this law are those who consumed alcohol in a religious service or ceremony, or those who ingested the prescribed or recommended dosage of medicine containing alcohol. This evidence can be presented at an administrative hearing and does not require a court appearance.

Under what conditions can a person drive while suspended?

A restricted driving permit can be issued after a portion of the suspension period has passed to relieve undue hardship. It may allow driving for specific employment or educational purposes as well as for obtaining medical care.

If you have additional questions, please contact the Secretary of State's office at:

Driver Services Department
2701 South Dirksen Parkway
Springfield, IL 62723
217/785-9323 in Springfield

SUSPENDED DRIVING PRIVILEGES

The State of Illinois has declared a policy that a driver who is impaired by alcohol and/or drugs is a threat to the public safety and welfare. In order to minimize the threat to public safety, the State of Illinois has deemed it appropriate to suspend an intoxicated drivers license.

A statutory summary suspension means that driving privileges will be withdrawn for a specified period of time and then reinstated. This will be imposed if the blood alcohol content (BAC) of the driver is .08 or greater or if the driver refuses to submit to or fails a chemical testing. A first offender will automatically receive a three (3) month suspension for a BAC of .08 or greater and an automatic six (6) month suspension for refusal to submit to chemical testing.

The officer will take the driver's license during the arrest and issue a temporary receipt to drive for 45 days. The statutory summary suspension begins on the 46th day after the arrest, and driving privileges are automatically suspended.

First-time DUI offenders may apply to the court for a judicial driving permit

(JDP) which would allow them to drive during the suspension (only under certain conditions and when no other form of transportation is available). However, the person must provide the court with a current alcohol and drug evaluation and must prove that a hardship exists.

REVOKED DRIVING PRIVILEGES

If you are convicted of a DUI, your license will be revoked. Unlike the statutory summary suspension, a revoked license is not automatically reinstated at the end of a period of time.

A driver whose license has been revoked must meet the following requirements to have his/her driving privileges reinstated:

1. The driver must undergo an alcohol and drug evaluation. Proof of treatment must be submitted if a problem is indicated.
2. An alcohol and drug remedial education program must be completed.
3. The driver must appear before a Secretary of State hearing officer. Hearings for first offenders may take place at regional driver services facilities.

Subsequent offenders must attend a formal hearing in Springfield, Chicago, Mt. Vernon or Hillside.

At the informal or formal hearing:

1. The person's overall driving record, the seriousness of the offense, and the driver's remedial efforts will all be considered.
2. The driver must demonstrate that public safety will not be endangered.

Prior to reinstatement, a revoked driver is also required by law to:

1. Pay a \$60.00 reinstatement fee.
2. File proof of financial responsibility.
3. Pass the full drivers license examination and pay application fee.

A driver whose license is revoked for a DUI conviction may apply to the Secretary of State's office for a restricted driving permit (RDP). This permit allows a person to drive during the revocation period for employment, educational and/or medical purposes when no other form of transportation is available. Appearance before a hearing officer in the Secretary of State's Department of Administrative Hearings and certain criteria must be met before the driver is issued an RDP. Additionally, the offender must provide proof of remedial education or rehabilitation, present a current professional drug and alcohol evaluation, and prove that a hardship exists.

DUI Information for Adults

DUI Conviction Penalties

First DUI conviction

- Loss of full driving privileges for a minimum of one (1) year.
- Possible imprisonment for up to one (1) year.
- Maximum fine of \$2,500.

Second DUI Conviction

- Minimum five (5) year loss of full driving privileges for a second conviction within a twenty (20) year period.
- Mandatory five (5) days in jail or thirty (30) days community service for a second conviction within a five (5) year period.
- Possible imprisonment for up to one (1) year.
- Maximum fine of \$2,500.

Third DUI Conviction - Class 4 felony

- Loss of full driving privileges for a minimum of six (6) year.
- Possible imprisonment for up to three (3) years.
- Maximum fine of \$10,000.

Other Alcohol Offenses

Felony DUI

- Class 4 felony (following a crash resulting in great bodily harm or permanent disfigurement.)
- Loss of full driving privileges for a minimum of one (1) year.
- Possible imprisonment for one (1) to three (3) years.
- Maximum fine of \$10,000.

Providing Alcohol to a Person Under Age 21

- Possible imprisonment for up to one (1) year.
- Subject to a maximum fine of not less than \$2,500.

Illegal Transportation of an Alcoholic Beverage

- Maximum fine of \$1,000.

- Point-assigned violation will be entered on drivers record.
- Drivers license suspension for a second conviction in a 12-month period.

Knowingly Permitting a Driver Under the Influence to Operate a Vehicle

- Possible imprisonment for up to one (1) year.
- Maximum fine of \$2,500.

DUI with a minor in the vehicle

- Six (6) month minimum sentence
- A \$1,000 fine and 200 hours of community service for individuals convicted of a Class A misdemeanor for their first conviction of DUI with a minor in the vehicle.
- If bodily injury occurs as a result of the individual's impairment, they could be charged with a Class 4 felony and receive a sentence of one (1) to three (3) years imprisonment and a \$2,500 fine.

Summary Suspension

First Offense

- A chemical test indicating a BAC of .08 or greater results in a mandatory three-month drivers license suspension.
- Refusal to submit to a chemical test(s) results in a six (6) month license suspension.

Subsequent Offenses

Refusal to submit to a chemical test(s), or test results indicating a BAC of .08 or greater, results in a mandatory twelve (12) months drivers license suspension.

Teenage Drinking and Driving

Drivers under age 21 represent 10% of licensed drivers but are involved in 17% of alcohol-related fatal crashes. If you are arrested for DUI you will be handcuffed and taken to jail. What will your parents say when you call home and tell them you are in jail? Illinois DUI laws for drivers under 21 years of age are tough and will effect your life for years-- if you live that long.

Crashes are a leading cause of death for teens. Nationally, six individuals between the ages of 15 - 20 die in motor vehicle crashes each day. About 2 in

every 5 Americans will be involved in an alcohol-related crash at some time in their lives.

The average college student spends more money for alcohol than for books.

Legal Consequences of Underage Drinking and Driving

First Underage 21 DUI Conviction

- Loss of full driving privileges for a minimum of two (2) years.
- Possible imprisonment for up to one (1) year.
- Maximum \$2,500 fine.

Second Underage 21 DUI Conviction

- Loss of full driving privileges for a minimum of three years or until age 21, whichever is longer.
- Mandatory 48 hours in jail or ten (10) days of community service.
- Possible imprisonment for up to one (1) year.
- Maximum \$2,500 fine.

Third Underage 21 DUI Conviction - Class 4 Felony

- Loss of full driving privileges for a minimum of six (6) years.
- Possible imprisonment of one (1) to three (3) years.
- Maximum \$25,000 fine.

Felony DUI

Class 4 Felony (Following a crash resulting in great bodily harm or permanent disfigurements)

- Loss of full driving privileges for a minimum of one (1) year.
- Possible imprisonment of one (1) to three (3) years.
- Maximum first time fine of \$10,000.

Underage Illegal Transportation of an Alcoholic Beverage

- Maximum fine of \$1,000.
- Drivers license suspended for first conviction.
- Drivers license revoked for a second conviction.

Summary Suspension

- A chemical test indicating a blood alcohol concentration (BAC) of .10 or greater results in a three (3) month drivers license suspension.
- Refusal to submit to a chemical test(s) results in a six (6) month license suspension.
- For subsequent offenses, a chemical test indicating a BAC of .10 or greater results in a 12-month drivers license suspension. Refusal to submit to a chemical test(s) results in a 24-month drivers license suspension.

Possession of Alcoholic Beverages

It is illegal for any person under the age of 21 to have alcoholic beverages in their possession, whether open or unopened. Penalties include:

- A maximum of \$2,500 fine and up to one (1) year in jail.

Using a Fake Illinois Drivers License or ID Card

The penalties for using false IDs are serious and could change your life forever.

- Obtaining a drivers license through false affidavit is punishable by 2-5 years in prison and a maximum \$25,000 fine.
- Subject to a fine of not less than \$500 and at least 25 hours of community service.
- Allowing another person to use your identification documents to apply for a drivers license or ID card is punishable by 1-3 years in prison and a maximum \$25,000 fine.

Zero Tolerance Law for Underage Drinking and Driving

Zero tolerance is a state law that went into effect on January 1, 1995. The law provides for suspension of the driving privileges of any person under the age of 21 who drives after consuming alcohol. As the name **Zero Tolerance** suggests, any trace of alcohol in a young person's system can result in a suspended drivers license. The only exception are minors who consume alcohol as part of a religious service or those who ingest a prescribed or recommended dosage of medicine containing alcohol.

Penalties for Drinking and Driving

The Zero Tolerance Law provides that minors suspected of driving under the influence can have their driving privileges suspended even if they're not intoxicated at the .08 BAC level. The following table shows the length of time your driving privileges may be suspended under the Zero Tolerance Law (for BAC of .01 or greater) and DUI Laws (for BAC of .08 or greater). The loss of driving privileges is greater if you refuse to take a sobriety test.

	Under Zero Tolerance Law		Under DUI Laws	
		If Test Refused		If Test Refused
1st Violation	3 Months	6 Months	2 Years	2 Years
2nd Violation	1 Year	2 Years	Until age 21 3 Years Minimum	Until age 21 3 Years Minimum

Effect on Your Driving Record

- **Zero Tolerance** (BAC of .01 or greater) -- Except during suspension period, it will not appear in the offenders on public driving record as long as there is no subsequent suspension
- **DUI Conviction** (BAC of .08 or greater) -- Permanently on the offenders public driving record

Under certain conditions, you may be charged with DUI even though your BAC is below .08.

Blood Alcohol Content Table

This table shows the effects of alcohol on a normal person of a given body weight. This table is not a license to drink irresponsibly. You should avoid drinking and driving under all circumstances. Everyone is different, and alcohol effects each person in a slightly different way. Only you know your limits. Please drink within them.

Levels of Intoxication:

One drink equals:

- 1 oz. 86 proof Liquor, or
- 3 oz. wine, or
- 12 oz. Beer

- BAC less than .05% - Caution
- BAC .05 to .079% -

Driving Impaired

- BAC .08% & up -

Presumed Under the Influence

Body Weight	Number of Drinks								
	1	2	3	4	5	6	7	8	9
100	0.032	0.065	0.097	.0129	.0162	0.194	0.226	0.258	0.291
120	0.027	0.054	0.081	0.108	0.135	0.161	0.188	0.215	0.242
140	0.023	0.046	0.069	0.092	0.115	0.138	0.161	0.184	0.207
160	0.020	0.040	0.060	0.080	0.101	0.121	0.141	0.161	0.181
180	0.018	0.036	0.054	0.072	0.090	0.108	0.126	0.144	0.162
200	0.016	0.032	0.048	0.064	0.080	0.097	0.113	0.129	0.145
220	0.015	0.029	0.044	0.058	0.073	0.088	0.102	0.117	0.131
240	0.014	0.027	0.040	0.053	0.067	0.081	0.095	0.108	0.121

This table shows the effects of alcohol within one hour on a normal person of a given body weight. Please do not take this table as a license to drink irresponsibly. Everyone is different, and alcohol effects each person in a slightly different way. Only you know your limits. Please drink within them.

Source: Illinois State Police website

Traffic Fatalities in Illinois - 1995 to 2005

Year	Total Traffic Deaths	Alcohol Related Deaths	Percent Alcohol-Related
1995	1,586	700	44%
1996	1,477	678	46%
1997	1,395	597	43%
1998	1,393	619	44%
1999	1,456	646	44%
2000	1,418	628	44%
2001	1,274	623	44%
2002	1,420	653	46%
2003	1,454	639	44%
2004	1355	613	45%
2005	1,361	580	43%

Source - National Highway Traffic Safety Administration - State Traffic Safety System
These statistics may differ from the data posted by the State of Illinois.