

DUI *Minimum Mandatory Sentencing*

(For DUI *Arrest* DATES OCCURRING *on or after* 07/01/2008)

| Offense ¹ | Probation | Jail | Comm. Service | Min. Fine ² | Max. Fine ² | DUI School | Clinical A&D-E/T ³ | Notes |
|--|-----------|----------|----------------------|------------------------|------------------------|------------|-------------------------------|---|
| 1 st in 10 years, BAC <0.08g | 12 months | None | 20 hours | \$300.00 | \$1,000.00 | Yes | Yes, but can be waived | |
| 1 st in 10 years, BAC ≥0.08g | 12 months | 24 hours | 40 hours | \$300.00 | \$1,000.00 | Yes | Yes, but can be waived | |
| 2 nd in 10 years ⁴ | 12 months | 72 hours | 30 days | \$600.00 | \$1,000.00 | Yes | Yes | Interlock required if 2/10 is 2/5. ⁵ |
| 3 rd in 10 years ⁶ | 12 months | 15 days | 30 days | \$1,000.00 | \$5,000.00 | Yes | Yes | Interlock required if 3/10 is at least 2/5. ⁷ |
| 4 th in 10 years ⁸ | 1-5 years | 90 days | 60 days ⁹ | \$1,000.00 | \$5,000.00 | Yes | Yes | Interlock ¹⁰ required if 4/10 is at least 2/5. |

Driver's License Consequences for DUI Convictions¹¹

| Count ¹² | Incident Date ¹³ | DUI Age ¹⁴ | Clinical BAC | Reinst. Length | Permit | School | Eval. | Fee |
|--|-------------------------------|-----------------------|--------------|---------------------|--|--------|-------|----------|
| 1/5 years | N/A | 16-20 | Under 0.08g | 6 month suspension | No | Yes | No | \$210.00 |
| 1/5 years | N/A | 16-20 | ≥0.08g | 12 month suspension | No | Yes | No | \$210.00 |
| 1/5 years | N/A | 21 or older | N/A | 120 day suspension | Yes | Yes | No | \$210.00 |
| 1/5 years with prior "mandatory" ¹⁵ | N/A | 21 or older | N/A | 120 day suspension | No | Yes | No | \$210.00 |
| | | | | | | | | |
| 2/5 years | 12/31/2012 or earlier | 16-20 | N/A | 12 month suspension | No | Yes | Yes | \$310.00 |
| 2/5 years | 01/01/2013-06/30/2013 | 16-20 | N/A | 18 month suspension | After 120 days; interlock required for 8 months | Yes | Yes | \$310.00 |
| 2/5 years | On or after 07/01/2013 | 16-20 | N/A | 18 month suspension | After 120 days; interlock required for 12 months | Yes | Yes | \$310.00 |
| 2/5 years | 12/31/2012 or earlier | 21 or older | N/A | 18 month suspension | After 120 days; interlock required for 6 months | Yes | Yes | \$210.00 |

¹¹ Any DUI conviction triggers a commercial driving disqualification of at least one (1) year. A conviction for endangering a child by DUI under O.C.G.A. §40-6-391(l) triggers an additional, though concurrent, license suspension.

¹² Calculation is determined by measuring date-of-prior offense TO date-of-current offense.

¹³ The incident date typically is the date of the arrest, though some arrests may occur in the days after the incident depending upon the circumstances. So, the date of the DUI-driving event controls, **regardless** of when the actual arrest is effectuated.

¹⁴ Age is calculated using comparison of date of birth to conviction date.

¹⁵ "Prior mandatory" means a prior conviction or a plea of *nolo contendere* to any offense listed in O.C.G.A. §40-5-54 from an incident within five (5) years of the incident date of the current DUI. The new DUI would trigger a "hard" suspension under O.C.G.A. §40-5-63(a)(2), not (a)(1), because of the "prior mandatory." A "hard" suspension means that no limited driving permit is available for any portion of the license suspension.

Driver's License Consequences for DUI Convictions (cont'd)¹⁶

| Count ¹⁷ | Incident Date ¹⁸ | DUI Age ¹⁹ | Clinical BAC | Reinst. Length | Permit | School | Eval. | Fee |
|--|-------------------------------|-----------------------|--------------|----------------------|---|--------|-------|----------|
| 2/5 years | 01/01/2013-06/30/2013 | 21 or older | N/A | 18 month suspension | After 120 days; interlock required for 8 months | Yes | Yes | \$210.00 |
| 2/5 years | On or after 07/01/2013 | 21 or older | N/A | 18 month suspension | After 120 days; interlock required for 12 months | Yes | Yes | \$210.00 |
| 2/5 years with prior "mandatory" ²⁰ | 12/31/2012 or earlier | 21 or older | N/A | 5 year HV revocation | After 2 years; interlock required for 6 months ²¹ | Yes | Yes | \$410.00 |
| 2/5 years with prior "mandatory" ²² | 01/01/2013-06/30/2013 | 21 or older | N/A | 5 year HV revocation | After 2 years; interlock required for 8 months ²³ | Yes | Yes | \$410.00 |
| 2/5 years with prior "mandatory" ²⁴ | On or after 07/01/2013 | 21 or older | N/A | 5 year HV revocation | After 2 years; interlock required for 12 months ²⁵ | Yes | Yes | \$410.00 |

¹⁶ See Note 11.

¹⁷ See Note 12.

¹⁸ See Note 13.

¹⁹ See Note 14.

²⁰ Prior mandatory offenses include any prior conviction(s) or plea(s) of *nolo contendere* to any offenses listed in O.C.G.A. §40-5-54 from an incident within five (5) years of the incident date of the current DUI. The prior mandatory means that the new DUI conviction would trigger an HV revocation under O.C.G.A. §40-5-58, not a suspension under O.C.G.A. §40-5-63(a)(2). Revocation entails the re-taking of written and road tests before reinstatement is possible.

²¹ Client's driving record should be checked for disqualifying history under O.C.G.A. §40-5-58(e). If present, client is not eligible for HV probationary license and serves "hard" 5-year revocation.

²² See Note 20.

²³ See Note 21.

²⁴ See Note 20.

²⁵ Client's driving record should be checked for disqualifying history under O.C.G.A. §40-5-58(e). If present, client is not eligible for HV probationary license and serves "hard" 5-year revocation.

Driver's License Consequences for DUI Convictions (cont'd)²⁶

| Count ²⁷ | Incident Date ²⁸ | DUI Age ²⁹ | Clinical BAC | Reinst. Length | Permit | School | Eval. | Fee |
|---------------------|-------------------------------|-----------------------|--------------|----------------------|---|--------|-------|----------|
| 3/5 years | 12/31/2012 | 16 to 20 | N/A | 12 month suspension | No | Yes | Yes | \$310.00 |
| 3/5 years | 01/01/2013-06/30/2013 | 16 to 20 | N/A | 5 year HV revocation | After 2 years; interlock required for 8 months ³⁰ | Yes | Yes | \$410.00 |
| 3/5 years | On or after 07/01/2013 | 16-20 | N/A | 5 year HV revocation | After 2 years; interlock required for 12 months ³¹ | Yes | Yes | \$410.00 |
| 3/5 years | 12/31/2012 | 21 or older | N/A | 12 months suspension | No | Yes | Yes | \$410.00 |
| 3/5 years | 01/01/2013-06/30/2013 | 21 or older | N/A | 5 year HV revocation | After 2 years; interlock required for 8 months ³² | Yes | Yes | \$410.00 |
| 3/5 years | On or after 07/01/2013 | 21 or older | N/A | 5 year HV revocation | After 2 years; interlock required for 12 months ³³ | Yes | Yes | \$410.00 |

²⁶ See Note 11.

²⁷ See Note 12.

²⁸ See Note 13.

²⁹ See Note 14.

³⁰ See Note 21.

³¹ See Note 21.

³² See Note 21.

³³ See Note 21.

Penalties for Common Violations of Georgia Alcohol and Traffic Laws

| Code Section | Description of Offense | License Impact or Penalty |
|---------------|---|--|
| 3-3-23 | Underage purchasing, attempting to purchase, or possession of alcohol while operating a motor vehicle | 120 days to 1 year |
| 40-5-58 | Habitual Violator (felony) | 120 days to 5 years |
| 40-5-58 | Habitual Violator (misdemeanor) | No license impact |
| 40-5-121 | Driving with a Suspended License | 6 months |
| 40-6-10 | No Insurance | 1/5: 60 days; ≥ 2/5: 90 days |
| 40-6-15 | Suspended/Revoked/Cancelled Registration | 120 days to 5 years |
| 40-6-45 | Improper Passing on Hill or Curve | 4 points |
| 40-6-54 | HOV Lane Violation | 1 point for ≥ 4 th offense |
| 40-6-77 | Failure to Yield Resulting in Serious Injury | 2+/5: 30 days |
| 40-6-163 | Improper Passing of School Bus | 6 points |
| 40-6-180 | Too Fast for Conditions | 0 points |
| 40-6-181 | Speeding | 15-18 mph-2 points 19-23 mph-3 points 24-33 mph-4 points 34+ mph-6 points |
| 40-6-186 | Racing | 120 days to 5 years |
| 40-6-241.1 | Using Cell Phone/Texting - Under Age 18 | 1 point |
| 40-6-241.2 | Adult Texting – Age 18 and Over | 1 point |
| 40-6-253 | Open Container of Alcohol | 2 points |
| 40-6-270 | Hit and Run – Leaving the Scene of Accident | 120 days to 5 years |
| 40-6-390 | Reckless Driving | 4 points |
| 40-6-391(l) | Endangering a Child under age 14 by DUI | 120 days to 5 years |
| 40-6-393(a) | Vehicular Homicide-1 st Degree | 3 year suspension |
| 40-6-393(b) | Vehicular Homicide-1 st Degree | 3 year suspension |
| 40-6-393(c) | Vehicular Homicide-2 nd Degree | 120 days to 5 years |
| 40-6-393(d) | Vehicular Homicide-1 st Degree | 3 year suspension |
| 40-6-393.1(b) | Feticide by Vehicle-1 st Degree | 120 days to 5 years |
| 40-6-393.1(c) | Feticide by Vehicle-2 nd Degree | 3 points |
| 40-6-394 | Serious Injury by Vehicle | 3 year suspension |
| 40-6-395 | Fleeing and Attempting to Elude an Officer | 120 days to 5 years |
| 40-6-397 | Aggressive Driving | 6 points |
| 40-8-76 | Child Restraint Violation | 1 st : 1 point; ≥2 nd : 2 points |
| | All other moving violations for which no suspension is triggered by operation of law | 3 points ³⁴ |

³⁴ “Nolo” plea avoids points for one offense every five (5) years-O.C.G.A. §40-5-57(c)(1)(B); Zero points order avoids points under O.C.G.A. §40-5-57.1(c)(1)(C) and reduces fine by 20% once every five (5) years if client completes defensive driving course; Points are assessed for each offense, even if arising from a single incident.