

## Driving While Impaired (DWI) FAQ

### What is the legal alcohol limit for driving?

The legal alcohol limit for driving is 0.08 in Minnesota. This means that if you have a blood alcohol concentration (BAC) of 0.08 or higher it is illegal to drive, operate or be in control of a motor vehicle.

### Can you get a DWI if you have a BAC under 0.08?

Yes. If it can be determined that alcohol impaired your ability to drive, you can be charged with a DWI even if you have a BAC under 0.08.

### What is the penalty?

It depends. The penalties vary by the number of offenses and BAC level. The penalties can range from a misdemeanor to a felony.

Here are the basics for a first-time offense:

- First offense with a BAC under 0.20 -- Misdemeanor
  - Penalty of up to a \$1,000 fine and/or 90 days in jail and loss of driver's license for 30-90 days
- First offense with a BAC of 0.20 or higher -- Gross Misdemeanor
  - Penalty of up to a \$3,000 fine and/or 1 year in jail and loss of driver's license for 180 days

- In 2008, 35,736 DWI arrests were made in Minnesota.
- People in their 20's represented 43% of DWI arrests in 2008.
- One in every eight persons in Minnesota has a DWI on their record.

*Source: Minnesota Department of Public Safety Office of Traffic Safety*

### What happens if you get a DWI and are under 21 years old?

- Minnesota has a "Not a drop" law. If you drink any amount of alcohol and drive, you will face criminal charges and lose your license for 30 days on your first offense.
- If you are under 21 and are charged with a DWI – meaning your BAC was 0.08 or higher – the driver's license revocation penalties are doubled.

### What are the financial costs of a DWI?

The financial costs don't end with the fines related to the criminal charges. The average costs for a first time DWI offense can reach \$20,000 or more. Costs associated with a DWI include:

- Attorney fees
- Tow and impound
- Chemical assessment
- Alcohol education classes
- License reinstatement
- Insurance
- Court imposed fines

The average attorney fee for a first time DWI charge is \$2,500 in the Twin Cities.

*Source: MN Association of Justice Survey*

### Are you required to take field sobriety tests?

Roadside sobriety tests, such as a preliminary breathalyzer, are not mandatory. However, refusing to complete these tests will imply cause for an arrest.

### Are you required to complete chemical testing if you are arrested for a DWI?

- Yes. If you are arrested for a DWI, you will be required to complete chemical testing to determine your actual BAC level. Refusing to complete these chemical tests can result in losing your driver's license for 1 year.
- It is also a separate crime to refuse chemical testing. It is a gross misdemeanor (punishable by up to a \$3,000 fine and/or 1 year in jail). These charges could be added on to other you may receive.