



- If you are arrested for drunk driving, you will be asked to take a breathalyzer test.
- The legal blood alcohol content limit (BAC) for drivers is 0.08. In addition, drivers under 21 will face license suspensions for BACs as low as 0.02.
- If you fail the test, your license will be immediately suspended for 30 days. If you refuse the test, your license will be immediately suspended for 180 days or up to life, and your vehicle will be impounded. In either case, you will go to court to face criminal charges.
- Drunk driving convictions remain on your driving record for life.
- If the court convicts you, this will go on your record as a drunk driving offense and you will face the consequences detailed inside.

## Resources

Alcoholics Anonymous  
www.aa.org

MADD  
1-800-633-MADD

Massachusetts Substance Abuse  
Information and Education Helpline  
1-800-327-5050 (toll-free; multi-lingual)  
www.helpline-online.com

Massachusetts Department of Public Health,  
Bureau of Substance Abuse Services  
www.mass.gov/dph/bsas

Brochure content available in Spanish, Portuguese,  
and Chinese at [www.mass.gov/safety/ouilaw](http://www.mass.gov/safety/ouilaw)

Additional copies of this brochure are available  
online at [www.mass.gov/rmv](http://www.mass.gov/rmv)

To obtain auxiliary aids, services, or accessibility  
information, contact **ADA Coordinator at  
617-727-7775, ext. 25508; TTY: 617-727-6618.**



Governor Deval L. Patrick  
Lt. Governor Timothy P. Murray



Secretary Kevin M. Burke | Registrar Rachel Kaprielian

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# BAD BREATH IS A CRIME IN MASSACHUSETTS



**FAIL THE BREATHALYZER.  
FACE CRIMINAL CHARGES.  
LOSE YOUR LICENSE.**

Melanie's Law, passed in October  
2005, raised penalties for refusing a  
breathalyzer test and established new  
criminal offenses against operating  
under the influence (OUI).

**Think you can mask bad breath?  
Think again.**

Think before you drink...  
or face the consequences.

CONVICTION	1st offense
FINE	\$500 – 5,000
PRISON TERM	up to 2 ½ years
LICENSE SUSPENSION	1 year

CONVICTION	2nd offense
FINE	\$600 – 10,000
PRISON TERM	30 days – 2 ½ years
LICENSE SUSPENSION	2 years

CONVICTION	3rd offense
FINE	\$1,000 – 15,000
PRISON TERM	150 days – 5 years
LICENSE SUSPENSION	8 years

CONVICTION	4th offense
FINE	\$1,500 – 25,000
PRISON TERM	1 year – 5 years
LICENSE SUSPENSION	10 years

CONVICTION	5th offense
FINE	\$2,000 – 50,000
PRISON TERM	2 years – 5 years
LICENSE SUSPENSION	Lifetime

Don't be caught  
with bad breath.

### Fines, Fees, and Other Costs:

Towing Fee	\$100
Car Storage (per day)	\$30
Magistrate Nighttime Bail Fee	\$50
Defense Attorney Fee	\$5,000
Minimum Conviction Fine	\$500
Victim Witness Fee	\$50
License Reinstatement Fee	\$500

### Surcharges:

Head Injury Treatment Services	\$125
Drunk Driving Victims Trust Fund	\$50

### Probable Additional Costs:

Driver Alcohol Education Program	\$574
Court Costs	\$250
Probation Fee	\$780
<b>Total</b>	<b>\$8,009*</b>

*\*Court costs, insurance surcharge, victim witness fee, and attorney fees will vary.*

**A second offense will cost you even more...  
from \$1,430 to \$10,000.**

### Refusing A Breathalyzer

Melanie's Law dramatically increases the suspension period for refusing a breathalyzer (over age 21).

ACTION	LICENSE SUSPENSION
No prior drunk driving offenses	180 days
1 prior drunk driving offense	3 years
2 prior drunk driving offenses	5 years
3 or more prior drunk driving offenses	Lifetime

Motorists will also lose their CDL license  
1st refusal: 1 year; 2nd refusal: Lifetime

### Avoid the Ignition Interlock Device

An Ignition Interlock Device (IID) is a handheld breath-alcohol monitoring device that is electronically connected to a vehicle's ignition. Before starting the vehicle, the device requires the driver to take and pass a breath test.

If you have two or more drunk driving offenses and are eligible for a hardship license or for license reinstatement, you must have an Ignition Interlock Device installed in any vehicle you own, lease, or operate.

For a hardship license, the device must be used for the entire life of the hardship, and at least an additional two years after full reinstatement. For a full license reinstatement, the device must be used for at least two years.

A driver must forfeit his/her motorcycle license for the term of the IID restriction.

Mandatory Ignition Interlock Vendor Fees:  
\$100 – \$500 install, \$85+ monthly

In Massachusetts 16,274  
people were arrested for  
drunk driving in 2008.

### Driving Drunk under the Legal Drinking Age

ACTION	CONSEQUENCE
If you are under the age of 18 and are arrested for OUI	1 – year license loss in addition to any other suspensions; \$100 reinstatement fee
If you are under the age of 21 and are arrested for OUI	180 – day license loss in addition to any other suspensions; \$100 reinstatement fee

### Driving Drunk with a Commercial Driver's License

ACTION	CONSEQUENCE
1st offense OUI: in your commercial or passenger vehicle	1 – year loss of CDL License
2nd offense OUI: in your commercial or passenger vehicle	Lifetime loss of CDL License

### Driving Drunk while Already Suspended for Drunk Driving

ACTION	CONSEQUENCE
Drive under the influence of alcohol while your license is already suspended for drunk driving. You will be charged with two crimes at once: OUI and OUI with a suspended license.	1 – 2 ½ years in prison; fine \$2,500 – \$10,000; loss of license for 1 year. In addition to the above penalty for operating after suspension while OUI, you will also face the applicable criminal penalty for the OUI offense itself.

### Child Endangerment while Driving Drunk

ACTION	CONSEQUENCE
Drive under the influence of alcohol with a child 14 years of age or younger in the vehicle. You will be charged with two crimes at once: OUI and Child Endangerment while OUI.	90 days – 2 ½ years in prison; fine \$1,000 – \$5,000; loss of license for 1 year