

- 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

Additional copies of this brochure are available online at 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.







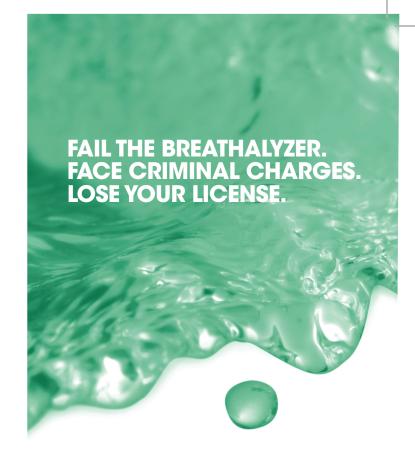


Secretary Kevin M. Burke | Registrar Rachel Kaprielian

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# BAD BREATH IS A CRIME IN MASSACHUSETTS





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 vears

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:

Total	\$8,009 *
Probation Fee	\$780
Court Costs	\$250
Driver Alcohol Education Program	\$574
Probable Additional Costs:	
Drunk Driving Victims Trust Fund	\$50
Head Injury Treatment Services	\$125
Surcharges:	
License Reinstatement Fee	\$500
Victim Witness Fee	\$50
Minimum Conviction Fine	\$500
Defense Attorney Fee	\$5,000
Magistrate Nighttime Bail Fee	\$50
Car Storage (per day)	\$30
Towing Fee	\$100

<sup>\*</sup>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	Lifetime
driving offenses	

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 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 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

2nd offense OUI:
In your commercial
or passenger vehicle
Lifetime loss of CDL
License
or passenger vehicle

# 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