

A blood or breath alcohol concentration (BAC) of 0.08 or more constitutes driving under the influence, however, a driver may be charged with DUI if he/she had a BAC level over 0.04 and there is also sufficient evidence of impaired ability to operate a motor vehicle.

Penalties for DUI (MCA 61-8-401)	1st conviction	2nd conviction	3rd conviction
Jail <sup>1</sup>	24 hrs – 6 months	7 days – 6 months	30 days – 1 year
Fine <sup>2</sup> (note: fine amount doesn't include court costs)	fine of \$300 – \$1000	fine of \$600 – \$1000	fine of \$1000 – \$5000
Underage passengers <sup>2</sup>	fine of \$600 – \$2000 jail 48 hours – 12 months	fine of \$1200 – \$2000 jail 14 days – 12 months	fine of \$2000 – \$10000 jail 60 days – 12 months
Drivers license	suspended for 6 months	suspended for 1 year <small>If the 1-year suspension period passes and the person has not completed a chemical dependency education course, treatment, or both, as ordered by the sentencing court, the license suspension remains in effect until the course, treatment, or both, are completed.</small>	suspended for 1 year
Driver record	10 points added <small>Note: 10 points are added to the driver license record for each DUI conviction. A person who accumulates 30 or more conviction points (from DUI and/or other traffic violations) within a three-year period may be declared a "habitual traffic offender" by the Montana Department of Justice. If so designated, the individual's driver's license or driving privilege is revoked for 3 years.</small>	10 points added	10 points added
<b>A DUI now stays on a driver's record for life.</b>			
Probationary drivers license	May be issued upon payment of \$200 driver license reinstatement fee, sign off by Judge, and completion of A.C.T. program. <small>Note: if the driver refused to blow into a breath testing device and/or provide a blood sample, no restricted probationary license is allowed.</small>	New law passed in 2009 (HB 536) – interpretation pending from Department of Justice and Montana Supreme Court. Applies only to 2 <sup>nd</sup> /3 <sup>rd</sup> DUI offenses committed on/after October 1, 2009.	
Probation	Up to six months	1 year of monitoring beginning with date of admission to A.C.T. program	1 year of monitoring beginning with date of admission to A.C.T. program
Ignition interlock	interlock may be ordered – at judge's discretion	may only drive vehicle with interlock for 12 months beginning with end of driver license revocation period (pending interpretation of HB 536)	may only drive vehicle with interlock for 12 months beginning with end of driver license revocation period (pending interpretation of HB 536)
If an ignition interlock is ordered, the offender is required to pay all costs associated with installation, lease, and maintenance.			
As an alternative to the ignition interlock, the judge may order every vehicle owned by the offender to be seized and forfeited.			
A.C.T. program  A = <u>assessment</u> for chemical dependency C = education <u>course</u> T = chemical dependency <u>treatment</u>	<p>Following conviction, all DUI offenders are court-ordered to receive a mandatory alcohol assessment to determine the nature and extent of their alcohol problems.</p> <ul style="list-style-type: none"> <li>Assessments are conducted by licensed addiction counselors (LACs) who are part of a DPHHS-approved chemical dependency treatment program.</li> <li>Treatment for repeat offenders is mandatory on a 2nd and 3rd offenses, but may be ordered for a first-time offender if he/she is found to be chemically dependent by an LAC. The treatment program is followed by monthly monitoring for at least one year from the date of admission to the program.</li> <li>All offenders are required to attend an 8-hour chemical dependency education course (must be at a DPHHS-approved program).</li> <li>If the offender fails to attend the education course or treatment program, the counselor notifies the court.</li> <li>Offenders failing to comply with the terms of their program are not eligible for driver license reinstatement and may be returned to the court for further action.</li> </ul>		

<sup>1</sup> Incarceration time usually includes combination of mandatory jail time and home arrest.

<sup>2</sup> Fines and jail time double (up to one year maximum) if passengers under age 16 are in the vehicle at the time of the offense.