

## Georgia DUI / DWI Regulations

DUI / DWI Statutes	<a href="#">§40-5-63</a> ; <a href="#">§40-6-391</a> ; <a href="#">§40-5-62</a>
Criteria for DUI / DWI	<p>BAC <math>\geq</math> 0.02 if under 21 years old</p> <p>BAC <math>\geq</math> 0.04 while operating a commercial motor vehicle or school bus</p> <p>BAC <math>\geq</math> 0.08 for all non-commercial drivers aged 21 years or older</p> <p>BAC <math>\geq</math> 0.15 enhanced penalties</p>
Penalties for 1 <sup>st</sup> offense	<ul style="list-style-type: none"> <li>✧ \$300 - 1,000 fine</li> <li>✧ 10 days - 1 year in jail</li> <li>✧ One-year probation, less time served in jail</li> <li>✧ One-year driver's license suspension</li> <li>✧ Minimum 40 hours of community service</li> <li>✧ Completion of alcohol/drugs &amp; driving class</li> </ul>
"Look back" period	10 years
Penalties for repeat offender	<p>Second Offense (within 10 years)</p> <ul style="list-style-type: none"> <li>✧ \$600 - \$1,000 fine</li> <li>✧ 90 days - 1 year in jail</li> <li>✧ 1-year probation, less jail time</li> <li>✧ 3-year driver's license suspension</li> <li>✧ Minimum 30 days of community service</li> <li>✧ Completion of alcohol/drug use risk reduction program</li> </ul> <p>Third Offense (within 10 years)</p> <ul style="list-style-type: none"> <li>✧ \$1,000 - \$5,000 in fines</li> <li>✧ 120 days - 12 months in jail</li> <li>✧ Minimum 30 days community service</li> <li>✧ Completion of alcohol/drug use risk reduction program</li> <li>✧ 12 months probation</li> </ul> <p>Fourth Offense (within 10 years)</p> <ul style="list-style-type: none"> <li>✧ \$1,000 - \$5,000 in fines</li> <li>✧ 1 - 5 years in jail</li> <li>✧ Minimum 60 days community service</li> <li>✧ Completion of alcohol/drug use risk reduction program</li> <li>✧ 5 years probation</li> </ul> <p>Penalties for Breathalyzer Refusal</p> <ul style="list-style-type: none"> <li>✧ One-year license suspension</li> </ul>
License suspensions	<p>1<sup>st</sup> offense: 1 year</p> <p>2<sup>nd</sup> offense: 3 years</p> <p>3<sup>rd</sup> offense: 5 years</p>
Ignition interlocks	<ul style="list-style-type: none"> <li>✧ Second and subsequent offenders on probation must install ignition interlock devices on all of the vehicles</li> </ul>

*National Motorists Association  
December 2015*

*This information was current at the time of publication. The reader should check official sources for the latest version of regulations.*

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	<p>they own and only operate vehicles equipped with such devices. Use begins when the offender is issued limited driving privileges and must last for at least 12 months.</p> <ul style="list-style-type: none"> <li>✧ If habitual offender status is based on two or more drunk-driving offense convictions and the offender is placed on probation, the use of a probationary license is conditioned of the use of an ignition interlock device for 6 months after the probationary license has been issued.</li> <li>✧ An ignition interlock device limited driving permit shall be restricted to allow the holder thereof to drive solely; to work, to school, regularly scheduled sessions or meetings of treatment support organizations, and monthly monitoring visits with the permit holder's ignition interlock device service provider.</li> <li>✧ If a court grants an exemption from the ignition interlock device requirements, such person shall not be eligible for a limited driving permit or any other driving privilege for a period of one year.</li> </ul> <p>Exemptions: Financial hardship</p>
Vehicle impoundment	Vehicle confiscation
Open Container laws	Open container must be in locked glove box, trunk, or otherwise inaccessible to driver and passengers, but does not apply to passengers of hired vehicles, motor homes, or house trailers

### Sources

<http://www.georgiadui.pro/>

<http://dui.drivinglaws.org/resources/can-a-passenger-drink-alcohol.htm>

<http://www.ncsl.org/research/financial-services-and-commerce/open-container-and-consumption-statutes.aspx>

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