

A person under 21 years of age commits the offense of attempt to purchase an intoxicating substance if the person knowingly attempts to purchase an alcoholic beverage. A person convicted of attempt to purchase an intoxicating substance shall be fined an amount not to exceed \$150 if the person was under 21 years of age at the time the offense was committed and may be ordered to perform community service. The person NEED NOT BE CONSUMING OR IN POSSESSION OF THE INTOXICATING SUBSTANCE AT THE TIME OF ARREST TO BE IN VIOLATION. Regardless of age, a youth could be charged under Montana's DUI Laws if he or she has consumed an intoxicating substance, was in actual physical control of a motor vehicle on a roadway and is stopped by a law enforcement officer. (Section 45-5-624, MCA)

IT CAN COST YOU A LOT . . .

If you are convicted of DUI, there are significant costs to you other than the actual punishment and fine. Say that you receive the maximum jail sentence - those days will be lost from work. If you were involved in an accident and cited while DUI, there may be accident costs, additional court costs and attorney's fee. Participation in the mandatory alcohol information school costs \$200 and up. If it is determined you have an alcohol or drug dependency problem, **YOU** will be responsible for the costs of treatment. The **actual** cost to you is immeasurable.



WHY THE LAWS ARE TOUGH . . .

- Drinking drivers kill people, cause life-long injuries and suffering. They are responsible for millions of dollars worth of property damage each year and raise taxes and insurance rates.
- Law enforcement and safety officials estimate that on any typical Friday and Saturday night, there are between 5,000 and 10,000 drinking drivers on Montana roads.
- On the average, 50% of drivers killed in traffic accidents each year on Montana roads had been drinking.
- Persons age 24 and under are involved in 47% of all alcohol-related traffic accidents in Montana.
- Statistics show that alcohol is involved in more than half of all traffic deaths.

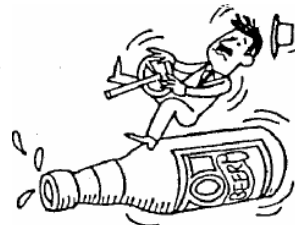


Alcohol is particularly dangerous for the 18-24 year olds due to lack of experience with alcohol and driving.

Alcohol consumption is on the increase. The drinking driver must be educated and treated when necessary. Strict laws and strong enforcement can help to identify the problem drinker and to deter the social drinker from driving while under the influence.

WHAT DRINKING DOES TO DRIVING . . .

Alcohol is not a stimulant but is a depressant that slows down the nervous system. When you drink, the alcohol passes quickly into your bloodstream. You may feel a little glow.



The glow doesn't come without a price. The glow indicates the first action that alcohol has . . . reducing your judgment and reasoning abilities. Your vision narrows, your perception of light decreases, your muscular control and reaction times are impaired. Even after one beer, your speed and accuracy of thinking can be reduced. You are less able to concentrate on more than one task at a time. People differ in their ability to function after drinking, and you may pride yourself that you can "hold your liquor." Tests show that driving ability is impaired by some 30 percent after as little as two drinks. Any drinking can cause some impairment.

WHAT ABOUT OTHER DRUGS? . . .

Montana law also forbids driving under the influence of a drug other than alcohol which renders the driver incapable of safety operating motor vehicle.



Testing for presence of amphetamines, tranquilizers, marijuana or other drugs is more difficult than testing for alcohol. Under the law, an officer may request a urine test of a driver (instead of the more common breath test) if there are reasons to believe there is impairment by a drug other than alcohol.

Drugs, including marijuana, have been shown to impair driving ability. The combination of other drugs and alcohol increases the effects of each individual drug. Such combinations can be fatal, particularly if you are driving.

THE DECISION IS YOURS IN TWO WAYS . . .

1. For Yourself

- Make prior arrangements for a ride home.
- Avoid drinking situations where transportation choices are limited.
- Don't ride with others who have been drinking.



2. For Others

- Don't allow drinking friends to drive.
- Make arrangements to get them home safely.
- As a host . . . serve plenty of food, offer non-alcoholic beverages and close the bar early.
- If you cannot influence their decisions to drink and drive, report them to your local law enforcement agency.

THINK BEFORE YOU DRINK!

ACTUAL EXAMPLE OF INCREASED INSURANCE COSTS AFTER DUI

CONVICTIONS:

Husband—Age 37
 Wife—Age 35
 Youth—Age 16
 Vehicles Insured: **2003 Toyota Corolla CE
 1993 Honda Accord DX
 *(Financed, so FULL COVERAGE REQUIRED)

A. All drivers with clean driving records.

DISCOUNTS:	Good Student	
	Driver Training	
COVERAGE:	Liability	\$300,000
	Medical	5,000
	Uninsured Drivers	100,000/300,000
	Comprehensive	500 deductible
	Collision	500 deductible
PREMIUM:	Toyota	\$658
	Honda	\$617
Total:		\$1,275 EVERY SIX MONTHS B

Father gets DUI conviction.

PREMIUM:	Toyota	\$2,394
	Honda	1,862
Total:		\$4,256 EVERY SIX MONTHS C

Youth gets DUI conviction.

PREMIUM:	Toyota	\$2,627
	Honda	2,109
Total:		\$4,736 EVERY SIX MONTHS

These costs will be effective for FIVE YEARS. Limits of insurance coverage are lowered at this point.

THESE ARE COSTS FOR ONE (1) DUI CONVICTION. ADDITIONAL CONVICTIONS WOULD CAUSE PROBABLE CANCELLATION OF POLICY. FAMILY WOULD BE REQUIRED TO GO TO "HIGH RISK" CATEGORY FOR A MINIMUM OF FIVE (5) YEARS.

MDT attempts to provide accommodations for any known disability that may interfere with a person participating in any service, program or activity of the Dept. Alternative accessible formats of this information will be provided upon request. For further information call (406)444-6331 or TTY (800)335-7592, or FAX (406)444-7685, or by calling Montana Relay at 711.

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DRINKING DECISIONS



Think BEFORE you drink

Prepared By:
**MONTANA STATE HIGHWAY
 TRAFFIC SAFETY OFFICE
 DEPARTMENT OF TRANSPORTATION
 406-444-7411
 Fax: 406-444-9409**



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IF YOU DRINK AT ALL

You've heard it before, "If you drive, don't drink. If you drink, don't drive . . ." A bit unrealistic? People drive and people drink. That's the reason Montana has some pretty tough laws on the subject. Before you drink and drive, you'd better understand the possible consequences.



IT COULD HAPPEN TO YOU

"Who, me? I'm a social drinker, no problem here." Occasional drinkers, problem drinkers, full-blown alcoholics, all have been arrested while driving under the influence (DUI). They all have one thing in common. They thought they could handle drinking and driving. By the law's definition, they had one (or two or three) too many. If you drive while under the influence and get caught, you could lose your driver's license, be imprisoned, be fined, or have your insurance cancelled. You could kill or injure your passengers or a family in another car, or yourself.

HOW MUCH IS TOO MUCH?

How many drinks you have before you drive is your decision. But the law is clear. If your alcohol concentration (*measured in your breath, blood or urine*) is .08% or higher, you are presumed to be operating your motor vehicle unlawfully and are subject to the penalties of law. Montana law also provides that a person with an alcohol concentration of .04% but less than .08% *may* be charged with drunk driving if that fact is considered with other competent evidence.



KNOW YOUR LIMITS

Because the effect of alcohol on driving depends on so many different factors (food you've eaten, gender, degree of fatigue, strength of drinks), it's difficult to know just how much you can drink before you drive. **Many drinks, such as martinis, manhattans, gimlets or a mixed drink at your friend's house, will contain more than double the alcohol per drink. Black coffee, cold showers or fresh air will help keep you wide-awake, but feeling cold and wet, and that's all. Only time will sober you up.**



YOU CAN BE STOPPED . . .

To identify the possible drinking driver, officers may look for some weaving from one side to the other. You won't be aware that you are attracting attention; your alcohol-impaired brain is telling you that you are driving just fine. When the officer stops you, he or she will watch closely for signs. If there is reason to believe that you've been driving while under the influence, and arrested, you will be required to provide a breath, blood or urine sample for evidence.



PRELIMINARY ALCOHOL SCREENING TEST . .

A person arrested under Montana's Driving Under the Influence law (61-8-402) will be given a preliminary alcohol screening test.

Test: given to determine any measured amount or detected presence of alcohol or drugs in the person's body. The test will be administered at the direction of a peace officer.

The Officer: must have reasonable grounds to believe the person had been driving or had been in actual physical control of a vehicle on the ways of the state and was under the influence of alcohol and/or drugs.

IF YOU REFUSE . . .

Any person who operates a motor vehicle on the ways of this state open to the public shall be deemed to have given consent to a chemical test of his blood, breath or urine for the purpose of determining the alcoholic content of his blood if arrested by a peace officer for driving or being in actual physical control of a motor vehicle while under the influence of alcohol.

If you refuse to submit to said test, the arresting officer will seize your driver's license and you will be issued a temporary driving permit that will be valid for 5 days.

On first refusal, your driver's license will then be **SUSPENDED** for **6 months** with no provision for a restricted probationary license.

On second or subsequent refusals within 5 years of a previous refusal, your driver's license will be **suspended** for a period of **1 year** with no provision for a restricted probationary license.

IF YOU ARE CONVICTED OF DUI

A person convicted of driving or being in actual physical control of a motor vehicle upon the ways of this state while under the influence of alcohol or drugs shall be punished as follows:

1st Conviction

Not less than 24 consecutive hours nor more than 6 months in jail. The initial 24 hours must be served in the county jail and may not be served under home arrest. Fine of not less than \$300 or more than \$1000. Six month suspension of driver's license or driving privilege. The person must complete the alcohol information course at an alcohol treatment program approved by the state and receive treatment, if considered necessary, by a chemical dependency counselor.

2nd Conviction (within 5 years)

Not less than 7 days, at least 48 hours of which must be served consecutively, or more than 6 months in jail. A fine not less than \$600 or more than \$1000. One year suspension of driver's license and/or driving privilege. The person must complete the alcohol information course and treatment before the person can apply for a driver's license after the one-year suspension.

3rd or Subsequent Conviction (within 5 years)

Not less than 30 days, at least 48 hours of which must be served consecutively, or more than 1 year in jail. A mandatory fine of not less than \$1000 or more than \$5000. One year sus-



pension of driver's license or driving privilege. The person convicted must complete the alcohol information course and treatment before the person can apply for a driver's license after the one-year suspension.

4th or Subsequent Conviction

Fourth offense is a **FELONY** subject to imprisonment of a term of 13 months to 5 years. A fine not less than \$1,000 or more than \$10,000 and much more.

ALL PENALTIES DOUBLE IF ONE OR MORE PASSENGERS UNDER 16 YEARS OF AGE WERE IN THE VEHICLE.

VEHICLE CONFISCATION, ACT PROGRAM & TREATMENT

On the 2nd or subsequent conviction, the court, **IN ADDITION TO** any other penalty imposed by law, SHALL order the motor vehicle **owned** and **operated** by the person at the time of the offense to be **seized and then sold** by the local government, or equipped with an ignition interlock device.

ALL persons convicted of DUI shall be required to complete an alcohol information course (Montana ACT Program), which may include alcohol or other drug treatment or both if considered necessary by the counselor conducting the program.

First-time offenders **MUST** complete alcohol and/or drug treatment if found to be chemically dependent by a certified chemical dependency counselor pursuant to rules adopted by the State. Second and subsequent DUI offenders, monitoring will continue for one year after admission to the program.

LICENSE REINSTATEMENT FEE

A PERSON CONVICTED OF DUI MUST ALSO PAY A \$200.00 DRIVER'S LICENSE REINSTATEMENT FEE.

IF YOU ARE A MINOR:

Minors convicted of the offense of possession of an **INTOXICATING SUBSTANCE** shall be fined as follows:

PERSONS UNDER 18

1st Offense

- Fined not less than \$100 and not to exceed \$300.
- Perform 20 hours of community service.
- Person and parent/guardian complete and pay all costs of participation in community-based substance abuse information course approved by DPHHS, or court, or provided by the Dept. of Corrections, or a licensed hospital that provides chemical dependency services.
- Driver's license confiscated by court for 30 days.

2nd Offense

- Fined not less than \$200 and not to exceed \$600.
- Perform 40 hours of community service.
- Person and parent/guardian complete and pay all costs of participation in community-based substance abuse information course approved by DPHHS, or court, or provided by the Dept. of Corrections, or a licensed hospital that provides Chemical dependency services.

- Complete chemical dependency assessment.
- If recommended, attend treatment program.

3rd or subsequent offense

- Fined not less than \$300 and not to exceed \$900.
- Perform 60 hours of community service.
- Person and parent/guardian complete and pay all costs of participation in community-based substance abuse information course approved by DPHHS, or court, or provided by the Dept. of Corrections, or a licensed hospital that provides chemical dependency services.
- Driver's license confiscated by court for 6 months.
- Complete chemical dependency assessment/treatment if recommended.

If convicted person fails to complete the community-based substance abuse course and has a driver's license, court shall order license suspended for 3 months for 1st offense, 9 months for 2nd offense, and 12 months for 3rd or subsequent offense.

PERSONS 18 YEARS OR OVER, BUT UNDER 21

1st Offense

- Fined not less than \$100 or more than \$300.
- Shall be ordered to perform 20 hours community service.
- Shall complete and pay all costs for participating in a community-based substance abuse information course approved by DPHHS, or court, or provided by the Dept. of Corrections, or a licensed hospital that provides chemical dependency services.

2nd Offense

- Fined not less than \$200 or more than \$600.
- Shall be ordered to perform 40 hours community service.
- Shall complete and pay all costs for participation in a community-based substance abuse information course approved by DPHHS, or court, or provided by the Dept. of Corrections, or a licensed hospital that provides chemical dependency services.
- May include alcohol and/or drug treatment programs.

3rd or Subsequent Offense

- Fined not less than \$300 or more than \$900.
- Shall be ordered to perform 60 hours community service.
- Shall complete and pay all costs for participation in a community-based substance abuse information course approved by DPHHS, or court, or provided by the Dept. of Corrections, or a licensed hospital that provides chemical dependency services.
- May include alcohol and/or drug treatment program.
- (Discretion of the court) Shall be imprisoned in the county jail for a term not to exceed 6 months.

.02 Law

MCA 61-8-410 It is unlawful for a person under the age of 21 who has an alcohol concentration of .02 or more to drive or be in actual physical control of a vehicle....