

Arizona DUI Law Overview

It is unlawful for any person who is under the influence of intoxicating liquor **or any drugs** to drive or be in actual physical control of any vehicle.

When you apply for and accept the privilege to drive a vehicle in Arizona, you give consent to test for blood alcohol concentration or drug content (BADC) if you are arrested for driving while under the influence of intoxicating liquor or drugs (DUI). This is known as the Implied Consent Law.

When a law enforcement officer has reason to believe you have been driving while under the influence, the officer will request that you submit to a BADC test of your blood, breath, urine or other bodily substance to measure the amount of alcohol or drugs present in your bloodstream.

DUI Penalties

If you are stopped for driving under the influence and a test shows that you have an alcohol concentration of 0.08 percent or more (0.04 in a commercial vehicle requiring a commercial driver license), or if a blood alcohol or drug test result is not available, you will lose your driving privilege on the spot. In addition you will be required to complete alcohol or drug screening before you can obtain a restricted permit or reinstate your driving privilege.

You may be found guilty of driving while intoxicated or while under the influence of any drug or its metabolite even though the blood alcohol concentration was less than 0.08 percent. If you are under 21, your license may be suspended if there is *any* alcohol concentration.

If you refuse to submit to or do not successfully complete any tests when you are arrested for driving under the influence, you will automatically lose your driving privilege for 12 months or 24 months for a second refusal within 84 months. In addition you will be required to complete alcohol or drug screening before you can obtain a restricted permit or reinstate your driving privilege.

In addition to any criminal penalties imposed by the court for a second or third offense DUI violation, your driving privilege will be automatically revoked.

Effective 09/29/2021, per House Bill 2187 (HB2187), MVD will revoke for 3 years when a person has at least one aggravated DUI (28-1383) conviction in combination of any other DUI conviction under 28-1381 and/or 28-1382.

DUI

- **First offense:** You will be jailed for not less than 10 consecutive days and fined not less than \$1,250. You will also be required to undergo alcohol screening/education/treatment and to equip any vehicle you operate with a certified ignition interlock device, and be ordered to perform community service.
- **Second and subsequent offenses:** You will be jailed for not less than 90 days and fined not less than \$3,000 and your license will be revoked for 12 months. You will also be required to undergo alcohol screening/education/treatment and to equip any vehicle you operate with a certified ignition interlock device, and be ordered to perform community service.

Extreme DUI

This category of DUI applies to a person with an alcohol concentration of 0.15 or higher.

- **First offense:** You will be jailed for not less than 30 consecutive days with no eligibility for probation or suspended sentence and fined not less than \$2,500. You will also be required to undergo alcohol screening/education/treatment and be ordered to perform community service and to equip any vehicle you operate with a certified ignition interlock device.
- **Second and subsequent offenses:** You will be jailed for not less than 120 days, fined not less than \$3,250 and your license will be revoked for 12 months. You will also be required to undergo alcohol screening/education/treatment and to equip any vehicle you operate with a certified ignition interlock device, and be ordered to perform community service.

Aggravated DUI

This category of DUI applies to a person who commits a DUI while suspended, revoked or canceled; commits a third DUI in 84 months; commits a DUI while a person under 15 is in the vehicle; or commits a DUI or refuses to submit a blood alcohol content test while under an ignition interlock device requirement.

You will be sent to prison for not more than two years and, in addition to any other penalty required by law, your license will be revoked for one year. You will also be required to undergo alcohol screening/education/treatment and to equip any vehicle you operate with a certified ignition interlock device, and be ordered to perform community service.

Certified Ignition Interlock Device

A certified ignition interlock device is a breath alcohol testing instrument connected to the ignition and power system of the vehicle. The driver blows into the device before attempting to turn the ignition. If the driver's alcohol level is above a certain level, the vehicle will not start. While the vehicle is operating, the driver must blow into the device at random intervals.