

Idaho DUI / DWI Regulations

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| DUI / DWI Statute | <u>§18-8004, et seq.</u> |
| Criteria for DUI / DWI | <p>BAC \geq 0.02 if under 21 years old</p> <p>BAC \geq 0.04 while operating a commercial motor vehicle or school bus</p> <p>BAC \geq 0.08 for all non-commercial drivers aged 21 years or older</p> <p>BAC \geq 0.20 enhanced penalties</p> |
| Penalties for 1 st offense | <ul style="list-style-type: none"> ✧ Charged as a misdemeanor ✧ Up to six months in jail ✧ Up to \$1,000 in fines ✧ 3 - 6 month driver's license suspension |
| "Look back" period | 5 years |
| Penalties for repeat offender | <p>Second DUI conviction (within 10 years)</p> <ul style="list-style-type: none"> ✧ Charged as a misdemeanor ✧ BAC > 0.20 charged as a felony ✧ Mandatory jail sentence of at least 10 days ✧ Up to \$2,000 in fines ✧ One-year driver's license suspension ✧ Installation of ignition interlock device <p>Third DUI conviction (within 10 years)</p> <ul style="list-style-type: none"> ✧ Charged as felony ✧ Mandatory jail sentence of at least 30 days ✧ Up to \$5,000 in fines ✧ 1-5 year driver's license suspension ✧ Installation of ignition interlock device <p>Breath Test Refusal Penalties</p> <ul style="list-style-type: none"> ✧ First refusal: Administrative driver's license suspension for 90 days. ✧ Any additional refusals: One year administrative driver's license suspension <p>DUI with bodily harm or disfigurement is a felony</p> |
| License suspensions | <p>1st offense: 90-180 days (1 years mandatory min if BAC over 0.20)</p> <p>2nd offense: 1 year mandatory (up to 5 years if BAC over 0.20)</p> <p>3rd offense: 3 years</p> |
| Ignition interlocks | <p>For any person under 21, a second and subsequent offense requires ignition interlock for not less than one year following the mandatory license suspension period.</p> <p>Ignition interlock installation is mandatory following the mandatory license suspension period for second and subsequent violators who had BAC over 0.20 at time of arrest.</p> |

*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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| | Any person who has been found guilty of DUI within the prior 10 years, installation of an ignition interlock is mandatory. |
| Vehicle impoundment | No |
| 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. Driver of passengers unlawfully in violation is guilty of a misdemeanor, while passengers are merely guilty of an infraction. |

Source

<https://www.isp.idaho.gov/isp/citizen/inc/documents/DUI-English.pdf>

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