

COMMERCIAL DRIVER LICENSE ALCOHOL AND OTHER DRUG OFFENSES AND RELATED PENALTIES (AS OF 2007 ACT 226; MAY 30, 2008)

Violation in CMV	Fine/Forfeiture/Jail ³	Effect on CDL	Effect on Class D/M License	Occupational License (class D/M) ⁶
Any measurable alcohol concentration (AC > 0.0 and < .04), possession of alcohol, operation within 4 hours after consuming [346.63(7)]	\$10 [346.65(2u)(a)]	24 Hr Out-of-Service [346.65(2u)(b)] [343.315(2)(g)]	Subject to 24-hour license seizure [343.305(7)(b)]	
AC > .04 and < .08 ^{2,4} 1st Offense [346.63(5)]	\$150-\$300 forfeiture ^{1,8} [346.65(2j)(a)]	1 Yr Disq 3 Yr Disq if "H" [343.315(2)(a),(b)]	Subject to 24-hour license seizure ⁵ [343.305(7)(b)]	After 15 days [343.10(2)(a)]
AC > .04 and < .08 ^{2,4} 2nd Offense	\$300-\$1,000 fine ^{1,8} 5 days-6 mo jail [346.65(2j)(b)] Winnebago County: 5 days - 7 days ¹⁰ [346.65(2)(bm)]	Lifetime Disq [343.315(2)(c)]	Subject to 24-hour license seizure ⁵ [343.305(7)(b)]	After 15 days [343.10(2)(a)]
AC > .04 and < .08 ^{2,4} 3rd or Subsequent Offense	\$600-\$2000 fine ^{1,8} 30 days-1 yr jail [346.65(2j)(c)] Winnebago County: 10 days - 1 year ¹⁰ [346.65(2)(cm)]	Lifetime Disq [343.315(2)(c)]	Subject to 24-hour license seizure ⁵ [343.305(7)(b)]	After 15 days [343.10(2)(a)]
AC > .04 and < .08 ² Causing Injury [346.63(6)]	\$300-\$2,000 ^{1,8} 30 days-1 yr jail [346.65(3m)] Winnebago County: 15 days - 1 year ^{1,10} [346.65(3r)]	1 Yr Disq/3 yr if "H" (life for 2nd offense) [343.315(2)(a),(b),(c)]	1 year revocation ¹ [343.31(1)(ar),(3)(a)]	After 15 days [343.10(2)(a)]
AC > .04 and < .08 Causing Great Bodily Harm [940.25(1)(bm)]	Up to \$25,000 ^{6,7,8} up to 12.5 yrs jail [939.50(3)(f)]	1 Yr Disq/3 yr if "H" (life for 2nd offense) [343.315(2)(a),(b),(c)]	2 year revocation ^{1,7} [343.31(3)(f)]	After 120 days or, if 2 or more offenses within 5 years, after 1 year [343.31(3m)(a)]
AC > .04 and < .08 Causing Death [940.09(1)(bm)]	Up to \$100,000 ^{6,7,8} up to 40 yrs jail [939.50(3)(c),(d)]	1 Yr Disq/3 yr if "H" (life for 2nd offense) [343.315(2)(a),(b),(c)]	5 year revocation ¹ [343.31(3)(c)]	After 120 days or, if 2 or more offenses within 5 years, after 1 year [343.31(3m)(a)]
Chemical Test Refusal ⁴ 1st Offense [343.305(9)(am)]		24 Hr Out-of-Service 1 Yr Disq 3 Yr Disq if "H" [343.315(2)(a),(b)]	1 year revocation ^{1,5} [343.305(10)(b)2]	After 30 days [343.305(10)(b)2]
Chemical Test Refusal ⁴ 2nd Offense (Within 10 years) [343.305(9)(am)]		Lifetime Disq [343.315(2)(c)]	2 year revocation ^{1,5,9} [343.305(10)(b)3]	After 90 days or, if 2 or more offenses within 5 years, 1 year [343.305(10)(b)3]
Chemical Test Refusal ⁴ 3rd Offense (Within lifetime) [343.305(9)(am)]		Lifetime Disq [343.315(2)(c)]	3 year revocation ^{1,5,9} [343.305(10)(b)4]	After 120 days or, if 2 or more offenses within 5 years, after 1 year [343.305(10)(b)4]
Using a CMV to make, dispense, or distribute drugs feloniously	Varies depending upon drug crime	Lifetime Disq [343.315(2)(e)]	1 year revocation [343.31(1)(c),(3)(a)]	After 15 days [343.10(2)(a)4]

¹ Fines, forfeitures, jail and revocation/suspension penalties are doubled for a person convicted of OWI when a person under 16 years of age was in the vehicle at the time of the offense. [343.30(1q)(b)4m and (3)(e), 343.305(10)(b)4m, 343.31(3)(c), 346.65(2)(d),(2a)and(3m)] For third and subsequent regular OWI offenses, fines are also increased according to blood alcohol level. [346.65(2)(g)]

² If AC meets or exceeds .08 or the prohibited alcohol concentration as defined in 340.01(46m), or involves the detectable presence of restricted controlled substances, the offense is punishable under 346.63(1) or 346.63(2)(b), with CDL disqualification under 343.315.

³ Additional fees, assessments and surcharges will apply.

⁴ Prior offenses counted include injury or homicide by intoxicated motor vehicle use, and other OWI-related offenses committed after January 1, 1989, or the date specified in the relevant statute.

⁵ License subject to 24-hour seizure if AC > 0.0 or if driver refuses to take an AC test. [343.305(9)(a),(am)].

⁶ No occupational license can authorize the operation of a commercial motor vehicle during the time of CDL disqualification. [343.10(2)(c)]

⁷ Fines, jail penalties and revocation periods are doubled if a pregnant woman is present in the vehicle at the time of the offense. [343.31(3)(f), 940.09(1b), 940.25(1)(b)]

⁸ Plus OWI \$365 surcharge [346.655].

⁹ The vehicle owned by the offender and used in the offense may be immobilized or equipped with an ignition interlock device (IID). [343.301(1)(a), 343.301(2)(a), 343.305(10m)].

¹⁰ Winnebago County jail sentences are reduced only if the offender successfully completes probation including alcohol and other drug treatment. 2005 Act 389.

Note: Similar convictions in other jurisdictions may cause a driver to lose her or his Commercial Driver License.

CMV = Commercial motor vehicle

OWI = Operating while intoxicated

Disq = Disqualified (cannot drive CMV or get CDL-OCC)

OCC = Occupational license

CDL = Commercial driver license

AC = Alcohol concentration

"H" = Hauling hazardous materials requiring placarding [343.125] at time of offense

SOURCE: DOT-Bureau of Transportation Safety; DOT-Office of General Counsel