

The following text emphasizes the dangers of driving under the influence of alcohol or drugs, detailing the impairments it causes and the legal consequences. It discusses the differences between Driving While Ability is Impaired (DWAI) and Driving Under the Influence (DUI), including the associated penalties based on blood alcohol content levels for individuals aged 21 and older, and highlights the potential revocation of driving privileges for those under 21 convicted of impaired driving or alcohol-related offenses.

Driving while impaired by alcohol, other drugs, or drug combinations is one of the greatest factors in roadway crashes and fatalities. Every year, tens of thousands of people are killed by impaired drivers. But the facts and statistics do not tell the whole story. Behind the numbers are thousands of lives cut short, permanent or disabling injuries, and families devastated because someone drove while under the influence of alcohol or drugs. When you drive while impaired, safe driving is not possible and you are more likely to take risks such as speeding or turning abruptly. Alcohol is a depressant drug that reduces brain function, which impairs thinking, reasoning, and muscle coordination. Depressants may slow reflexes and reaction times while reducing your ability to make the decisions necessary to safely operate a motor vehicle. As the amount of drugs in your body increases, your judgment worsens and skills decrease. It is unlawful for someone to either possess an open container of alcohol or possess an open container of marijuana while in the passenger area of a motor vehicle that is on a public road. A driver may be convicted of either DWAI (Driving While Ability is Impaired) or DUI (Driving Under the Influence) depending on the level of the driver's mental or physical impairment. DWAI means the driver is impaired to the slightest degree. DUI means the driver is substantially incapable of safe driving. Impaired driving convictions are not proven only by the driver's Blood Alcohol Concentration (BAC), but by the impaired driving behavior and a totality of circumstance. This is usually documented by the driver's operation of the vehicle and/or observed impairment during the law enforcement officer's contact with the driver and the driver's performance on Standardized Field Sobriety Tests. A driver may also be convicted of DUI per se if the driver's BAC is greater than 0.08%. Licenses may be revoked if the driver refuses a toxicological test, set forth in Colorado Statute, or based on a BAC over .08 or over .02 if the driver is under 21, or over .04 for a CDL driver. Alcohol in the body affects people differently, even if they have consumed the same amount of alcohol over the same time period. A person's BAC depends on several factors: ● The amount of alcohol consumed ● Body weight ● The period of time in which the alcohol was consumed ● The amount of time since the last drink was consumed ● The person's sex It does not make a difference whether a drink is beer, wine or liquor. Standard servings of each contain about the same amount of alcohol. A standard drink is defined as 12 ounces of beer, 5 ounces of wine, or 1.5 ounces of distilled spirits, all of which contain the same amount of alcohol. Once alcohol is in the bloodstream, only the passage of time will make person sober as the body eliminates it through normal bodily processes. On average, a person's BAC will drop by 0.015% per hour. Driving under the influence while younger than 21: Any driver younger than 21, convicted of DUI or DWAI, is subject to revocation of their driver license for the first conviction if they fail to complete a court-ordered evaluation or program. A second or third conviction is a mandatory revocation of their license. Colorado Driver Handbook 4 Anyone younger than 21 is convicted of buying or possessing alcohol is subject to revocation of their driving privilege even if driving is not a factor.

Drugs and driving: Driving while impaired by drugs, including illicit drugs, marijuana, prescription medications and over the counter medications, is illegal and subject to the same penalties as driving while impaired by alcohol. They can have effects similar to alcohol or even

worse. The fact that marijuana or other drugs were used for medicinal purposes is not a defense for DUI or DWAI.

Besides alcohol, other drugs can affect a person's ability to safely operate a vehicle. Like alcohol, impairment from these drugs is dose dependent and varies among individuals. Prescription drugs, such as tranquilizers, pain killers and over-the-counter medications for allergies and colds can impair safe driving skills. Drivers must check medication labels for warnings about the medication's effects before driving. If the label is missing or unclear, check with your doctor or pharmacist about any possible side effects.

The National Safety Council advises that the active ingredients in marijuana cause changes in cognitive effects (knowing, thinking, judging, evaluating and planning) and psychomotor effects (coordination, reaction time, motor skills, and tracking). It is unsafe to operate a vehicle while impaired by marijuana due to the increased risk of death or injury to the operator and the public.

Like with alcohol, the degree of marijuana impairment depends upon the dose consumed, time since consumption, and differences between individuals. The degree and duration of marijuana impairment depends upon the method of consumption. Unlike with alcohol, there is no correlation

Table 1 Conviction Blood Alcohol Content Points Toward Suspension Fine Jail Public Service				
1st Driving While Ability Impaired (DWAI) 0.05%	8	\$200-\$500	2-180 days	24-48 hours
1st Driving Under the Influence (DUI) 0.08%	Revocation: 9 months	\$600-\$1,000	5-365 days	48-96 hours
2nd DWAI or DUI 0.08%	Revocation: 1 year	\$600- \$1,500	10-365 days	48-120 hours
3rd or subsequent DWAI or DUI	Revocation: 2 years	\$600- \$1,500	60-365 days	48-120 hours

DRIVING UNDER THE INFLUENCE ISN'T WORTH IT 5 Colorado Driver Handbook between levels of Delta-9-Tetrahydrocannabinol (THC) in the blood, breath or oral fluid (or saliva sample) and the degree of individual impairment.

There is a permissible inference that a driver was DUI if the driver's blood contained 5 nanograms of THC per milliliter (ng/ml) of blood. There is no THC permissible inference level for DWAI. Most marijuana impaired drivers are convicted based upon behavioral symptoms, as well as blood THC levels.

Polydrug Impairment: Polydrug impairment is caused by using two or more drugs simultaneously, including using alcohol, marijuana, prescription medications, over-the-counter medications or any other drugs in any combination. Mixing drugs can increase the substance's effects. Colorado's data shows that polydrug impairment is more common than impairment by any single drug other than alcohol, and also more dangerous.

Illegal drugs such as LSD, methamphetamine and heroin also affect a person's reflexes, judgment and alertness along with their many other dangerous side effects. These drugs can give a false sense of alertness and self confidence or make you drowsy and unable to react to simple situations.

Law enforcement officers are trained to identify, document and testify to the impairment of driving skills, regardless of cause, including medical issues, alcohol, marijuana, prescription drugs, over-the-counter drugs, illegal drugs or any combination of these. Drivers are routinely convicted of Colorado's impaired driving laws regardless of the drug or drugs causing the impairment and regardless of the level of any drug that may be found in the blood or saliva.

Express Consent Law (C.R.S. 42-4-1301.1): Colorado has an express consent law, which means when you operate a motor vehicle in the Centennial State, you agree to take a chemical test to determine the presence of alcohol and/or drugs in your blood.

If you are suspected of driving while impaired or under the influence of alcohol and/or drugs, law enforcement officers can require you to take a chemical test of your blood, breath, saliva or urine.

If you refuse to take the test or do not comply with being tested, your driver license will be revoked for one year and you will be required to install an ignition interlock device on any motor vehicle you drive for two years.

An ignition interlock is a device that is installed on motor vehicles to prohibits you from operating a vehicle while under the influence of alcohol. It requires your breath sample before the engine will start, and you are periodically required to provide breath samples while driving. If the device detects an elevated alcohol concentration level, the vehicle will not start.

If other suspensions or revocations come about from this same incident, they will be added onto the end of the revocation (consecutively). Because driving under the influence is exceedingly dangerous, penalties for alcohol or drug related violations are very tough and can include jail, fines and suspension of driving privileges. Colorado law does not allow you to plea bargain out of an alcohol or drug related driving offense. The only sure way to avoid the consequences is not to use alcohol or drugs at all when driving.

The following are the possible Penalties for Impaired Driving for 21 and Older in a table format:

Conviction - Blood Alcohol Content - Points Toward Suspension- Fine - Jail - Public Service

1st Driving While Ability Impaired (DWAI) - 0.05% - 8 - \$200 to \$500 – 2 to 180 days – 24 to 48 hours.

1st Driving Under the Influence (DUI) - 0.08%- Revocation: 9 months - \$600 to \$1,000 – 5 to 365 days – 48 to 96 hours.

2nd DWAI or DUI - 0.08% - Revocation: 1 year - \$600 to \$1,500 – 10 to 365 days - 48 to 120 hours

3rd or subsequent DWAI or DUI - Revocation: 2 years - \$600 to \$1,500 – 60 to 365 days – 48 to 120 hours