

Chapter 10 - Alcohol, Drugs, and Driving

Driving a motor vehicle is a privilege. It takes skill and common sense. Alcohol, drugs, or fatigue will cause your driving to suffer, and it is your responsibility to know when you are not in shape to drive. Driving under the influence of alcohol or drugs, even medicine, or driving when you're tired can have deadly consequences — for you, your passengers, and other motorists.

Drinking and driving is not worth the risk to your life and the lives of others. Even a small amount of alcohol may affect your driving ability. If you are going to drink, let someone else drive who has not been drinking.

Missouri laws are tough if you are found guilty of drinking or using drugs while driving. You may pay a fine, lose your license, and even go to jail.

If you injure or kill someone because you were drinking or using drugs while driving, you may:

- Spend two to seven years in jail;
- Pay a \$5,000 fine; and/or
- Lose your driver license for five years.

When a police officer stops you and suspects you have been drinking, the officer may ask you to take some tests like walking heel to toe, or standing on one leg. These tests will help the officer decide if you should be arrested and have a chemical test of your breath, blood, or urine. The result of this test is known as your Blood Alcohol Content (BAC) level.

Administrative Actions

If your BAC level is .08% or more (or for minors .02% or more), the officer will take your license away and give you a notice. This notice tells you that your license will be suspended or revoked (and you will not be able to legally drive) after 15 days. The notice includes a 15-day driving permit that you can use if the officer indicates this on the notice. The notice also allows you to request a hearing or, if eligible, request an immediate 90-day Restricted Driving Privilege (RDP). If you are given a hearing, you may continue to legally drive until 15 days after a decision is mailed to you.

There are two types of actions that may be taken against you for driving when you are not fit to drive. There are administrative actions and court convicted actions, which carry different penalties.

The following chart shows the administrative actions that you can expect to face if you are arrested for driving under the influence of alcohol or drugs.

Administrative Action	Driver License Suspension/Revocation/Denial	To Get Your License Back
License Suspension	<u>1st Offense</u> * <u>2nd Offense</u>	<i>Please see Page 71 for Reinstatement Requirements</i>
License Revocation	<u>*2nd Offense within a 5-year period</u> - One-year license revocation	

*Ignition Interlock Device (IID) installation required for reinstatement.

Court-Convicted Actions

If you receive a ticket, and a judge finds you guilty of Driving While Intoxicated (DWI) or Blood Alcohol Content (BAC) of .08% or more, you will not be able to legally drive after the ticket is sent to the Department. Your license will be suspended, revoked, or denied based on your past driving record, and the points will be added to your record. You will be notified by mail when you must stop driving. The chart below shows the consequences of a court convicted action like DWI or BAC:

Crime	Fines/Jail	Driver License Suspension, Revocation or Denial	To Get Your License Back
BAC Driving/ operating a vehicle with .08% Blood Alcohol Content or more and/or DWI Driving While Intoxicated.	<u>1st Offense</u> - Spend up to six months in jail. Pay up to a \$500 fine. <u>2nd Offense</u> - Spend up to one year in jail. Pay up to a \$1,000 fine. <u>3rd Offense</u> - Spend up to four years in jail. Pay up to a \$5,000 fine. <u>4th Offense</u> - Spend up to seven years in jail. Pay up to a \$5,000 fine. <u>5th Offense</u> - Spend between five and 15 years in jail.	<u>1st Offense</u> - 90 day suspension • You may be eligible for a 90-day or 60-day Restricted Driving Privilege. <u>*2nd Offense</u> - One-year license revocation. <u>*2nd Offense Within 5 Years</u> - Five-year license denial. NOTE: Only a BAC with a conviction date of August 28, 2009 or after can be used toward a five-year denial. <u>*3rd Offense</u> - Ten-year license denial. <u>*3rd and Subsequent Offenses</u> - Ten-year license denial.	<i>Please see Page 71 for Reinstatement Requirements</i>

Missouri's Abuse and Lose Law

If you are younger than 21 years of age, your driver license may be taken away for 90 days for any of the following:

- Any intoxication alcohol-related traffic offense;
- If you possess or use alcohol or drugs while driving a vehicle;
- If you alter, modify, or misrepresent a driver license; or
- If you are under 18 years of age, and possess or use alcohol, and are charged with a second offense.

If you are 21 years of age or older, you may have your driver license taken away for one year if you possess or use drugs while driving. To get your license back, you must:

- Pay a \$45 fee;
- Submit a form showing you completed a Substance Awareness Traffic Offender Program (SATOP) or comparable program;
- Provide proof of insurance for two years (SR-22 filing); and
- Retake the complete driver exam.

Minor in Possession (MIP) and Other Intoxication-Related Offenses

If you are older than 15 years of age and under 21 years of age, a state court may suspend or revoke your driver license for any of the following:

- Purchasing or attempting to purchase any intoxicating liquor;
- Possessing any intoxicating liquor (consumption constitutes possession);
- Being visibly intoxicated as defined in **Section 577.001, RSMo.**; or
- Having a Blood Alcohol Content (BAC) level of more than .02%.

The following chart shows the consequences a young person faces for MIP and other intoxication-related offenses:

Crime	Driver License Suspension/Revocation	To Get Your License Back
MIP Minor in Possession	1st Offense — 30-day suspension 2nd Offense — 90-day suspension 3rd Offense — One-year revocation	Pay a \$45 fee, and attend a Substance Awareness Traffic Offender Program (SATOP) or comparable program. If your driving privilege is revoked for one-year, provide proof of insurance for two years (SR-22 filing), and retake the driver exam.

Proof of Insurance

If you are facing consequences of a DWI or BAC, you will be required to file proof of insurance with the Driver License Bureau. The most common method of filing proof of insurance is an SR-22 insurance filing.

Proof of insurance must be kept on file with the Driver License Bureau for two years. If you do not keep proof of insurance on file, your driver license will be suspended for the rest of the two years, unless you file proof of insurance and pay a \$20 fee.

There is one exception to this rule: Minors with a BAC of .02% or more do not have to file proof of insurance on a first-offense.

More information about insurance is included in Chapter 13 of this Guide.

Refusal to Submit to a Chemical Test of Your Blood Alcohol Content (BAC)

If a police officer stops you and you refuse to take a chemical test to determine your BAC, your driver license will be taken away for one year. Your driver license may be reinstated if you submit the requirements listed below.

Reinstatement Requirements for Intoxication-Related Offenses

Your license will be reinstated if you:

- Pay a \$45 fee;
- Submit a form showing you completed a Substance Awareness Traffic Offender Program (SATOP) or comparable program;
- Provide proof of insurance for two years (SR-22 filing); and
- Have an ignition interlock device (IID) installed on any vehicle you operate for at least six months from date of reinstatement if you have more than one intoxication-related law enforcement contact.

Ignition Interlock

An ignition interlock device (IID) is a mechanical unit that is connected to the vehicle's ignition, horn, and headlights, and measures the concentration of alcohol in a person's breath. The IID requires vehicle operators to provide a breath sample before starting the vehicle and periodically during the operation of the vehicle.

If you have more than one intoxication-related contact showing on your driver record, you must have an IID installed on any vehicle you operate before your driving privilege can be reinstated. The IID must be maintained for a minimum of six months from your reinstatement date without any violations in the last three months. You must pay for having the device installed and for having it serviced every month. If you fail to maintain the IID, your driving privilege will be re-suspended. You will be required to have the device serviced/installed, send proof to the Driver License Bureau, and pay a \$20 reinstatement fee before having your driving privilege reinstated.

In addition to driver licensing requirements, a court may impose other requirements such as: IID use for the first DWI conviction; or use of a device for longer than six months.

If you receive a ticket for failing to have an IID installed as required by law and you are convicted in court, your driving privilege will be revoked for one year. A second-offense requires your driving privilege to be taken away for five years.

To locate a list of approved ignition interlock devices and installers, visit <https://www.modot.org/ignition-interlock> or contact the Missouri Department of Transportation at 800-801-3588.

Physical and Mental Effects of Alcohol and Drugs

Alcohol and other drugs can create physical and mental changes in the body that make it difficult to drive. Judgement, vision, reflexes, and alertness can all be impaired by alcohol and other drug use. It is dangerous and illegal to drive under the influence of alcohol or other drugs. In Missouri, a person can be charged with DWI (Driving While Intoxicated) for driving while impaired by alcohol, illegal drugs, prescription medication, over-the-counter medication, or any combination of these. The use of any drug (the law does not distinguish between prescription, over-the-counter, or illegal drugs) which impairs your ability to drive safely is illegal. The penalties for DWI in Missouri are exactly the same regardless of whether the impairment is from drugs or alcohol. The punishment for those convicted of DWI is up to six months in prison and a fine of up to \$500 and the loss of driving privileges. Drunk and/or drugged driving puts the driver, passengers, and others who share the road at risk. Please keep yourself and others safe by not driving while impaired.

Alcohol

Alcohol can significantly impair the brain and body so that it is unsafe to drive. Alcohol slows reflexes and decreases reaction time, making it unsafe for drivers to quickly react to a variety of situations. Alcohol can affect vision, including slowing down eye muscle function, altering visual perception, and impairing night vision. Alcohol can cause drowsiness, decreased concentration, and decreased attention. Alcohol can also impair coordination, reduce comprehension, and limit the ability to make rational decisions. It is illegal to drive with a blood alcohol content (BAC) of 0.08% or more (0.04% for commercial vehicle drivers and 0.02% if under 21). It is illegal to possess or purchase alcohol if you are under the age of 21. Remember: Even one drink is likely to affect your ability to drive safely and in many cases, two drinks could place you over the legal blood alcohol limit.

Prescription and Over-the-Counter Medications

Remember that all medications, both prescription and over-the-counter, are potentially dangerous and can impair driving, even when taken as directed. Check with your physician or pharmacist and read the warning label if you are not sure whether taking the medication will affect your driving. It is your responsibility to know the effects of the medications you take. Over-the-counter medicines that you take for colds and allergies can make you drowsy and affect your driving ability. Pep pills, "uppers," and diet pills can make a driver more alert for a short time. Later, however, they can cause a person to be nervous, dizzy, and not able to concentrate. They can also affect vision. Any drug that "may cause drowsiness or dizziness" is one you should not take before driving. Do not mix medications, unless directed by your physician. Do not take medications prescribed for someone else. This is dangerous and illegal. Use medications only as prescribed. Do not mix alcohol with your medications (prescribed or over the counter). Medicines taken together or used with alcohol can be dangerous. Many drugs have unexpected side effects when taken with alcohol. Make sure you read the label and know the effects of any drug you use.

Marijuana

Marijuana is the second most cited drug in car crashes, after alcohol. Even though medical marijuana was approved by Missouri voters effective in 2020, it is never legal or safe to drive while under the influence of marijuana.

Marijuana can impair cognitive function, impair judgment of time and distance, and decrease coordination. Research studies have shown negative effects of marijuana on drivers, including an increase in lane weaving, poor reaction time, and altered attention to the road. Use of alcohol with marijuana made drivers even more impaired, causing even more lane weaving.

Substance Use Disorder

Substance use disorders occur when the recurrent use of alcohol and/or drugs causes clinically and functionally significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home. Substance use disorders put people at greater risk for injuring themselves or others in a motor-vehicle crash. If you feel you have a substance use disorder, there is help available. Currently, many Americans are being treated and have been treated successfully for substance use disorders. Locate a treatment provider near you by calling the SAMHSA (Substance Abuse and Mental Health Services Administration) National Helpline at 1-800-662-HELP (4357). This is a free and confidential helpline available 24 hours/day, 365 days per year.

One of the greatest predictors of someone developing an addiction is early use. If someone experiments with harmful substances or illicitly obtained medications before their brain is fully developed, they are more vulnerable to the negative effects. A young person's under-developed brain can become damaged quicker and more severely than an adult brain using the same substances. Therefore, a young person is more susceptible to developing a substance use disorder.