

Alcohol Problems Council of Wisconsin

“Encouraging Alcohol Free Living”

"Legal Limit" Misunderstood



"Legal limit," a term used by news writers to label the .08% blood alcohol level (BAL) law in Wisconsin and elsewhere, does not really describe what the law means. The law determines that .08% BAL is "per se" evidence of intoxication. Period. "Peter Piper picked a peck of pickled peppers" may be recited flawlessly, but the person is drunk, and not allowed to operate a motor vehicle.



But there is more. Blood alcohol levels below .08% do not "per se" indicate sobriety. "Corroborative evidence" such as weaving when walking or slurring when speaking, may bring a verdict of guilt at considerably lower levels of alcohol in the blood.



How many drinks do any of these levels require? It varies with amount and kind of food in the stomach, size of the individual, and numerous other factors, making impossible a definitive answer, a fact which has not stood in the way of countless attempts to give 'safe drinking' guidelines. Studies have confirmed that one, or two at the most, drinks cause measureable effects upon driving ability.



One of the most significant aspects of alcohol's effect on the brain is that first removes that which was last developed. Mature human responsibility is the first to go. Judgment is altered with the first drink. Granted, the change is small, but change does not wait for the fourth drink; it begins with the first. With impaired judgment the river experiences increased confidence--hence speed and foolhardy chance-taking.

A drink is a drink. Whether it is twelve ounces of 4% alcohol beer, four ounces of 12% wine, or 48% whiskey, the .48 ounce of alcohol is the same, regardless of the name of the drink. And .08% BAL is "Per se" (by itself, or "That's it!") evidence of intoxication. Strictly speaking, there is no "legal limit"; a trace of alcohol in the blood with corroborative evidence could be interpreted as intoxication.



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WISCONSIN FINES AND PENALTIES

- **First offense** OWI / DUI is a forfeiture violation subject to a fine of \$150 to \$300, plus an OWI surcharge of \$355, and license revocation from 6 to 9 months, except first offense OWI with a BAC of .08 or more, but less than .10, there is no surcharge or other additional fees.
- **Second offense** OWI / DUI has a fine range of \$350 to \$1,100 plus the \$355 surcharge, jail from 5 days to 6 months, and license revocation from 12 to 18 months.
- **Third offense** OWI / DUI has a fine range of \$600 to \$2000, plus the \$355 surcharge, jail from 30 days to 1 year, and license revocation from 2 to 3 years.
- **Fines** for third and subsequent OWI / DUI offenses are increased according to the prohibited alcohol concentration as follows:
 - .17 - .199 = double fine (\$1,200 - \$4,000)
 - .20 - .249 = triple fine (\$1,800 - \$6,000)
 - .25 and above = quadruple fine (\$2,400 - \$8,000)
- **Fourth offense** OWI / DUI has a fine range of \$600 to \$2,000, plus the \$355 surcharge, jail from 60 days to 1 year, and license revocation from 2-3 years.
- **Fifth and subsequent** OWI / DUI is a felony offense. There is a mandatory minimum fine of \$600 but not more than \$2,000, plus the \$355 surcharge, imprisonment of not less than 6 months or more than 5 years, and a license revocation of 2 to 3 years.
- **Fines**, jail time, and revocation/suspension periods are all doubled for a person convicted of OWI / DUI when a person under age 16 is in the vehicle at the time of the offense.
- **All OWI / DUI offenses** carry six demerit points, except chemical test refusals, and if convicted, a mandatory alcohol assessment/evaluation to determine the nature and extent of their alcohol problems.



Purpose statement: “The purpose of the Alcohol Problems Council of Wisconsin is to promote abstinence from alcohol as a granting agency and a clearinghouse to the faith community.”

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**For Additional Information:
Check out our website.**

alcoholproblemswi.org