

**Under Age 18:
Penalties for Possession or
Consumption of Alcohol:**

1st OFFENSE

- Fine not less than \$100 and not to exceed \$300.
- Perform 20 hours of community service.
- Person and parent/guardian complete and pay all costs of participation in community-based substance abuse information course approved by DPHHS, or court, or provided by the Dept. of Corrections, or a licensed hospital that provides chemical dependency services.
- Driver's license confiscated by court for 30 days.

2nd OFFENSE

- Fine not less than \$200 and not exceed \$600.
- Perform 40 hours of community service.
- Person and parent/guardian complete and pay all costs of participation in community-based substance abuse information course approved by DPHHS, or court, or provided by the Dept. of Corrections or a licensed hospital that provides chemical dependency services.
- Driver's license confiscated by court for 6 months.
- Complete chemical dependency assessment. If recommended, attend treatment program.

3rd OFFENSE

- Fine not less than \$300 and not to exceed \$900.
- Perform 60 hours of community service.
- Person and parent/guardian complete and pay all costs of participation in community-based substance abuse information course approved by DPHHS, or court, or provided by the Dept. of Corrections, or a licensed hospital that provides chemical dependency services.
- Driver's license confiscated by court for 6 months.
- Complete chemical dependency assessment. If recommended, attend treatment program.

If convicted person fails to complete the community-based substance abuse course and has a driver's license, court shall order license suspended for 3 months for 1st offense, 9 months for 2nd offense, and 12 months for 3rd or subsequent offenses.

**18 Years of Age or Over, but
Under 21: Penalties for Possession
or
Consumption of Alcohol:**

1st OFFENSE

- Fine not less than \$100 or more than \$300.
- Shall be ordered to perform 20 hours of community service.
- Shall complete and pay all costs for participation in a community-based substance abuse information course approved by DPHHS, or court, or provided by the Dept. of Corrections, or a licensed hospital that provides chemical dependency services.

2nd OFFENSE

- Fine not less than \$200 or more than \$600.
- Shall be ordered to perform 40 hours of community service.
- Shall complete and pay all costs for participation in a community-based substance abuse information course approved by DPHHS, or court, or provided by the Dept. of Corrections, or a licensed hospital that provides chemical dependency services. May include alcohol and/or drug treatment programs.

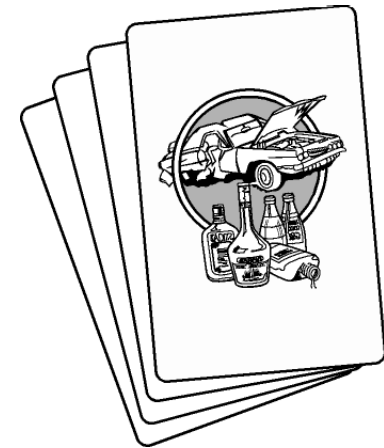
3rd OFFENSE

- Fine not less than \$300 or more than \$900.
- Shall be ordered to perform 60 hours of community service.
- Shall complete and pay all costs for participation in a community-based substance abuse information course approved by DPHHS, or court, or provided by the Dept. of Corrections, or a licensed hospital that provides chemical dependency services. May include alcohol and/or drug treatment program.
- (Discretion of the court) Shall be imprisoned in the county jail for a term not to exceed 6 months.

5000 copies of this public document were published at an estimated cost of 3 cents per copy for a total cost of \$130 which includes the cost of printing and distribution.

IF YOU'RE UNDER 21 AND DRINK OR DO DRUGS...

HERE'S THE DEAL...



Montana's Minors in Possession Drinking & Driving Laws (Updated October 1, 2005)



For More Information Contact:
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Helena, MT 59620-1001
Phone: (406)444-7411
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**MONTANA'S UNDERAGE
DRINKING & DRIVING LAWS
FOR PEOPLE UNDER 21 YEARS OF AGE
(Effective October 1, 2005)**

Montana law prohibits drivers under the age of 21 who have an alcohol concentration of 0.02 or more to drive or be in actual physical control of a vehicle on a public road or street.

Tests for Alcohol and/or Drugs

If you are under 21 years of age and a peace officer suspects you of violating Montana's underage drinking and driving laws, he/she may administer a preliminary alcohol-screening test (PAST). The test determines if you have an alcohol concentration of .02 or more while operating a vehicle. Upon arrest for violation of Montana's drinking and driving laws, the officer will require blood or breath tests to be administered to determine the presence of alcohol and/or drugs.

Penalties For Refusals

If you as the driver refuse taking an alcohol concentration test upon the request of a peace officer, the officer may not give a test. The peace officer, however, will immediately seize your driver's license and issue a temporary driving permit. This permit is valid for five days only.

Upon Your First Refusal:

- Six month suspension of the driver's license.
- No provision for a probationary driver's license.

Upon Your 2nd or Subsequent Refusal:

- Suspension of a driver's license for 1 year.
- No provision for a probationary driver's license.

**Penalties for Drivers Under 21
With an Alcohol Concentration
of .02 or More:**

Upon Your 1st Conviction

- \$100 to \$500 fine.
- 90-day driver's license suspension.*
- \$200 license reinstatement fee required.
- Alcohol Information Course (ACT).
- Alcohol/drug treatment if found chemically dependent.

Upon Your 2nd Conviction**

- \$200 to \$500 fine.
- 6-month driver's license suspension.*
- \$200 license reinstatement fee required.
- Alcohol Information Course (ACT).
- Alcohol/drug treatment.
- **If 18 or older, incarceration up to 10 days**

Upon Your 3rd or Subsequent Conviction**

- \$300 to \$500 fine.
- 1-year driver's license suspension.*
- \$200 license reinstatement fee required.
- Alcohol Information Course (ACT).
- Alcohol/drug treatment.
- **If 18 or older, incarceration not less than 24 hours or more than 60 days.**

* If you were under 18 at the time of offense, no probationary driver's license may be issued for the first 30 days of any suspension.

** Second or subsequent DUI offenders must participate in a monitoring program for 1 year following treatment.

**Minors In Possession
(MIP)**

Montana Law says that if you're under 21 years of age you commit the offense of possession of an intoxicating substance if you knowingly consume this substance or have it in your possession. For more information see Montana Code Annotated 16-3-305 and 45-5-624.

**Penalties for Purchase of Alcohol
by Underage Persons:**

A person under 21 years of age commits the offense of attempt to purchase an intoxicating substance if the person knowingly attempts to purchase an alcoholic beverage. A person convicted of attempt to purchase an intoxicating substance shall be fined an amount not to exceed \$150 if the person was under 21 years of age at the time the offense was committed and may be ordered to perform community service.



MDT attempts to provide accommodations for any known disability that may interfere with a person participating in any service, program or activity of the Dept. Alternative accessible formats of this information will be provided upon request. For further information call (406)444-6331, or TTY (800)335-7592, or FAX: (406)444-7685, or call Montana Relay at 711.