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Money / Insurance / Car Insurance

DUI vs. DWI: Key differences explained

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The terms "driving under the influence" (DUI) and "driving while intoxicated" (DWI) might sound the same but, legally speaking, they're different terms. While their legal meanings differ, the consequences of receiving a DUI or DWI conviction are often equally damaging. Once convicted, a motorist typically faces a mountain of expenses, loss of driving privileges and challenges keeping or obtaining [affordable DUI or DWI car insurance](#). The effects of a conviction differ by jurisdiction, which is why it's important to understand the DUI or DWI laws wherever you drive.

What is in this guide?

- What's the difference between a DUI and DWI?
- Consequences of a DUI and DWI by state
- Do car insurance rates go up after a DUI and DWI?
- How long does a DUI and DWI affect your insurance?
- Regaining driving privileges after a DUI or DWI
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What's the difference between a DUI and DWI?

The difference between a DUI and DWI isn't so much in the meaning of the words themselves but in the way that states apply those meanings.

"While DUI ... and DWI ... are terms used interchangeably in many states, they can denote different levels of impairment or separate offenses in others," said Alex Freeburg, an attorney at Wyoming-based Freeburg Law.

Freeburg pointed out that, in Texas, DWI is used for anyone who is driving with a blood alcohol content (BAC) over 0.08%. However, in New York, a DWI is used for anyone with a BAC above 0.08% and DUI is used for BACs of 0.08% or lower.

Law enforcement officers determine a driver's BAC using a blood, breath or urine test. Typically, an officer requests that you submit to a test when they see you driving dangerously or erratically. Legally, you have the right to refuse a BAC test, but in all states except Wyoming, a refusal can lead to an automatic loss of your driving privileges.

Consequences of a DWI and DUI by state

The consequences of a DUI or DWI conviction differ by location.

"Penalties for DWI and DUI vary across states, including fines, license suspension, mandatory alcohol education and potential incarceration," said Jay Fenton, lead attorney at Milwaukee-based Fenton Law Office. "Severity depends on factors like blood alcohol content and prior offenses. Also, if there are minor children involved, injuries involved or other extreme circumstances, charges and consequences may increase accordingly."

Before getting behind the wheel, it's important to understand your state's DUI/DWI laws and take appropriate steps to avoid getting convicted of a violation.

State*	Jail Terms	Fees And Fines	License Suspension Period	Ignition Interlock Device Requirement
Alabama	None	\$800 to \$2,100	90 days	No
Alaska	Minimum 72 hours	\$1,500	Minimum 90 days	Yes
Arizona	Minimum 24 hours	\$250 base fine	90 to 360 days	Yes
Arkansas	24 hours to 1 year	\$150 to \$1,000	6 months	Yes
California	4 days to 6 months	\$1,400 to \$2,600	30 days to 10 months	Yes, in some counties
Colorado	Up to 1 year (DUI) or up to 390 days (DWI)	Up to \$1,000 (DUI) or up to \$900 (DWI)	9 months (DUI), none for DWI	No
Connecticut	2 days to 6 months	\$500 to \$1,000	1 year	No
Delaware	Maximum 6 months	\$500 to \$1,500	1 to 2 years	No
District of Columbia	Maximum 90 days	\$300 to \$1,100	6 months	No

*Data provided by Nolo's [DrivingLaws](#)

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Do car insurance rates go up after a DUI and DWI?

Yes, [our research shows](#) will most likely go up a significant amount after a DUI or DWI. That's because insurers see drivers with DUI or DWI convictions as posing a [higher risk](#) for having an accident and filing a claim. To offset that risk, the insurance company charges them higher premiums.

For example, our research of car insurance rates provided by Quadrant Information Services found that rates for drivers from 13 top insurers rose 26% to 133% after a DUI, with an average rate increase of 71%.

However, the amount your premium increases may depend on factors such as your claims and driving histories. Motorists with claims and driving violations on their record can expect to see higher increases than those with clean records. The [insurer you choose](#) can affect your rates, too.

"Some insurance companies offer coverage specifically for high-risk drivers," Fenton said, "so it's essential to shop around and [compare rates](#)."

How long does a DUI and DWI affect your insurance?

Usually, you can expect to pay higher premiums as long as the DUI or DWI conviction remains on your driving record. In some states, California for example, a conviction can stay on your driving record for 10 years. However, in Indiana, Maine, Massachusetts, New Mexico and Vermont, a conviction may remain on your record permanently.

"The impact on insurance can span several years, usually between three to seven years, contingent on state regulations and insurer policies," Fenton said. "After this period, auto insurance rates may decrease, but some providers may continue to consider the conviction for a more extended duration. Also, insurance rates may further increase if the individual [gets more] violations."

Regaining driving privileges after a DUI or DWI

Following a DUI or DWI conviction, the process of regaining your driving privileges is not quick or easy.

"The process typically encompasses serving suspension, program completion, fine payment and potentially attending a rehabilitation hearing to demonstrate recovery," Fenton said. "The specifics vary based on state policies and by case. But generally, one must complete the necessary steps before reinstating their license."

The steps required to regain your driving privileges may include:

- Completing the suspension period (which can range from several months to a few years)
- Completing a mandatory alcohol education program
- Attending a rehabilitation hearing
- Maintaining a clean driving record
- Paying all required fines and fees, including civil penalties, suspension termination fees and reinstatement fees
- Filing an SR-22 (FR-44 in Florida and Virginia)
- In some jurisdictions, installing an ignition interlock on your car, which is a device that won't let you start your vehicle unless you pass a built-in breathalyzer test

"Overall, the process for reinstating driving privileges post DUI or DWI can be lengthy and complicated," Fenton said. "It is important for individuals to familiarize themselves with their state's specific requirements and follow them closely in order to successfully regain their license. Seeking legal assistance may also be beneficial in navigating the process and ensuring all necessary steps are taken."

Drunk driving laws by state

State DUI and DWI laws base violations on a driver's BAC. Federal law requires all states to follow a BAC limit of no more than 0.08%. This is called the "per se" BAC, and it's the level at which you aren't allowed to drive a vehicle.

Currently, almost all jurisdictions follow the federal guidelines, but they have the option to impose stricter restrictions. Forty-nine states have a minimum BAC limit of 0.08%; Utah's minimum BAC is 0.05%.

Additionally, every state has a zero-tolerance BAC level reserved for underage drinkers who drive.

Jurisdiction	Per Se BAC Limit %	Zero Tolerance BAC Level %
Alabama	0.08	0.02
Alaska	0.08	0
Arizona	0.08	0
Arkansas	0.08	0.02
California	0.08	0.01
Colorado	0.08	0.02
Connecticut	0.08	0.02
Delaware	0.08	0.02
District of Columbia	0.08	0

*Data provided by FindLaw

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Do I need an SR-22 after a DUI conviction?

Some states require individuals with DUI and DWI convictions to submit a certificate of financial responsibility called an SR-22 to prove that they carry state-required levels of auto insurance coverage. Florida and Virginia require a similar certificate, called an FR-44, which typically mandates a driver to purchase higher liability limits than the state's normal requirements. Courts often require an SR-22 filing for infractions such as:

- Driving without insurance
- DUI and DWI
- Numerous traffic violations in a short amount of time
- Unpaid child support

Not all states require SR-22s. "You need an SR-22 filing with the DMV when it is mandated," said Nick Schrader, owner of Houston-based Second Western Insurance Services. "Typically, a DUI offender will need to maintain an SR-22 and liability insurance for three years after the conviction date. This will increase the auto insurance premium significantly, by hundreds of dollars to thousands of dollars, depending on the severity of the driving record."

However, the length of an SR-22 requirement varies by state.

"In Wyoming, you must carry an SR-22 for three years following a conviction," Freeburg said. "This is comparable to Illinois, where the requirement is also three years, but more lenient than California, where it's between three and five years."

In some instances, if you lose your driving privileges, you may also need to file an SR-22 to reinstate your driver's license.

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Frequently asked questions (FAQ)

How do DUI and DWI charges impact car insurance premiums?

Generally speaking, a DUI or DWI charge won't necessarily impact your insurance premiums because a charge is simply an accusation, but whether or not it affects your rates depends on your insurer. A DUI or DWI conviction, on the other hand, will likely cause your premiums to go up significantly. Our research found that your rates will go up an average of 71%, based on data from 13 top insurers.

What is the legal process for regaining driving privileges after a DUI conviction?

The process typically encompasses serving suspension, program completion, fine payment and potentially attending a rehabilitation hearing to demonstrate recovery. The specifics vary based on state policies and by case. But generally, one must complete the necessary steps before reinstating their license.

How does a DUI charge conviction impact one's driving record?

Usually, you can expect to pay higher premiums as long as the DUI or DWI conviction remains on your driving record. In some states, California for example, a conviction can stay on your driving record for 10 years. However, in Indiana, Maine, Massachusetts, New Mexico and Vermont, a conviction may remain on your record permanently.

What is the legal blood alcohol content?

State DUI and DWI laws base violations on a driver's BAC. Federal law requires all states to follow a BAC limit of no more than 0.08%. This is called the "per se" BAC, and it's the level at which you aren't allowed to drive a vehicle.

What are OWI, OWI, OWVI and DUAC?

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