What to Do in the First 48 Hours After a DUI in Pennsylvania

Understanding Your First Steps After a DUI Stop

The hours immediately after a DUI stop can feel overwhelming. Pennsylvania law treats DUI offenses seriously, and the decisions you make in the first two days can shape what comes next. This is not the time to wait and see. It is a time to act deliberately, to protect your rights, and to gather information while it is still fresh.

1. Stay Silent and Polite at the Scene

During the traffic stop, you have the right to remain silent beyond providing your license, registration, and insurance. You do not have to answer questions about where you were coming from, how much you drank, or whether you feel fine. Polite silence is your best tool. Anything you say can be used as evidence, including seemingly harmless small talk. If the officer asks you to perform field sobriety tests, you may politely decline. Pennsylvania does not require you to take these roadside tests, and they are designed to give the officer probable cause. Refusing them is not a crime, though it may be noted. The same goes for a portable breath test at the scene: it is voluntary. You can say, "I do not consent to any searches or tests, and I would like to speak with an attorney."

2. Know the Implied Consent Law

Pennsylvania's implied consent law is different from the roadside tests. By driving on Pennsylvania roads, you have already agreed to submit to a chemical test of your blood, breath, or urine if an officer has probable cause to believe you are DUI. Refusing that test after arrest carries automatic penalties: a one-year license suspension for a first refusal, higher for subsequent refusals. The refusal can also be used against you in court, and it does not prevent a DUI charge. If you are arrested and taken to the station, you will be read the implied consent warning. At that point, you must decide. Many people choose to take the test to avoid the automatic suspension, but the decision should be made with knowledge of your specific situation. The officer will not wait for you to call a lawyer before you decide, so understand the trade-off beforehand. If you have been drinking heavily, a high BAC result may be harder to fight than a refusal. There is no perfect answer; it depends on the facts of your case.

3. Document Everything While It Is Fresh

As soon as you are released or able, write down everything you remember about the stop. Start with the time and location. What did the officer say to you? Did you perform any field sobriety tests? Did you take a breath or blood test? What was the weather like, and what was the

condition of the road? Were there any witnesses? Were you pulled over for a moving violation, or was it a check point? Memory fades quickly, and details that seem unimportant now could become crucial later. Note the officer's name and badge number if you have them. Also note how long you were detained before the test, and whether you were given food, water, or a bathroom break during that time. These details can be used to challenge the reliability of test results or the legality of the stop.

View the location on Google Maps

4. Secure the Evidence

The first 48 hours are also the window to preserve evidence that could disappear. If you were in an accident, photographs of the vehicles, the scene, and any injuries can help reconstruct what happened. If you were stopped without an accident, consider whether there are traffic camera recordings, dashcam footage, or nearby business surveillance videos. These may show the stop or your driving before it. Request preservation of such footage as soon as possible because many systems overwrite after a few days. Also, if you took a blood test, the sample must be handled according to strict protocols. Any break in the chain of custody can be grounds to challenge the test results. Your attorney will know how to request that information, but it helps to have a record of when and where the blood draw occurred.



5. Contact a Criminal Defense Attorney Immediately

This is the most important step. DUI cases in Pennsylvania have strict timelines. Your preliminary arraignment may be within days, and you will need to know your rights and options before that hearing. An experienced Pennsylvania dui defense attorney can review the facts of your stop, the probable cause for the traffic stop, the administration of field sobriety tests, and the handling of chemical tests. They can advise you on whether to challenge the license suspension, whether to apply for the Accelerated Rehabilitative Disposition program if you are eligible, and how to respond to any charges. The Law Office of Steven F. O'Meara provides criminal defense for DUI and related charges in Delaware County, Chester County, and surrounding areas. An attorney familiar with local courts and prosecutors can make a meaningful difference in how your case proceeds.

6. Understand the Possible Penalties

Pennsylvania classifies DUI offenses by your blood alcohol concentration and by whether you have prior offenses. A first offense with a BAC between .08 and .10 is an ungraded misdemeanor, carrying a six-month license suspension and fines, but no mandatory jail time. A first offense with a BAC of .10 to .16 brings a two-day minimum jail sentence and a 12-month

license suspension. A high BAC of .16 or above carries a 12-month suspension and a three-day minimum jail term. Second and third offenses escalate quickly, with mandatory minimums that can include jail time, significant fines, and longer suspensions. You may also face a one-year license suspension for a refusal, as noted. These penalties are not just fines and points; they affect your ability to drive to work, your insurance rates, and your criminal record. A conviction stays on your record permanently unless you successfully complete an ARD program, which may be available for first-time offenders depending on the county and the specific facts.

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7. Prepare for the Arraignment

The preliminary arraignment is your first court appearance. You will be formally charged, and the judge will set bail conditions. In many DUI cases, bail is unsecured or nominal, but you may be ordered not to consume alcohol and to submit to random testing. You will also receive a date for a preliminary hearing. This is not the trial; it is a hearing where the prosecution must show there is enough evidence to proceed. Your attorney can challenge the probable cause for the stop, the validity of the test results, and the officer's observations at the hearing. If the stop was illegal, the evidence may be suppressed, which can result in the case being dismissed. The first 48 hours are the time to begin assembling that challenge, not to wait.

8. Take Care of Practicalities

While your legal case develops, you have practical matters to address. If your license was suspended, you may need to arrange alternative transportation for work, medical appointments, and family obligations. You may also need to notify your employer if your job requires driving. Some employers have policies regarding DUI arrests, so check your employee handbook. Also, if you are on probation or parole for another offense, a new DUI charge could trigger a violation, so notify your probation officer as required. Finally, take care of yourself. A DUI stop is stressful, and the legal process can be lengthy. Lean on trusted friends or family, and avoid discussing the case publicly or on social media. Anything you post can be used by the prosecution. Keep your communications with your attorney privileged and private.



9. Know What to Expect at the DMV

PennDOT will initiate a separate administrative process for the license suspension. You have a limited time to request a hearing to challenge the suspension, often within 10 days of the arrest. Your attorney can handle this request. If you fail to request the hearing, your suspension begins automatically. The administrative hearing is separate from the criminal case, and the rules of evidence are different. It is possible to win the license back even if the criminal case is still pending, but it requires a strong argument about the stop or the test. Another reason to act fast.

The first 48 hours after a DUI stop set the tone for everything that follows. Stay calm, exercise your rights, preserve the evidence, and speak with an attorney who understands Pennsylvania

DUI defense. The **Law Office of Steven F. O'Meara** serves clients in Media, Pennsylvania, and the surrounding counties. For more information specific to your situation, contact the office at 14 S Orange St, Media, PA 19063, USA, or call +1 610-557-3907.