

PB92221506



**DIGEST OF STATE ALCOHOL-HIGHWAY SAFETY
RELATED LEGISLATION**

JANUARY 1983

DOT HS 806 363U

**U.S. Department of Transportation
National Highway Traffic Safety Administration
Washington, DC 20590**

REPRODUCED BY
U.S. DEPARTMENT OF COMMERCE
NATIONAL TECHNICAL INFORMATION SERVICE
SPRINGFIELD, VA 22161

PREFACE

Drunk driving continues to be one of our nation's most serious public health and safety problems. It is, in fact, a national epidemic which transcends State boundaries and from which no one is immune. In excess of 50 percent of all drivers killed each year have blood alcohol concentrations (BACs) higher than the legally recognized limit, 0.10 percent. In single vehicle fatal crashes, more than 65 percent of the drivers who died were legally drunk. Over the past decade, the United States has experienced an average of 25,000 deaths per year involving alcohol. Therefore, approximately one quarter of a million persons have been killed in alcohol-related crashes in the past 10 years.

Injuries and costs to society are equally staggering. Over 650,000 persons per year are injured in alcohol-related crashes. Estimates of the cost of these crashes vary widely. However, it has been estimated that such crashes cost the nation over \$24 billion per year in damages, hospital costs, lost work, etc., in addition to the needless pain and suffering. The toll is especially tragic for our young. On the average, 14 teenagers are killed and 360 injured every day. The leading cause of death for the 15-to-24-year age group is drunk driving.

Because of increased national awareness, much activity concerning alcohol legislation has and is occurring. This digest is an attempt to summarize the existing legislation to date.

CONTENTS

INTRODUCTION	1-1
ANALYSIS BY STATE--HIGH INTEREST LEGISLATION	2-1
STATE LAW MATRIX	3-1
Alabama -- Alaska	3-1
Arizona -- Arkansas	3-13
California -- Colorado	3-25
Connecticut -- Delaware	3-37
District of Columbia -- Florida	3-49
Georgia -- Hawaii	3-61
Idaho -- Illinois	3-73
Indiana -- Iowa	3-85
Kansas -- Kentucky	3-97
Louisiana -- Maine	3-109
Maryland -- Massachusetts	3-121
Michigan -- Minnesota	3-133
Mississippi -- Missouri	3-145
Montana -- Nebraska	3-157
Nevada -- New Hampshire	3-169
New Jersey -- New Mexico	3-181
New York -- North Carolina	3-193
North Dakota -- Ohio	3-205
Oklahoma -- Oregon	3-217
Pennsylvania -- Puerto Rico	3-229
Rhode Island -- South Carolina	3-241
South Dakota -- Tennessee	3-253
Texas -- Utah	3-265
Vermont -- Virginia	3-277
Washington -- West Virginia	3-289
Wisconsin -- Wyoming	3-301

INTRODUCTION

The National Highway Traffic Safety Administration (NHTSA) published a document in 1981 entitled "Alcohol and Highway Safety Laws: A National Overview, 1981." This report addressed a limited number of laws which directly affect drinking and driving. The report included statutory material up to 1981, but was not exhaustive in its coverage of laws which relate to alcohol consumption, intoxication, liability, sanctions, and highway safety. However, since that time, a significant increase in legislative activity has developed. NHTSA records indicate that 378 separate pieces of legislation were introduced in the legislatures of 37 States during the last legislative sessions. Thirty-eight laws were enacted. As more task forces report to their Governors, more legislation can be anticipated. In addition, NHTSA has received a large number of inquiries about both specific State legislation and the number of States with certain types of legislation. As a result, a more detailed study was needed to identify and record State laws related to alcohol use and driving.

PURPOSE

→ This Digest is designed for use by anyone interested in alcohol-related legislation in the States. This document is the result of a comprehensive search of State Codes and Supplements. As such, it provides the reader and researcher with the status of laws in each State and with the Code citation for further reference. NHTSA expects this to be a living document because we intend to stay abreast of legislative activity through both the Commerce Clearing House electronic system and reports from the States and NHTSA Regions. NHTSA will periodically publish page changes to this "Digest" to include new legislation and to correct any errors we may have made in our research.

ORGANIZATION

→ This document is divided into three main areas: 1) Introduction, 2) Compilation of 10 types of high-interest legislation, and 3) State Law Matrix--a comprehensive representation of all State laws relating to alcohol and highway safety. The primary purpose of this matrix is to provide interested persons with a document that can facilitate the

over to
Don't pass
Back

From 1-1 → comparison of State laws in the subject areas. The matrix is organized by State and by types of legislation. The matrix includes the Code citations and the latest reference used. Generally, State Code Supplements were available through mid 1982. This should facilitate further research or comparison of laws in different States. ←

ASSUMPTIONS

The following explanations clarify the contents of and/or establish certain presumptions concerning this matrix.

1. The section on "Other Tests for BAC Levels Which are Authorized by Law" identifies other tests which are allowed under the implied consent law. Thus, a driver who refuses to submit to such tests, if legally requested to do so by a law enforcement officer, would be subject to the same sanctions as those specified for a refusal to submit to a chemical breath test.

2. The sanctions listed for convictions of alcohol driving offenses (e.g., driving while impaired, driving while intoxicated, illegal per se, etc.) are those specified by statute. If a sanction is not specified by law (e.g., community service, et al.), it is not listed.

3. The term "mandatory sanction" means a sanction for which statutory law specifically forbids a court from suspending or otherwise preventing the imposition of a certain minimum jail term or a fixed fine amount.

4. Unless otherwise stated, the sanctions given for all alcohol driving offenses are the same.

5. States without vehicle homicide laws treat deaths caused by persons operating motor vehicles under their general criminal homicide laws such as manslaughter.

6. In the section on "Driving After License has been Suspended or Revoked for an Alcohol Driving Offense," the general sanctions for operating a vehicle while in such a status are given in the absence of any specific statutory sanctions dealing directly with the subject of the section.

7. A number of States have adopted the concept of a dram shop law by case law decisions, e.g., changing the common law rule rather than by statute. State courts making such decisions have used a multiplicity of legal theories in their opinions.

LEGISLATIVE SUBJECT AREAS

- BAC (Blood Alcohol Content) Basis for an Alcohol Driving Offense
- Chemical Breath Tests
 - Preliminary
 - Evidential (Implied Consent Law)
- Other Tests for BAC Under Implied Consent Laws
- Sanctions for Refusal to Submit to a Chemical Test Under an Implied Consent Law
- Adjudication of Alcohol Driving Offenses
 - Mandatory Adjudication
 - Anti-Plea Bargaining Statutes
 - Pre-Sentence Investigation
- Sanctions Following a Conviction for an Alcohol Driving Offense
 - Criminal
 - Administrative (Civil)
 - Rehabilitation
 - Vehicle Impoundment
- Homicide by Vehicle
- Driving While License Suspended or Revoked Where the Basis Thereof was an Alcohol Driving Offense
- Habitual Offender Laws
- BAC Tests Required for Persons Killed as a Result of a Traffic Accident
- Laws Establishing the Minimum Legal Drinking Age
- Dram Shop Laws and Related Legal Actions
- Laws Concerning Criminal/Administrative Actions Against Employees/Owners of Licensed Liquor Establishments who Sell Intoxicated Liquor to Persons who are Under the Legal Drinking Age or who are Intoxicated
- Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in Motor Vehicles (the Passenger Compartment) or in Public

FEEDBACK

NHTSA staff have made every effort to make the presentation of this information both readable and accurate. The basic research was conducted in the Department of Transportation and Department of Housing and Urban Development Law Libraries. A 10-percent validation was made to ensure that errors were identified. The National Safety Council, the American Insurance Association, the 1981 National Overview, and other compilations were used to check the research data.

Inevitably mistakes are made. We would appreciate your comments and corrections so that we may improve the quality of the product. Please note

that Code citations have been provided for statute identification purposes. If we have made a mistake, please help us by giving the correct citation or a copy of the statute.

As stated above, we intend to use the Commerce Clearing House electronic reporting system and reports from the States and the NHTSA Regions to update this report. Please feel free to send us copies of newly enacted legislation so that we may be more accurate in the future.

Your comments, corrections, and new information may be sent to:

National Highway Traffic Safety Administration
Office of Alcohol Countermeasures Code NIS-21
400 7th Street, S.W.
Washington, DC 20590

Attention: Legislative Resource Center
TELEPHONE: (202) 426-9581

The NHTSA staff hope this document is useful to you and that you will be interested in receiving the updates which we plan. If so, please let us know at the above address.

ANALYSIS BY STATES—HIGH-INTEREST LEGISLATION

State	Drinking Age	PBT	Illegal Per Se and Level (%)	Presumptive and Level (%)	Administrative Per Se	Implied Consent (arrest required)
ALABAMA	19		0.10	0.10		Yes
ALASKA	19		0.10			Yes
ARIZONA	19		0.10	0.10		Yes
ARKANSAS	21			0.10		Yes
CALIFORNIA	21		0.10			Yes
COLORADO	18 ⁴ , 21 ⁵			>0.5, 0.10 ⁹		Yes
CONNECTICUT	19		0.10	0.10		Yes
DELAWARE	20	X ⁷	0.10		X	No
DISTRICT OF COLUMBIA	18 ⁴ , 21 ⁵		0.10	0.05	X	Yes
FLORIDA	19	X	0.10	0.10		Yes
GEORGIA	19			0.10		Yes
HAWAII	18			0.10		Yes
IDAHO	19			>0.08		Yes
ILLINOIS	21		0.10	0.10		Yes
INDIANA	21	X		0.10		Yes
IOWA	19		0.13	0.10	X	Yes
KANSAS	18 ⁴ , 21 ⁵			0.10		Yes
KENTUCKY	21			0.10		Yes
LOUISIANA	18	X		0.10		Yes
MAINE	20		0.10			No
MARYLAND	21	X		0.08, 0.13 ⁹		Yes
MASSACHUSETTS	20			0.10		Yes
MICHIGAN	21	X	0.10	0.07, 0.10 ⁹		Yes
MINNESOTA	19	X	0.10		X	No
MISSISSIPPI	18 ⁴ , 21 ⁵	X		0.10		Yes
MISSOURI	21		0.10			Yes
MONTANA	19			0.10		Yes
NEBRASKA	20	X	0.10			Yes
NEVADA	21			0.10		Yes
NEW HAMPSHIRE	20			0.10		Yes
NEW JERSEY	21			0.10		Yes
NEW MEXICO	21			0.10		Yes
NEW YORK	19	X ⁸	0.10			Yes
NORTH CAROLINA	18 ⁴ , 21 ⁵	X	0.10			Yes
NORTH DAKOTA	21	X		0.10		Yes
OHIO	18 ⁴ , 21 ⁵			0.10		Yes

ANALYSIS BY STATES—HIGH-INTEREST LEGISLATION (Continued)

State	Drinking Age	PBT	Illegal Per Se and Level (%)	Presumptive and Level (%)	Administrative Per Se	Implied Consent (arrest required)
OKLAHOMA	18 ⁵ , 21 ⁶		0.10	0.10	X	Yes
OREGON	21		0.10			Yes
PENNSYLVANIA	21	X	0.10	0.10		No
PUERTO RICO	18	X		0.10		Yes
RHODE ISLAND	20	X		0.10		Yes
SOUTH CAROLINA	21			0.10		Yes
SOUTH DAKOTA	18 ⁴ , 21 ³	X	0.10	0.10		Yes
TENNESSEE	19			0.10		Yes
TEXAS	19			0.10		Yes
UTAH	21		0.10	0.08		Yes
VERMONT	18	X	0.10	0.10		No
VIRGINIA	18 ¹ , 19 ² , 21 ³	X		0.10		Yes
WASHINGTON	21		0.10	0.10		Yes
WEST VIRGINIA	18	X	0.10	0.10	X	Yes
WISCONSIN	18	X	0.10			Yes
WYOMING	19					Yes
TOTAL	18-15 19-15 20-6 21-26	20	0.10-25 0.15-1	0.05-1 0.08-3 0.07-1 0.10-36	6	No-5 Yes-47

Footnotes

1. On premises sale of beer
2. Off premises sale of beer
3. Fortified wine and distilled spirits
4. Beer (alcohol content limitations range from 3.2% to 4% by weight to 6% by volume) and unfortified wine
5. 0.5-3.2% for females
6. All males and above 3.2% for females
7. Implied
8. Limited to drivers involved in accidents
9. Lower of two numbers is driving while impaired (DWI); higher is driving under the influence of (DUI)

ANALYSIS BY STATES—HIGH-INTEREST LEGISLATION (Continued)

State	Dram Shop	Open Container	Community Service	Mandatory Jail—1st Offense	Mandatory Jail—2nd or Other Offense
ALABAMA	Statute				
ALASKA	Statute				
ARIZONA	No		X	X	X
ARKANSAS	No				
CALIFORNIA	No	X			X
COLORADO	Statute		X		
CONNECTICUT	Statute				X
DELAWARE	No				
DISTRICT OF COLUMBIA	Case law				
FLORIDA	Case law		X		
GEORGIA	Statute				
HAWAII	Case law	X	X		
IDAHO	Case law	X			
ILLINOIS	Statute	X			
INDIANA	Case law				X
IOWA	Statute				X
KANSAS	No	X			
KENTUCKY	Case law				X
LOUISIANA	No		X	X	X
MAINE	Statute			X	X
MARYLAND	No	X			
MASSACHUSETTS	Statute				
MICHIGAN	Statute	X	X		
MINNESOTA	Statute	X			
MISSISSIPPI	Case law				
MISSOURI	Case law				
MONTANA	No	X			X
NEBRASKA	No				X
NEVADA	No				X
NEW HAMPSHIRE	No				X
NEW JERSEY	Case law		X		
NEW MEXICO	Case law				X
NEW YORK	Statute				
NORTH CAROLINA	No	X			X
NORTH DAKOTA	Statute	X			
OHIO	Statute	X			

ANALYSIS BY STATES—HIGH-INTEREST LEGISLATION (Continued)

State	Dram Shop	Open Container	Community Service	Mandatory Jail—1st Offense	Mandatory Jail—2nd or Other Offense
OKLAHOMA	No	X			
OREGON	Statute	X			
PENNSYLVANIA	Statute		X	X	X
PUERTO RICO	No				
RHODE ISLAND	Statute				
SOUTH CAROLINA	No	X			
SOUTH DAKOTA	No	X			
TENNESSEE	Case law		X	X	X
TEXAS	No				
UTAH	Statute	X	X		
VERMONT	Statute				
VIRGINIA	No				X
WASHINGTON	Case law	X		X	X
WEST VIRGINIA	No		X	X	X
WISCONSIN	No	X			
WYOMING	Statute			X	X
	Case law-12 Statute -20	19	11	8	20

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
ALABAMA See: "Code of Alabama" Note: All laws of a general and permanent nature were enacted by the Alabama Legislature through the 1982 First Special Session of the Legislature.	0.10% 32-5A-191(a)(1)	0.10% 32-5A-194(b)(3)	--	No	Yes 32-5-192	--
ALASKA See Alaska statutes October 1982	Yes 0.10% 28.35.030(a)(2)	N/A	--	No	Yes 28.35.031	--

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
ALABAMA	Yes 32-5A-194(a)	Yes 32-5A-194(b)	"Other bodily substance" 32-5A-194(c)	No	No	No
ALASKA	No	No	--	No	No	Yes 29,30,33,34

**Sanctions for Refusal To Submit to a BAC
Chemical Breath Test**

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
ALABAMA	N/A	N/A	N/A	None	Suspension (45 days)	—
ALASKA	N/A	N/A	—	Class A misdemeanor. Not more than 1 year imprisonment and/or \$5,000 fine (sanctions vary for each separate offense) §28.35.0321	Suspension or revocation for 3 months	—

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
ALABAMA							
1st conviction 32-5A-191(c)	Not more than 1 year (and/or fine)	—	Not less than 100 nor more than 1,000 (and/or imprisonment)	100	—	—	—
2nd and subsequent offenses 32-5A-191(d)	Not more than 1 year (and/or fine)	—	Not less than 200 nor more than 1,500 (and/or imprisonment)	200	—	—	—
ALASKA							
	Class A misdemeanor Not more than 1 year 28,35,030	—	Not more than 5,000	—	—	—	—

Sanctions Following a Conviction for a DWI Offense—Continued

Administrative Licensing Actions

STATE	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
ALABAMA						
	1st offense	No	--	Suspension 32-5A-191(c)	Not more than 6 months 32-5A-191(c)	—
ALABAMA						
	2nd and subsequent offense	No	--	Revocation 32-5A-191(d)	6 months 32-5A-191(d)	6 months 32-5A-191(d)
ALABAMA						
		Yes UVC 6-205	--			
ALASKA						
	No	--	--	Revocation 28.15.201 and 28.15.211	30 days 28.15.201 and 28.15.211	--

STATE	Sanctions Following a Conviction for a DWI Offense—Continued						
	Rehabilitation			Other			Miscellaneous Sanctions Not Included Elsewhere
	Vehicle Impoundment/Confiscation						
	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
ALABAMA							
1st offense	Yes	Yes	--	No	--	--	—
	32-5A-191(c)	32-5A-191(c)					
2nd offense	--	--	--				
ALASKA							
	Yes	Yes	No	No	--	--	—
		"As the Court feels is appropriate"					
		28.15.231 28.15.241 28.35.030					

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions							Other
		Criminal Sanctions				Administrative Licensing Actions			
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action-- Min. Length of License Withdrawal	
ALABAMA	Yes "Homicide By Vehicle" 32-5A-192	Not less than 3 months nor more than 1 year	3 months	Not less than 500 nor more than 2,000 (and/or Imprisonment)	500	Revocation 32-5A-195 (j)(1)	Not more than 1 year 32-5A-195(m)	--	--
ALASKA	No	--	--	--	--	--	--	--	--

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
ALABAMA	(Misdemeanor) not more than 30 days (and/or fine) 32-6-19	—	Not less than 25 nor more than 500 (and/or imprisonment) 32-6-19	25	Revocation (At the discretion of the director of public safety) 32-6-19	An additional period of 6 months 32-6-19	—
ALASKA	10 days 28,15,291	10 days	—	—	Suspension or revocation 28,15,291	Original suspension or revocation extended 1 year	—

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
ALABAMA	No	—	—	—	—	—	—	—	—
ALASKA	None	—	—	—	—	—	—	—	—

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
ALABAMA	No*	—	—	—	19 28-3A-25 (3) 28-3A-18	—	Yes*	No	—
	*Not specifically provided for by statute; however, in Lankford v. Bedwing Carriers, Inc., 344 So. 2d 515 (Ala., 1977) the provisions of BAC test law were deemed to have application to dead persons.						*(Note: Because of new legislation in the 1980s, this law may be limited to acts committed by intoxicated minors or those intoxicated in dry counties.) 6-5-71		
ALASKA	No	—	—	—	19 04.16.052	N/A	Yes 04.21.020	Nazareno v. Urie, 638 P.2d 671 (1981) Note: The holding in this case limited to actions arising before \$04.21.020 was amended by the legislature in 1980.	—

STATE	Other State Laws Related to Alcohol Use and Driving—Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
ALABAMA	Note: This type of criminal offense was repealed by 1980 legislation.	--	--	--	--
ALASKA	Class A misdemeanor 04, 16, 180	Not more than 1 year	Not more than 5,000	Yes 04, 16, 180	1st conviction-- 45-day suspension 2nd conviction-- 90-day suspension 3rd and/or subsequent convictions-- discretionary (no time limit given in the statute) Note: The suspensions and revocations are not mandatory. 04, 16, 180

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
ALABAMA							
1st offense 28-3A-6(1&2)	Misdemeanor	Not more than 6 months	100-1,000	Yes*	1 year	No	—
2nd offense 28-3A-b(1&2)	Misdemeanor	3-6 months	100-1,000	Revocation	1 year	--	--
3rd offense 28-3A-b(1 and 2)	Misdemeanor	6-12 months	100-1,000	Revocation	1 year	--	—
				*(Suspension or revocation--fine of not more than \$1,000 may be authorized in lieu of suspension or revocation.)			
ALASKA							
	Class A misdemeanor 04.16.180	Not more than 1 year	Not more than 5,000	Yes 04.16.180	1st conviction-- 45-day suspension 2nd conviction-- 90-day suspension 3rd and/or subsequent convictions-- Court's discretion (no time limit given in the statute.) Note: The time limitations are not mandatory.	No	--

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
ARIZONA See: Arizona Revised Statutes Annotated 1976, 1982-1983 Cum. Pocket Part (current through 2nd Regular & 4th-7th Special Sessions of the 35th Legislature (May 1982)	0.10% §28-692	0.10% §28-692	—	No	Yes §28-692	—
ARKANSAS See: Arkansas Statutes 1947, 1979, 1981 Cum. Supp. (current through 1981 Regular Session)	No	0.10%	—	No	Yes	—

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
ARIZONA	Yes §28-691	Yes §28-691	"Other bodily substances" approved in §28-692(G) but not in §28-691 (implied consent statute)	No	Yes §28-692(c)	Yes §28,692.01A
ARKANSAS	Yes	Yes	—	No	No	Yes—for second DWI offense (Ark. Stat. Ann. §75-1029.4(2))

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
ARIZONA	N/A	—	—	None	12 month suspension §28-691	May be required to attend and successfully complete a driver training course §28-446
ARKANSAS	N/A	N/A	N/A	None	Revocation for 6 months	—

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
ARIZONA							
1st offense Class 1 misdemeanor	6 months	24 hours	Not more than 1,000	250	Yes 8-24 hours	--	Traffic safety school may be required
2nd offense Class 1 misdemeanor (w/36 months)	6 months	60 days	Not more than 1,000	500			--
3rd offense Class 5 felony	2 years	6 months	Not more than 150,000				
	\$28-692.01		\$28-692.01		\$28-692.01		\$28,446
ARKANSAS							
1st offense	24 hours-30 days	--	50-500	--	--	--	--
2nd offense (within 1 year of first)	Not more than 1 year	--	250-1,000	--	--	--	--
3rd offense (within 3 years)	(Misdemeanor) 3-12 months	--	--	--	--	--	--
	\$75-1029 \$75-1029.4						

STATE	Sanctions Following a Conviction for a DWI Offense—Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
ARIZONA						
1st offense	No	Yes	--			--
2nd offense	No	Yes	--	Revocation	Not less than 1 year	1 year
3rd offense	No	Yes	--	§28-445	§28-448	
ARKANSAS						
1st offense*	No	No	--	Suspension (a restricted license may be issued)	Not more than 1 year	90 days
2nd offense* (within 3 years for admin. sanction)	No	No	--	Revocation (or suspension) (a restricted license may be issued)	1 year (180 days-2 years)	180 days
3rd offense* (within 3 years)	No	No	--	Revocation	1-3 years	--
*See special note at the end of the sanction section.						

Sanctions Following a Conviction for a DWI Offense—Continued

STATE	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
ARIZONA							
1st offense	Yes			No			
2nd offense		Yes		No	--	--	
3rd offense		Yes		No			
ARKANSAS							
1st offense	--	--	--				Special Note: Sanction provisions appear to be conflicting and unclear in some instances. Some of the criminal sanctions noted may have been superseded by Ark. Stat. Ann. §75-1055. In addition, the determination of calculation of time between offenses appears to be unclear. See generally Ark. Stat. Ann. §§75-1027 et seq.
2nd offense	--	Yes—mandatory before license can be re-issued for those convicted of 3 DWI offenses regardless of the time between convictions	--	No	--	--	
3rd offense	--		--				

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions							Other
		Criminal Sanctions				Administrative Licensing Actions			
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action— Min. Length of License Withdrawal	
ARIZONA	No	—	—	—	—	— ^a	— ^a §28-445	— ^a	—
						*Note: License revocation for any homicide resulting from the operation of a motor vehicle.			
ARKANSAS	Negligent homicide Death based on reckless or wanton disregard of the safety of others (Ark. Stat. Ann. §75-1001)	Not more than 1 year	—	100-1,000	—	Revocation	1 year	1 year	—

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
ARIZONA							
1st offense	10 days-6 months	48 hours	100-300	--	For driving while suspended	Equal to original suspension period	Same
2nd or subsequent offense	Class 5 felony if convicted of DWI offense and driving while suspended or revoked §28-692.02 §28-473	6 months §28-269.02			For driving while revoked Same as above §28-473	1 additional year of revocation §28-473	Same
ARKANSAS							
	Misdemeanor 2 days-6 months (Ark. Stat. Ann	10 days if suspension or revocation based on a DWI charge § 75-341, 75-1029.1 and 75-1053)	Not more than 500	--	If based on suspension, suspension If based on revocation, revocation	Original suspension period extends a like period Original period of revocation extended 1 year	Same Same

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
ARIZONA	No	—	—	—	—	—	—	—	—
ARKANSAS	No	—	—	—	—	—	—	—	—

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
ARIZONA	Yes	Yes §28-691(c)	No	--	19	--	No	No	--
ARKANSAS	--	--	--	--	21 (Ark. Stat. Ann. §48-903)	--	No	No	--

STATE	Other State Laws Related to Alcohol Use and Driving—Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
ARIZONA	Misdemeanor First two convictions Subsequent convictions	30 days-6 months 30 days-1 year \$4-246	100-300 100-1,000 \$4-246	Yes Revoked \$4-210	Length of term not fixed
ARKANSAS 1st offense 2nd and subsequent offenses	Misdemeanor Misdemeanor (Ark. Stat. Ann. §§ 48-529, 48-901, 48-902, 48-933)	-- 6 months-1 year	100-250 250-500	Revocation	Not specified in the statute

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law if Needed
ARIZONA	Misdemeanor first two convictions Subsequent convictions §4-241 (AZ §4-246)	30 days-- 6 months 30 days-- 1 year §4-246	100-300 100-1,000 §4-246	Yes Revoked §4-210	Length of term not fixed	No	—
ARKANSAS 1st offense 2nd and subsequent offenses	Misdemeanor Misdemeanor (Ark. Stat. Ann §§ 48-524, 48-901, 48-902, and 48-903)	— 6 months-- 1 year	100-250 250-500	Revocation	Not specified in the statute (but see Ark. Stat. Ann. §48-525)	No	—

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law Arrest Required (Yes/No)	Other Information
CALIFORNIA See: West's Annotated California Codes, 1982 Cum. Pocket Part (current through 1981 Regular Session) and West's California Legislative Session 1982 (current through 1982 Regular Session)	0.10% Veh. §23152	—	—	No	Yes Veh. §13353	—
COLORADO See: Colorado Revised Statutes 1973, 1982 Cum. Supp. (current through 53rd General Assembly's 2nd Regular Session in 1982)	No	>0.5% (Driving while impaired) 0.10% (Driving under the influence) §42-4-1202	—	No	Yes	—

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
CALIFORNIA	Yes Veh. §13353	Yes Veh. §13353	---	No	No	No
COLORADO	Yes §42-4-1202	No	---	No	No-one may plead guilty to nonalcohol or nondrug related traffic offense if charged with Inter alia, DUI unless prosecutor makes good faith allegation that he/she could not establish a prima facie case on original charge	Yes

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
CALIFORNIA	N/A	—	—	No	Suspension 6 months Veh. §13353	No
COLORADO	N/A	N/A	—	None	Revocation 1st--9 months 2nd and subsequent-- 12 months §42-4-1202	—

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
CALIFORNIA							
1st offense	4 days-6 months	—	375-500	—	—	—	
Injury/Death	90 days-1 year		375-1,000				
2nd offense (w/5 yrs)	90 days-1 year	2 days	375-1,000	375	—	—	
Injury/Death	120 days-1 year		375-5,000				
3rd offense (w/5 yrs)	120 days-1 year	120 days	375-5000	375	—	—	
Injury/Death	2-4 years Veh. §§23160, 23165-23170		1,000-5,000 Veh. §§23160, 23165, 23170				
COLORADO							
1st offense	5 days-1 year	No*	300-1,000	—	48-96 hours (48 hours mandatory)	—	—
2nd or subsequent offense (w/5 yrs)	90 days-1 year	7 days*	500-1,500	—	60-120 hours (60 hours mandatory)		
Driving under the Influence							
1st offense	2 days-180 days	No*	100-500	No	24-48 hours (24 hours mandatory)	—	—
2nd or subsequent offense (w/n 5 years)	45 days-1 year (if previous DWI conviction)	5 days*	300-1,000	No	48-96 hours (48 hours mandatory)		
Driving while Impaired	60 days-1 year (if previous DWI conviction) §42-4-1202	6 days* *See treatment.	400-1,000 §42-4-1202	No	52-104 hours (52 hours mandatory) §42-4-1202		

STATE	Sanctions Following a Conviction for a DWI Offense—Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
CALIFORNIA						
1st offense	No	--	--	Suspension	6 months	--*
If injury/death	No	--	--	Suspension	1 year	--*
2nd offense	No	--	--	Suspension	1 year	--*
If injury/death	No	--	--	Revocation	3 years	--*
3rd offense	No	--	--	Revocation	3 years	3 years
If injury/death	No	--	--	Revocation	5 years	5 years
				Veh. §13352	Veh. §13352	
				*Driving privileges are to be restricted (§13352).		
COLORADO						
DUI						
1st offense	No	--	--	Suspension	1 year	--
2nd or subsequent offense (w/5 yrs)	No	--	--	Suspension	1 year	--
DWI						
1st offense	No	--	--	Suspension	1 year	--
2nd or subsequent offense (w/n 5 years)	No	--	--	Suspension	1 year	--

STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
CALIFORNIA	Probation requires either alcohol education or alcohol treatment §23161			Yes, but only if convicted of driving with suspended or revoked license Veh. §14602	N/A	--	
COLORADO	1st offense--court may suspend mandatory minimum if defendant has presentence alcohol and drug evaluation and satisfactorily completes obligation of level I or level II program. This applies to both DUI and DWI offenses. 2nd or subsequent offense--the difference between mandatory minimum and stated minimum may be suspended if defendant receives a presentence alcohol and drug evaluation; completes a level I or level II alcohol driving safety course and alcohol treatment program; and abstains from alcohol use for 1 year. This also applies to both DUI and DWI offenses. §42-4-1202			No	--	--	--

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions							Other
		Criminal Sanctions				Administrative Licensing Actions			
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action-- Min. Length of License Withdrawal	
CALIFORNIA									
California Penal Code §§192 and 193	Yes Death caused by negligent use of a motor vehicle	Up to 5 years depending on the severity/ type of negli- gence involved or 1st--90 days- 1 year 2nd--120 days- 1 year (within 5 years of DWI or 1st vehicle homicide conviction) 3rd--2-4 yrs. (within 5 yrs of 2nd prior conviction) Veh. §§23180, 23185, 23190	-- No No No	-- 375-1,000 375-1,000 1,000-5,000	-- No No No	Revocation Veh. §13350	5 years for 3rd offense Veh. §§13352, 23190	--	
COLORADO									
	Yes--Felony (Colo. Rev. Stat. §18-3-106) §42-4-1201	2-4 years	--		--	Revocation	1 year	1 year	

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
CALIFORNIA							
1st offense	10 days-6 months	10 days	Not more than 500	—	—	—	—
2nd and subsequent offense	30 days-1 year and vehicle impoundment 1st-6 months (max.) 2nd-12 months (max.) (\$14601,2) Veh. §14602	30 days	Not more than 1,000	—	—	—	—
COLORADO							
1st offense	30 days-1 year	30 days	500-1,000		Revocation	4 years	4 years
2nd and subsequent offenses	90 days-2 years 42-2-130	90 days	500-3,000			42-2-130	42-2-130

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
CALIFORNIA	No	—	—	—	—	—	—	—	—
COLORADO	Yes	3 or more serious offenses in 7 years, or 10 or more convictions for offenses of 4 points or more within 5 years, or 18 or more convictions of 3 points or less within 5 years	Revocation for 5 years	Felony	1-2 years	—			
	42-2-201	42-2-202	42-2-205	42-2-206					

State Laws Related to Alcohol Use and Driving									
State	Has Such A Law (Yes/No)	Laws Relating to BAC, Chemical Tests, and Penalties for Driving While Intoxicated			Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
		Driver	Vehicle Passengers	Pedestrians	Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
CALIFORNIA	Yes	Yes Veh. §13353	Implied Veh. §13353	Implied Veh. §13353	21	—	No	No (Note: See Bus. & Prof. Code §25602(c) and Cory v. Shierloh, 174 Cal. Rptr500 (1981).)	—
COLORADO	Yes	Yes	—	Yes	18 21	For 3.2% beer For over 3.2% beer, wine and distilled spirits 12-47-130	Yes 13-21-103	No	—

STATE	Other State Laws Related to Alcohol Use and Driving--Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
CALIFORNIA	Misdemeanor (Bus. & Prof. Code §25602)	Not more than 6 months (Bus. & Prof. Code §25617)	Not more than 500	Yes Suspension or revocation	Length of term not fixed
COLORADO					
1st offense	Misdemeanor	--	100-500	Suspension or revocation	6 months
2nd and subsequent offenses	Misdemeanor 12-46-114	-- 12-46-114	100-500 (\$100 fine is mandatory)	 12-47-110	

STATE	Other State Laws Related to Alcohol Use and Driving-Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
CALIFORNIA	Misdemeanor (Bus. & Prof. Code §25658)	Not more than 6 months	Not more than 500	Yes--Suspension or revocation	Length of term not fixed	Yes Veh. §§25222, 25223	
COLORADO							
1st offense	Misdemeanor	—	100-500	Suspension or revocation	6 months	No	—
2nd and subsequent offenses	Misdemeanor 12-46-114	— 12-46-114	100-500 (\$100 fine is mandatory)	12-47-110	12-47-110		

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law Arrest Required (Yes/No)	Other Information
CONNECTICUT See: Connecticut General Statutes Annotated Note: Contains statutory provisions through November 1982.	Yes* 0.10% (14-227a(g) declares 0.10% BAC illegal per se only for 2nd and/or subsequent offenders.)	Yes 0.10% (14-227a(c)(3) makes this amount prima facie evidence that the defendant was under the influence of intoxicating liquor.)	--	No	Yes 14-227(b)	--
DELAWARE See: Delaware Code Annotated Revised 1974, 1979, 1982, Cum. Supp. current through December 31, 1982	0.10% 21 §4177	--	--	Implied 21 §2741	Probably not 21 §2740 21 §2742(e)	--

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
CONNECTICUT	<p>Yes</p> <p>14-227(d)</p>	<p>Yes</p> <p>14-227(d)</p>	--	No	<p>Yes</p> <p>(For a second DWI charge, the alcohol offense cannot be changed to a lesser offense without the permission of the Court.)</p> <p>14-227-(g)</p>	<p>Yes</p> <p>(Would normally apply to first-time DWI offenders. See Connecticut Legislative Service 1981 January session of the General Assembly "P.A. 81-446 Sec. 4".)</p>
DELAWARE	<p>Yes</p> <p>21 §2740</p>	<p>Yes</p> <p>21 §2740</p>	--	No	No	No

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
CONNECTICUT	N/A	N/A	N/A	None	Suspension 90 days 14-227(b)	—
DELAWARE	N/A	N/A	—	None	1st--Revocation for 1 year (Note: A conditional license may be issued if certain conditions are met.) 2nd--18 months 3rd--24 months 21 §2741 21 §2742	—

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
CONNECTICUT							
1st offense	Not more than 6 months	—	300-1,000	300	No	—	—
2nd offense	60 days to 1 year	2 days*	300-1,000	300	Yes	—	—
3rd and subsequent offenses	6 months to 1 year	2 days*	300-1,000	300	Yes	—	—
14-227(a)(e)		*Unless defendant is ordered to participate in education and treatment program. 14-227(a)(e)			Public Act, No. 82-408 amending 14-227		
DELAWARE							
1st offense	60 days-6 months	—	200-1,000	—	—	—	—
2nd or subsequent offense (w/5 years)	60 days-18 months	—	500-2,000	—	—	—	—
	21 §4177		21 §4177				

STATE	Sanctions Following a Conviction for a DWI Offense—Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
CONNECTICUT						
1st offense	No	No	—	Suspension	Not less than 1 year	—
2nd offense	No	No	—	Suspension	Not less than 5 years	—
3rd and subsequent offenses	No	No	—	Suspension 14-111(b)	Not less than 5 years	—
DELAWARE						
1st offense	Yes	Yes	—	Revocation	1 year or 3 months	—*
2nd offense	Yes	Yes	—	Revocation	1 year	1 year*
3rd or subsequent offense	Yes	Yes	—	Revocation	18 months	18 months
	21 §2742	21 §2742		21 §4177A	21 §2742(c)	*Note: A restricted license may be issued after the first 90 days of the revocation period.

STATE	Sanctions Following a Conviction for a DWI Offense—Continued						
	Other						Miscellaneous Sanctions Not Included Elsewhere
	Rehabilitation			Vehicle Impoundment/Confiscation			
	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
CONNECTICUT							
1st offense	Yes	Yes	Yes	No	--	--	--
2nd offense	Yes	Yes	Yes				
3rd and subsequent offenses	Yes	Yes	Yes				
	14-227a(f) (P.A. 81-446(4))	14-227a(f) (P.A. 81-446(4))	14-227a(f) (P.A. 81-446(4))				
DELAWARE							
1st offense	Course of instruction and rehabilitation required for convicted persons.		--	No	--	--	--
2nd offense	"ordered to complete a program of education or rehabilitation which may include in-patient treatment followed by such other programs as established by training facility" for a time not to exceed 15 months		--	Note: Impoundment authorized if vehicle operator was operating his/her vehicle while they are under license suspension or revocation. See 21 §2756			
3rd and subsequent offenses	21 §4177 21 §4177D						

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions							Other
		Criminal Sanctions				Administrative Licensing Actions			
Imprisonment (Term)		Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action— Min. Length of License Withdrawal		
CONNECTICUT	Yes* **"Misconduct with a motor vehicle" 53(a)-57(a) Class D felony "A person is guilty of...when...in consequence of his intoxication while operating a motor vehicle, he causes the death of another person."	Not more than 5 years	—	Not more than 5,000	—	Suspension 14-111(c)	Not less than 1 year	—	—
DELAWARE	Yes Class E felony 11 §630	7 years 11 §4205	No	As court sees fit 11 §4205	No	Revocation 21 §2732	3 years 21 §2732	3 years 21 §2732	—

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
CONNECTICUT							
1st offense	Misdemeanor Not more than 90 days (and/or fined)	—	Not less than 100 nor more than 200 (and/or imprisoned)	—	Suspension	Not less than 1 year	—
Subsequent offenses	Misdemeanor Not more than 3 months (and/or fined)	—	200-500 (and/or imprisoned)	—	Suspension 14-111	Not less than 5 years	—
DELAWARE							
1st offense	30 days-6 months	—	200-500	200	Suspension or revocation	Original period of suspension or revocation extended by an equal amount	
2nd and subsequent offenses	60 days-1 year	60 days	500-1,000	500	Suspension or revocation		
	21 \$2756	21 \$2756	21 \$2756	21 \$2756			

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
CONNECTICUT	No	—	—	—	—	—	—	—	—
DELAWARE	Yes 21 §2801 et seq.	3 serious or 10 minor moving violations within a 5-year period	Revocation for 5 years if based on serious offenses or for 3 years if based on minor moving violations	Misdemeanor	1-5 years	—	—	—	License denied for 5 years if the habitual offender status is based on serious offenses License denied for 5 years if the habitual offender status is based on minor offenses

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
CONNECTICUT	Yes	Yes 14-227(c)	—	Yes 14-227(c)	19 30-86-30-1(20) (def. of minor)	—	Yes 30-102	No	—
DELAWARE	Yes	Yes	Yes	—	20 4 §904	—	No	No (See Wright v. Moffitt, 437A 2d, 554 (1981). Note especially statements made on p. 559 by the Court on third party injury liability.)	—

STATE	Other State Laws Related to Alcohol Use and Driving--Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
CONNECTICUT	Misdemeanor	Not more than 1 year 30-113	Not more than 1,000 30-113	Suspension or revocation 30-55	Not stated in the statute
DELAWARE	Not specified	1 month 4 §903	Not more than 100 4 §903	Suspension	Not specified by statute

Other State Laws Related to Alcohol Use and Driving—Continued

STATE	Other State Laws Related to Alcohol Use and Driving—Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
CONNECTICUT	Misdemeanor	Not more than 1 year 30-113	Not more than 1,000 30-113	Suspension or revocation 30-55	Unspecified in the statute	No	--
DELAWARE	Misdemeanor 4 §713	30 days 4 §904	Not more than 100 (or imprisonment) 4 §904	Suspension 4 §561	Not specified by statute	No	--

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
DISTRICT OF COLUMBIA See generally D.C. Code Title 40 Chapter 7 Regulation of Traffic See: District of Columbia Code, 1981, 1982 Supp. (current through March 16, 1982) and Anti-Drunk Driving Act of 1982, D.C. Law 4-145 (September 25, 1982)	0.10%	No	0.05% Constitutes prima facie proof of intoxication	No	Yes	—
FLORIDA See: Florida Statutes Annotated through October 1982	0.10% 316.193 322.262	0.10% 322.262	—	Yes 322.261(1)(b)(1)	Yes 322.261(1)(a)	—

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
DISTRICT OF COLUMBIA	Yes 40-502	Yes 40-502	--	No	No	Yes D.C. Code Ann. §23-103
FLORIDA	Yes (Only if incapacity renders the breath test impractical or impossible) 322.261	No	--	Yes (Fla. Stat. Ann. §322.281(1))	Yes (Fla. Stat. Ann. §322.281(2)) (Note: Only applies if BAC level is 0.20% or more.)	No

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
DISTRICT OF COLUMBIA	N/A	N/A	N/A	None	Suspension for 12 months D.C. Law 4-145	—
FLORIDA	None	None	—	None	Suspension for 3 months 322.261(2)(d)	—

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Community Service	Other Penalties	
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)		Restitution (e.g., Victim's Fund)	Other
DISTRICT OF COLUMBIA							
1st offense	Not more than 90 days	--	Not more than 300	--	--	--	--
2nd offense (w/n 15 years)	Not more than 1 year	--	Not more than 5,000	--	--	--	--
3rd offense and subsequent offenses	Not more than 1 year	--	Not more than 10,000	--	--	--	--
FLORIDA							
1st offense	Not more than 6 months	--	25-500	--	50 hours	--	--
For a per se offense	Not more than 90 days	--	Not more than 250	--	--	--	--
2nd offense (w/3 yr)	10 days-6 months	--	Not more than 500	--	--	--	--
For a per se offense	10 days-6 months	--	Not more than 500	--	--	--	--
3rd and subsequent offense (w/5 yr)	30 days-12 months	--	Not more than 1,000	--	--	--	--
For a per se offense	30 days-12 months	--	Not more than 1,000	--	--	--	--

STATE	Sanctions Following a Conviction for a DWI Offense—Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
DISTRICT OF COLUMBIA	Yes	—	--	Revocation	6 months* (Note: This time period or any part of it may be waived at the discretion of D.C. officers.)	—
FLORIDA						
1st offense	None	Yes	—	Revocation	90 days- 1 year*	Same
For per se offense	None	Yes		Revocation	30-90 days*	
2nd offense (w/5 years)	None	Yes	--	Revocation	6-24 months*	
For per se offense	None	Yes		Revocation	6-24 months*	
3rd and subsequent offenses	None	Yes	—	Revocation	1-5 years	
For per se offense	None	Yes		Revocation	1-5 years	
				322.26	*Restricted use licenses may be issued.	

Sanctions Following a Conviction for a DWI Offense—Continued

STATE	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
DISTRICT OF COLUMBIA							
1st offense	—	—	—	No	—	—	—
2nd and subsequent offenses	—	—	—				—
FLORIDA	Yes*	—	—	No	—	—	—
	*Required before license can be restored						

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions							Other
		Criminal Sanctions				Administrative Licensing Actions			
Imprisonment (Term)		Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action— Min. Length of License Withdrawal		
DISTRICT OF COLUMBIA	Yes Negligent homicide	Not more than 5 years D.C. Law 4-145	—	Not more than 5,000 D.C. Law 4-145	—	Revocation	6 months (subject to the discre- tion of D.C. officials)	—	—
FLORIDA	Homicide by vehicle of 1st degree 68A-903	Not less than 3 nor more than 10 years	1 year	Not more than 5,000	—	Revocation	Not less than 1 year (restricted use licenses may be issued)	—	—

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
DISTRICT OF COLUMBIA	Not more than 1 year D.C. Law 4-145	—	Not more than 5,000 D.C. Law 4-145	—	(Note: Suspension or revocation are not specifically authorized, but under D.C. Code Ann. §40-302 a license may be withdrawn by D.C. officials for "any cause which...may seem sufficient.")	—	—
FLORIDA							
1st offense	Not more than 60 days (misdemeanor 2nd degree)	--	Not more than 500	—	--	--	—
2nd and subsequent offenses	Not more than 1 year (misdemeanor 1st degree)	--	Not more than 1,000	—	--	--	—

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
COLUMBIA DISTRICT OF	No	—	—	—	—	—	—	—	—
FLORIDA	Yes 322,264	3 serious or 15 normal moving violations within a 5-year period	5-year minimum revocation period (Note: After 12 months, the offender may have his/ her driving privileges restored.) 322.27(5)	Not a special criminal offense (Note: The normal sanctions for driving while a license is revoked would apply.)	N/A	N/A	N/A	N/A	N/A

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Fatal Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
DISTRICT OF COLUMBIA	No	—	—	—	18/21 (D.C. Code §25-121)	18 for beer and table wine 21 for fortified wine and distilled spirits	No	Marusa v. D.C., 484 F.2d 828 (D.C. Cir., 1973)	—
FLORIDA	No	—	—	—	19 562.11	—	No	Davis v. Shippacosse, 155 So. 2d 365 (Fla., 1963)	

STATE	Other State Laws Related to Alcohol Use and Driving--Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
DISTRICT OF COLUMBIA	Unspecified but probably would be considered to be a misdemeanor (D.C. Code §§25-118, 25-121, and 25-132)	Not more than 1 year	Not more than 1,000	Suspension or revocation	If the license has been revoked, no new license should be issued for 1 year
FLORIDA	None (Note: Fla. Stat. Ann. §562.50 makes it illegal to sell or dispose of in any way intoxicating liquors to an individual when the person selling or disposing of such intoxicating liquor has written notice that the person receiving such intoxicating liquor is an habitual drunkard.)	--	--	--	--

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
DISTRICT OF COLUMBIA	Unspecified but probably would be considered to be a misdemeanor	Not more than 1 year	Not more than 1,000	Suspension or revocation (D.C. Code §§25-118, 25-121, and 25-132)	If the license has been revoked, no new license shall be issued for 1 year	No	---
FLORIDA	Misdemeanor (2nd degree) (Fla. Stat. Anno. § 562.11)	Not more than 60 days	Not more than 500	Yes--Suspension or revocation (Fla. Stat. Anno. § 561.29(1)(a) and (w))	Time period not specified in the statute	No	--

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law Arrest Required (Yes/No)	Other Information
GEORGIA See: Georgia Code Annotated through April 1982	No	0.10% 68A-902.1(b)(3)	--	No	Yes 68B-306	--
HAWAII See: Hawaii Revised Statutes, 1976, 1981, Supp. (current through Regular and 1st Special Session, 1981)	No	0.10%	--	No	Yes	--

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
GEORGIA	<p>Yes</p> <p>68A-902.1</p>	<p>Yes</p> <p>68A-902.1</p>	<p>Or "other bodily substance" (The code does not specify the substances but only uses the general language.)</p> <p>68A-902</p>	<p>No</p>	<p>No</p>	<p>No</p> <p>(Note: Mandatory only in felony cases.)</p>
HAWAII	<p>Yes</p>	<p>No</p>	<p>---</p>	<p>No</p>	<p>No</p>	<p>Yes</p> <p>(Note: Implied by statute.)</p>

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
GEORGIA	N/A	N/A	—	None	Suspension for 6 months 688-306	—
HAWAII	N/A	N/A	N/A	No	Revocation for 12 months (Hawaii Rev. Stat. §§286-155)	—

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
GEORGIA							
1st offense	10 days-1 year	--	100-1,000	--	--	--	--
2nd and subsequent offenses (w/3 years)	90 days-1 year	--	Not more than 1,000	--	--	--	--
HAWAII							
1st offense	See Other column at the right		--	--	See Other column		For 1st offense a 14 hour rehabilitation course and one of the following a) 72-hour community service b) 30-day license suspension; or c) 48 hours of imprisonment
2nd offense (w/n 4 years of a previous conviction)	--	--	250-1,000	--	72-150 hours (In lieu of fine)		
3rd offense (w/n 4 years of two previous convictions)	10-180 days	--	500-1,000	--	--		
§291-4							

Sanctions Following a Conviction for a DWI Offense—Continued

STATE	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
GEORGIA						
1st offense	None		--	Suspension	1 year	License may be restored after 60 days of the suspension period have passed
2nd offenses (w/3 years)	None		—	Suspension	3 years	License may be restored after 90 days of the suspension have passed
3rd and subsequent offenses (w/5 years)	None		--	Revocation 688-305	5 years	5 years 688-312
HAWAII						
1st offense	No	—	--	See Other column on p.3-64		—
2nd offense	—	—	—	Suspension	90 days	—
3rd offense	—	—	—	Revocation	1-5 years	—

STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
GEORGIA	—	—	—	No (Note: Under Code of Ga. §85-203, only certain illegally parked vehicles may be impounded.)	—	—	—
HAWAII 1st offense	See Other column on p. 3-64			No	—	—	—

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions							Other
		Criminal Sanctions				Administrative Licensing Actions			
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action— Min. Length of License Withdrawal	
GEORGIA	Homicide by vehicle in the first degree for an alcohol offense where a death occurs Ga. Code Ann. §68A-903	1-5 years	--	--	--	Suspension	Same as for post-DWI conviction licensing action	Same as for post-DWI conviction licensing action	
HAWAII	Yes—2 types of offenses Death caused by negligent vehicle operation (homicide in the first degree) a Class C felony Death caused by simple negligence— homicide in the second degree) a misdemeanor	Not more than 5 years Not more than 1 year	To be determined by the paroling authority via special procedures (Hawaii Rev. Stat. §§707-703 and 707-704)	Not more than 5,000 Not more than 1,000	-- --	Revocation* Revocation*	Not less than 1 year Not less than 1 year	-- --	
						*Mandatory revocation in the statute applies only to a conviction of the driver for manslaughter; the statute does not state in a definitive manner whether vehicle homicide is manslaughter.			

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
GEORGIA	2 days-6 months (misdemeanor)	—	Not more than 500	—	Suspension/ revocation	The original suspension or revocation is extended 1 year	The original suspension or revocation is extended 1 year
HAWAII	Misdemeanor not more than 1 year	— (Hawaii Rev. Stat. §286-132)	250-1,000	—	Discretionary license suspension or revocation	If suspension not more than 1 year; If revocation not less than 1 year	—

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
GEORGIA	Yes 68B-308	3 serious or 15 normal moving violations within a 5-year period	5-year revocation period	Felony	1-5 years	—	—	—	—
HAWAII	No	—	—	—	—	—	—	—	—

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed In Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
GEORGIA	Yes	Yes 21,205	Yes 21,205	Yes 21,205	19 5A-510	—	No	No	
HAWAII	Yes (Hawaii Rev. Stat. §841-3)	Yes	Yes	Yes	18	—	No	Ono v. Applegate, 612 P.2d 533 (1980)	—

STATE	Other State Laws Related to Alcohol Use and Driving—Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
GEORGIA	Misdemeanor Acts 1980, pp. 1573, 1649	Not more than 12 months	Not more than 1,000	Suspension or cancellation	2 years
HAWAII	Misdemeanor	Not more than 6 months (Hawaii Rev. Stat., §§281-78, 281-91 and 281-102)	Not more than 500	Suspension or revocation (Note: A civil penalty of not more than \$500 may be assessed in lieu of license suspension or revocation.)	Not specified in the statute

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law if Needed
GEORGIA	Misdemeanor Act 1980 pp. 1573, 1649	Not more than 12 months	Not more than 1,000	Suspension or cancellation	2 years	No	—
HAWAII	Misdemeanor	Not more than 6 months	Not more than 500	Suspension or revocation (Note: A civil penalty of not more than \$500 may be assessed in lieu of license suspension or revocation.) (Hawaii Rev. Stat. §§281-78, 281-91, and 281-102)	Not specified in the statute	Yes (Hawaii Rev. Stat. §291-3.3)	—

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
IDAHO See: General Laws of Idaho Annotated, 1980, 1982, Cum. Supp. laws through March 24, 1982	—	>0.08% 18-6901	No	No	Yes	No
ILLINOIS See: Smith/Hurd Illinois Annot. Statutes through February 1982	0.10% Ch. 95 1/2 §11-501	0.10% Ch. 95 1/2 §11-501(a)(1)	—	No	Yes Ch. 95 1/2 §11-501.1	—

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
IDAHO	<p>Yes</p> <p>§49-352</p>	<p>Yes</p> <p>§49-352</p>	<p>Saliva</p> <p>§49-352</p>	No	No	<p>Yes</p> <p>(Mandatory only for 2nd offenders who may be placed on probation)</p> <p>§18-6901 §18-111 §20-220</p>
ILLINOIS	<p>Yes</p> <p>Ch. 92 1/2 §11-501</p>	<p>Yes</p> <p>Ch. 95 1/2 §11-501</p>	<p>Yes</p> <p>"Saliva and other bodily substances"</p> <p>Ch. 95 1/2 §11-501</p>	No	No	No

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
IDAHO	N/A	N/A	N/A	No	90 days suspension	No
ILLINOIS	N/A	N/A	--	None	Suspension 1-501.1(2)	--

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
IDAHO	Not more than 6 months for 1st offense	None	Not more than 300 for 1st offense	None	No	No	No
	Not more than 5 years for 2nd and subsequent offenses	None	Same as 1st offense	None			
ILLINOIS 1st and subsequent offenses	Class A misdemeanor Not less than 2 days-1 year §11-501	—	Not more than 1,000 §11-501	—	—	—	—

STATE	Sanctions Following a Conviction for a DWI Offense—Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	DVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
IDAHO	No	Yes §49-330	N/A	Suspension* *Hardship license available. §18-6901	90 days for 1st offense 6 months for 2nd offense 1 year for 3rd offense §18-6901	90 days 6 months 1 year §18-6901
ILLINOIS	No	Yes	—	Revocation §11-501(1)	Not less than 1 year	—

STATE	Sanctions Following a Conviction for a DWI Offense—Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
IDAHO			A DWI offender may be referred for participation in retraining and/or rehabilitation programs by a driver improvement counselor, a judge, a district court magistrate, or the hearing officer of the Department of Law Enforcement.	No	N/A	No	No
ILLINOIS	No	No	--	No	--	--	--

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions				Administrative Licensing Actions			Other
		Criminal Sanctions		Mandatory Minimum Fine (\$)		Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action—Min. Length of License Withdrawal	
	Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action—Min. Length of License Withdrawal		
IDAHO	Yes--death as a result of an unlawful act not amounting to a felony Where gross negligence is involved Where there is no gross negligence §18-4006	Not more than 5 years Not more than 1 year §18-4007	-- --	Not more than 1,000 Not more than 500	-- --	Revocation §49-329	Not less than 1 year §49-331	1 year	--
ILLINOIS	Class 4 felony Reckless homicide (Note: Death must be the result of reckless action of the accused driver)	1-3 years	--	Not more than 10,000	--	Revocation	1 year	1 year (Note: A restricted license may be issued.)	

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
IDAHO							
1st offense	Misdemeanor--not less than 10 days nor more than 6 months	No	100-300	No	Suspension or revocation	Period equal to the existing period of suspension or revocation	Period equal to the existing period of suspension or revocation
2nd offense	Not less than 30 days nor more than 6 months (within 12 months)	No	100-300	No			
3rd and subsequent offenses	6 months	No	100-300	No	§49-337		
ILLINOIS							
Illinois Ann. Stat.	Class A misdemeanor	--	Not more than 1,000	--	Suspension or revocation	If the original charge is based on a suspension, the original suspension period is extended an additional like period of suspension.	Same
Ch. 95 1/2 §6-303	Less than 1 year					If the original charge is based on a revocation, the original revocation period is extended 1 year.	

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
IDAHO	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ILLINOIS	No	—	—	—	—	—	—	—	—

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
IDAHO	Yes	Yes If dead §49-1016	No	Yes If dead §49-1016	19 §23-312	No	No	Alaqrta v. Payonk 619 P. 2d 135 (1980)	No
ILLINOIS	Yes Ch. 95 1/2 §1-501.1 Ch. 31 §10	Yes	No	Yes	21 43-131	--	Yes 43-135	Colligan v. Couser, 38 Ill. App. 2d 392, 187 N.E. 2d 292 (1963)	--

STATE	Other State Laws Related to Alcohol Use and Driving—Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
IDAHO	Misdemeanor §23-605	3 months-1 year	300-1,000	Yes, but may pay \$5,000 for 1st offense in lieu of suspension. §23-933	Statute has no time period stated.
ILLINOIS	Class B Misdemeanor 43-131	Not more than 6 months	Not more than 1,000 43-148	Yes Revoked	1 year

STATE	Other State Laws Related to Alcohol Use and Driving—Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
IDAHO	Misdemeanor for 1st Felony—2nd and subsequent §23-603	3 months—1 year 5 years	300-1,000 5,000	Yes but may pay \$5,000 for 1st offense in lieu of suspension §29-933	Indeterminate (statute has no specific time period) §23-933	Yes §23-505	
ILLINOIS	Class B misdemeanor	Not more than 6 months	Not more than 1,000 43,149	Yes—revocation 43,149	1 year	Yes (Ill. Stat. Ann. Ch. 95 1/2 §11-502)	--

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
INDIANA See: Burn's Indiana Statutes Annotated, 1980, 1981 Cum. Supp. (1978, 1981 Cum. Supp. alcohol §§). Current through 1981 Special Session	No	0.10%	No	Yes	Yes	No arrest is required under Clark v. State, 372 N.E. 2nd 185 (Ind. 1978)
IOWA See: Iowa Code Annot. through October 1982	0.13% SB 514 (Laws 1981)	0.10% SB 514 (Laws 1981)	--	No	Yes 321B.3	--

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
INDIANA	Yes	Yes		No	No	No
IOWA	Yes 321B.3	Yes 321B.3	Saliva 321B.3	No	No	No

**Sanctions for Refusal To Submit to a BAC
Chemical Breath Test**

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
INDIANA	N/A	N/A	N/A	No	1-year suspension	No
IOWA	N/A	N/A	—	None	Revocation 120 days-1 year 321B.7	

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
INDIANA							
1st offense	Up to 1 year	None	Up to 5,000	None	No	No	No
2nd offense If no death or bodily injury	1-4 years	None	Up to 10,000	None			
2nd offense if death or bodily injury involved	2-8 years	5 days	Up to 10,000	None			
3rd offense	Same as 2nd offense	Same as 2nd offense	Same as 2nd offense	None			
IOWA							
0.10 presumption offense and 0.13 per se offense							
1st offense (Serious misdemeanor)	Not more than 1 year	2 days*	Not more than 1,000		--	--	--
2nd offense (Aggravated misdemeanor)	Not more than 2 years	7 days*	Not more than 5,000		--	--	--
3rd offense (Class D felony)	Not more than 5 years	--	Not more than 1,000		--	--	--
		*Note: This sentence may be suspended.					

STATE	Sanctions Following a Conviction for a DWI Offense—Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
INDIANA	No	Yes	No	<p>Suspension—Court shall recommend the suspension of the driver's license for a period of not less than 2 months nor more than 1 year. However, for 1st offense the Court may withhold imposition of such suspension and provide the offender with a restricted license.</p> <p>For second and subsequent offenses the Court shall recommend the suspension of the driver's license for a period of not less than 1 year nor more than 2 years. It is mandatory that the commissioner carry out the recommendation.</p> <p>*Court may put the first offender on probation with limited license.</p>		
IOWA 0.10 presumption offense 1st 2nd 3rd and subsequent 0.13 per se offense 1st 2nd 3rd and subsequent Iowa Code Ann. §321.281	Yes Yes Yes Yes Yes Yes Yes	Yes Yes Yes Yes Yes Yes Yes	—	Revocation Revocation Revocation Revocation Revocation Revocation Revocation	1 year 1 year 1 year 1 year 1 year 1 year 1 year	120 days* 240 days* 1 year* 30-90 days* 30-90 days* 30-90 days* (*Note: A restricted license may be issued.)
				321-209		

STATE	Sanctions Following a Conviction for a DWI Offense—Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
INDIANA			Judge can take judicial notice of the fact of alcoholism or addiction and refer the offender to retraining and rehabilitation. Such referral may be in lieu of or in supplement to regular penalty.	No	N/A	No	No
IOWA							
0.10 presumption offense				No	--	--	--
1st	--	Yes	Yes				
2nd							
3rd and subsequent	--	Yes	Yes				
0.13 per se offense							
1st	--	--	--				
2nd	--	--	--				
3rd and subsequent	--	--	--				
Iowa Code Ann. § 321.281							

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions							Other
		Criminal Sanctions				Administrative Licensing Actions			
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action— Min. Length of License Withdrawal	
INDIANA	Yes Felony	Not less than 1 year nor more than 5 years with no fine or Not less than 1 year nor more than 2 years. Plus a fine	1 year 1 year	No fine Not less than 250 nor more than 5,000	No fine 250	Court shall recommend license suspension for 1 year and commissioner must comply with such recommendation	1 year	1 year	
IOWA	No	—	—	—	—	—	—	—	—

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
INDIANA	Misdemeanor Not less than 2 days nor more than 6 months	2 days	Not more than 500	No	Additional mandatory suspension for a like period and a person driving while his license is revoked would incur a mandatory 1-year extension of revocation.		
IOWA Iowa Code Ann. §321/218	Simple misdemeanor Not more than 30 days	30 days	Not more than 100	100	Suspension or revocation	Original period of suspension or revocation extended an additional like period	Original period of suspension or revocation extended an additional like period

Other Criminal Actions Related to Alcohol Use and Driving--Continued

Habitual Offender Laws

STATE	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
INDIANA	Yes	Three convictions for DWI within a 10-year period	10-year revocation	Class D felony	Not less than 1 year nor more than 5 years. Court may suspend up to 180 days of the sentence.	180 days	No	No	Forfeiture of license for life
IOWA Iowa Code Ann. §§321.55 and 321.560	Yes 321.55 and 321.560	3 serious offenses within a 6-year period or 6 minor offenses in a 2-year period	If based on serious offenses-- 2-6 years If based on minor offenses-- 1 year	Aggravated misdemeanor	Not more than 2 years	—	Not more than 5,000	--	Same as for driving while suspended or revoked

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
INDIANA	Yes	Yes--If driver dies within 4 hours of accident	Yes--Implied	Yes--If pedestrian dies within 4 hours of accident	21	No	No	Elder v. Fisher 217 N.E. 2d 847 (1966) and Parrett v. Lebamoff, Ind. App., 408 N.E. 2d 1344 (1980)	
IOWA	No	--	--	--	19 123.33 123.47	--	Yes 123.92	Lewis v. State, 256 N.W. 2d 181 (Iowa 1977)	--

STATE	Other State Laws Related to Alcohol Use and Driving—Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
INDIANA					
1st offense	Misdemeanor	Not more than 60 days	10 to 100	Yes	No period specified in statute
2nd offense	Misdemeanor	Not more than 6 months	25-200		No period specified in statute
IOWA					
	Simple misdemeanor	Not more than 30 days	Not more than 100	Suspension or revocation	Term of suspension not specified in the statute
	123.50(1)	123.50		123.50	If the license is revoked, term of revocation is 2 years

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
INDIANA							
1st offense	Misdemeanor	Not more than 60 days	10-100	Yes	Not less than 15 days	No	
2nd offense	Misdemeanor	Not more than 6 months	25-200		A 2nd violation within 12 months results in permanent revocation of permit		
IOWA							
	Simple misdemeanor	Not more than 30 days	Not more than 100	1st offense--suspension	14 days	No	--
				2nd offense within 2 years--suspension	30 days		
				3rd offense within 5 years--suspension	60 days		
				4th offense within 5 years--revocation	2 years		
	123.50			123.50			

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law Arrest Required (Yes/No)	Other Information
KANSAS See: Generally Ch. 8 of the Kansas Statutes Annotated, 1976, 1981 Cum. Supp. and Senate Bill 699 of the 1982 Legislative Session as enacted	No	0.10%	--	No	Yes	--
KENTUCKY See: Kentucky Revised Statutes Annotated, 1980, 1982 Cum. Supp. (current through 1982 Regular Session)	No	0.10%	No	No	Yes	No

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
KANSAS	Yes	—	—	No	Yes	Yes Mandatory traffic records check §8-1567(f)
KENTUCKY See: Kentucky Revised Statutes Annotated, 1980, 1982 Cum. Supp. (current through 1982 Regular Session)	No	0.10%	No	No	Yes	No

**Sanctions for Refusal To Submit to a BAC
Chemical Breath Test**

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
KANSAS	N/A	N/A	N/A	No	Suspension for 180 days (Kansas Stat. Ann. §8-1001)	—
KENTUCKY	N/A	N/A	N/A	No	Possibility of 6 months license suspension. If defendant is found guilty of DWI, the 6 months suspension is not added onto sentence but is dropped.	No

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
KANSAS							
1st offense	3 days	3 days	350-500	--	Yes*	Yes*	--
2nd offense	90 days	90 days (5 days*)	500-1,000	--	Yes*	Yes*	--
3rd and subsequent offenses §8-1567(c), (d), and (e)	90 days	90 days (See note in the last column on p. 3-102.) *Mandatory term may be reduced to not less than 5 days if person enters an approved treatment program.	1,000-2,500	--	 *May be ordered as a term of probation. §21-4610	 §21-4610	--
KENTUCKY							
1st offense	No	N/A	100-500	100	No	No	No
2nd offense	3 days-6 months	3 days	100-500	100			
3rd offense (Mandatory sentences for 2nd and 3rd offenses)	30 days-6 months	30 days	100-500	100			

STATE	Sanctions Following a Conviction for a DWI Offense—Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
KANSAS						
1st offense	No	No	--	Restricted*	Not to exceed 1 year	--
2nd offense	No	No	--	Suspension	1 year	1 year*
3rd and subsequent offenses	No	No	--	Revocation *License must be restricted in use in going to and from work.	1 year	1 year *License suspension terminates when an approved treatment has been completed, this could take more than or less than one year.
KENTUCKY	No	Yes	No	1st offense--6 months license suspension or education course and restricted license 2nd offense--1 year license suspension. Mandatory 3rd offense--2 year license suspension. Mandatory		

STATE	Sanctions Following a Conviction for a DWI Offense—Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
KANSAS	--	--	-- (Note: Attendance at an alcohol education or treatment program could be a condition for issuing a restricted license.)	No	--	--	Note: Under §§22-2906 et seq., a person may elect to enter a special diversion program; if the person fulfills the obligations of this program, the criminal charges against the persons shall be dismissed with prejudice.
KENTUCKY	The DMV may refer a DWI offender to retraining or rehabilitation upon written recommendation of the Court.		No	No	N/A	N/A	No

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions						Other	
		Criminal Sanctions			Administrative Licensing Actions				
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action-- Min. Length of License Withdrawal	
KANSAS	Yes--Class A misdemeanor. Death caused by operation of a vehicle in a manner which causes unreasonable risk. (Kansas Stat. Ann. §§21-3405, 21-4502, and 21-4503)	Not more than 1 year	--	Not more than 2,500	--	Revocation	Not less than 1 year	1 year *A restricted license may be issued.	--
KENTUCKY	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	No

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
KANSAS							
1st offense	Class B misdemeanor Not more than 6 months	5 days (must be sentenced to serve 5 days, but parole for this period is possible)	Not more than 1,000	--	If convicted of driving while license suspended, a suspension	Suspension period extends and equals that of original suspension period	Suspension period extends and equals that of original suspension period
2nd offense	Class A misdemeanor Not more than 1 year	5 days	Not more than 2,500	--	If convicted of driving while license revoked, a revocation	Revocation period is 6 months and is added onto the original revocation period	Revocation period is 6 months and is added onto the original revocation period
3rd and subsequent offense §8-262	Class E felony 1-5 years	5 days (Kansas Stat. Ann. §8-262)	Not more than 5,000				
KENTUCKY	No	No	No	No	Denial of license	For additional like period of previous denial period	Yes

Other Criminal Actions Related to Alcohol Use and Driving—Continued

Habitual Offender Laws

STATE	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
KANSAS §8-285	Yes	Three serious offenses within 5 years (Kansas Stat. Ann. §§8-284 et seq.)	3 years	Class E felony	1-5 years	—	Not more than 5,000	—	No specific licensing action in the statute for this offense
KENTUCKY 186.642	Yes	Three or more serious offenses (including DWI within 5 years)	Revocation of license for a period of 5 years if habitual offender status is based on three or more convictions for DWI	Misdemeanor	Not to exceed 12 months	No	No	No	See section on suspended or revoked license (column 3)

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
KANSAS	No	--	--	--	21	Persons over 18 years old may consume 3.2% beer	No	No	--
KENTUCKY Language in Ky. Rev. Stat Ann. §189.590 requiring coroners to report on the circumstances surrounding fatal accidents may impliedly require such tests. <i>Woosley v. Central Uniform Rental</i> , 463 S.W. 2d 345 (1971). An investigative officer or a coroner may direct taking of blood samples of dead if necessary. OAG 73-470; OAG 73-196. A person dead or unconscious is deemed not to have revoked implied consent to BAC test. Ky. Rev. Stat. Ann. §186.565.	Yes	Yes	Yes	Yes	21	No	No	Pike v. George 434 SW 2d 626 (Ky. 1968)	No

STATE	Other State Laws Related to Alcohol Use and Driving--Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
KANSAS	Misdemeanor	Not more than 30 days	Not more than 200	Suspension or revocation A civil penalty of up to \$1,000 may be imposed	Not specified in the statute
		(Kansas Stat. Ann. §§21-4501, 41-320, 41-328, 41-705, 41-2708, and 77-201)			
KENTUCKY					
1st offense	Misdemeanor	Not more than 6 months	100-200	Yes	Not specified
2nd offense	Misdemeanor	Not more than 6 months	200-500	Yes	Not specified

STATE	Other State Laws Related to Alcohol Use and Driving—Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
KANSAS 21-3610	Class B misdemeanor (furnishing intoxicating liquor to any person under 21 years of age) (See Kansas Stat. Ann. §21-3610)	Not more than 6 months	Not more than 1,000	Suspension or revocation (See Kansas Stat. Ann. §§41-2611(e) and 41-2708(k))	Not specified §41-715 §41-2615 §41-2708	Yes §41-804	--
KENTUCKY 1st offense 2nd offense	Misdemeanor Misdemeanor	Not more than 6 months Not more than 6 months	100-200 200-500	Yes Yes	Not specified Not specified	No	N/A

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law Arrest Required (Yes/No)	Other Information
LOUISIANA See: West's Louisiana Statutes Annotated: Revised Statutes, Cum. Ann. Pocket Part 1982 (current through 1981 Regular and Extraordinary Sessions, 1/1/82, Interim annotation service, 9/82) and West's Louisiana Session Law Service 1982 (current through 8th Regular Session, 1982, 7/12/82)	No	0.10%	No	No	Yes §32:661	No
MAINE See: Maine Revised Statutes Annotated. Includes laws through 110th Legis. 1982 Fifth Special Session May 1982	Yes 0.10% C.29 §1312(5)	--	--	No	No	The law enforcement officer must have "probable cause" before he/she can require a suspected drunken driver to submit to a BAC test. C.29 §1312

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
LOUISIANA	Yes §32:661	Yes §32:661	Other bodily substance §32:661	No	No	Optional
MAINE	Yes C.29 §1312	—	—	Must adjudicate as a criminal violation if BAC level is 0.204 or more	—	No

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
LOUISIANA	N/A	N/A	N/A	No	Suspension (6 months which is added onto any other administra- tive action arising out of the same set of operative facts) §32:667	
MAINE	N/A	N/A	N/A	No	Suspension for 180 days C.29 §1312(2)	--

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
LOUISIANA	1st-- 10 days-6 months	2 days	125-500	No	Alternative to minimum 10-day sentence is	When defendant placed on probation court may order restitution	1. Alternative to jail term: treatment at substance abuse treatment center (1st and 2nd convictions) and driver improvement course. 2. In addition to or in place of restitution court may order defendant on probation to pay X amount to criminal fund of parish where conviction obtained.
	2nd-- 30 days-6 months	15 days	300-500	No	(1) to do 4 days community service, substance abuse, and driver improvement program with 2 days in jail or		
	3rd-- 1 year-5 years (w/or w/o hard labor)	6 months	1,000	No			
	4th-- 10 years- 30 years (hard labor)	No	--	--	(2) see "Other" column, item number 1. 2nd conviction: same as above except 30-days community service (effective 1/1/83)		
	§14:98 Act. No. 14	§14:98 Act. No. 14	§14:98 Act No. 14	§14:98	§14:98 Act. No. 14	C. Cr. P., Art. 895	§14:98 Act. No. 14
MAINE	Criminal violation	Class D crime less than 1 year	48 hours	Not more than 1,000	Not less than 350	--	--
	Traffic Infraction	Not applicable to a traffic infraction	--	250-500	250	--	--
C.29 §1312(10)							Note: If BAC is less than 0.20%, the State may not elect to prosecute the DWI offense as a violation and not as a crime... C.29 §1312(c)

STATE	Sanctions Following a Conviction for a DWI Offense—Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
LOUISIANA	No	Yes		1st—suspension 2nd—revocation §32:414 Act. No. 822	60 days* 12 months *Hardship provision (to earn liveli- hood) for 1st offense only §32:414 §32:415 Act. No. 822	No 12 months (p. 152, §32:414)
MAINE						
Criminal violation	No	Yes	--	Suspension	90-275 days	90 days
Traffic infraction	No	Yes	--	Suspension	45-135 days	45 days
C. 29 §1512(10)						

STATE	Sanctions Following a Conviction for a DWI Offense—Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
LOUISIANA	<p>§32-415.1(A)(2). Judges are given authority to refer first time offenders for retraining or rehabilitation. Restricted licenses are issued to facilitate attendance in driver improvement schools. Court grants such opportunity on the basis of a) medical evaluation and b) recommendation that the convicted DWI offender is pathologically addicted to alcohol or is a habitual drinker or an addict who will benefit from such treatment. §14:98(C) authorizes the court to order a DWI offender to undergo substance abuse treatment program in lieu of imprisonment.</p>			No	N/A	N/A	
MAINE	—	—	<p>After 2/3 of license suspension period, the DWI offender may be issued a restrictive license if they have completed an alcohol education program.</p>	No	—	—	

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Criminal Sanctions				Administrative Licensing Actions			Other
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action— Min. Length of License Withdrawal	
LOUISIANA	No, but has "negligent homicide" statute §14:32	0-5 years w/or w/o hard labor	No	0-5,000	No	Revocation	12 months	12 months	No
MAINE	The law applies only if death is caused by the reckless operation of a vehicle. C.17-A §203 and C.29 §1313	Not more than 5 years	—	Not more than 2,500.	—	Revocation	5 years	5 years	—

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
LOUISIANA Note: "offenses" defined at Art. 933, C. Cr. P.	6 months 7 days-6 months (If such violation was simultaneous with 2nd DWI conviction)	No 7 days	10-500 300-500 §32:415 §32:427 Act No. 556	No No	Suspension period increases if driving with suspended license and likewise for revocation period	1 year	1 year
MAINE	Less than 1 year (Class D crime) C.29 §2184	7 days	Not more than 2,500 C.29 §2184	350	Suspension	1-3 years added to the original suspension or revocation	1 year added to the original suspension or revocation

Other Criminal Actions Related to Alcohol Use and Driving—Continued

Habitual Offender Laws

STATE	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
LOUISIANA	Yes	3 or more convictions w/n a 5-yr. period, for operating or attempting to operate a motor vehicle while (1) under the influence, (2) impaired by use of, and (3) intoxicated by use of intoxicating liquors. (This part of the statute relates to alcohol only.)	3 years (plus, "financial responsibility requirements must be met and petition must be made to court which may, upon showing of good cause, restore license)	Misdemeanor	1-5 years	No	None	No	None
		§32:1472	§32:1479 Act. No. 555	Act. 933, C. Cr.P.	§32:1480 Act No. 555				
MAINE	Yes	Convictions for 3 serious offenses. (DWI)	Revocation period is indefinite but relief from the habitual offender status (revocation) is removed after 1 year.	Class C crime	Not more than 5 years	60 days	Not more than 5,000	—	Relief from habitual offender status shall not be granted for at least 5 years from the date the offender would have been eligible for relief.
	C.29 §2292			C.29 §§2292 and 2299			C.29 §2298		

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
LOUISIANA		Yes §32:661(A)	Yes §32:398(E) (F)	Yes §32:398(E) (F)	18 §26:88 (1)	None	No	No (but, see, 373 So. 2d 494, 385 So. 2d 772&326 So. 2d 831)	No
MAINE	No	—	—	—	20 C.28 §303	—	Yes C.17 §2002	No	—

STATE	Other State Laws Related to Alcohol Use and Driving--Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
LOUISIANA	A. For alcoholic beverages with an alcohol content of 6% or above	Misdemeanor 30 days-6 months §26:191	100-500 or 1st--50-500 2nd*--250-1,000 3rd*--500-2,500 *Within 3 years §26:94 100-500	Yes (not mandatory) §26:88	1 year 1 year
	B. For alcoholic beverages with an alcohol content of 1/2 of 1% to 6%	Misdemeanor 1st offense--30 days-6 months 2nd or subsequent offense--60 days-12 months §26:521	200-1,000 or 1st--50-500 2nd*--250-500 3rd--500-2,500 *Within 3 years §26:290 Note: However, this graduated schedule of fines may be in lieu of or in addition to revocation/suspension, not in addition to first listed fine.		§26:291
MAINE	None	N/A	N/A	Yes Suspension or revocation C.28 §401	Not specified in the statute

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law if Needed
LOUISIANA	Misdemeanor	0-6 months or It could be that the penalty options listed on the preceding page apply as a specific exception to the general rule. §14:91	0-300 §14:91	Yes, but not mandatory	1 year	No	N/A
MAINE	None	N/A	N/A	Yes Suspension or revocation	Not specified in the statute	No Additional note C.28 §303	—

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
MARYLAND See: Annotated Code of Maryland, 1957, 1982 Supp.	No	No	A BAC of 0.08 is prima facie evidence of driving while under the influence. A BAC of 0.13 is prima facie evidence of intoxication. (Ann. Code of Maryland, Courts and Judicial Proceedings §§10-3029 and 10-307)	Yes	Yes	—
MASSACHUSETTS See: Massachusetts General Laws Annotated August 1982	No	Yes 0.15% C.90 §24(1)(e)	—	No	Yes C.90 §24(f)	If person refused to consent after being arrested, police officer immediately prepares written report; and this is forwarded to the registrar who then suspends the person's license for 90 days.

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
MARYLAND	Yes (Ann. Code of Maryland, Transportation §16-205.1)	No	--	No	No	No (Note: PSI required only for convictions of felony offenses.)
MASSACHUSETTS	No	No	—	Yes C.90 §24(g)	No	Yes C.90 §24(1)(a)

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
MARYLAND	None	None	—	None	Suspension for 60 days-6 months* *Restricted license available.	—
MASSACHUSETTS	No	No	—	No	Suspension of license for 90 days C.90 §24(f)	—

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
MARYLAND Offense of driving while under the influence 1st offense Subsequent offense Driving while intoxicated 1st offense Subsequent offense	Misdemeanor Not more than 2 months Not more than 1 year Misdemeanor Not more than 1 year Not more than 2 years	-- -- -- --	Not more than 500 Not more than 500 . Not more than 1,000 Not more than 1,000	-- -- -- --	Option when, after determination of guilt or nolo contendere plea, entrance of judgment is stayed and individual is placed on probation. Art. 27 §641 --	Option when judgment's entrance is stayed and individual is placed on probation. Art. 27 §641 --	--
(Ann. Code of Maryland, Transportation §§21-902 and 27-101)							
MASSACHUSETTS	Not more than 2 years C.90 §24	2 weeks	Not more than 1,000	35	--	--	--

Sanctions Following a Conviction for a DWI Offense—Continued

Administrative Licensing Actions

STATE	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UTC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
MARYLAND Driving while under the influence 1st offense 2nd offense within 2 years 3rd offense within 3 years Driving while intoxicated (Ann. Code of Maryland §12-205)	No No No No	No No No No	-- -- -- --	Suspension* Suspension* Revocation* Revocation* *See Note at the end of the criminal sanctions section.	Not more than: 60 days 120 days 6 months for a 1st revocation; 1 year for a 2nd revoca- tion; and 18 months for a 3rd revocation	-- -- -- --
MASSACHUSETTS	No	No	--	Mandatory revocation C.90 §24(b)	1 year Unless at Court's discretion the person can be placed on probation for 1 year and may be eligible for early reinstatement after 90 days. C.90 §24(c)	90 days

STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
MARYLAND Driving while under the Influence Driving while Intoxicated	Yes Yes	Yes Yes	— — (Ann. Code of Maryland §8-404)	No	—	—	Special Note: (1) Under separate provisions, a license may be suspended or revoked for an alcohol offense via the point system. Under this system two driving under the influence offenses within 2 years would result in an accumulation of points sufficient to warrant revocation; note terms of license withdrawal under the driving while intoxicated offense. (2) All suspensions and revocations not under the point system are discretionary. (3) If a suspension or revocation is based on the point system, the state may cancel or modify such action if it would adversely affect a person's employment or opportunity for employment. (4) There is a provision allowing persons who drive for a living to accumulate a higher point total before license suspension or revocation is authorized. (Ann. Code of Maryland §18-401 et seq.)
MASSACHUSETTS	If the defendant consents, he may be placed on 1-year probation conditioned on attending an alcohol education treatment or rehabilitation program. Such persons must pay a \$200 fee for placement in the program. At Court's discretion. C.90 §24(d) (Changed as of September 1982)			No	—	—	

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions						Other	
		Criminal Sanctions			Administrative Licensing Actions				
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action— Min. Length of License Withdrawal	
MARYLAND									
1) Death caused by the operation of a vehicle "In a grossly negligent manner"	Yes Misdemeanor	Not more than 5 years	—	Not more than 1,000	—	Revocation (via point system)	6 months for first revocation; 1 year if this would be a 2nd revocation; and 18 months if this would be a 3rd revocation	— (Note: A restricted license may be issued; see special note at the end of the DWI criminal sanctions section.)	
2) Death caused by operation of a motor vehicle while intoxicated	Yes Misdemeanor	Not more than 2 years	—	Not more than 1,000	—				—
	Ann. Code of Md. Art. 27, §388								
MASSACHUSETTS									
	Yes (Homicide by motor vehicle) C.90 §24(g)	30 days to 2 1/2 years and/or fine	30 days	300 to 3,000 and/or Imprisonment	300	Suspension (based on Commissioner's findings)	10 years	10 years	

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
MARYLAND							
1st offense	Misdemeanor Not more than 1 year	—	Not more than 1,000	—	Revocation*	6 months if a first revocation	1 year
2nd and subsequent offenses	Not more than 2 years	—	Not more than 1,000	—	Revocation* (*via point system) Registration of any motor vehicle owned by a person whose license was sus- pended or revoked for an implied con- sent refusal or a DUI/DWI offense may be suspended for not more than 120 days.	1 year if a second revocation 18 months if this would be a third revocation	(Note: A restricted license may be issued; see special note at the end of the criminal sanctions section.)
MASSACHUSETTS							
1st offense	Not more than 10 days and/or fine	—	50-100 or Imprisonment	50	Suspension	90 days-6 months	90 days
Subsequent offenses C.90 §23	10 days-1 year	10 days	--	--	Revocation	--	--

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
MARYLAND	No	—	—	—	—	—	—	—	—
MASSACHUSETTS	Yes C.90 §22(f)	Three or more convictions, singularly or in combina- tion of operating a motor vehicle while under the influence of intoxicat- ing liquor in violation of C.90 §24(1) (a)	4 years (if proven hardship license after 1 year)	Habitual offender (criminal offense)	Not more than 2 years	—	200-1,000	200	Revocation

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed In Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
MARYLAND	Yes	No	No	No	21	Grandfather clause for those born prior to July 1, 1964 (Ann. Code of Maryland Art. 2B, §§62, 18, and 200)	No	No	--
MASSACHUSETTS	Yes C.38 §6(A)	Yes Statute requires medical examiners to submit to police lab of State where accident occurred, blood samples of drivers who die of injuries received in auto accidents within 4 hours of the accident.	No	Yes (Same rule for drivers who die (C.38 §6(A)) in accidents... applies for pedestrians 16 years or older	20 C.138 §34	--	Yes	Adams v. Three Sons, 353 Mass. 498; 233 N.E. 2d 18 and Cimino v. The Milford Keg, Inc., 431 N.E. 2d 920 (Mass. 1982)	--

STATE	Other State Laws Related to Alcohol Use and Driving--Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
MARYLAND	Misdemeanor (Ann. Code of Maryland Art. 2B, §§69, 69A, 118, and 200)	Not more than 2 years	Not more than 1,000	Suspension or revocation (Note: For licenses issued by the Comptroller a monetary compromise of not more than \$2,000 may be paid in lieu of suspension or revocation.)	Generally 6 months, but for certain counties it may be longer
MASSACHUSETTS	Fine and/or Imprisonment 13B §69	Not less than 1 month and not more than 1 year	Not less than 50 and not more than 500	No	--

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law if Needed
MARYLAND Ann. Code of Maryland Art. 2B §§118 and 69	Misdemeanor (Ann. Code of Maryland Art. 2B §§69, 69A, 118, and 200)	Not more than 2 years	Not more than 1,000	Suspension or revocation (Note: For licenses issued by the comptroller a monetary compromise of not more than \$2,000 may be paid in lieu of suspension or revocation.)	Generally 6 months but for certain counties it may be longer	Yes See explanation	This law is limited to certain public parking areas See Maryland Code Article 2B §§207-214
MASSACHUSETTS	Fine and/or Imprisonment	Not more than 6 months	Not more than 200	Possibly (Left up to the Court's discretion) C.138 §64	If revoked--1 year C.138 §64	No	

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
MICHIGAN See: Michigan Statutes Ann. 1981, 1982 Cum. Supp. (current through September 28, 1982)	0.10%	A BAC of greater than 0.07 but less than 0.10 is a presumption of impairment A BAC of 0.10 or more is a presump- tion of driving while under the influence	--	Yes	Yes	--
MINNESOTA See: Minnesota Stat. Ann. Includes laws through 1981 Regular Session and 1st and 2nd Special Session (for use in 1982)	Yes 0.10% Minn. Stat. Ann. 169.121(1)(d) 169.123(5a)	--	--	Yes (Minn. Stat. Ann. C.169.121)	Yes and No	Test can be given if: 1) person has been lawfully placed under arrest under C.169.121 and 2) if person has refused to take preliminary screening test; 3) if PBT is refused or shows BAC of 0.10% or more; 4) if person is involved in an accident resulting in property damage, personal injury, or death there is implied consent without arrest.

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
MICHIGAN	Yes (Mich. Stat. Ann. §§9.2325(1), (3), (4), (5), and (6))	Yes	--	No	No	Yes
MINNESOTA	Yes	Yes	--	Yes	No	Yes 169.123 Subd. 4

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
MICHIGAN	No	No	Civil Infraction	Suspension	90 days-2 years	--
MINNESOTA	—	Revocation for 6 months 169.123 Subd. 2(b)(1)	—	—	Revocation for 6 months 169.123 Subd. 2(b)(1)	—

Sanctions Following a Conviction for a DWI Offense

STATE	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
MICHIGAN							
Offense of driving while impaired							
1st offense	Misdemeanor Not more than 90 days	—	Not more than 300	—	Yes--up to 12 days	—	—
2nd and subsequent offense	Misdemeanor Not more than 1 year	—	Not more than 1,000	—	Yes--up to 12 days	—	—
Offense of driving while under the influence							
1st offense	Misdemeanor Not more than 90 days	—	100-500	—	Yes--up to 12 days	—	—
2nd offense within 7 years	Misdemeanor Not more than 1 year	—	Not more than 1,000	—	Yes--up to 12 days	—	—
3rd and subsequent offenses within a 10-year period	Felony 1-5 years	—	Not more than 1,000	—	Yes--up to 12 days	—	—
MINNESOTA							
	10-90 days	No (Optional for 1st and subsequent offenders at Court's discretion)	10-500	—	—	—	—

STATE	Sanctions Following a Conviction for a DWI Offense--Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
MICHIGAN						
Offense of driving while Impaired						
1st offense				Suspension	90 days-1 year	—
2nd offense	No	No	--	Suspension	6-18 months	—
3rd and subsequent offense				Revoked	1 year	1 year
Offense of driving while under the Influence						
1st offense				Suspension	6 months-2 years	—
2nd offense	No	No	--	Revoked	1 year	1 year
3rd and subsequent offenses (felony)				Revoked	5 years	5 years
MINNESOTA						
	Yes 169.123 Subd. 5a	--	--	Revocation	90 days	90 days

Sanctions Following a Conviction for a DWI Offense—Continued

STATE	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
MICHIGAN	Yes	--	--	No	--	--	Special Note: The Alcohol Driving Legislation was signed by the Governor on September 28, 1982; see Senate Bills 702, 776, and 777 as enacted.
MINNESOTA	Yes 169.124 and 169.126	Yes	No The court may not stay imposition of sentence if defendant submits to treatment at an authorized dependency facility, as previously provided by 169.121 Subd. 5 and 609.135 Subd. 1 (See Laws, 1981 Chap. 9)	No	--	--	

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Criminal Sanctions				Administrative Licensing Actions			Other
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action— Min. Length of License Withdrawal	
MICHIGAN	Yes Misdemeanor Death caused by the opera- tion of a vehicle at an immoderate rate of speed or in a care- less, reck- less, or neg- ligent manner but not wil- fully or wantonly (Mich. Stat. Ann. §§28-556 and 28-557)	Not more than 2 years	—	Not more than 2,000	—	Suspension* (6 points are also accu- mulated for each offense) *(See special note at the end of the Alcohol and Driving criminal sanctions section.)	90 days- 2 years	—	—
MINNESOTA	Yes	Not more than 90 days	— 169.121 Subd. 3	Not more than 500	—	Revocation	Optional at discretion of Court	90 days	—

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
MICHIGAN							
1st offense	Misdemeanor 3-90 days	—	Not more than 100	—	Suspension or revocation	The original license suspension or revocation is extended for a like period.	The original license suspension or revocation is extended a like period.
2nd and subsequent offenses	Misdemeanor 5 days-1 year	— (Mich. Stat. Ann. §9.2604(2))	Not more than 500	—			
MINNESOTA							
If Intoxicated	1 year	1 year	Up to 1,000	—	Revocation	—	90 days with rehabilitation
For 4th offense within 5 years	1 year	1 year	Up to 1,000	—	Revocation	—	2 years with rehabilitation
If not Intoxicated	30 days	30 days	Up to 500	—	Treated as a misdemeanor		

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
MICHIGAN	No	—	—	—	—	—	—	—	—
MINNESOTA	No	—	—	—	—	—	—	—	—

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
MICHIGAN	Yes	Yes	No	No	21	--	Yes (Mich. Stat. Ann. §18.993)	No	--
MINNESOTA	Yes	Yes	Implied	Yes	19	All types (Beer, wine--table and fortified--and distilled liquors)	Yes Minn. Stat. Ann. 340.95	Trail v. Christian, 298 Minn. 101, 213 N.W. 2d 618 (1973)	--

Other State Laws Related to Alcohol Use and Driving—Continued

STATE	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
MICHIGAN	Misdemeanor (Mich. Stat. Ann. §§18,993 and 18,1021)	Not more than 6 months	Not more than 500	Suspension or revocation (Mich. Stat. Ann. §18,991)	Period of license suspension or revocation not specified in the statute (Note: A civil fine of not more than \$300 may be assessed in addition to or in lieu of a suspension or revocation.)
MINNESOTA	—	—	—	Yes	5 years 340.19(2)

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
MICHIGAN	Misdemeanor (Mich. Stat. Ann. §§18,1004 and 18,1021)	Not more than 6 months	Not more than 500	Suspension or revocation (Mich. Stat. Ann. §18,991)	Period of license suspension or revocation not specified in the statute (Note: A civil fine of not more than \$300 may be assessed in addition to or in lieu of a suspension or revocation.)	Yes	--
MINNESOTA	Gross misdemeanor	Not less than 30 days; not more than 90 days	Not less than 50 and not more than 100	No	No	Yes	Minn. Stat. Ann. 169.122

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
MISSISSIPPI See: Mississippi Code Annotated, 1972, 1982 Cum. Supp. (current through 1982 Legislative Session)	No	0.10%	--	Yes	Yes	--
MISSOURI See: Vernon's Annotated Missouri Statutes, 1972, 1982 Supp. (Current through 1st Regular Session of 81st General Assembly, 1981)	0.10% Ann. Mo. Stat. §577.12	No	A BAC of 0.10 or more is prima facie evidence of intoxication Ann. Mo. Stat. §577.037	No	Yes	--

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
MISSISSIPPI	No	No	--	No	No	No
MISSOURI	Yes	Yes	Saliva	No	No	No

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
MISSISSIPPI	None	None	--	None	90 days (Miss. Code Ann. §63-11-5)	--
MISSOURI	N/A	N/A	N/A	Revocation Ann. Mo. Stat. §577.41	1 year	A restricted license may be issued.

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
MISSISSIPPI							
Where a chemical test was given	---	---	200	---	---	---	---
1st offense	---	---	---	---	---	---	---
2nd offense (within 2 years)	10 days-1 year	---	250-1,000	---	---	---	---
3rd and subsequent offense (with 4 years)	30 days-1 year	---	500-1,000	---	---	---	---
For any offense where a BAC test was not given but not refused	Not more than 30 days	---	Not more than 100	---	---	---	---
For any offense where a BAC test was refused	Not more than 1 year	---	300-1,000	---	---	---	---
	Miss. Code Ann. §63-11-30						
MISSOURI							
Intoxicated offense	Misdemeanors		Not more than 500		---	---	---
1st offense	Class B--not more than 6 months				---	---	---
Per se offense							
1st offense	Class C--not more than 15 days		Not more than 300	See statement under	---	---	---
2nd offense*	Class A--not more than 1 year	The sentence cannot be suspended, but, nevertheless, the imposition of the sentence may be suspended. (Applies to 2nd and 3rd offenses)	Not more than 1,000	Mandatory Minimum Term	---	---	---
3rd and subsequent offense*	Felony Class D--not more than 5 years		Not more than 5,000		---	---	---
*For driving either while intoxicated and/or per se (or a combination of the two offenses with in 10 years of a first/second off.)							
	Ann. Mo. Stat. §§577.010 et seq., 557.011, 558.011, 560.011, and 560.016						

STATE	Sanctions Following a Conviction for a DWI Offense—Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
MISSISSIPPI						
Where a chemical test was given						
1st offense	No	No	—	Suspension*	(1 year)	—
2nd offense	No	Yes	--	Suspension	6 months	Same
3rd and subsequent offense	No	Yes	--	Suspension	2 years	Same
For any offense where a BAC test was not given but not refused	No	No	--	Suspension*	(6 months)	—
For any offense where a BAC test was refused	No	Yes	--	Suspension *A restricted license may be issued.	6 months	Same
MISSOURI						
Intoxicated offense						
1st offense	No	No	--	Point system 8 points*	See note below	
Per se offense						
1st offense	No	No	—	6 points		
2nd offense*	No	No	—	12 points		
3rd and sub- sequent offense*	No	No	--	12 points		
*For driving either while intoxicated and/ or per se (or a combination of the two offenses with- in 10 years of a second offense.)				Note: Under the point system 8 points = a suspension. For a 1st suspension the time period is 30 days; for a 2nd it is 60 days, and for a 3rd it is 90 days--12 points = revocation for 1 year. *A restricted license may be issued. Ann. Mo. Stat. §303.302		

STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
MISSISSIPPI							
Where a chemical test was given			Yes Licensing action		--	--	
1st offense	Yes	Yes	--	No			
2nd offense	--	--	--				
3rd and subsequent offense	--	--	--				
For any offense where a BAC test was not given but not refused	Yes	Yes	--				
For any offense where a BAC test was refused	--	--	--				
MISSOURI							
Intoxicated offense							
1st offense	Yes	Yes		No	--	--	
Per se offense							
1st offense	Yes	Yes	Alternative to criminal sanctions				
2nd offense*	--	--	--				
3rd and subsequent offense*	--	--	--				
*For driving either while intoxicated and/or per se (or a combination of the two offenses within 10 years of a second offense.)			Ann. Mo. Stat. §577.047				

Other Criminal Actions Related to Alcohol Use and Driving									
STATE	Homicide by Vehicle								Other
	State Has Such a Law/ Type of Offense	Sanctions							
		Criminal Sanctions				Administrative Licensing Actions			
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action-- Min. Length of License Withdrawal	
MISSISSIPPI	No (Note: Even though there is no specific offense of homicide by vehicle, nevertheless a person's license must be revoked if they are convicted of manslaughter or negligent homicide resulting from the operation of a motor vehicle; the period of revocation is 1 year.)	—	—	—	—	—	—	—	—
MISSOURI	Yes--Class C felony Vehicle homicide where death is caused by operating a motor vehicle while in an intoxicated condition or under the influence of controlled substances or drugs Ann. Mo. Stat. §577.005	Not more than 7 years	—	Not more than 5,000	—	Revocation (12 points)	1 year	1 year	—

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
MISSISSIPPI	Misdemeanor 2 days-6 months Miss. Code Ann. §63-1-57		Not more than 100	--	(Note: No specific licensing action authorized by statute for this offense)	--	--
MISSOURI	Misdemeanor						
1st offense	Not more than 1 year	--	Not more than 500	--	Revocation (12 points)	1 year	Same
2nd offense	15 days-1 year	--	Not more than 500	--	Revocation (12 points)	1 year	Same
3rd and subsequent offenses	60 days-1 year	--	Not more than 500	--	Revocation (12 points)	1 year	Same
302.302 and 302.321	302.302 and 302.321						

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
MISSISSIPPI	No	--	--	--	--	--	--	--	--
MISSOURI	No	--	--	--	--	--	--	--	--

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
MISSISSIPPI	Yes	Yes Miss. Code Ann. §63-11-7	No	No	21/18	18 for beer and wine if under 4% of alcohol by weight 21 for distilled spirits or any alcoholic beverage over 4% of alcohol by weight. These are defined as alcoholic beverages.	No	Munford, Inc. v. Peterson, 368 So. 2d 213 (Miss. 1979)	--
MISSOURI	Yes Ann. Mo. Stat. §§58,445, 58,447 and 58,449	Yes	Yes	Yes	21 Ann. Mo. Stat. §311.325	--	No	Sampson v. W. F. Enterprises, Inc., 611 S.W. 2d 333 (Mo. App. 1980)	--

Other State Laws Related to Alcohol Use and Driving--Continued

STATE	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
MISSISSIPPI	Misdemeanor Miss. Code Ann. §§67-1-71, 67-3-53, and 67-3-69	Not more than 6 months	Not more than 500	Revocation* (Void for at least 1 year--mandatory if beer or wine is given to an intoxicated person) *A limited suspension may be imposed in lieu of revocation.	2 years
MISSOURI	Misdemeanor Ann. Mo. Stat. §§311.310, 311.720, and 311.880	Not more than 1 year	50-1,000	Revocation	Not specified in the statute

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
MISSISSIPPI							
Selling alcoholic beverages to those under 21							
1st offense	Misdemeanor	—	500-1,000	Revocation*	2 years	No	—
2nd and subsequent offenses	Misdemeanor	Not more than 1 year	1,000-2,000	Automatic revocation	Permanently		
Selling to person under 18 beer and wine under 4% alcohol by weight	Misdemeanor	Not more than 6 months	Not more than 500	Revocation*	2 years--void for at least 1 year (mandatory)		
	Miss. Code Ann. §§67-1-71, 67-1-81, and 67-3-53			*A limited suspension may be imposed in lieu of revocation			
MISSOURI							
	Misdemeanor	Not more than 1 year	50-1,000	Revocation	Not specified in the statute	No	—

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
MONTANA See: Montana Revised Codes Annotated through 1982 §61-8-401	No	0.10% 61-8-401(3)(c)	--	No	Yes 61-8-402	--
NEBRASKA See: Revised Statutes of Nebraska, 1982 Cum. Supp. (current through 1982 session)	0.10%	No	No	Yes	Yes	No

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
MONTANA	<p>Yes</p> <p>61-8-402(1)</p>	<p>Yes</p> <p>61-8-402(1)</p>	<p>--</p>	<p>No</p>	<p>No</p>	<p>Yes</p> <p>(If crime carries a sentence of 1 year or more imprisonment)</p> <p>46-18-111</p>
NEBRASKA	<p>Yes</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>Yes</p>

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
MONTANA	N/A	N/A	N/A	No	Suspension for 60 days 61-8-402	—
NEBRASKA	100 No Imprisonment	No	No	1st--7 days + \$200 (maximum) 2nd--30 days + \$500 (maximum) (48 hours minimum) 3rd +--3 months- 6 months (maximum) (7 days minimum)	Revocation 6 months (60 day minimum) 1 year (6 months minimum) Permanently (1 year minimum)	No

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
MONTANA							
1st offense	Up to 24 hours	-- (See Mont. Code Ann. §61-8-714(1))	100-500	--	--	--	--
2nd offense	7 days-30 days	3 days--may not be suspended except for the defendant's physical or mental well-being	300-500	--	--	--	--
3rd and subsequent offenses	30 days-1 year	10 days--may not be suspended if the 3rd offense occurred within 5 years of the first offense	500-1,000	--	--	--	--
	61-8-714(1)(2)(3)	61-8-714(1)(2)(3)					
NEBRASKA							
1st offense	7 days	No	200	No	No	No	Person must attend and successfully complete a driver's education program of, at least, 8 hours duration. §39-669.27
2nd offense	30 days	48 hours	500	No			
3rd and subsequent offenses	3 months-6 months	7 days	500	No			
	§28-106 §39-669.07	§28-106 §39-669.07	§28-106 §39-669.07				

STATE	Sanctions Following a Conviction for a DWI Offense—Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
MONTANA						
1st offense	No		--	Revocation	6 months	6 months
2nd offense (within 5 years of first offense)	No		--	Revocation	1 year	1 year
3rd and subsequent offenses (within 5 years of a first offense)	No		--	Revocation 61-5-205	1 year 61-5-208	1 year
NEBRASKA	No	No		Revocation* and automatically accumulates sufficient points to have license revoked administratively *Hardship license available. §39-669.07	1st--6 months 2nd--1 year 3rd--lifetime §39-669.07	60 days 6 months 1 year §39-669.07

STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
MONTANA							
1st offense	Yes	Yes	No	No	--	--	
2nd offense (within 5 years of first offense)	Yes	Yes	No				
3rd and subsequent offenses (within 5 years of a first offense)	Yes	Yes	No				
	61-8-714(4)						
NEBRASKA	See two columns to the right	Any convicted person may be required to attend an alcoholism treatment program as term of probation. §39-669.07	As condition of probation defendant may be placed in program for retraining and rehabilitating DWI offenders. Program is modeled after NHTSA's ASAPs. §§39-669.31, .32	No	N/A	No	

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions				Administrative Licensing Actions			Other
		Criminal Sanctions							
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action— Min. Length of License Withdrawal	
MONTANA	No	—	—	—	—	—	—	—	—
NEBRASKA	Yes (Two statutes: One in Nebraska rules of road section; 2nd in criminal code section.) §28-306 §39-669,20	6 months §39-669,20 a. 1 year b. 5 years (If homicide was result of DUI, reckless driving or wilful reckless driving.) §28-306	No §39-669,20 No No §28-306	500 §39-669,20 1,000 10,000 §28-306	No §39-669,20 No No §28-306	Revocation	Court discretion	6 months	Person must attend and successfully complete a driver's education course of, at least, 8 hours duration.

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
MONTANA	Misdemeanor 2 days-6 months 61-5-212	--	Not more than 500 61-5-212	--	Suspension or revocation 61-5-212	The period of such suspension or revocation extended for an additional like period 61-5-212	The period of such suspension or revocation extended for an additional like period
NEBRASKA							
1st offense	3 months	No	500	No	Ordered not to operate any motor vehicle	1 year	1 year
2nd offense	3 months	No	500	No		2 years	2 years
3rd or subsequent offenses	5 years (If license permanently revoked, i.e., a 3rd or subsequent offense or 3rd or subsequent refusal to submit to a chemical test.)	No	10,000	No			

Other Criminal Actions Related to Alcohol Use and Driving—Continued

STATE	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
MONTANA	Yes	Accumulation of 30 points in a 5-year period	3 years	Misdemeanor §§61-11-201 and 215	Not more than 1 year	—	Not more than 1,000	—	(Note: No specific licensing action stated in the statute, but provisions concerning driving while suspended or revoked may still apply.)
NEBRASKA	No								

Other State Laws Related to Alcohol Use and Driving

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
MONTANA	No	N/A	N/A	N/A	19 (Note: See Mont. Code Ann. §16-3-301 (a).)	--	No	No (Note: See Runge v. Watts, 589 P.2d 145 (1979) and 45 AM Jur. 2d, Intoxicating Liquors §554.)	--
NEBRASKA	Yes	Yes If dead within 4 hours of accident	No	Yes If 16 and died within 4 hours of accident	20	A minor may possess any type of alcohol in his/her permanent place of residence.	No	No	--

STATE	Other State Laws Related to Alcohol Use and Driving--Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
MONTANA	Misdemeanor (Note: See Mont. Code Ann. §§16-3-301, 16-8-304, 16-8-305, and 46-18-212.)	Not more than 6 months	Not more than 500 (Note: A civil fine may be assessed by the licensing agency and such fine is not to exceed \$1,500.)	Suspension or revocation (Note: See Mont. Code Ann. §16-4-406.)	Not more than 3 months Not specified in the statute
NEBRASKA	Class III Misdemeanor §53-180 §53-180.05	0-3 months	0-500	Yes §53-128 §53-1,104	Indeterminate

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
MONTANA	Misdemeanor	Not more than 6 months	Not more than 500 (Note: A civil fine may be assessed by the licensing agency and such fine is not to exceed \$1,500.)	Suspension or revocation	Not more than 3 months Not specified in the statute	Yes	--
NEBRASKA	Class III misdemeanor §53-180 §53-180.05	0-3 months	0-500	Yes §53-128 §53-1,104	Indeterminate	No	N/A

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law Arrest Required (Yes/No)	Other Information
NEVADA See: Nevada Revised Statutes through September 1982	No	0.10% 484.381(1)	--	No	Yes 484.383(1)	--
NEW HAMPSHIRE See: New Hampshire Revised Statutes Annotated through January 1982	No	0.10% 265.89	A BAC level of 0.10 is prima facie evidence of intoxication.	No	Yes 265.84	--

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
NEVADA	<p>Yes</p> <p>484.383(1)</p>	<p>Yes</p> <p>484.383(1)</p>	<p>Or other unspecified bodily substances</p> <p>484.383(1)</p>	No	<p>Yes</p> <p>(Note: A DWI charge cannot be exchanged for a lesser charge unless there is no evidence to support a DWI charge.) (Nev. Rev. Stat. §§484.379 and 484.379(5).)</p> <p>484.379(5)</p>	<p>Yes*</p> <p>*Required only for felony offenses (Nev. Rev. Stat. §176.135.)</p>
NEW HAMPSHIRE	<p>Yes</p> <p>265.85(1)</p>	<p>Yes</p> <p>265.85(1)</p>	--	No	<p>Yes</p> <p>265.82(6)</p>	<p>No</p> <p>§651.4</p>

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
NEVADA	N/A	N/A	N/A	None	Suspension for 1 year for a 1st refusal Revocation for 3 years for a 2nd or subsequent refusal 484,385	--
NEW HAMPSHIRE	N/A	N/A	N/A	None	Revocation for 120 days 265.92	—

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
NEVADA							
1st offense	Misdemeanor Not more than 6 months	--	100-1,000	--	--	--	--
2nd offense (w/5 years)	Misdemeanor 10 days-6 months	10-days (15 days if rehabilitation is rejected)	500-1,000	--	--	--	--
3rd and subsequent offense and any DWI offense where death or bodily harm results (w/5 years)	1-6 years	1 year (30 days if rehabilitation is rejected)	2,000-5,000	--	--	--	--
484.379 et seq.							
NEW HAMPSHIRE							
1st offense	Violation No term of imprisonment	N/A	Not more than 1,000	--	--	--	--
2nd offense (w/7 years)	Misdemeanor Not more than 1 year	7 days	Not more than 1,000	--	--	--	--
622A.62 et seq.							

STATE	Sanctions Following a Conviction for a DWI Offense—Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
NEVADA						
1st offense	No	No	--	Suspension	30 days-1 year (restricted license allowed)	--
2nd offense	No	No	--	Suspension	6 months-1 year (restricted license allowed)	--
3rd and subsequent offense where death or bodily harm results	No	Yes For DWI death or bodily injury cases	--	(Not specified) 484,379	N/A	N/A
NEW HAMPSHIRE						
1st offense	No		--	Revocation	60 days-2 years	60 days
2nd offense (w/7 years)	No		--	Revocation	3 years	3 years
265:82						

Sanctions Following a Conviction for a DWI Offense—Continued

STATE	Sanctions Following a Conviction for a DWI Offense—Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
NEVADA							
1st offense	—	Yes	Yes	None	N/A	—	—
2nd offense	—	Yes	Yes				
3rd and subsequent offense and any DWI offense where death or bodily harm results	—	Yes	Yes				
		483.470	Except for the DWI death or bodily injury offense				
NEW HAMPSHIRE							
1st offense	—	—	—	None	N/A	—	—
2nd offense (w/7 years)	—	Yes	—				
265:82							

Other Criminal Actions Related to Alcohol Use and Driving

Homicide by Vehicle

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions				Administrative Licensing Actions			Other
		Criminal Sanctions							
Imprisonment (Term)		Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action— Min. Length of License Withdrawal		
NEVADA	No	—	—	—	—	—	—	—	—
NEW HAMPSHIRE	Yes—Class B felony applies only if death results from the reckless operation of a motor vehicle 262-A:61	Not more than 7 years 262-A:61	—	Not more than 2,000 262-A:61	—	(Note: No licensing action specific to this offense but general provisions exist under this statute which allow the State to suspend or revoke a license for sufficient reasons in order to protect the public safety.)			—

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
NEVADA	Misdemeanor 30 days-6 months	30 days	500-1,000	500	For driving on a suspended license--a suspension For driving on a revoked license--a revocation	The original suspension period extended a like period. The original revocation extended 1 year	The original suspension period extended a like period The original revocation extended 1 year
483,560	483-560	483,560	483,560		483-560	483-560	483-560
NEW HAMPSHIRE	Misdemeanor Not more than 1 year	—	Not more than 1,000	—	(See note in licensing action portion of the Vehicle Homicide section.)		
262:276							

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
NEVADA	No	—	—	—	—	—	—	—	—
NEW HAMPSHIRE See §§262-B:1 to 10	Yes 262-23 262-B:21	3 serious offenses or 12 moving violations within a 5-year period	4 years 262-B:7	(Note: Type of offense is not specified in the statute. It is probably a Class B felony with modifications in the penalty as provided in the habitual offender law.)	1-5 years	1 year	No fine stated in statute	—	No specific licensing action provided for this offense

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
NEVADA See §484.394	Yes	Yes	Yes	Yes	21	--	No	No	--
NEW HAMPSHIRE See §262-A:69-1, recodified as 265:93	Yes	Yes	No	Yes	20 175:6	--	No	No (But see, Burns v. Bradley, 419 A.2d 1069 (1980) and Ramsey v. Anctil, 211 A.2d 900 (1965) which held that New Hampshire permits a plaintiff to maintain a common-law action against a liquor licensee for injuries received as a result of being served additional liquor while in an intoxicated state, 419 A.2d 1069, 1071.)	--

STATE	Other State Laws Related to Alcohol Use and Driving—Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
NEVADA	<p>--</p> <p>(Note: State allows local governments broad power to license and regulate liquor retail establishments. Therefore, local laws may have been enacted to control the sale of alcoholic beverages to intoxicated persons.)</p>	--	--	--	--
NEW HAMPSHIRE	<p>Misdemeanor</p> <p>175.6</p>	Not more than 1 year	Not more than 1,000	Yes	<p>Suspension</p> <p>Time period not specified in the statute</p>

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
NEVADA	Misdemeanor	Not more than 6 months	Not more than 1,000	(Note: Controlled by local law.)		No	--
NEW HAMPSHIRE	Misdemeanor 175:6	Not more than 1 year	Not more than 1,000	Yes	Suspension Time period not specified in the statute	No	--

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
NEW JERSEY See: New Jersey Statutes Annotated (statutes through October 1982)	No	Yes 0.10% 39:4-50.1(3)	--	No	Yes 39:4-50.2	--
NEW MEXICO See: New Mexico Statutes 1978 Annotated, 1982 Cum. Supp. current through 2nd Special and Regular Session, 35th Legislature 1982	0.15% Note: Not a true illegal per se but rather a mandatory charge statute.	0.10%		No	Yes §66-8-107	

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
NEW JERSEY	—	—	—	No	No	No
NEW MEXICO	Yes	No	No	No	Yes (§66-8-102.1 If guilty plea entered it must be to one of subsections of the DWI statute if BAC=0.15%.)	Yes

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
NEW JERSEY	N/A	N/A	N/A	None	Revocation for 6 months (Note: If refusal was in connection with a subsequent offense, the revocation period is 2 years.) 39:4-50.4a	--
NEW MEXICO	N/A	N/A	N/A	No	1 year revocation §66-8-111	No

Sanctions Following a Conviction for a DWI Offense

STATE	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
NEW JERSEY							
1st offense	Not more than 30 days	--	250-400	--	--	--	Court may order a work release as an alternative to imprisonment
2nd offense	Not more than 90 days	--	500-1,000	--	30 days	--	--
3rd and subsequent offenses	Not less than 180 days	--	1,000	--	Not more than 90 If the 180 days may be served by performing community service	--	--
	39:4-50		39:4-50		39:4-50		
NEW MEXICO							
1st offense	30-90 days	No	300-500	No	No	Yes	No
2nd offense	10 days-1 year	2 days if within 5 years of prior conviction	1,000	No			

STATE	Sanctions Following a Conviction for a DWI Offense—Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UYC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
NEW JERSEY						
1st offense	No	No	--		6 months-1 year	--
2nd offense	No	No	--	39:4-50(b)*	2 years	--
3rd and subsequent offenses	No	No	--	*The statute uses the term "forfeited his right to operate a motor vehicle."	10 years	--
NEW MEXICO	No	No		Revocation* §66-5-29 *Hardship provision/ restricted license.	1 year §66-5-32	1 year

Sanctions Following a Conviction for a DWI Offense—Continued

STATE	Sanctions Following a Conviction for a DWI Offense—Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
NEW JERSEY							
1st offense	Yes	Yes	The Court may order a person to an inpatient rehabilitation program as an alternative to imprisonment	No	—	—	—
2nd offense	Yes	Yes					
3rd and subsequent offenses	Yes	Yes					
	39:4-50(b)						
NEW MEXICO							
	1) §66-5-29, §43-2-1 et seq. After presentence investigation, a trial court, at its discretion, may order a first offender to attend "driving-while-intoxicated school," also called the driver rehabilitation program, approved by both the Court and the Division of Motor Vehicles.			No	N/A	No	
	2) 1st offender may be allowed to attend driver rehabilitation program and if successfully completed Court may dismiss DWI charge and it is not a conviction, but does constitute a first offense.						

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions						Other	
		Criminal Sanctions			Administrative Licensing Actions				
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action-- Min. Length of License Withdrawal	
NEW JERSEY	Yes Crime of the fourth degree. Death must have resulted from the reckless operation of the vehicle. "Death by auto" 2C:11-2(b)	Not more than 18 months 2C:43-3.1	—	Not more than 7,500	—	No specific licensing authorized for this offense	--	—	Restitution 2C:43-3
NEW MEXICO	Yes	18 months	No	0-5,000	No	Revocation	1 year	1 year	No

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
NEW JERSEY	Not more than 6 months 39:3-40	45 days If defendant is involved in an accident resulting in personal injury 39:3-40	200-1,000	--	Suspension or revocation 39:3-40	An additional period of suspension or revocation of not more than 6 months may be imposed on the original licensing action 39:3-40	—
NEW MEXICO	2 days-6 months §66-5-39	No	0-500 §66-5-39	No	Revocation §66-5-39	1 year commencing with date otherwise could have applied for a new license	1 year (except for minors)

Other Criminal Actions Related to Alcohol Use and Driving—Continued

STATE	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense If Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
NEW JERSEY	No	—	—	—	—	—	—	—	—
NEW MEXICO	No but §66-5-5 does, inter alia, prevent anyone who has been convicted of DWI 3 times or more since 1955 from having or applying for a drivers license for 5 years								

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
NEW JERSEY	Yes 26:2B-24	Yes	Yes	Yes	21 33:14-77	—	No	Rappaport v. Nichols, 156 A.2d 1 (1959)	—
NEW MEXICO	Yes	Yes §66-8-108	Yes	Yes	21	No	No	Yes Lopez v. Maze, N.M. 651 P.2d 1269 (N.M. T982)	No

STATE	Other State Laws Related to Alcohol Use and Driving--Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
NEW JERSEY	No specific State statute on this subject. State or local law may make such action an offense.	--	--	--	--
NEW MEXICO	Misdemeanor	0-7 months	0-300 (If corporation convicted, 0-1,000)	Yes	2 years

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
NEW JERSEY	<p>"Petty offense"</p> <p>(Note: Petty offenses are not to be considered crimes.)</p> <p>2:1-4; 2C:43-8; and 33:1-77</p>	Not more than 6 months	Not more than 1,000	<p>Yes</p> <p>Suspension or revocation</p> <p>(Note: A compromise sum of money may be paid in lieu of suspension.)</p>	<p>1st offense--2 years</p> <p>33:1-31</p>	No	--
NEW MEXICO	Misdemeanor	0-6 months	<p>100</p> <p>(Mandatory minimum)</p>	Yes	2 years	No	N/A

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law Arrest Required (Yes/No)	Other Information
NEW YORK See: McKinney's Consolidated Laws of New York Annotated through July 1982	0.10% 1192.2	--	A BAC of 0.05-0.07% is relevant evidence (but not prima facie) of being impaired; and a BAC of 0.07-0.09% is prima facie evidence of impairment 1195(c) and (b)	Yes* *Note: Limited to drivers involved in accidents. 1193(a)	Yes 1194	--
NORTH CAROLINA All statutory references refer to Gen. Stat. of North Carolina effective January 1, 1982	Yes At 0.10% 20.17(2) and 20.138(b)	--	--	Yes 20.16-3	Yes 20.16-2(6)	--

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
NEW YORK	Yes 1194(1)	Yes 1194(1)	Yes, Saliva 1194(1)	No	No	No
NORTH CAROLINA	Yes	Yes	--	Yes	No	Yes (Possibly) Trial Judge may request a presentence investigation in the case of subsequent DWI convictions to determine whether the offender would benefit from any retraining or rehabilitation treatment; trial court may order suitable treatment for the person as a condition for suspension of a sentence or in addition to prescribed penalties. 20.179(1)

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
NEW YORK	N/A	N/A	N/A	None	Revocation for 6 months 510(d) and 510(6)	Civil penalty of \$100
NORTH CAROLINA	No	No	—	No	Revocation of driving privileges for 6 months	—

Sanctions Following a Conviction for a DWI Offense

STATE	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
NEW YORK							
See 510 and 1192 (1 and 5) under "Impaired" status offenses							
1st offense	Not more than 30 days	--	250	--	--	--	--
2nd offense (w/5 years)	Not more than 60 days	--	350-500	--	--	--	--
3rd and any subsequent offense (w/10 years)	Not more than 180 days	--	500-1,500	--	--	--	--
Per se and Intoxicated status offenses		--		--	--	--	--
1st offense (Misdemeanor)	Not more than 1 year	--	350-500	--	--	--	--
2nd and any subsequent offenses (Class E felony)	Not more than 4 years	--	500-5,000	--	--	--	--
NORTH CAROLINA							
1st offense (w/3 years)	Not longer than 6 months	--	100-500	100	--	--	--
2nd offense (w/5 years)	3 days-1 year plus fine	3 days cannot be suspended	200-500 plus imprisonment	200	--	--	--
3rd offense	3 days-2 years plus fine	3 days cannot be suspended	Not less than 500	500	--	--	--

Sanctions Following a Conviction for a DWI Offense—Continued

Administrative Licensing Actions

Pre-DWI Conviction Licensing Action

Post-DWI Conviction Licensing Action

STATE	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
NEW YORK						
"Impaired" status offenses						
1st offense	No	--	--	Suspension	90 days	--
2nd offense (w/5 years)	No	--	--	Suspension	180 days	--
3rd and any sub- sequent offense (w/7 years)	No	--	--	Revocation	At least 6 months	--
Per se and Intoxicated offenses						
1st offense	No	--	--	Revocation	At least 6 months	--
2nd and any subsequent offenses	No	--	--	Revocation	At least 6 months	--
NORTH CAROLINA	Yes, if defendant does not object			Revocation	1 year	1 year
				Revocation	2-4 years	2 years
				Revocation	3 years to permanent	

STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
NEW YORK							
"Impaired" status offenses							
1st offense	Yes	Yes	Yes	No	--	--	--
2nd offense	Yes	Yes	(with Court's permission)				
3rd and any subsequent offense	Yes	Yes					
Per se and Intoxicated offenses							
1st offense	Yes	Yes					
2nd and any subsequent offenses	Yes	Yes					
	523(a)	521	521(c)				
NORTH CAROLINA							
	--	--	--	No	--	--	--
	Yes	Yes	3 days-1 years or rehabilitation cannot be suspended				
	Yes	Yes	--				

[illegible]

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
NEW YORK	Misdemeanor Not less than 7 nor more than 180 days 511(b)	7 days 511(b)	200-500 511(b)	200 511(b)	Suspension or revocation	Not specified in the statute	--
NORTH CAROLINA							
1st offense	Not to exceed 2 years	--	Not less than 200	200	Either	1 year (additional to original term)	90 days
2nd offense					Either	2 years (additional to original term)	12 months
3rd offense	20-28(a)		20-28(a)		Revoked	Permanently	3 years

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
NEW YORK	No	--	--	--	--	--	--	--	--
NORTH CAROLINA	No Law for habitual offenders (20-220 to 20-231) repealed by Session Laws 1977, c. 243 s. 1	--	--	--	--	--	--	--	--

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
NEW YORK Alcoholic Beverage Code Vol. 3	Yes	Yes If dead NY County Law 674.3 If alive NY Vehicle and Traffic Law 1193(a)	Yes If dead NY County Law 674.3 (must be 16 or older) If alive NY Traffic Law 1193(a)	Yes If 16 years or older and dead NY County Law 674.3 If alive NY Vehicle and Traffic Law 1193(a)	19 65(f)	--	Yes (65)	Berkeley v. Park, 282 N.Y.S. 2d 290 (1965)	--
NORTH CAROLINA	Yes 20-166-1 (f)	Yes Given if dead	Yes Given if dead	Yes	18 21	Malt beverages or unfortified wine allowed Fortified wine, spirituous liquor, or mixed drinks (Gen. Stat. of NC 18B-302)	No	Chostain v. Litton Systems, Inc., ___ F.2d (c.A.4), No. 81-2034, December 2, 1982	--

STATE	Other State Laws Related to Alcohol Use and Driving--Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
NEW YORK Alcoholic Beverage Code Vol. 3	Misdemeanor §130	30 days-1 year	200-1,200	Suspended, cancelled, or revoked	Not specified in statute
NORTH CAROLINA	None	--	1st offense--up to 500* 2nd offense--up to 750* 3rd offense-- up to 1,000* *Administrative penalties. §18B-104 §18B-305	Yes (Left to Board's discretion whether suspended or revoked.) §18B-104 §18B-305	For a specified time up to 3 years if suspended and permanently if revoked §18B-104 §18B-305

Other State Laws Related to Alcohol Use and Driving--Continued

STATE	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
NEW YORK	Misdemeanor Alcoholic Beverage Code (Vol. 3) §17(3), 65 Penal Code 260.20	30 days-1 year	200-1,200	Suspended, cancelled, or revoked	Not specified in statute	No	--
NORTH CAROLINA	None	—	1st offense--up to 500* 2nd offense--up to 750* 3rd offense-- up to 1,000* *Administrative penalties. §188-104 §188-302	Yes (Left to Board's discretion whether suspended or revoked.) §188-104 §188-302	For a specified time up to 3 years if suspended and permanently if revoked §188-104 §188-302	Yes	Gen. Stat. of NC 18B-401(a)

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
NORTH DAKOTA See: North Dakota Century Code Annotated, 1980 (current through 46th Legislature)	No	0.10%	No	Yes	Yes	No
OHIO See: Ohio Revised Code Annotated 1981 Supp. (current through 114th General Assembly, November 14, 1981)	No	0.10% §4511.19	No	No	Yes §4511.191(A)	No

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
NORTH DAKOTA	Yes	Yes	Saliva	No	No	No
OHIO	Yes §4511.191(A)	Yes §4511.191(A)	Probably no; "other bodily substance" applicable to 4511.19 but not mentioned in 4511.19.1 which is the Implied Consent statute §4511.191(A) §4511.19	No	No	No

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
NORTH DAKOTA	No	6 months revocation of license	No	No	6 months revocation of license	No
OHIO	N/A	N/A	N/A	1st--\$100 (maximum) 2nd (within 1 year)--30 days; \$250 (maximum) 3rd (within 1 year of 1st)--60 days; \$500 (maximum) \$4511.99 \$2929.21	Suspension (6 months) Trial Judge may impose additional suspension of 30 days-3 years (or revoke license) \$4507.16 \$4511.191(0)	No

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
NORTH DAKOTA							
1st offense	3 days and/or fine	No	100	No	No	No	No
2nd and subsequent offense	3-30 days and/or fine	No	100-500	No	No	No	No
OHIO							
	6 months suspended jail term if no imprisonment sentence given	No But see Alcohol Treatment column	1,000	No	No	Discretionary	No
	6 months (provided for by penalty statute)						
	\$4511.99 \$4507.16 \$2929.21		\$2929.21			\$2929.21	

STATE	Sanctions Following a Conviction for a DWI Offense--Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
NORTH DAKOTA	No	Yes	No	1st offense--28 days suspension 2nd offense--28 days suspension 3rd offense--28 days indefinite suspension Licensing authority may issue a temporary restricted license.		
OHIO §55-7-113(d) §55-10-301(b) §55-10-406(d)	No	No	No	Suspension* or revocation (Judge's discretion) plus 6 points under point system. 12 points in a 2-year period= 6 month suspension (5 points=a warning). Judge-imposed suspension credit- able to later point- imposed suspension. *Hardship license available (for employment) \$4507.16 \$4507.40	30 days-3 years	30 days

STATE	Sanctions Following a Conviction for a DWI Offense—Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
NORTH DAKOTA	Both retraining and rehabilitation for DUI offenders are possible.		No	No	N/A	N/A	No
OHIO	No		May be imposed if defendant is an alcoholic or suffering from acute alcohol intoxication. This treatment may be imposed in place of a jail term. Con- finement shall be for at least 3 days and no more than length of maximum pris- on sentence. \$2935.33	No	N/A	No	

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions						Other	
		Criminal Sanctions				Administrative Licensing Actions			
Imprisonment (Term)		Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action-- Min. Length of License Withdrawal		
NORTH DAKOTA	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	No
OHIO	Yes	6-months sus- pended jail sentence by judge if no imprisonment term was given.	No	--	--	Suspension or revocation (Judge's discretion) plus 6 points suspension system)	30 days- 3 years	30 days	--
		1st--6 months	No	0-1,000	No				
		2nd+-- 6 months- 5 years	No	0-2,500	No				
		If aggravated (reckless)	No	0-2,500	No				
		1st-- 6 months- 5 years	No	0-5,000	No				
		2nd+--1-10 years							
	\$2903.06	\$2929.11		\$2929.11		\$4507.16			
\$2903.07	\$2828.21		\$2929.21		\$4507.40				

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
NORTH DAKOTA	No	No	No	No	Additional mandatory suspension for a like period, and a person driving while his license is revoked would incur a mandatory 1-year extension of the period of revocation.		
OHIO	2 days-6 months \$4507.99	No	500 \$4507.99	No	Suspension points gained (Note: Certificate of registration and license plates in defendant's name impounded for duration of license suspension time.) \$4507.38 \$4507.40	6 points on 12-point suspension system \$4507.40	No

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
NORTH DAKOTA	Yes	Yes	Yes	Yes	21	No	Yes §5-01-06	No	No
OHIO §38-709 §55-10-406		Yes	No	No	18 (beer) 21 (all others) §4301.22 (A)	No	Yes §4399.01	Mason v. Roberts, 244 N.E. 2d 884 (1973)	No

STATE	Other State Laws Related to Alcohol Use and Driving--Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
NORTH DAKOTA	Class A Misdemeanor 5-01-09	Not more than 1 year §12.1-32-01	Not more than 1,000 §12.1-32-01	Revocation or suspension §5-02-10 §5-02-11	Time period not specified in the statute §5-02-11
OHIO	Misdemeanor §4301.22(B) §4399.09 §4399.99	None	1st--100-500 2nd +--200-500 and, order the place where liquor sold to be abated as a nuisance or order defendant to pay \$1,000 bond with sureties not to violate law again	Yes §4301.25 §4301.27	Indeterminate

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law if Needed
NORTH DAKOTA	Class A misdemeanor 5-01-09	Not more than 1 year §12.1-32-01	Not more than 1,000 §12.1-32-01	Revocation or suspension §5-02-10 §5-02-11	Time period not specified in the statute §5-02-11	Yes	
OHIO	Misdemeanor	None	1st--100-500 2nd +-- 200-500 and order the place where liquor sold to be abated as a nuisance or order the defendant to pay \$1,000 bond with sureties not to violate law again §4301.22(B) §4399.09 §4399.99	Yes §4301.25 §4301.27	Indeterminate	No but see, §4301.62 §4301.64	

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
OKLAHOMA Oklahoma Statutes Annotated, 1962, 1982 Cum. Supp.	0.10%	>0.05% and <0.10% is evidence of Driving While Impaired (DWI) 0.10% constitutes Driving Under the Influence (DUI) 47 §755		No	Yes 47 §751	
OREGON Oregon Revised Statutes, 1981	0.10%	No		No	Yes §487.805	

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
OKLAHOMA	<p>Yes</p> <p>47 §751</p>	<p>Yes</p> <p>47 §751</p>	<p>Saliva</p> <p>47, §751</p>	<p>DWI--No</p> <p>DUI--No</p> <p>22 §982</p> <p>(Note: DWI=Driving While Impaired DUI=Driving While Under the Influence.)</p>	<p>DWI--No</p> <p>DUI--No</p> <p>22 §982</p>	<p>DWI--No</p> <p>DUI--Yes for 2nd and subsequent offenses</p> <p>22 §982</p>
<p>OREGON</p> <p>Oregon Revised Statutes, 1981</p>	<p>Yes</p> <p>§487.815</p>	<p>Yes</p> <p>§487.815</p>	<p>None</p>	<p>No</p>	<p>Yes</p> <p>§484.385</p>	<p>Yes</p> <p>but discretionary</p>

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
OKLAHOMA						
DWI	N/A	N/A	N/A	None	Revocation 6 months	
DUI	N/A	N/A	N/A	None	Revocation 6 months 47 \$753	
OREGON						
	N/A	N/A	N/A	None	Suspension 120 days \$482,540	

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
OKLAHOMA							
DWI							
1st	--	No	100-300	No	No	No	No
2nd plus	--		100-300 47 §761				
DUI							
1st	10 days-1 year	No	500	No	No	No	No
2nd plus	1 year-5 years 47 §11-902		1,000 47 §11-902				
OREGON	1 year	No	2,500	No	No	No	* *1) Undergo exam to determine if person is problem drinker. If act was w/n 5 years of previous conviction or date of entry into a Diversion Agreement (DA) or 2) court may stay DWI charge pursuant to a DA §§484.445 and 484.447 et seq. a. w/n 30 days of being summoned (1st appearance) defendant may file DA petition. The petition is granted, if District Attorney (D.A.) does not object, unless (1) defendant has a conviction for DWI w/n prior 10 years (or participated in a diversion prog.); (2) defendant was convicted of motor vehicle homicide w/n previous 10 years; (3) defendant was involved in an accident causing \$400+ in damages or death; (4) accident occurred before 11/1/81. b. If D.A. allows defendant to be evaluated for need of substance abuse treatment (and to be treated if necessary). c. DA lasts from 180 days-1 year. d. Court may, at defendant's motion, or sua sponte (after 6 months lapse from DA's expiration) upon showing that DA terms were complied with, dismiss DWI charge w/prejudice.

STATE	Sanctions Following a Conviction for a DWI Offense--Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
OKLAHOMA						
DWI	Yes	No	--	Suspension 47 §761	6 months (for 2nd and subsequent offenses)	6 months
DWI	Yes after 4/1/83 47 §754	No	--	Revocation 47 §6-208	6 months 1 year if prior con- victions of any vehicle violation or revocation/ suspension within 3 years 2 years if prior DWI convictions 47 §6-208	6 months
OREGON	No	Yes		Suspension §486.211	1 year* *Hardship occupa- tional license may be issued. §482.820 §482.977 §486.291	1 year

STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
OKLAHOMA			Tit. 47, §§11-902.1, 11-902.2, and 11-902.3. Nonprofit educational institutions of higher learning, governmental, or nonprofit organizations offer courses for drinking driver retraining; court may, upon DWI defendant's plea of guilty or nolo contendere, but before judgment is entered, commit defendant to undertake these courses (with defendant's consent). Further judicial proceedings are deferred only upon conditions that defendant attend and successfully complete courses at own expense.	No			
OREGON			§§482.477, 484.475(1) and (2) (c), 484.385(2). Has detailed provisions for retraining and rehabilitative treatment of DWI offenders. Court may, with consent of defendant, request a diagnostic assessment to determine if defendant needs a rehabilitative treatment. Court may then issue a DWI rehabilitation order. Successful satisfaction of the order entitles the defendant to avoid additional sentence. See Other Penalties section for fuller description.	Yes for 2nd and subsequent DWI charge and other reasons. §484.222	After period of impoundment (not more than 120 days) and after paying for cost of vehicle's removal and storage.		

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions						Other	
		Criminal Sanctions			Administrative Licensing Actions				
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action— Min. Length of License Withdrawal	
OKLAHOMA 47 §11-903	Yes 47 §11-903	1 year	No	100-1,000	No	Revocation	6 months but 1 year if within prior 3 years have a motor vehicle violation conviction 2 years if revoked twice before for DUI, negligent homicide, etc.	6 months	
OREGON	No §163.145	N/A	N/A	N/A	N/A	Revocation \$482,430 \$486,211	1 year	No	

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
OKLAHOMA							
1st offense	None	No	50-200	No	Suspension or revocation	12 months	No
2nd and subsequent offenses	30 days-12 months but if revoked because of a refusal to take a chemical test or because test resulted in a BAC of 0.10% or greater 10 days-12 months		100-500 but if revoked because of a refusal to take a chemical test or because test resulted in a 0.10% or greater BAC 100-500				
	47 §6-303		47 §6-303		47 §6-303	47 §6-303	
OREGON							
	5 years	No	100,000	No	1st--suspension of vehicle's registration 2nd--Impound vehicle	120 days 120 days	120 days* No
\$484,222					\$484,222	\$484,222	*Unless it was not driver's car and owner of the vehicle was not implicated. \$484,222

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
OKLAHOMA	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OREGON	Yes	Include, inter alia, conviction (or bond forfeiture) on third and subsequent occasions of DWI "motor vehicle homicide" driving with suspended or revoked license....	10 years (1 year probationary and renewable license is available if certain conditions are met)	Class C felony	5 years	No	100,000	No	None
	\$484,705	\$484,705	\$484,735	\$484,740	\$161-605				

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
OKLAHOMA	Yes	Yes	Yes	Yes	21 (3.2% and above) 37 §537 (for 1/2 of 1% to 3.2%) 18 for females 21 for males	No No	No No		No No
	47 §751	47 §751	47 §10-113	47 §10-113	37 §163, 37 § 242, 246				
OREGON	Yes	Yes (If over 13 years of age and within 5 hours of accident) §146.113	Yes (If over 13 years of age and within 5 hours of accident) §146.113	Yes (If over 13 years of age and within 5 hours of accident) §146.113	21	No	Yes \$30,950	Campbell v. Carpenter, 279 Or. 237; 566 P.2d 893 (1977)	No

STATE	Other State Laws Related to Alcohol Use and Driving—Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
OKLAHOMA	<p>Felony</p> <p>37 §538</p>	<p>1 year (maximum)</p> <p>37 §538</p>	<p>0-1,000</p> <p>37 §538</p>	<p>Yes</p> <p>37 §528</p>	<p>In the discretion of the Alcoholic Beverage Control Board</p>
OREGON	<p>Misdemeanor (if committed by hotel, individual, private club, or the like: individual drink sales)</p>	<p>1st--6 months (maximum)</p> <p>2nd--1 year (maximum)</p>	<p>0-500*</p> <p>0-1,000</p> <p>*Fines may be in addition to or in place of short term suspension.</p>	<p>Yes</p> <p>§471 §385</p>	<p>Indeterminate</p>

STATE	Other State Laws Related to Alcohol Use and Driving—Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
OKLAHOMA							
37 §537(a)(7) 37 §538 37 §528 21 §1220	Felony (for 3.2% and above) None (for 1/2 of 1%–3.2%) 37 §538	5 years (maximum) None 37 §538	0–5,000 None 37 §538	Yes 37 §528 Yes 37 §242	In the discretion of the Alcoholic Beverage Control Board 12 months	Yes	This law appears to also include nonintoxicating beverages, with an alcoholic content of between 1/2 of 1% and 3.2%
OREGON							
1st offense	Violation	None*	200*	Yes	Indeterminate	Yes	
2nd offense		None*	1,000*	(Commission may add fines to license withdrawal in certain circumstances or fine instead of withdrawing license.)			
3rd offense and subsequent		30 days*	1,000*				
		(Court may also require restitution for damages or voluntary services with a community service agency.)* §471.410					
1st offense	Misdemeanor	6 months (maximum) (see preceding page)	0–500	§471.365		§487.841 §487.843	
2nd offense		1 year (maximum)	0–1,000	*Not applicable to brewery, distillery, wholesale malt beverage and wine, bottle, restaurant, health care and package store licenses. Also not applicable to "dispenser" licenses, i.e., where food and drink are served.			

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
PENNSYLVANIA See: Pennsylvania Statutes Annotated 1971, 1982 Supp. Pennsylvania Legislative Service 1982 (Nos. 1, 2, and 3), plus Drunk Driving Laws of 1982 (House Bill 2533, November 1982)	0.10% 75 §3731(a)(4)	0.10% 75 §1547(d)(3)	No	Yes 75 §1547	No	No
PUERTO RICO See: Laws of Puerto Rico Annotated, 1976, 1981 Cum. Supp. (current through 7th Special Session of 8th Legislature (September 11, 1979))	No	0.10%	No	Yes 9 §1043	Yes 9 §1043	No

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
PENNSYLVANIA	Yes 75 §1547	Yes 75 §1547	No	No	Yes, qualified (A.R.D. may not be allowed if: (1) defendant was convicted or accepted A.R.D., because of DWI charge within last 7 years; (2) present offense violated habitual offender statute(s); (3) if any person other than the defendant was seriously injured or killed.) Also, judge may not lessen the charge at preliminary hearing.	Yes 75 §1548
PUERTO RICO	Yes 9 §1043	No 9 §1043	"Any other substance of his body" 9 §1043	No	No	Yes 9 §1042

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
PENNSYLVANIA	No	No	No	No	Suspension (12 months) 75 §1547	No
PUERTO RICO 1st offense 2nd offense 3rd offense	\$100 or 10 days in jail If within 1 year of 1st, \$200 and/or 20 days If within 1 year of 1st, \$500 and/or 6 months 9 §1221	No	No	\$100 or 10 days in jail If within 1 year of 1st, \$200 and/or 20 days If within 1 year of 1st, \$500 and/or 6 months 9 §1221	Suspension 2 years 9 §1044	No

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment*		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
PENNSYLVANIA	48 hours** or 30 days if prior conviction in any jurisdiction within previous 7 years or 90 days if 2 prior convictions within last 7 years or 1 year if 3 prior convictions within last 7 years	Appears mandatory 75 §3731(a)(4)	300 75 §3731	Appears mandatory 75 §3731	Yes (Possible under A.R.D.)* Cr. Pro. Rule 175 et al.	Yes (Required under A.R.D.)* 75 §3731	Court supervision for at least 6 months if counseling/treatment not necessary and for not less than 12 months if counseling or treatment is necessary and person is in A.R.D. 75 §3731
*Accelerated Rehabilitative Disposition (ARD). (Pa. Cr. Pro. Rule 175 et seq.) 1) acceptance into and satisfactory completion of program may lead to dismissal of DWI charge. 2) Acceptance determined by judge after hearing relevant facts of prosecutor, defendant and any victims. Judge also announces terms of A.R.D. 3) "Conditions of program may be such as may be imposed w/respect to probation after conviction..., including restitution and costs, and may include other conditions agreed to by parties, except that a fine may not be imposed." 4) Programs duration shall not exceed 2 years. 5) If defendant is found by judge, at a hearing, to have violated A.R.D. terms the program will be terminated and the prosecutor may proceed w/the DWI charge(s). 6) When defendant enters A.R.D. program b/c of a DWI charge the Pa. D.O.T. shall keep a record for 7 years. **Acceptance of A.R.D. shall be considered a 1st conviction for purpose of computing any subsequent violations existence.							
PUERTO RICO							
1st offense	15 days	No	100-300	No	No	No	May be ordered to take and pass a driver's improvement course
2nd offense	30 days	No	200-400	No			
3rd offense	60 days	No	300-500	No			
4th and subsequent offenses	60 days-6 months	No	300-500	No			
If Injury caused:							
1st offense	30 days	No	200-500	No			
2nd offense	60 days	No	300-500	No			
3rd and subsequent offenses	30 days-6 months	No	300-500	No			
	9 §1042		9 §1042				

STATE	Sanctions Following a Conviction for a DWI Offense—Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
PENNSYLVANIA	No	No	No	Suspension	12 months or 1 month-12 months (if accepted into A.R.D. program.)	12 months 1 month
PUERTO RICO	No	No	No	Suspension* *Hardship provision. 9 §691	Until defendant participates in and passes a driver's improvement course or until agency in charge of rehabilitation certifies defendant is qualified to drive (probably not more than 1 year). 9 §691	Yes 15 days or length of driver's improvement course 9 §691

Sanctions Following a Conviction for a DWI Offense--Continued

STATE	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
PENNSYLVANIA	Yes 1) Every convicted person must take and pass an approved alcohol highway safety class. 2) Court may order participation (successful) in an individual or group inpatient or outpatient intervention program to treat substance abuse. Participation may be ordered for up to 2 years. 3) If convicted person is found to be a "chronic" abuser, who represents a "demonstrated and serious" threat, he may be ordered (committed) into treatment at a D.O.H. approved facility.	Yes 75 §1548	Yes	No			
PUERTO RICO	Court may suspend effects of 1st conviction if presentencing report indicates rehabilitation ("any kind of treatment, orientation, guidance or advice...") would be effective and defendant voluntarily agrees to undergo rehabilitation. For all other offenses, if Court determines defendant would benefit from rehabilitation, court shall suspend the jail penalty if defendant agrees to undergo rehabilitation. Hospitalization, for up to 3 consecutive months, may be ordered if the Court deems such treatment necessary.	9 §1042		No			

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions						Other	
		Criminal Sanctions			Administrative Licensing Actions				
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action— Min. Length of License Withdrawal	
PENNSYLVANIA	Yes	3 years	No	None	No	Revocation	1 year	1 year	
PUERTO RICO	Yes 33 §4005	3 years	No	3,000	No	Revocation	1 year	1 year	

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
PENNSYLVANIA							
1st offense	90 days*	90 days*	1,000* or 200	1,000* or 200	Revocation	6 months (additional)	6 months (additional)
2nd offense	1 year	No	200-1,000	No	Revocation	6 months (additional)	6 months (additional)
	*Applicable when individual is participating in Accelerated Rehabilitative Disposition Program following a DWI conviction.						
		75 \$1543 75 \$6503			75 \$1543	75 \$1543	75 \$1543
PUERTO RICO							
1st offense	1-3 months	No	200	No	Probably revocation	Indeterminate	No
2nd offense	3-6 months		500		9 \$691	9 \$691	

Other Criminal Actions Related to Alcohol Use and Driving—Continued

STATE	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
PENNSYLVANIA	Yes	*	5 years	Summary offense	1 year	No	200-1,000	No	2 years additional revocation period
	*Three convictions of any one or more of the following within a 5-year period: 1) vehicle homicide when DUI; 2) DUI; 3) other offenses listed in 75 §1532; 4) operation following registration's suspension; 5) using a vehicle without knowledge or consent of owner; 6) using vehicle for unlawful sale of alcohol or controlled substance; 7) any felony in which vehicle was essentially involved.								
	75 §1542		75 §1542	75 §1543	75 §6503		75 §6503		75 §6503
PUERTO RICO	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
PENNSYLVANIA	Yes	Yes (If over 15 and died within 4 hours of accident) 75 §3749	Implied 75 §3749	Yes (If driver 15 and died within 4 hours of accident) 75 §3749	21	No	Yes	Jardine v. Upper Darby Lodge No. 1973 Inc., 413 Pa. 626, 198 A.2d 550 (1964)	
PUERTO RICO 9 §1043(a)	Yes 9 §1043	Yes 9 §1043	Yes 9 §1043	Yes 9 §1043	18	No	No	No	No

STATE	Other State Laws Related to Alcohol Use and Driving--Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
PENNSYLVANIA					
1st offense	Misdemeanor	1-3 months (if fail to pay fine)	100-500	Yes	3 years if revoked
2nd and subsequent offenses		3 months-1 year	300-500 (and possibly 50-1,000)	or Liquor control board may impose a fine. See column to left within parenthesis.	(1 year for location unless ownership changes hands, including immediate family members.) If suspended: indeterminate
				47 §4-471	47 §4-471
PUERTO RICO	N/A	N/A	N/A	N/A	N/A

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
PENNSYLVANIA							
1st offense	Misdemeanor	1-3 months (if fine not paid)	100-500	Yes	3 years if revoked (1 year for structure unless ownership changes hands, including immediate family) suspension Indeterminate or liquor control board may impose a fine. See fine range column.	No	
2nd and subsequent offenses		3 months-1 year	300-4,500 and maybe 50-1,000	47 §4-471 47 §5-514	47 §4-471		
PUERTO RICO							
	Misdemeanor	30 days-6 months	100-500	Yes	Indeterminate	No	

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
RHODE ISLAND See: General Laws of Rhode Island, 1956, Reenactment of 1976, 1981 Cum. Supp. (Reenactment of 1968, 1981 Cum. Supp. Motor Vehicle section) (current through January Session, 1981)	No	0.10% §31-27-2.1		Yes	Yes	No
SOUTH CAROLINA See: Code of Laws of South Carolina Annotated, 1976, 1981 Cum. Supp. (current through 1981 Session of the General Assembly)	No	0.10%	No	No	Yes	No

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
RHODE ISLAND	<p>Yes*</p> <p>*May be excepted on religious grounds.</p> <p>§31-27-2 §31-27-2.1</p>	<p>Yes</p> <p>§31-27.2 §31-27.2.1</p>	<p>No, qualified</p> <p>Penalties for refusing a chemical test applies only to "breath, blood, and/or urine...."</p> <p>§31-27-2 §32-27.2.1</p>			<p>Yes</p> <p>where 1 year or more sentence may be imposed</p>
SOUTH CAROLINA	No	No	No	No	No	No

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
RHODE ISLAND	None	None	--	1st (within 3 year period)--250, or 2nd (within 3 year period)--500, or 3rd + (within 3 year period)--1,000 §31-27-2.1	30 days suspension 6 months suspension 1 year suspension §31-27-2.1	Attendance at a DWI class Attendance at a DWI class Attendance at a DWI class
SOUTH CAROLINA	N/A	N/A	No	No	90-day suspension of license	No

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
RHODE ISLAND							
1st offense (within 3 year period)	1 week (alternative to fine and/or suspension)	No	500	No	No	No	Attendance at a DWI class required
2nd offense (within 3 years)	1 month	No	500	No			Attendance at a DWI class required
3rd + (within 3 years)	6 months	No	1,000	No			Attendance at a DWI class required
	§31-27-2		§31-27.2 §31-27-13				
SOUTH CAROLINA							
1st offense	10-30 days Imprisonment and/or fine	No	50-100 or Imprisonment	No	No	No	No
2nd offense	1 year Imprisonment and/or fine	No	1,000 minimum and/or Imprisonment	No			
3rd offense	3 year Imprisonment and/or fine	No	2,000 minimum and/or Imprisonment	No			

STATE	Sanctions Following a Conviction for a DWI Offense--Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
RHODE ISLAND	No	Yes		1st--suspension and/or revocation 2nd--suspension and/or revocation 3rd--suspension and/or revocation §31-11-6 §31-27-2	1 year 1 year 1 year §31-11-6 §31-27-2	No 6 months 1 year §31-27-2
SOUTH CAROLINA	No	No	No	Suspension 1st offense 2nd offense 3rd and subsequent offense First offenders may obtain a Provisional License.	6 months 1 year 2 years suspension	6 months 1 year 2 years

STATE	Sanctions Following a Conviction for a DWI Offense—Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
RHODE ISLAND	No	No	No	No			
SOUTH CAROLINA	Alcohol and Drug Safety Action Program for first offenders.			Yes	When it is no longer necessary to protect the vehicle from danger	No	No

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Criminal Sanctions				Administrative Licensing Actions			Other
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action-- Min. Length of License Withdrawal	
RHODE ISLAND	No but has statute re: driving caused deaths §31-27-1	10 years	No	—	—	Revocation §31-11-6	3 years §31-11-6	Yes 3 years §31-11-6	
SOUTH CAROLINA	Yes (Reckless Homicide) §56-5-2910	Not more than 5 years §56-5-2910	No	Not less than 1,000 nor more than 5,000 §56-5-2910	No	Revocation §56-5-2910	5 years §56-5-2910	5 years §56-5-2910	No

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
RHODE ISLAND							
1st offense	Misdemeanor (revocation, etc. due to DWI conviction, refusal to submit to chemical test, reckless driving, motor vehicle manslaughter, or 3 moving violations in 1 year: less than 1 year	No	500 (within 3-year period)	No	Suspension	"Time deemed proper" (additional)	3 months
2nd offense	1 year	No	1,000 (within 3-year period)	No	Suspension	Dept. of Motor Vehicles' discretion (additional) 1 year	6 months
3rd offense	1 year	No	2,500 (within 3-year period)	No	Revocation		1 year
§11-1-2.1		§31-11-18.1	§31-11-18.1	§31-11-18.1	§31-11-18.1	§31-11-18.1	§31-11-18.1
SOUTH CAROLINA							
1st offense	30 days	None	100	None	Suspension for a like period of time if the original suspension was for a definite period of time. If not, then a suspension for an additional 3 months.		
2nd offense	Not more than 60 days	None	500	None			
3rd and subsequent offense	Not less than 45 days nor more than 6 months §56-1-460		§56-1-460		If license was revoked, a new license shall not be issued for an additional 1 year from the date such person would have been entitled to apply for a new license. §56-1-460		

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
RHODE ISLAND	Yes	*	1-5 years	Felony	5 years (maximum)	No but if an imprisonment sentence is given it may not be suspended or deferred except to save a life	None	N/A	No apparent specific provision, but see 31-11-18, driving after denial,... generally 1 year extension of revocation
	*Three or more convictions within 3 years for any of the following: 1) motor vehicle manslaughter; 2) DWI (alcohol or drugs); 3) driving while license suspended or revoked; 4) willfully operating a motor vehicle without a license; 5) any felony offense using a motor vehicle; 6) failure to stop and report death/injury after accident driver was involved in; 7) failure of driver to stop and report accident where damage=\$150 or more.								
	§31-40-1 to §31-4-13								
SOUTH CAROLINA	Yes	3 or more serious offense convictions, or 10 or more convictions for violations rated at 4 points or more under the point system, all within a period of 3 years	5 years and until the court thereafter restores the driving privilege	Misdemeanor	Not less than 1 year nor more than 5 years	None			

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	*Dram Shop Law* Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
RHODE ISLAND	Yes	Yes §23-4-9	Yes §23-4-9	Yes §23-4-9	20 §3-8-5	No	Yes §3-11-1		No
SOUTH CAROLINA		Yes	Yes	Yes	21	18 years minimum drinking age for all beer and table and fortified wines	No	No	No

STATE	Other State Laws Related to Alcohol Use and Driving--Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
RHODE ISLAND	Misdemeanor	1 year	1st--50 2nd--100	Yes §3-5-21	1 year §3-5-22
SOUTH CAROLINA	Misdemeanor	Not more than 30 days	Not more than 100	No provisions are provided for licensing action.	

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
RHODE ISLAND							
1st offense	Misdemeanor	Up to 1 year	250	Yes	1 year	No	No
2nd offense		Up to 1 year	500				
3rd and subsequent offenses		Up to 1 year	750				
			(If no offenses in 3 successive years, next offense shall be treated as 1st.)				
				§3-5-21	§3-5-22		
SOUTH CAROLINA							
	Misdemeanor	Not more than 5 years	Not more than 5,000	No provisions are provided for licensing action.		Yes	South Carolina Code §61-5-20

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
SOUTH DAKOTA See: South Dakota Codified Laws, 1982 Supp. 57th Session (1982)	0.10%	0.10%	No	Yes §32-23-1.2	Yes §32-23-10	No
TENNESSEE See: Tennessee Code Annotated, 1980 and 1982 Cum. Supp. (current through 1982 Adjourned Session of 92nd General Assembly)	No	0.10%	No	No	Yes	No

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
SOUTH DAKOTA	Yes §32-23-10	No §32-23-10	"Other bodily substances" §32-23-10	No	No	Discretionary
TENNESSEE	Yes 55-10-405	Yes 55-10-405	No	Yes §55-10-403(b)(1)	No	No

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
SOUTH DAKOTA §23A-27-5	No	No	No	30 days in county jail and/or \$100	1 year (revocation*) *Hardship license exception available. §32-23-11	No
TENNESSEE	N/A	N/A	N/A	\$2-50 and/or 30 days §55-10-301	Suspension 1st--6 months 2nd +--1 year §55-10-406	In addition to or in lieu of fine and/or jail defendant may be ordered to attend a driver education course. §55-10-301

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
SOUTH DAKOTA							
1st offense	1 year (county jail)	No	1,000	No	No	No	No
2nd offense	1 year (county jail)	No	1,000	No			
3rd and subsequent offense	2 years (state penitentiary) §32-23-2 §32-23-3 §32-23-4	No	2,000	No			
TENNESSEE							
1st offense	48 hours- 11 months 29 days	48 hours	250-1,000	250	After serving minimum sentence judge may order defendant to remove litter from various public areas or work in a recycling center or "other appropriate location" for any period of time in lieu of or in addition to other penalties. The community service work may be done at non-working hours. §55-10-403	Shall be ordered as a condition of probation (probation may commence only after minimum jail sentence has been served) if defendant can afford it.	Upon conviction defendants in counties with 600,000 or more people and in counties with a metropolitan form of government, must pay a BAC test fee of \$10.
2nd offense	45 days- 11 months 29 days	45 days	500-2,500	500			
3rd and subsequent offense	120 days- 11 months 29 days	120 days	1,000-5,000 (unless judge determines defendant is indigent)	1,000			
	§55-10-403		§55-10-403		§55-10-403	§55-10-403	§55-10-403

STATE	Sanctions Following a Conviction for a DWI Offense—Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
SOUTH DAKOTA	No	No		1st--revocation* 2nd--revocation (no hardship license) 3rd--revocation (no hardship license) Suspension--If 15 points accumulated in 12 consecutive months or 22 points in 24 consecutive months DWI=10 points *Hardship provision for employment purposes. §32-23-2, §32-23-3 §32-23-4	1 year 1 year 1+ year 1 year §32-23-2 §32-23-3 §32-23-4	30 days 1 year 1 year No §32-23-2 §32-23-3 §32-23-4
TENNESSEE	No	Yes §55-7-113	No	Revocation* Additionally, court may prohibit defendant from driving for: 1st--up to 6 months 2nd--up to 3 years 3rd and subsequent-- up to 10 years *Hardship license for employment avail- able after 1st con- viction if no one is killed or seriously injured. §55-10-403 §55-7-113	1st--1 year 2nd--2 years 3rd--3-10 years §55-10-403 §55-10-412	1 year 2 years 3 years For 2nd and subse- quent convictions revocation will be lifted only upon showing that defen- dant has completed a program of alcohol education or received treatment from one of three acceptable sources: psychi- atrist; psychologist; treatment facility. §55-7-113

STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
SOUTH DAKOTA	No	No	No	No	N/A	N/A	
TENNESSEE	See columns on previous page and to the right	Participation in an alcohol safety DUI program required as part of probation (probation can begin only after serving minimum imprisonment term). For 2nd and subsequent conviction, a condition of probation is participation in a rehabilitation program treatment facility.	--	No	N/A	No	No

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions							Other
		Criminal Sanctions				Administrative Licensing Actions			
Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action-- Min. Length of License Withdrawal			
SOUTH DAKOTA	No (covered by 2nd degree manslaughter statute) §22-16-20	10 years	N/A (No)	N/A (10,000)	N/A (No)	Revocation §32-12-52	1 year (not spelled out in statute)	Yes (but length is uncertain)	
TENNESSEE	Yes §39-2412(b)	1-21 years §39-2-413	No	No	No	Revocation §55-7-112	Equals term of sentence received. If paroled defendant may have license reissued upon satisfactory completion of licensing exam and on petition of defendant's parole officer. §55-7-112	1 year	

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
SOUTH DAKOTA	3+ days (If convicted after 2nd DUI offense. No apparent criminal sanction if convicted after only one DUI conviction)	3 days	N/A	No	Revocation	1 year (additional)	1 year
	10+ days (If convicted after 3rd DUI conviction)	10 days	N/A	No			
	Also, a Class 2 misdemeanor-- 30 days §32-12-65 §32-12-22	No §22-6-3	100	No	§32-12-66	§32-12-66	§32-12-66
TENNESSEE	2 days-6 months §55-7-116	No	0-500 §55-7-116	No	Revocation §55-7-116	1 year (additional) §55-7-116	1 year

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
SOUTH DAKOTA	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TENNESSEE	Yes	3 convictions w/n 3 years of any of the following: 1) voluntary or involuntary motor vehicle homicide; 2) DWI; 3) fail- ure to stop at scene of accident; 4) violation of statute on meeting and overtaking school buses.	3 years	Felony	1-10 years §39-104	No	None but, judge or jury has discretion to impose another \$1,000 fine §39-104	No	1 year revocation (additional)

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed In Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
Driver		Vehicle Passengers	Pedestrians						
SOUTH DAKOTA	Yes	Yes	Yes	Yes	21 18 (for every-thing, low point beer included) §39-25-22,1 §35-4-78 §35-9-1	Low point beer (3.2% or less) Low point beer if with parent/guardian or spouse 21 or over	No		No
TENNESSEE		Yes §55-10-406	Discre-tionary §38-709	Discre-tionary §38-709	19 §1-33-113	No	No	Mitchell v. Ketner, 54 Tenn. App. 656, 393 S.W. 2d 755 (1964)	No

STATE	Other State Laws Related to Alcohol Use and Driving--Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
SOUTH DAKOTA	Class 1 misdemeanor §35-4-78	1 year (county jail)	1,000	Yes §35-2-10	1 year §35-2-20
TENNESSEE 1st offense 2nd offense	Misdemeanor 57-4-203	30 days-6 months	500-1,000	Yes	Permanently

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law if Needed
SOUTH DAKOTA	Class 2 misdemeanor (generally)	30 days (county jail)	100	Yes	1 year	Yes	No
	Class 1 misdemeanor (for licensee) §35-4-78 §35-9-1	1 year (county jail)	1,000	§35-2-10	§35-2-20	§35-1-9.1	
TENNESSEE	Misdemeanor	30 days-6 months	25-500 (for 5%>) 500-1,000 (for 5%<)	Yes	10 day suspension If unknowing violation (for sale of beverages with alcoholic content of 5%>)	No	
	Felony §57-3-412 §57-5-303 §57-4-203	1-3 years §57-5-303	500-3,000 §57-4-203 §57-5-303	Yes §57-5-303	Permanent (for sale of any alcoholic beverage) §57-5-109 §57-5-303		

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
TEXAS See: Vernon's Texas Civil Statutes, Cum. Annual Pocket Part 1982-1983 (current through Third Called Session, 1982), Vernon's Texas Statutes and Codes Annotated, July 1982	--	0.10% or more It is presumed defendant was under the influence (Vernon's Texas Civil Statutes) 6701 L5 S.3(a)	--	No	Yes	--
UTAH See: Utah Code Annotated (current through March 17, 1982)	0.10% §41-6-44.2	0.08% §41-6-44	No	No	Yes	No

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
TEXAS	<p>No express authority to take sample without permission of defendant</p> <p>6701.15</p>	<p>No</p> <p>6701.15</p>	--	No	No	No
UTAH	<p>Yes</p> <p>§41-6-44.10</p>	<p>Yes</p> <p>§41-6-44.10</p>	No	No	<p>No</p> <p>but if defendant pleads guilty or nolo contendere to reckless driving as a substitute that shall be considered a 1st conviction for DUI</p> <p>§41-6-45</p>	<p>No</p> <p>(optional in felony cases, e.g., vehicle homicide)</p> <p>§76-3-404</p>

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
TEXAS	N/A	N/A	N/A	--	Suspension (1 year maximum) but only after a hearing to determine: 1) probable cause; 2) arrest made and opportunity to take test given; and, 3) defendant refused to submit to testing §6701.15	--
UTAH	N/A	N/A	N/A	6 months (maximum) §41-6-12 §76-3-204	Revocation (1 year)	No

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
TEXAS							
Misdemeanor 1st offense 6701-L1	Not less than 3 days or more than 2 years	No	Not less than 50 nor more than 500 and	No	--	--	--
Felony 6701-L2 2nd offense	Not less than 10 days nor more than 2 years in county jail or not more than 5 years in the state penitentiary	No	Not less than 100 or more than 5,000	No	--	--	--
UTAH							
	60 days-6 months, (if bodily injury inflicted, 1 year additional)	No	299 1,000 (if bodily injury inflicted)	No	1st--2-10 days work at an alcohol rehabilitation facility in place of 2-10 days in jail. 2nd--10-30 days work at alcohol rehabilitation facility... 3rd and subsequent --30-90 days work at alcohol rehabilitation....	Discretionary with Judge	Defendant may be required to pay an additional \$150 to fund "intoxicated driver rehabilitation account."
	1st--2-10 days	No		No			
	2nd (within 5 years)--2-10 days						
	3rd and subsequent (within 5 years)--30-90 days	No		No			
	§41-6-44		§63-43-10 §41-6-44		§41-6-44	§77-35-17	

STATE	Sanctions Following a Conviction for a DWI Offense—Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
TEXAS	No	No	--	Automatic mandatory suspension 6687(b) §24 Limited license 6687(b) §23A(a) (for employment)	Not more than 12 months for 1st conviction 18 months for any subsequent conviction 6687(b) §24(a)(b) and 6687(b) §24(a)(c)	12 months
UTAH	No	Yes §41-2-19	No	Revocation* Also has complicated point system: points tallied on basis of offense, however, Judge may increase or decrease point total by indicating severity of viola- tion within its type. Points tallied with- in 3 year period and if certain (unnamed) total reached, license is suspended §41-2-18 *Restricted license available.	1 year Point schedule is published in newspapers §41-2-19 §41-6-44 §41-2-21	1 year

Sanctions Following a Conviction for a DWI Offense--Continued

STATE	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
TEXAS	Yes (driver's education training) 6687(b) §24A(a)	Yes 5561(c) §12	--	--	--	--	--
UTAH	Judge may order convicted defendant to attend education class(es)	1st--2-10 days treatment rather than jail (2-10) or community service 2nd--20-30 days treatment... 3rd and subsequent--treatment required along with work at alcohol rehabilitation center. The two together or 30-90 day jail term not suspendable or probatable		No			

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions							Other
		Criminal Sanctions				Administrative Licensing Actions			
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action— Min. Length of License Withdrawal	
TEXAS	Yes 3rd degree felony §19.05 Penal Code	2-10 years §12-34 Penal Code	No §12.34	5,000 §12.34	No §12.34	Suspension 6687(b) §22(b)(2) 6687(b) §24(a)	Not more than 1 year 6687(b) §23	—	—
UTAH	Yes	1 year (if not DUI) 5 years (if DUI) §41-6-43.10	No No	100-1,000 5,000 §41-6-43.10	No No	Revocation Revocation §41-2-18 §41-6-43.10	1 year 1 year §41-2-21	1 year 1 year	

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
TEXAS	Not less than 72 hours nor more than 6 months 6687(b) §34	No	Not less than 25 nor more than 500	No	Suspension 6687(b) §24(c)	12 months	12 months
UTAH	6 months (maximum) §41-2-30	No	299 §41-2-30	No	Revocation §41-2-18	1 year (additional) §41-2-18(b)	1 year

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
TEXAS	Yes	"Any person with four or more convictions arising out of different transactions in a consecutive period of 12 months or 7 or more convictions arising out of different transactions w/in a period of 24 months..." 6687(b) §22(b)(4)(6)	12 months 6687(b) §23 18 months In addition to a suspension of a like amount as to original suspension if applicable 6687(b) §24(c)	Felony (if driving while intoxicated) 6701.L1	1st subsequent offense—not less than 10 days nor more than 2 years in county jail or not more than 5 years in state penitentiary (if driving while intoxicated) 6701.L2	No	Not less than 100 nor more than 5,000	No	Suspension 6687(b) §22(b)
UTAH	No	—	—	—	—	—	—	—	—

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed In Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
TEXAS	Yes See 6701(d) §46	Yes (Indirectly at 6701(d) §46)	Yes	Yes	19 §106.01		No	No	--
UTAH	Yes	Yes §26-1-30 (17) §41-644.10	No	Yes (adults only) §26-1-30 (17)	21 §32-7-15	No	Yes §32-11-1	No	No

Other State Laws Related to Alcohol Use and Driving—Continued

Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons

STATE	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
TEXAS					
1st offense	Misdemeanor	Not more than 1 year 101.63(a)	Not less than 100 nor more than 500	Yes	Not more than 60 days
2nd offense		Not more than 1 year 202.62(b)	Not less than 500 nor more than 1,000		
Note: All statute references come from Vernon's Texas Code Annotated Alcoholic Beverage Code	§101.63				§61.71
UTAH					
	Misdemeanor	30 days–1 year (mandatory)	100–1,000 (mandatory)	Yes	3 years
	§32-7-14 §32-8-59	§32-8-59	§32-8-59		

STATE	Other State Laws Related to Alcohol Use and Driving—Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
TEXAS	Misdemeanor	Not more than 1 year OR BOTH \$106.06	Not less than 100 nor more than 500	Yes (license may be suspended or cancelled at Commissions discretion §106.13(a))	1st—not more than 60 days 2nd—not more than 3 months 3rd (within 36 months)—not more than 12 months	No	--
UTAH	Misdemeanor §32-7-15 §32-8-59	30 days-1 year (mandatory) §32-8-59	100-1,000 (mandatory) §32-8-59	Yes	3 years	Yes §41-6-44.20	No

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
VERMONT See: Vermont Statutes Annotated, Cum. Supp. 1982 (current through April 22, 1982)	0.10% 23 §1201	0.10% 23 §1204	No	Yes 23 §1202	Unclear, but probably not	No
VIRGINIA See: Code of Virginia 1950 Annotated, 1982 Cum. Supp.	—	0.10% (Code of Va. Ann. §18.2-269(3))	—	Yes (Code of Va. Ann. §18.2-267(c))	Yes	—

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
VERMONT	Yes	No	No	No	No	No
VIRGINIA	Yes	--	--	No	No	No

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
VERMONT	Unclear, individual may be subject to penalties provided for in 23 §1210(a), i.e., \$125-500 and/or 1 year imprisonment	No	No	125-500 and/or 1 year	1st--suspension 1 year 2nd (after 5 years)--1 year suspension 2nd (within 5 years)--3 years revocation 3rd--6 year revocation 4th + (after 15 years from 1st) --6 years 4th + (within 15 years of 1st)-- for life 23 §1205	Suspension may be reduced to 6 months if defendant successfully completes a driver rehabilitation course and pays a fee into driver rehabilitation program. 3 year revocation may be reduced to 18 months if rehabilitation and therapy program completed plus costs paid. 6 year revocation may = 3 years if same conditions as above are met.
VIRGINIA	None	None	--	None	Suspension for 90 days; for a second or subsequent refusal within 1 year--suspension	--

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
VERMONT	1 year	No	125-500 23 §1210	No	No	No	No
VIRGINIA							
1st offense	Class 1 misdemeanor 12 months	—	Not more than 1,000	—	—	—	(Code of Va. Ann. §§18.2-11, 18.2-266, 18.2-270, and 46.1-423.1)
2nd offense (within 5 years)	1 month-1 year	48 hours	200-1,000	—	—	—	
2nd offense (5-10 years from 1st)	1 months-1 year	—	200-1,000	—	—	—	
3rd and sub. off. within 5 years	2 months-1 year	30 days	500-1,000	—	—	—	
3rd and subsequent offense 5-10 years from 1st	2 months-1 year	10 days	500-1,000	—	—	—	
4th offense* within 10 years	3-12 months	—	100-1,000* *Additional penalties to those already provided for under 3rd off.	—	—	—	

Sanctions Following a Conviction for a DWI Offense--Continued

STATE	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
VERMONT	No	No	No	Suspension Also has a point system. When 10 points are accumulated in 2-year period license may be suspended. Point schedule appears not to be in code. 23 §1206 23 §2501-2507	1st--1 year suspension 2nd (after 5 years) --1 year suspension 2nd (within 5 years)--3 years revocation 3rd--6 years revocation 4th + (after 15 years from 1st)-- 6 years 4th (within 15 years)--life	90 days 90 days 18 months* (with rehabilitation therapy) 3 years (with rehabilitation and therapy) *Hardship license available. 23 §1208
VIRGINIA						
1st offense	No	No	--	Revocation	3 years	Same
2nd offense (within 5 years)	No	No		Revocation	3 years	See Rehabilitation section.
2nd offense (5-10 years from 1st)	No	No		Revocation	3 years	
3rd and sub. off. within 5 years	No	No		Revocation	10 years*	
3rd and sub. off. 5-10 years from 1st	No	No		Revocation	10 years*	
4th offense* within 10 years	No	No		Revocation	5 years *See special note at the end of the Sanctions section.	

(Code of Va. Ann. §46.1-421)

Sanctions Following a Conviction for a DWI Offense--Continued

STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
VERMONT	Therapy a prerequisite also for 2nd conviction, within 5 years, for getting license back sooner. Any revocation of 3+ years may be ended upon showing of total alcohol abstinence for 2 years	Successful completion of driver's rehabilitation program prerequisite to getting license back in less than 1 year		No			
VIRGINIA							
1st offense	Yes	Yes	A restricted permit may be issued, if court authorizes offender to participate in either an education or treatment program.	No	--	--	Special Note: A person's license may be restored after 5 years if they are at the time of the DUI conviction dependent on alcohol, and have been cured of such dependency, and are not otherwise a threat to the public safety.
2nd offense (within 5 years)	Yes	Yes					
2nd offense (5-10 years from 1st)	Yes	Yes					
3rd and sub. off. within 5 years	Yes	Yes					
3rd and sub. off. 5-10 years from 1st	Yes	Yes					
4th offense* within 10 years	Yes	Yes					
	18,2-271.1						

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions						Other	
		Criminal Sanctions			Administrative Licensing Actions				
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action— Min. Length of License Withdrawal	
VERMONT	Yes	1-15 years* *These penalties do not foreclose option of tougher penalties for manslaughter (homicide) convictions. 23 §1091(a) 23 §1210(b)	No	3,000	No	Suspension	5 years	No	
VIRGINIA	No	—	—	—	—	—	—	—	—

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
VERMONT							
1st offense	30 days	No	500	No	Suspension	30 days (additional)	No
2nd offense	90 days	No	500	No		90 days	
3rd offense	6 months	No	1,000	No		6 months or suspension under point system whichever is greater	
4th offense	2 years	No	1,000	No			
	23 §674		23 §674			23 §2506	
VIRGINIA							
1st offense	10 days - 6 months	A portion but not all of the jail sentence may be suspended; term of mandatory imprisonment not specified in the statute	100-200	--	Revocation or suspension	The same period for which the license has been previously suspended or revoked; if original period not specified, then the suspension or revocation is not to exceed 90 days	Same
2nd and subsequent offenses	2 months-1 year		200-1,000	--			
		(Code of Va Ann. §§46.1-350, -351.1)					

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
VERMONT	Yes 23 §6730	8 or more convictions based on moving violations within 5-year period	2 years	Misdemeanor	1st--30 days 2nd--90 days 3rd--6 months 4th--2 years	No No No No	500 500 1,000 1,000	No No No No	Suspension 30 days (additional) 90 days 6 months 6 months or suspension under point system whichever is greater
VIRGINIA	Yes (Code of Va. Ann. §§18.2-8, 46.1-387.9:2, 46.1-387.1 to .12, 46.1-514.6 et seq.)	3 serious offenses within 1 year or 12 serious and/or minor violations with 10 years	10 years	Felony	1-5 years	1 year (Note: The statute states that a portion of the sentence may be suspended; therefore since the minimum sentence is 1 year, this is the minimum term of imprisonment.)	—	—	There is no specific licensing action.

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law if Needed
VERMONT	Misdemeanor	1 year 7 §658	0-200 7 §658	Yes 7 §236	Indeterminate 7 §236	No	No
VIRGINIA	Misdemeanor (Code of Va. Ann. §§ 4-37(C1), 4-37(C2), 4-37(J), 4-62, and 4-92)	Not more than 12 months	Not more than 500	Revocation or suspension (Note: In addition or in lieu of revoking or suspending a license, a civil fine may be imposed as follows: 1st--not more than 1,000 2nd--not more than 2,500 3rd--not more than 5,000)	Time period not specified in the statute	No	—

STATE	Other State Laws Related to Alcohol Use and Driving—Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
VERMONT	<p>None</p> <p>Specified dram shop section implies that some sales of alcohol may be unlawful (e.g., if to person on list of persons to whom alcohol is not to be sold).</p> <p>7 §501</p>	N/A	N/A	<p>No</p> <p>but</p> <p>license revoked if civil judgment against licensee not paid within 30 days</p> <p>7 §236</p>	Indeterminate
VIRGINIA	<p>Misdemeanor</p>	<p>Not more than 12 months</p> <p>(Code of Va. Ann. §§4-37, 4-62, and 4-92)</p>	Not more than 500	<p>Revocation or suspension*</p> <p>*See note in section on sanctions for serving minors intoxicating liquor</p>	Time period not specified in the statute

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed In Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
VERMONT		Yes 23 §1202	Unclear, probably yes	Unclear, probably yes	18 7 §173	No	Yes 7 §501	No	No
VIRGINIA	No	--	--	--	18/21	18--on premises sale of beer 19--off premises sale of beer 21--wine and distilled spirits (Code of Va. Ann. §4-62)	No	No	--

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
WASHINGTON See: Revised Code of Washington Annotated, 1970, 1982 Cum. Supp. (1962, 1982 Cum. Supp., alcohol sections) and Washington Legislative Service (West's) 1982, #1-6	0.10% (Rev. Code of Wash. Ann. §46-61.506(1))	0.10% (Rev. Code of Wash. Ann. §46.61.502(1))	--	No	Yes (Rev. Code of Wash. Ann. §46-20-308)	--
WEST VIRGINIA See: West Virginia Code take effect September 1, 1981	Yes 0.10%	0.10% 17C-5-8	--	Yes 17C-5-5	Yes 17C-5-4	--

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
WASHINGTON	Yes	--	--	No	No	Yes for 2nd and subsequent DWI offenses
WEST VIRGINIA	Yes 17C-5-8(c)	Yes 17C-5-8(c)	--	No	No	--

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
WASHINGTON	N/A	N/A	N/A	None	Revocation for 6 months (Rev. Code of Washington §46.20.311)	--
WEST VIRGINIA	None	None	—	No	1 year 17C-5-4 17C-5-7	—

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
WASHINGTON							
1st offense	24 hours-1 year	24 hours	Not more than 500**	--	--	--	--
2nd and subsequent offenses (w/n 5 years)	7 days-1 year	7 days*	Not more than 1,000**	--	--	--	--
2nd and subsequent DUI offense but offender has no license or because suspended or revoked	90 days-1 year	90 days*	Not more than 1,000	200	--	--	--
		*May be suspended only if jail would impose a risk to defendant's physical or mental well-being.	**An additional amount equal to 25% of any fine is paid into a special fund for a statewide alcohol safety program.				
	(Rev. Code of Wash. Ann. §§46.61.502, -.504, and -.515)						
WEST VIRGINIA							
	24 hours-6 months	24 hours	100-500	100	Yes	--	--
	17C-5A-2	17C-5A-2			17C-5-2(1)		

Sanctions Following a Conviction for a DWI Offense--Continued

STATE	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	DVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
WASHINGTON						
1st offense	No	Yes	--	Suspension	Not less than 30 days	--*
2nd offense (w/n 5 years)	No	Yes	--	Suspension	Not less than 60 days	Same*
3rd and subsequent offenses (w/n 5 years)	No	Yes	--	Revocation	1 year	Same*
						*A restricted license may be issued under certain conditions; see the Rev. Code of Wash. Ann. §46.20.391.
WEST VIRGINIA	Yes	--	--	Revocation 17C-5A-2	6 months 17C-5A-2	6 months

STATE	Sanctions Following a Conviction for a DWI Offense—Continued						
	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
WASHINGTON							
1st offense	Yes	Yes	Yes	No	--	--	--
2nd offense (w/n 5 years)	Yes	Yes	Yes				
3rd and subsequent offenses (w/n 5 years)	Yes	Yes	Except for the first 60 days No				
WEST VIRGINIA	--	Yes 17C-5A-3	--	No	--	--	--

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions				Administrative Licensing Actions			Other
		Criminal Sanctions		Mandatory Minimum Fine (\$)		Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action—Min. Length of License Withdrawal	
Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)							
WASHINGTON	Yes Where death is caused by the operation of a vehicle while under the influence of intoxicating liquor or in a reckless manner.	Not more than 10 years	--	Not more than 1,000	--	Revocation.	1 year	Same* *A restricted license may be issued under certain conditions.	--
(Rev. Code of Wash. §§46.20.285, and 46.61.520)									
WEST VIRGINIA	Yes 17C-5A-2(1)	Not more than 1 year	--	Not less than 100 nor more than 1,000	--	Revocation. 17C-5A-2(1) and (2)	If death directly due to recklessness due to BAC--10 years for 1st offense of DWI; If 2nd or more offense of DWI --w/ drawal for life; If death is proximately caused by DWI 5 years If 1st offense of DWI and w/ drawal for life If 2nd or more convictions of DWI.	Depends on circumstances surrounding death (whether direct or proximate cause...) 17C-5A-2(1) and (2)	--

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
WASHINGTON							
1st offense	10 days-6 months	--	Not more than 500	--	Suspension or revocation	If offense is driving while suspended, an additional suspension for a period equal to the original suspension period; if the offense is driving while revoked, an additional revocation period of 1 year	Same*
2nd offense	90 days-1 year	--	Not more than 500	--			
3rd offense	1 year	--	Not more than 500	--			
	(Note: See last offense listed under the DWI sanctions section (Rev. Code of Wash. Ann. §§46.20.342, and 46.61.515(2))						*A restricted license may be issued under certain conditions.
WEST VIRGINIA							
1st offense	Misdemeanor 48 hours	48 hours	50-500	50		If license was originally suspended the license withdrawal would be equivalent to the original period of suspension.	--
2nd offense	Misdemeanor 10 days		100-500				
3rd and subsequent offenses	Misdemeanor 6 months 17B-4-3		50-500 17B-4-3			If license was revoked, 1 year extension of the original revocation. 17B-4-3	

Other Criminal Actions Related to Alcohol Use and Driving--Continued

Habitual Offender Laws

STATE	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense If Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
WASHINGTON	Yes	3 serious offenses with- in 5 years or a combination of 20 minor and for serious offenses with- in 5 years provided that 3 minor offenses must have been com- mitted within a period of 360 days for this alterna- tive to apply.	5 years* *Special stay of revocation if based on DWI offenses and person is attending an alcohol treatment program; or after 2 years a restricted or whole license may be issued.	Gross misdemeanor	Not more than 1 year If convicted for DWI and for this offense, the penalty is 30 days- 1 year and the 30 day sentence shall not be suspended or deferred		--	--	There is no special licensing action for this offense.
WEST VIRGINIA	No	None	--	--	--	--	--	--	--

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed In Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
WASHINGTON	Yes (Rev. Code of Wash. Ann. §§46.20.308(1) and 46.52.065)	Yes	No	Yes	21	-- (Rev. Code of Wash. Ann. §46.44.290)	No	Callan v. O'Neill, 578 P.2d 890 (1978)	--
WEST VIRGINIA	Yes 17C-5-7(4)	Yes	Yes	Yes	18 60-3-22	N/A	No	N/A	--

STATE	Other State Laws Related to Alcohol Use and Driving—Continued				
	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
WASHINGTON					
For individuals					
1st offense		Not more than 2 months	Not more than 500	Suspension or revocation	Not specified in the statute
2nd offense		Not more than 6 months	--		
3rd and subsequent offenses		Not more than 1 year	--		
For corporations					
1st offense		--	Not more than 5,000		
2nd and subsequent offense		--	Not more than 10,000* *And/or forfeiture of its corporate license.		
(Rev. Code of Wash. Ann. §§66.04.010, 66.24.010, 66.44.180, 66.44.200, and 66.44.280 (Repealed))					
WEST VIRGINIA					
	Misdemeanor	Not more than 1 year	Not less than 100 nor more than 500	Yes	1 year
				Suspended or revoked	
		60-17-13			

STATE	Other State Laws Related to Alcohol Use and Driving--Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
WASHINGTON		Same penalties apply as to serving alcoholic beverages to intoxicated persons		Suspension or revocation	Not specified in the statute	Yes	This law provides that no person shall open a package containing liquor or consume liquor in a public place
	(Rev. Code of Wash. Ann. §§66.24.010, 66.44.180, 66.44.270, 66.44.320, and 66.44.325)					66.44.100	
WEST VIRGINIA	Misdemeanor	Not more than 1 year	Not less than 100 nor more than 500	Suspended or revoked	1 year	No	--

STATE	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
	Illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied Consent Law	
					Arrest Required (Yes/No)	Other Information
WISCONSIN See: Wisconsin Statutes Annotated, 1971, 1982 Supp. and West's Wisconsin Legislative Service, 1982 (current to June 14, 1982)	0.10%	--	--	Yes	Yes	--
WYOMING See: Wyoming Statutes Annotated, 1977, 1980 Cum. Supp. (current through 1979 Regular Session and 1980 Budget Session)	--	--	A BAC of 0.10% is admissible as prima facie evidence of intoxication. (Wyoming Stat. Ann. §32-5-233)	No	Yes	--

STATE	Other Chemical Tests For BAC Level Which Are Authorized Under Law (Implied Consent Law)			Adjudication of DWI Charges		
	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
WISCONSIN	Yes	Yes	--	No	No	Yes (Wis. Stat. Ann. §343.305(9)(c))
WYOMING	Yes	Yes	--	No	No	No

STATE	Sanctions for Refusal To Submit to a BAC Chemical Breath Test					
	Refusal To Take Preliminary Breath Test			Refusal To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
WISCONSIN	None	None	-- (Wis. Stat. §§343.305(1) and 343-305(2)(a))	None	6 months (a re- stricted license may be issued after 15 days);* 1 year (a re- stricted license may be issued after 60 days) where there has been a previous refusal and/or DUI convic- tion and/or injury/ death accident by vehicle where intoxication was involved within 5 years;* 2 years (a restricted license may be issued after 90 days) where there has been suspension for 30 days	Two or more previous refusals and/or DWI convictions and/or injury/death accident where intoxication was involved within 5 years, i.e., three refusals or DUI related convictions within 5 years
WYOMING	N/A	N/A	N/A	None (Wyoming Stat. Ann. §31-6-102(a)(b))	Suspension for 30 days	--

STATE	Sanctions Following a Conviction for a DWI Offense						
	Criminal Sanctions						
	Imprisonment		Fine		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
WISCONSIN							
Non-Injury related DUI offenses*							
1st offense	--	--	150-300	--	None	None	*Special Note: A revocation is one based on a refusal to submit an implied consent chemical test.
	This sanction applies only if there has been no previous revocations or driving while intoxicated type conviction of any type within 5 years						
2nd offense	5 days- 6 months	--	300-1,000	--			
	These sanctions apply if there have been one previous revocation or driving while intoxicated type conviction of any type within 5 years, i.e., two revocations/convictions within 5 years						
3rd offense	30 days-1 year		600-2,000	--			
	These sanctions apply if there has been two or more previous revocations or driving while intoxicated type convictions of any type within 5 years, i.e., three revocations/convictions within 5 years						
Injury related DUI offenses	30 days-1 year	--	300-2,000	--			
	(Wis. Stat. Ann. §§343.305, 346.65, and 885.235 et seq.)						
WYOMING							
1st offense	Misdemeanor 1-30 days	1 day	Not more than 200	--	--	--	--
2nd and subsequent offenses (w/n 5 years)	Misdemeanor 7-90 days	7 days	Not more than 200	--	--	--	--
	(Wyoming Stat. Ann. §§31-5-233, 31-6-101, and 31-7-127 et seq.)						

STATE	Sanctions Following a Conviction for a DWI Offense--Continued					
	Administrative Licensing Actions					
	Pre-DWI Conviction Licensing Action			Post-DWI Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
WISCONSIN Non-Injury related DUI offenses* 1st offense 2nd offense 3rd offense Injury related DUI offenses	No No	No No		Suspension 3-6 months Where there has been no previous refusals or DUI type offense conviction of any type within 5 years; a restricted license may be issued. Revocation 6 months-1 year If there have been one previous refusal and/or DUI type offense convictions of any type within 5 years; i.e., two refusals/convictions within 5 years; a restricted license may be issued after 30 days. Revocation 1-2 years If there has been two previous refusals and/or DUI type offense convictions within 5 years; i.e., three refusals/convictions within 5 years; a restricted license may be issued after 60 days. Revocation 1-2 years 60 days A restricted license may be issued after 60 days		
WYOMING 1st offense 2nd offense 3rd offense	No No No	No No No	-- -- --	Suspension or revocation Suspension or revocation Revocation	90 days* 6 months* 1 year *It appears that a license could be suspended or revoked up to 1 year	90 days 6 months Same
	(Wis. Stat. Ann. §§343.30, 343.31, 343.305, and 346.65)			A restricted license may be issued after 60 days		
	(Wyoming Stat. Ann. §§31-7-123 to 31-7-135)					

Sanctions Following a Conviction for a DWI Offense--Continued

STATE	Other						
	Rehabilitation			Vehicle Impoundment/Confiscation			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
WISCONSIN	Yes	Yes	Operating privilege shall be suspended if a person does not comply with Court-ordered alcohol assessment (DWI screening), education or treatment program	No	--	(Note: Vehicles may be impounded as a result of an operator-owner's failure to post security for an accident; see Wis. Stat. Ann. §344.12 et seq.)	--
WYOMING	--	--	--	No	--	--	--

STATE	Other Criminal Actions Related to Alcohol Use and Driving								
	Homicide by Vehicle								
	State Has Such a Law/ Type of Offense	Sanctions				Administrative Licensing Actions			Other
		Criminal Sanctions							
		Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action-- Min. Length of License Withdrawal	
WISCONSIN	Yes-- Class E felony Death caused by operation of a vehicle with a high degree of negligence	Not more than 2 years	--	Not more than 10,000	--	Revocation	1 year	A restricted license may be issued.	--
	Class D felony where death caused by the operation of a vehicle in an Intox- icated condition (Wis. Stat. Ann. §§343.10, 343.31, 939.50, 940.08, and 940.09)	Not more than 5 years	--	Not more than 10,000	--	Revocation	5 years	120 days A restricted license may be issued after this period.	
WYOMING	Yes Death caused by operation of a vehicle in violation of the motor vehicles laws regulating traffic control (Wyoming Stat. Ann. §§31-5-1115 (repealed) and 31-5-1117)	Not more than 1 year	--	Not more than 2,000	--	Revocation or suspension (Wyoming Stat. Ann. §§31-7-126(a) (11) (repealed) but see 31-5-1117)	Not more than 12 months	Same	--

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued						
	Driving While License Suspended or Revoked Where the Basis Was a DWI Offense						
	Sanctions						
	Criminal				Administrative Licensing Actions		
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
WISCONSIN							
1st offense	Not more than 6 months	--	150-600	--	Revocation	6 months	A mandatory license withdrawal period is not specified; a restricted license could be reissued but only if there has been no previous suspension or revocation for the past year.
2nd offense*	10 days-6 months	--	300-1,000	--	Revocation	6 months	
3rd offense*	30 days-9 months	--	1,000-2,000	--	Revocation	6 months	
4th offense*	60 days-1 year	--	1,500-2,500	--	Revocation	6 months	
5th and subsequent offenses	6 months-1 year	--	2,000-2,500	--	Revocation	6 months	
*(Within 5 years)	(Wis. Stat. Ann. §§343.31 and 343.44)						
WYOMING							
	Misdemeanor Not more than 6 months	--	Not more than 100	--	Suspension or revocation	The original suspension or revocation period is extended 1 year	Same
	(Wyoming Stat. Ann. §31-7-135)						

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued								
	Habitual Offender Laws								
	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status				
					Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Action: (Specify)
WISCONSIN	No	--	--	--	--	--	--	--	--
WYOMING	No	--	--	--	--	--	--	--	--

STATE	Other State Laws Related to Alcohol Use and Driving								
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Legal Drinking Age		Dram Shop Laws and Related Legal Actions		
	State Has Such A Law (Yes/No)	BAC Chemical Test Is Given to the Following Persons			Minimum Age (Years)	Special Exceptions to the Drinking Age Laws for Certain Kinds of Alcoholic Beverages	State Has a Dram Shop Law (Yes/No)	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
		Driver	Vehicle Passengers	Pedestrians					
WISCONSIN	Yes	Yes	No	Yes	18 (Wis. Stat. Ann. §125.07)	--	No (Wis. Stat. Ann. §176.35 repealed)	--	--
WYOMING	Yes 20 §4935	Yes	No	No	19 (Wyoming Stat. Ann. §12-6-101)	--	Yes (Wyoming Stat. Ann. §12-34)	--	--

Other State Laws Related to Alcohol Use and Driving—Continued

STATE	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
WISCONSIN	Misdemeanor (Wis. Stat. Ann. §§125.07 and 125.12)	Not more than 60 days	100-500	Revocation	12 months
WYOMING	— (Wyoming Stat. Ann. §12-5-501 repealed)	—	—	—	—

STATE	Other State Laws Related to Alcohol Use and Driving—Continued						
	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age			Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age		Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in the Passenger Compartment of a Motor Vehicle	
	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed
WISCONSIN							
1st offense	(Forfeiture)	—	Not more than 500	*		Yes	—
2nd offense (w/n 12 months)	(Forfeiture)	—	200-500	Suspension*	Not more than 3 days	(Wis. Stat. Ann. §346.935)	
3rd offense (w/n 12 months)	(Forfeiture)	—	200-500	Suspension*	3-10 days		
4th offense w/n 12 months)	(Forfeiture)	—	200-500	Suspension*	15-30 days		
	(Wis. Stat. Ann. §§125-07, and 125.12)			*Revocation for 12 months.			
WYOMING							
	Misdemeanor	Not more than 6 months	Not more than 100	Suspension or revocation where there is gross violation of the law	A suspension is not to exceed the balance of the term for which the license was issued; as for revocation, no time period is fixed in the statute.	No	—
	(Wyoming Stat. Ann. §§12-6-101, and 12-7-102)						