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Abstract: The Digest is designed for use by anyone interested in alcohol-related legislation in the States. It provides the reader and researcher with the status of laws in each State and with the Code citation for further reference. The 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 matrix is organized by State and by types of legislation. The matrix includes the Code citations and the latest reference used. This should facilitate further research or comparison of laws in different States.

PB92-196229

A Digest of State Alcohol-Highway Safety Related Legislation

Second Edition

August 1983

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U.S. DEPARTMENT OF COMMERCE
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SPRINGFIELD, VA 22161



U.S. Department of Transportation
National Highway Traffic Safety
Administration

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

SECOND EDITION

August 1983

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

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.

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INTRODUCTION

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 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. 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.

However, inevitably, mistakes are made. We would, therefore, 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.

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

Comments, corrections, and new information should be sent to:

National Highway Traffic Safety Administration
 Office of Alcohol Countermeasures Code NTS-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. If you are interested in receiving updates to this digest, please let us know either by telephone or by letter.

ANALYSIS BY STATES--HIGH-INTEREST LEGISLATION

State	Legal Purchase/Sale Age For Alcoholic Beverages	PBT	Illegal Per Se and Level (%)	Presumptive and Level (%)	Administrative Per Se	Implied Consent (arrest required) ¹³
ALABAMA	19		0.10	0.10		Yes
ALASKA	21	X	0.10		X	Yes
ARIZONA	19		0.10	0.10		Yes
ARKANSAS	21		0.10			Yes
CALIFORNIA	21		0.10	0.10		Yes
COLORADO	18 ¹ ; 21 ²		0.15	>0.5; 0.10 ¹¹	X	Yes
CONNECTICUT	20		(0.07-0.10) ⁸	(0.10) ⁹		Yes
DELAWARE	21	X	0.10	(0.10) ⁹	X	No
DISTRICT OF COLUMBIA	18 ¹ ; 21 ²		0.10	(0.05) ⁹	X	Yes
FLORIDA	19	X	0.10	0.10		Yes
GEORGIA	19		0.12	0.10		Yes
HAWAII	18		0.10			Yes
IDAHO	19		0.10	>0.08		Yes
ILLINOIS	21		0.10	0.10		Yes
INDIANA	21	X	0.10	(0.10) ⁹	X	Yes
IOWA	19	X ⁶	0.13	0.10	X	Yes
KANSAS	18 ¹ ; 21 ²			(0.10) ⁹		Yes
KENTUCKY	21			0.10		Yes
LOUISIANA	18		0.10	0.10	X	Yes
MAINE	20		0.10		X	No
MARYLAND	21	X		(0.08, 0.13 ¹¹) ⁹		Yes
MASSACHUSETTS	20			0.10		Yes
MICHIGAN	21	X	0.10	0.07; 0.10 ¹¹		Yes
MINNESOTA	19	X	0.10		X	No
MISSISSIPPI	18 ¹ ; 21 ²	X	0.10		(X) ¹²	No
MISSOURI	21		0.10	(0.10) ⁹	X	Yes
MONTANA	19		0.10	0.10		Yes
NEBRASKA	20	X	0.10			Yes
NEVADA	21	X	0.10	0.10	X	Yes
NEW HAMPSHIRE	20	X	0.10	(0.10) ⁹		Yes
NEW JERSEY	21		0.10			Yes
NEW MEXICO	21		0.10	0.10		Yes
NEW YORK	19	X ⁷	0.10	(0.08-0.10) ⁹		Yes
NORTH CAROLINA	19 ¹ ; 21 ²	X	0.10		X	Yes
NORTH DAKOTA	21	X	0.10		X	Yes
OHIO	19 ¹ ; 21 ²		0.10		(X) ¹²	Yes

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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) ¹³
OKLAHOMA	21		0.10	(0.10) ⁹	X	Yes
OREGON	21		0.08		X	Yes
PENNSYLVANIA	21	X	0.10	0.10		No
PUERTO RICO	18	X		0.10		Yes
RHODE ISLAND	20	X	0.10	0.10		Yes
SOUTH CAROLINA	18, 21 ³			0.10		Yes
SOUTH DAKOTA	18 ¹ , 21	X	0.10	0.10		Yes
TENNESSEE	19			0.10		Yes
TEXAS	19		0.10			Yes
UTAH	21		0.08		X	Yes
VERMONT	18	X	0.10	0.10		No
VIRGINIA	19, 21 ⁴	X		0.10		Yes
WASHINGTON	21		0.10	0.10	X (Eff. 1/1/85)	Yes
WEST VIRGINIA	19 & 21 ⁵	X		0.10 ¹⁰	X	Yes
WISCONSIN	18	X	0.10			Yes
WYOMING	19			(0.10) ⁹		Yes
TOTAL	21-19	23	0.08-2	>0.08-1	20	No-6
	20-6		0.10-36	0.10-23		Yes-46
	19-13		0.12-1	0.10 <i>prima</i>		
	18-5		0.13-1	<i>facie</i> -12		
	Combination 18/21-6 19/21-3		0.15-1			

Footnotes

- | | |
|--|--|
| 1. Beer (alcohol content limitations range from 3.2% to 4% by weight to 6% by volume) and unfortified wine | 9. Infraction if BAC level is between these limits |
| 2. Fortified wine and distilled spirits | 9. BAC level or levels which indicate <u>prima facie</u> evidence |
| 3. 18-beer & wine; 21-liquor | 10. This state has <u>both</u> prima facie and presumptive evidence laws with BAC levels of 0.10 |
| 4. 19-beer; 21-wine & liquor | 11. Lower of two numbers is driving while impaired (DWI); higher is driving while under the influence (DUI) |
| 5. 19 for state residents; 21 for out-of-state residents | 12. Limited; see p.3-149 for details on Mississippi; see p.3-209 for details on Ohio |
| 6. Applies only when there has been either an injury or death related accident. | 13. All states have implied consent laws. This column identifies whether arrest is required to invoke implied consent. |
| 7. Limited to drivers involved in accidents | |

ANALYSIS BY STATES--HIGH-INTEREST LEGISLATION (Continued)

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

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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	X		
OREGON	Statute	X	X		
PENNSYLVANIA	Statute		X		X
PUERTO RICO	No				
RHODE ISLAND	Statute		X		X
SOUTH CAROLINA	No	X	X	X	X
SOUTH DAKOTA	Case Law	X			
TENNESSEE	Case law		X	X	X
TEXAS	No		X		X
UTAH	Statute	X	X	X	X
VERMONT	Statute				
VIRGINIA	No				X
WASHINGTON	Case law	X		X	X
WEST VIRGINIA	No		X	X	X
WISCONSIN	No	X			
WYOMING	Case Law			X	X
TOTAL	Case law-16 Statute -19	18	29	15	39

FOOTNOTES

1. Applies only to actions of intoxicated minors; previous case law as to other types of dram shop actions has been specifically abrogated by legislation
2. With statutory limitations on liability
3. The statute applies specifically to actions of intoxicated minors, but the law does not foreclose developing case law as to other types of dram shop actions
4. Limited to intoxicated minors
5. A mandatory imprisonment sanction is required for a first DWI conviction where there has been a DWI related injury/accident
6. The law appears to require a mandatory imprisonment sanction via indirect language

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 1983 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 as amended through the 1983 Legislative Session (see especially H.B. 6 as enacted in 1983).	Yes 0.10% 28.35.030(a)(2)	N/A	--	Yes 28.35.031(b)	Yes 28.35.031	--

*Note: Alabama considers 32-5A-191(a)(1) to be an illegal per se law because it prohibits driving while there is 0.10% or more alcohol in the blood. However, 32-5A-194 states that 0.10% BAC creates a rebuttable presumption that the driver was DWI. Since 32-5A-191(a)(1) was enacted after 32-5A-194, it would supercede any inconsistent provision of 32-5A-194.

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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(a)	"Other bodily substance" 32-5A-194(a)	No	No	No
ALASKA	No	No	--	No	No	Yes 28.35.030(d)

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	1st Refusal- Suspension-90 days 2nd Refusal (w/n 5 years) Suspension-1 year Special Note: These suspensions appear to be mandatory	--
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 and are the same as for DWI offenses; see p 3-4. §28.35.032(f) & (g)	1st Refusal- Not less than a 90-day revocation 2nd Refusal or a 1st refusal where there has been a previous DWI conviction. Not less than a revocation for 1 year* Subsequent Refusal where there has been 2 or more refusals or DWI conviction or a combination thereof - Not less than a revocation for 10 years* *The previous refusal/DWI conviction must have occurred within 10 years of the 1st refusal. §§28.15.165, 28.15.166 & 28.15.181(c)	Special Note: All license revocation periods given are mandatory.

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	--	250-1,000	--	--	Special Note: under Act 83-508, a defendant may be required to pay restitution to a victim (or a victim's representative) as a result of damages caused by the defendant's criminal behavior	--	
2nd offense (w/n 5 years) 32-5A-191(d)	Not more than 1 year	48 consecutive hours*	500-2,500	--	Not less than 20 days*		--	
3rd or subsequent offenses (w/n 5 years) 32-5A-191(e)	60 days-1 year	60 days	1,000-5,000					
		*The 20-day community service sanction may be used as an alternative to the 48-hour consecutive imprisonment term.						
ALASKA								
Class A Misdemeanor		--		--	--	--	--	
1st Offense	Not more than 1 year	72 consecutive hours	Not more than 5,000	250				
2nd Offense* (w/n 10 years)	Not more than 1 year	20 consecutive days	Not more than 5,000	500				
Subsequent Offenses* (w/n 10 years)	Not more than 1 year §28.35.030	30 consecutive days	Not more than 5,000	1,000				
	*Special Note: A previous offense is considered to be either a previous chemical test refusal or a previous DWI conviction (This note also applies to Class A misdemeanor offenses for refusal to submit to a chemical test; see §28.25.032(f) & (2).							

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
ALABAMA						
1st offense	No	No	--	Suspension 32-5A-191(c)	90 days 32-5A-191(c)	90 days
2nd offense	No	Yes UVC 6-205	--	Revocation 32-5A-191(d)	1 year 32-5A-191(d)	1 year
3rd or subsequent offenses	No			Revocation	3 years 32-5A-191(e)	3 years
ALASKA	Admin Per Se Law with a BAC of 0.10	--	--	Revocation	Special Note: The revocations for 1st, 2nd and subsequent DWI convictions are respectively the same as for 1st, 2nd and subsequent admin. per se offenses	
	1st offense-revocation for not less than 90 days (30 days mandatory; a restricted hardship license may be issued for 60 days)					
	2nd offense (w/n 10 years)-revocation for not less than 1 year (mandatory)					
	Subsequent offenses (w/n 10 years)-revocation for not less than 10 years (mandatory)					
	§§28.15.165, 28.15.166 & 28.15.181(c)			28.15.181(c)		

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 Education/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 32-5A-191 (c)	Yes 32-5A-191 (c)	--	No	--	--	--
2nd offense	--	--	--	--	--	--	--
3rd and subsequent offenses	--	--	--	--	--	--	--
ALASKA	Yes* *For any DWI conviction, a defendant must complete either an alcohol education or an alcohol treatment program that the Court feels is appropriate for that defendant. §28.35.030 (c)	Yes* §28.35.030 (c)	No	Yes (See Special Note) §28.35.036	--	Special Note: The Court may order the forfeiture of a driver's vehicle following either a DWI or chemical test refusal conviction if they have had more than one such conviction; also, under §28.35.038 municipalities may enact ordinances to impound forfeit motor vehicles for violations of local DWI/chemical test refusal laws.	--

Other Criminal Actions Related to Alcohol Use and Driving									
Homicide by Vehicle									
STATE	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 1 year nor more than 5 years		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	--	--	--	--	Special Note: Even though this State does not have a vehicle homicide statute, it, nevertheless, provides for discretionary license revocation for 1 year for a conviction of manslaughter resulting from the operation of a motor vehicle.			

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 180 days (and/or fine) 32-6-19	--	Not less than 100 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	Not less than 90 days 28.15.291	90 days	Not less than 1,000	--	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				Sanctions Following a Conviction of Driving While on Habitual Offender Status				
	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	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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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-2(18), 28-3A-18, 28-3A-25 & 28-3A-25(19)	19	19	Yes	No	--
	*Not specifically provided for by statute; however, in Lankford v. Redwing 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	--	--	--	21 §§04.16.50, .51 & .52	21 (There are exemptions for parents/physicians furnishing alcoholic beverages to minors)	21	Yes 04.21.020	Nazareno v. Urle, 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) and H.B. 2351 as enacted in 1983	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; Act 549, 1983); and H.B. 913 (1983) as enacted	0.10% (§316 of Act 549, 1983)	---	---	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) (A DWI charge shall not be dismissed or changed to another misdemeanor/petty offense unless there is clearly an insufficient legal basis for the DWI offense charge)	Yes §28-692.01A
ARKANSAS	Yes	Yes	--	Yes Note: Persons arrested for a DWI offense shall be tried on such charges or plead to such charges and no such charges shall be reduced (§8 of Act 549, 1983).	Yes	Yes (§6 of Act 549, 1983)

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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 (Mandatory) \$28-691	May be required to attend and successfully complete a driver training course \$28-446
ARKANSAS	N/A	N/A	N/A	None	Suspension for not less than 6 months Suspension for not less than 1 year for a subsequent refusal within 3 years (\$75-1045; §11 Act 549, 1983) (Mandatory)	--

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	Not more than 6 months	24 consecutive hours (may not be mandatory; see §28-692.01(D))	Not more than 1,000	250	Yes 8-24 hours**	Upon a defendant's conviction for an offense resulting in the death,	Traffic safety school may be required
2nd offense Class 1 misdemeanor (w/n 60 months)	Not more than 6 months	60 days	Not more than 1,000	500		physical injury or economic loss of the victim, the Court may order that all or any portion of the fine imposed be allocated as restitution to be paid by the defendant	--
3rd offense (w/n 60 months) Class 5 felony	2 years \$28-692.01	6 months (Note: See §28-692.01(H) where a defendant may serve the term on a part-time basis for employment purposes)	Not more than 150,000* \$28-692.01 *§13-801		\$28-692.01 **May be used in addition to or as an alternate for imprisonment		\$28.446
ARKANSAS							
1st offense* 24 hours-1 year	(Note: The minimum sentence may not be mandatory due to the suspended sentence and/or probation provisions of §§41-108 and 43- 2331; these provisions may apply notwith- standing §9 of Act 549, 1983.)	1st offense 150-1,000	--	Yes**	--	--	
2nd offense* (w/n 3 years) 7 days-1 year		2nd offense (w/n 5 years)* 400-3,000	--	--	--	--	
3rd offense* (w/n 3 years) 90 days-1 year		3rd and subse- quent offenses (w/n 5 years) 900-5,000	--	--	--	--	
4th & subsequent offenses (w/n 3 years)* 1-6 years			--	--	--	--	
See special note on page 3-18.		(Note: There is a special Court cost of \$250 for any person pleading guilty, nolo contendere or who is found guilty of DWI.)		**Public service in lieu of imprisonment			

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
ARIZONA						
1st offense	No	Yes	--	Suspension	Not less than 90 days	(30 days*)
2nd offense	No	Yes	--	Revocation	Not less than 1 year	1 year
3rd offense	No	Yes	--	§§28-445; 28-448 & 28-692.01		*After the 30-day suspension, a restricted license may be reissued for 60 days; Note: This suspension may not be mandatory; see §28-692.01(D)
ARKANSAS						
1st offense	No	No	--	Suspension	At least 90 days	90 days
2nd offense*	No	No	--	Suspension	At least 1 year	1 year
3rd offense*	No	No	--	Suspension	At least 2 years	2 years
4th or subsequent offenses*	No	No	--	Revocation	3 years	3 years
*For admin. licensing action within 3 years of a first DWI offense				(Note: The section allowing for restricted licenses for DWI offenders was specifically repealed by §1R(h) of Act 549, 1983)		

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Sanctions Following a Conviction for a DWI Offense--Continued

STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	Rehabilitation			Other			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Vehicle Impoundment/Confiscation			
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	Yes	Yes	Note: Either an alcohol education or alcohol treatment program must be completed before either a suspended or a revoked license can be reinstated (Sec. 7 Act 549, 1983)	Yes	--	License plates shall be impounded for 90 days if a driver has been arrested for driving while suspended or revoked where such suspension or revocation was based on an alcohol offense conviction. §15, Act 549, 1983	
2nd offense	Yes	Yes					
3rd offense	Yes	Yes					
4th and/or subsequent offenses	Yes	Yes					
<p>Special Note: Arkansas has two different sanctioning systems for DWI offenses. One system applies to the imprisonment sanction and the other applies to the fine sanction. For the imprisonment sanction, the sanctions listed apply for any of the listed subsequent offenses which have been committed within three (3) years of a first offense. For the fine sanction, the sanctions listed apply for any of the listed subsequent offenses which have been committed within five (5) years of a first offense. For example, if a person has been convicted of a DWI offense which occurred more than three but less than five years from a first DWI conviction, they would be imprisoned as if they were a first offender but fined as if they were a second. Note: The three-year time period as applied to the imprisonment sanction is also used to determine whether a fourth or subsequent DWI conviction is to be considered a felony.</p>							

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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
		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	--	--	--	--	--*	--* \$28-445	--*	Note: See Restitution column on p. 3-16.
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 For driving while revoked	Equal to original suspension period 1 additional year of revocation	Same Same
2nd or subsequent offense	Class 5 felony if convicted of DUI offense and driving while suspended or revoked §28-692.02 §28-473	6 months \$28-269.02			Same as above §28-473	\$28-473	
ARKANSAS							
	Misdemeanor 2 days-6 months (Ark. Stat. Ann §§ 75-341, 75-1029.1, and §14 of Act 549, 1983)	10 days if suspension or revocation based on a DWI charge	Not more than 500 75-1053	--	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 c.) 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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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 (4-101(20) & 4-244(9))	19	19	No	Ontiveros v. Borak, et al., 667 P. 2d.200 (Ariz. 1983), and Brannigan, et al. v. Ray Buck, 667 P. 2d.213 (Ariz. 1983)	--
ARKANSAS	--	--	--	--	21 §48-903	21 & §48-903.1	N/A	No	No	--

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
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	30 days-- 6 months	100-300	Yes Revoked	Length of term not fixed	No	--
	Subsequent convictions	30 days-- 1 year	100-1,000				
	§4-241 (AZ §4-246)	§4-246	§4-246	§4-210			
ARKANSAS	1st offense	--	100-250	Revocation	Not specified in the statute (but see Ark. Stat. Ann. §48-525)	No	--
	2nd and subsequent offenses	6 months- 1 year	250-500				
			(Ark. Stat. Ann §§ 48-524, 48-901, 48-902, and 48-903)				

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, 1983 Cum. Pocket Part	0.10% Veh. §§23152(b) and 23153(b)	0.10% Veh. §23155(3)	--	No	Yes Veh. §13353	--
COLORADO See: Colorado Revised Statutes 1973, 1982 Cum. Supp. (current through 53rd General Assembly's 2nd Regular Session in 1982) See also H.B. 1287	0.15% §42-4-1202(1.5)(a)	>0.05% (Driving while impaired) 0.10% (Driving under the influence) §42-4-1202(1)(a) & (b)	--	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	Yes	Saliva	No	No One may plead guilty to non-alcohol or non-drug related traffic offense if charged with Inter alia, DWI unless the prosecutor makes good faith allegation that he/she could not establish a prima facie case on original case §42-4-1202(3.7)	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 Suspension is for 1 year if a person refuses after having been convicted of either a DWI or reckless driving offense within 5 years of the date of refusal (Mandatory) Veh. §13353	No
COLORADO	N/A	N/A	—	None	Revocation 1st--9 months 2nd and subsequent (w/n 5 years)-- 12 months §42-4-1202(e)	Special Note: It appears that these license revocations for chemical test refusals are mandatory

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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	96 hours-6 months	--	390-500	--	--	--	
Injury/Death	90 days-1 year	5 days	390-1,000	390			
2nd offense (w/n 5 years)	90 days-1 year	48 hours	375-1,000	375	--	--	
Injury/Death	120-days-1 year	30 days	390-5,000	390			
3rd offense (w/n 5 years)	120 days-1 year	120 days	390-1,000	390	--	--	
Injury/Death Veh. §§23152 and 23153	2-4 years Veh. §§23160, et seq.	1 year	1,015-5,000 Veh. §§23160, et seq.	390	--	Yes (Veh. §23191(a))	
Continued on page 3-28A							
COLORADO							
Driving under the Influence and Illegal Per Se							
1st offense	5 days-1 year	No*	300-1,000	--	48-96 hours (48 hours mandatory)	--	--
1st offense - but where there has been w/n 5 years a conviction for a driving while impaired offense	60 days-1 year	6 days*	400-1,200		52-104 hours (52 hours mandatory)		
2nd or subsequent offense (w/n 5 years)	90 days-1 year	7 days*	500-1,500	--	60-120 hours (60 hours mandatory)		
Continued page 3-28A							

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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 4th and subsequent offenses (w/n 5 years) Veh. §§23152 and 23153	180 days - 1 year	180 days	390 - 1,000	390	--	--	--
Explanation on determining sanctions: The sanctions to be given an offender for subsequent alcohol driving offenses are determined by the most recent type of alcohol offense conviction (i.e., whether it is or is not injury/death related) regardless of whether the prior offense conviction(s) was (were) of that type. For example, if a driver has had two (2) prior non-injury/death related DWI offense convictions and thereafter is convicted of an injury/death related DWI offense (all offenses having occurred within a 5-year period), the driver is sentenced as a third offender and receives the sanctions listed for injury/death related offenses. Such sanctions are as follows: 2-4 years imprisonment (1 year minimum); a fine of between \$1,015 and \$5,000 (\$390 minimum); and a mandatory 5-year license revocation.							
COLORADO Driving while impaired	--	*See treatment.	\$42-4-1201	--	--	--	--
1st offense	2 days-180 days	No*	100-500	No	24-48 hours (24 hours mandatory)	--	--
1st offense - but where there has been w/n 5 years a conviction for a driving while under the influence offense	70 days-1 year	7 days*	450-1,200	--	56-112 hours (56 hours mandatory)	--	--
2nd or subsequent offense	45 days-1 year (if previous DWI conviction)	5 days*	300-1,000	No	48-96 hours (48 hours mandatory)	--	--
Continued on page 3-29							

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
CALIFORNIA						
1st offense	No	--	--	Suspension (Veh. §23161)	6 months	--*
If Injury/death	No	--	--	Suspension (Veh. §23181(a))	1 year	1 year
2nd offense	No	--	--	Suspension (Veh. §23161(b)(3))	1 year	--*
If Injury/death	No	--	--	Revocation	3 years	1 year suspension**
3rd offense	No	--	--	Revocation (Veh. §23171(a))	3 years	3 years
If Injury/death	No	--	--	Revocation (Veh. §23191(a))	5 years	5 years
Continued on page 3-29A				Veh. §13352	Veh. §13352	
				*Driving privileges are to be restricted (§13352); driving restrictions are based on probation. **1 year suspension and 2 years restricted driving privileges if the Court grants probation under Veh. §23186.		
COLORADO						
	Note: Admin Per Se with a BAC Level of 0.15; the period of license revocations is a mandatory period of 1 year	--	--	Driving while under the influence and illegal per se		
		--	--	1st offense-Suspension	Not less than 1 year §42-2-123(8.5)	--*
		--	--	Driving while impaired-1st offense**	--	--**
Continued on page 3-29A	§42-2-122.1					

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 4th and subsequent offenses continued on page 30	No	--	--	Revocation (Veh. §23175) Veh. §13352	4 years Veh. §13352	4 years Special Note: Under §13352.2 persons under 18 who are convicted of an alcohol driving offense have their licenses revoked (1) until they are 18, (2) for 1 year, or (3) per §13352 whichever is longer
COLORADO				A conviction for either an Impaired, under the Influence, or Illegal per se offense where there has been a previous alcohol driving offense convictions of any type w/n a 5-year period- Revocation (42-2-122(1)(g) & 42-2-124(2)) A conviction for either an Impaired, under the Influence or Illegal per se Influence or Illegal per se offense where there has been two previous alcohol driving offense convictions of any type Revocation (42-2-122(1)(f))	1 year Indefinite period	1 year 2 years

* A probationary-restricted license may be reissued for reasons of employment/alcohol education, et al; see §42-2 123(1).
 **8 points placed on driver's traffic record; generally the accumulation of either 12 points in 12 months or 18 points in 24 months results in license suspension for not more than one year, but a probationary-restricted license may be issued; see 42-2-123(1)(a), (5) & (11)

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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	
CALIFORNIA	Probation usually requires either alcohol education or alcohol treatment for any DWI offense conviction. See Veh. §523161, et seq.			Yes, a driver's vehicle may be impounded for a DWI offense from 1-30 days. Veh. §23195		Note: A vehicle may also be impounded for a conviction of driving while license is suspended or revoked: 1st offense- 6 months impoundment 2nd and subsequent offense- 12 months impoundment Veh. §14602	
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 impaired, under the influence and illegal per se 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 impaired, under the influence, and illegal per se 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	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	
CALIFORNIA California Penal Code §§192 and 193	Yes Death caused by negligent use of a motor vehicle Veh. §23153	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 offenses* (w/n 5 years)	30 days-1 year and vehicle impoundment Veh. §14601.2	30 days (10 days)* * For a 2nd or subsequent offense w/n 7 but more than 5 years; see §14602.2(g)	Not more than 1,000	--	--	--	
	(Note: See Other column under Vehicle Impoundment/Confiscation on p. 3-30.)						
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	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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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						
CALIFORNIA	Yes	Yes Veh. §13353	Implied Veh. §13353	Implied Veh. §13353	21 Bus. & Prof. Code §§25658 & 25662	21 (Possession under 21 legal if minor is acting via a parent's order)	21 (This applies only to consumption on the premises of licensed establishments)	Yes- But limited to the serving of alcoholic beverages to intoxicated minors Bus. & Prof. Code §25602.1	No (Note: See Bus. & Prof. Code §25602(c) and Cory v. Shierloh, 174 Cal. RPTR500 (1981).)	--
COLORADO	Yes	Yes	--	Yes	18 for 3.2% beer 21 for all other alcoholic beverages §§12-46-112 & 12-47-128	18 for 3.2% beer 21 for all other alcoholic beverages (applies to possession in public places and motor vehicles)	N/A	Yes 13-21-103	No	--

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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
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	Misdemeanor 12-46-114	-- 12-46-114	100-500 100-500 (\$100 of the fine is mandatory)	Suspension or revocation 12-47-110	6 months
1st offense					
2nd and subsequent offenses					

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. §§23222, 23223	
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 as amended by statute enacted in 1983	Infraction if BAC is greater than 0.07% but less than 0.10%	--	A BAC of more than 0.07% but less than 0.10% constitutes evidence of alcohol impairment 14-227a(d)(3) makes a BAC of 0.10% prima facie evidence that the defendant was under the influence of intoxicating liquor.	No	Yes 14-227b	--
DELAWARE See: Delaware Code Annotated Revised 1974, 1979, 1982, Cum. Supp. current through December 31, 1982	0.10% 21 §4177	--	A BAC of 0.10 is prima facie evidence that a person was under the influence of intoxicating liquor 11 §3505	Yes 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	Yes 14-227(d)	Yes 14-227(d)	--	No	Limited to requiring the State to give to the Court in open session the reasons why a criminal DWI charge (14-227a) was reduced or dismissed 14-227a	Yes (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".)
DELAWARE	Yes 21 §2740	Yes 21 §2740	--	No	No	No

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**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
CONNECTICUT Continued on page 3-39A	N/A	N/A	N/A	None	1st refusal- Suspension for 6 months 2nd refusal- Suspension for 1 year** Subsequent refusal- Suspension for 3 years** (These license suspensions are mandatory) 14-227b(f)	Special Note: If a driver refuses to submit to the chemical test, the police dept. holds their license for 24 hours. *This 1-year suspension would also apply to a 1st refusal where there has been a previous DWI offense conviction. (See page 39A)
DELAWARE	N/A	N/A	--	None	1st--Revocation for 1 year (Note: A conditional hardship license may be issued if certain limited conditions are met.) 2nd--18 months 3rd--24 months (Note: For a 2nd and 3rd refusal, the driver would probably not be eligible for a conditional hardship license.) 21 §2741 21 §2742 21 §4177E	--

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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						**This 3-year suspension would also apply to a 2nd refusal where there has been a previous DWI offense conviction.

3-39A

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	--	500-1,000	--	--	--	--
2nd offense	Not more than 1 year	48 consecutive hours	500-2,000	--	--	--	--
3rd offense	Not more than 2 years	30 days	1,000-4,000	--	--	--	--
4th and subsequent offenses 14-227a(h)	Not more than 3 years	1 year	2,000-8,000	--	--	--	--
alcohol infraction	None	--	Fine schedule determined by the Courts; See §51-164m	--	--	--	--
Vehicle Assault-Injury related DWI offense - Class D felony 53a-60d	Not more than 5 years	--	Not more than 5,000	--	--	--	--
DELAWARE							
1st offense	60 days-6 months	--	200-1,000	--	--	--	--
2nd or subsequent offense (w/n 5 years)	60 days-18 months	(See Special Note Below)	500-2,000	--	--	--	--
	21 §4177(d)		21 §4177(d)				
	Special Note: Under 21 §4177(f) a person convicted of a second or subsequent DWI offense may not receive a suspended sentence; however, there is no specific language that prohibits a Court from placing a defendant on probation after sentencing.						

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	Special Note: The Police may take and hold a driver's license for 24 hours if the driver has a BAC level of 0.10% or more; see 14-227a(b)	Suspension	6 months	6 months*
	2nd offense	No	No	--	Suspension	1 year	1 year*
	3rd offense	No	No	--	Suspension	3 years	3 years*
Continued on page 3-41A							
DELAWARE	1st offense	Yes	Yes	(Note: Licensing sanctions (Revocation) under the Admin Per Se law are as follows: 1st offense--3 months;	Revocation	1 year	90 days*
	2nd offense (w/n 5 years)	Yes	Yes	2nd offense--1 year; and	Revocation	1 year	1 year**
	3rd or subsequent offense (w/n 5 years)	Yes (Administrative action based on probable cause that a DWI offense has been committed.)	Yes	3rd or subsequent offense--18 months 2nd, 3rd, and subsequent offenses include implied consent violations as well as DWI offenses. 2nd, 3rd and subsequent offenses are those occurring within five years of a first offense; these revocation periods are mandatory (See 21 §2743))	Revocation 21 §4177A	18 months 21 §2742(c)	18 months** *A conditional license may be issued after the first 90 days of the revocation period. **A conditional license may be issued after 6 months of the revocation period. 21 §4177c
Continued on page 3-42							

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
CONNECTICUT						
4th and subsequent offenses				Revocation 14-227a(h)	Permanently	Permanently*
Alcohol Infraction	No	No	--	--	--	--
Vehicle Assault-DWI offense	Injury related			Suspension	1 year	1 year
	(*Note: The law does not specifically prohibit a Court from reducing these suspension periods.)					

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STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	Rehabilitation			Other			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	
CONNECTICUT							
1st offense	Yes	Yes	Yes	No	--	--	--
2nd offense	Yes	Yes	Yes				
3rd offense	Yes	Yes	Yes				
4th and subsequent offenses	Yes 14-227a(k)	Yes 14-227a(k)					
DELAWARE							
For any DWI offense	Course of instruction and rehabilitation required for convicted persons prior to having their licenses/driving privileges reinstated		--	No	--	--	--
Subsequent offenses w/n 5 years of a first	"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 and pay a fee not to exceed the maximum fine 21 §4177 21 §4177D		--	Note: Impoundment or surrender of license plates/registration (for 90 days for a 1st offense and 1 year for a 2nd offense) is authorized if vehicle operator was operating his/her vehicle while they are under license suspension or revocation for a DWI offense. See 21 §2756.			
	Persons violating either the implied consent or admin per se laws must complete an alcohol education/alcohol rehabilitation program (21 §2743(c)).						

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* Class C felony A person is guilty of man- slaughter in the second degree when in consequence of his intoxication while operating a motor vehicle, he causes the death of another person.	Not more than 10 years	--	Not more than 5,000	--	Suspension	1 year	--	--
	53a-56b	53a-35		53a-41		53a-56b			
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	Not more than 1 year 14-215 (c)	5 days	500-1,000		1st offense Suspension Subsequent offenses Suspension 14-111(b)	Not less than 1 year Not less than 5 years -- (Note: See 14-111(k))	
DELAWARE	1st offense 2nd and subsequent offenses	30 days-6 months 60 days-1 year 21 §2756	(30 days*) (60 days*) 21 §2756	200-500 500-1,000 21 §2756	(500*) (500*) 21 §2756	Suspension or revocation Suspension or revocation 21 §2758	Original period of suspension or revocation extended by an equal amount
*These special sanctions are mandatory where revocation was based on vehicle homicide, et al. similar offenses where alcohol use was involved.							

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 3 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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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)	20 30-86-30-1 (20) (def. of minor)	N/A	N/A	Yes 30-102	No	--
DELAWARE	Yes	Yes	Yes	--	21 4 §904	21 4 §904(f) (Law does not apply to alcohol use in religious services or in the home.)	21	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.)	--

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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

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 as amended through the 1983 legislative section	0.10% 316.193 322.262	0.10% 322.262	--	Yes 316.1932(b)(1)	Yes 316.1932(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 (Note: Under 316.1932(1)(a) there is an implied consent to submit to a urine test for the purpose of detecting the presence of controlled substances)	—	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 (Hardship license available)	--
FLORIDA	None	None	--	None	1st refusal- Suspension for 6 months 2nd refusal- Suspension for 1 year 322.261 (Hardship license available)	--

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
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	--	250-500	--	50 hours* (Required notwithstanding other sanctions)	--	--
2nd offense	Not more than 9 months	10 days if 2nd conviction was w/n 3 years of a previous DWI conviction*	500-1,000	--	--	--	--
3rd and subsequent offense	Not more than 12 months	30 days if 3rd conviction was w/n 5 years of a previous DWI conviction*	1,000-2,500	--	--	--	--
§316.193 and §316.1931		*§316.193(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
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.)	--
	Under Title 18 §302 of the D.C. Mun. Regs., the licensing agency may suspend/revoke a driver's license on its own without a DWI Court conviction if there is sufficient evidence to indicate that a person was operating a motor vehicle while under the influence of intoxicating liquor, for a 1st Admin. Action-Suspension 2-30 days; for subsequent Admin. Actions- Suspension 15-90 days (See Title 18 §308 of the D.C. Mun. Regs.)					
FLORIDA						
1st offense	None	Yes	--	Revocation	180 days -1 year*	--
2nd offense (w/n 5 years)	None	Yes	--	Revocation	Not less than 5 years	5 years
3rd and subsequent offenses (w/n 10 years)	None	Yes	--	Revocation	Not less than 10 years	10 years
§322.28				§§322.26 and 322.28 (see especially §322.28(2)(d))	* A temporary restricted use license for business/employment may be issued for 45 days following the completion of either a driver training program or substance abuse course; the law is silent as to whether this license can be renewed for additional 45-day periods.	

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	
DISTRICT OF COLUMBIA							
1st offense	--	--	--	No	--	--	--
2nd and subsequent offenses	--	--	--				--
FLORIDA	Yes* *Required before license can be restored Note: Under §316.193(3) and §322.291 alcohol education/treatment is required for a defendant convicted of any DWI offense.	Yes	--	No	--	--	Special Note: Under §322.291 a defendant may be required to complete a driver training course prior to having their license reinstated

Other Criminal Actions Related to Alcohol Use and Driving									
Homicide by Vehicle									
STATE	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 3 years (restricted use licenses may be issued)	--	Special Note: No restricted license may be issued to a person convic- ted of man- slaughter resulting from the operation of a motor vehicle and of a DWI offense, See §322.28(2)(4)

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	--	--	--	--

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

Habitual Offender Laws

Sanctions Following a Conviction of Driving While on Habitual Offender Status

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)
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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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 for beer 21 for fortified wine and liquor §25-121	N/A	18 for beer 21 for fortified wine and liquor (Applies only to consumption by minors on licensed premises.) §25-121	No	Marusa v. D.C., 484 F.2d 828 (D.C. Cir., 1973)	--
FLORIDA	No	--	--	--	19 §562.11	19 (Except for employment purposes) §562.11	N/A	No	(Note: See Davis v. Shiappacossee, 155 So. 2d 365 (Fla. 1963) which is limited to intoxicated minors.)	

Other State Laws Related to Alcohol Use and Driving—Continued

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.)	--	--	--	--

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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 as amended by H.B. 130 enacted in 1983	0.12% 40-5-391(a)(4) & 40-6-392(b)(4)	0.10% 40-6-392(b)(3)	--	No	Yes 40-5-55	--
HAWAII See: Hawaii Revised Statutes, 1976, 1981, Supp. (current through Regular and 1st Special Session, 1981) and H.B. 187 as enacted in 1983	0.10% §291-4(a)(2)	--	--	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	Yes 40-5-55	Yes 40-5-55	Or "other bodily substance" (The code does not specify the substances but only uses the general language.) 40-5-55	No	No	No (Note: Mandatory only in felony cases.)
HAWAII	Yes	No	--	No	No	Yes (Note: Implied by statute.)

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 (Mandatory)	--
HAWAII	N/A	N/A	N/A	No	Revocation for 12 months (Hawaii Rev. Stat. §§286-155) (Mandatory)	--

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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* 2nd offense (w/5 years)* 3rd and subsequent offenses (w/5 years)* 40-6-391(c) *Misdemeanor	10 days-1 year 90 days-1 year 120 days-1 year	-- 48 hours 10 days (Note: See Community Service column under Other Penalties)	300-1,000 600-1,000 1,000	-- -- --	-- 80 hours** 30 days**	-- -- --	-- -- --
HAWAII 1st offense 2nd offense (w/5 years of a previous conviction) 3rd offense (w/5 years of two previous convictions) §291-4	48 hours** 48 hours of consecutive imprisonment** 10-180 days	-- -- --	150-1,000* 500-1,000** 500-1,000	-- -- --	72 hours* 10 days** --	-- -- --	-- -- --

*The Court must sentence a person convicted of a 1st DWI offense to at least one of these sanctions, but it has the authority to sentence such person to more than one such sanction.

**For a person convicted of a 2nd DWI offense, the Court only has the authority to sentence the offender to one of these sanctions.

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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
GEORGIA						
1st offense	None		--	Suspension 40-5-70(b)(1)(A)	1 year	License may be restored after 120 days of the suspension period have passed*
2nd offenses (w/5 years)	None		--	Suspension 40-5-70(b)(1)(B)	3 years	License may be restored after 120 days of the suspension have passed**
3rd and subsequent offenses (w/5 years)	None		--	Revocation 40-5-70(b)(1)(C), 40-5-58 & 40-5-62	5 years	5 years
					*Under 40-5-71 a 1st offender may be issued a hardship license; also, under 40-6-391, a license suspension may be avoided on a 1st DWI offense if the defendant pleads nolo contendere to such offense; thus, there is really no "mandatory" suspension period for a 1st offense. **See rehabilitation section on page 3-66.	
HAWAII						
1st offense	No	--	--	Suspension	90 days	90 days
2nd offense	--	--	--	Suspension	1 year	1 year
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 Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
GEORGIA	For 1st and 2nd DWI offenders, the license may be restored before the end of the suspension period as indicated provided the defendant completes an approved alcohol or drug program.		--	No (Note: Under Code of Ga. §85-203, only certain illegally parked vehicles may be impounded.)	--	--	--
HAWAII 1st offense	A mandatory 14 hour alcohol abuse education/counseling program.			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		
GEORGIA Continued on page 3-67A	1. Vehicle homicide where there is no "Malice afore- thought" (Vehicle Homicide in the First Degree)	2-15 years	--	--	--	Suspension	3 years	3 years	
HAWAII Continued on page 3-68	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								
	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	2. Vehicle Homicide where the death is caused "without an intention to do so" (Vehicle Homicide in the Second Degree)	Not more than 12 months	--	Not more than 1,000	--	Suspension	3 years	3 years	
	3. Vehicle Homicide where the defendant is an habitual violator, his/her license has been revoked, and there is no "Malice Aforethought" (Vehicle Homicide in the First Degree) 40-6-393	3-15 years	1 year	--	--	Suspension	3 years 40-5-63(f)	3 years	

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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 40-5-121(b)	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	

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

Habitual Offender Laws

Sanctions Following a Conviction of Driving While on Habitual Offender Status

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)
GEORGIA	Yes 40-5-58(c) (Note: Previous code citation was 68B-308)	3 serious or 15 normal moving violations within a 5-year period	5-year revocation period 40-5-62(a)(1) (Note: A probationary restricted hardship license may be issued after two years of the revocation period has passed: 40-5-58(c))	Felony 40-5-58(c)	1-5 years	--	Not less than 750	--	--
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 Ages Concerning Alcoholic Beverages			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) Sales/Purchases	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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(a)(1) & 12)	19 (Exceptions for medical purposes; religious ceremonies; home use with parental consent; and a person 18 years or older in the U.S. Armed Forces)	N/A	No	No	
HAWAII	Yes (Hawaii Rev. Stat. §641-5)	Yes	Yes	Yes	18 §§281-1;	18 (Law applies to motor vehicles and public places; it does not apply either to employment situations or to religious ceremonies.)	N/A* *Liquor cannot be consumed by anyone on a public highway or a public sidewalk.	No	Ono v. Applegate; 612 P.2d 533 (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
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 (Ha. 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 and S.B. 1165 of 1983 as enacted	0.10% §49-1102(1)	>0.08% 18-6901	No	No	Yes	No
ILLINOIS See: Smith/Hurd Illinois Annot. Statutes as amended by enactments made during the 1983 legislative session	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	Yes §49-352	Yes §49-352	Other bodily substance §49-352	No	No	Yes §49-1102A(4)
ILLINOIS	Yes Ch. 92 1/2 §11-501.1	Yes Ch. 95 1/2 §11-501.1		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	120 days suspension (Mandatory)	No
ILLINOIS	N/A	N/A	--	None	1st refusal Suspension for 6 months 2nd or subsequent refusal (w/n 5 years) Suspension for 12 months (Note: A hardship license may be issued) §11-501.1(c)	--

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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							
1st offense*	Not more than 6 months	None	Not more than 1,000	None	No	No	No
2nd offense (w/n 5 years)*	10 days to 1 year	10 days***	Not more than 2,000	None			
3rd offense (w/n 5 years)**	Not more than 5 years	None	Not more than 5,000	None			
Aggravated DWI offense where there is bodily harm/disfigurement**	Not more than 5 years	None	Not more than 5,000	None		Yes (\$49-1102B(1))	
*Misdemeanor **Felony		***See State v. McCoy, 486 P. 2d 247 (1971) in which the Idaho Supreme Court voided a statute requiring mandatory sanctions					
\$49-1102A & B							
ILLINOIS							
1st offense	2 days-1 year	--	Not more than 1,000	--	--	--	--
2nd and subsequent offenses (w/n 5 years)	2 days-1 year	48 consecutive hours	Not more than 1,000		A minimum of 10 days*		
Note: a DWI offense is a Class A Misdemeanor	\$11-501				*Alternative to the term of 48 consecutive hours of mandatory imprisonment		

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	UVG Type of Provisions	Other	Type of Licensing Action (Suspension/Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal	
IDAHO						
1st offense	No	Yes	N/A	Suspension	Not more than 180 days	--*
2nd offense				Suspension	6 months-1 year after release from confinement	30 days after release from confinement**
3rd offense				Suspension/Revocation	1-5 years after release from confinement	1 year after release from confinement
Aggravated DWI offense §49-1102A		§49-330		Suspension/Revocation	1-5 years after release from confinement	1 year after release from confinement
				*A restricted license may be for reasons of employment. **After the 30 day mandatory period, a restricted license may be issued for reasons of employment for the balance of the 6 month minimum suspension period.		
ILLINOIS	No	Yes	--	Revocation §6-205 and 11-501	Not less than 1 year (Note: A hardship license may be issued)	--

STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	Other						Miscellaneous Sanctions Not Included Elsewhere
	Rehabilitation		Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Vehicle Impoundment/Confiscation			
	Alcohol Education	Alcohol Treatment		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	--	--	Special Note: Under §§5-6-1 & 5-6-3.1 of the Unified Code of Corrections, a DWI law offender may be placed in a Court supervised diversion program; however, an offender cannot be placed in such a program if the offender has had a previous DWI conviction or have been in such a diversion program within a 5-year period of the charged offense.

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Other Criminal Actions Related to Alcohol Use and Driving									
STATE	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	
IDAHO	Yes-- vehicle manslaughter-- death as a result either (1) of an un- lawful act not amounting to a felony where gross negligence is involved; or (2) of a DWI offense	Not more than 7 years	--	Not more than 7,000	--	Revocation	Not less than 1 year	1 year	Note: The law specifically states that a temporary restricted license cannot be issued following revocations based on vehicle manslaughter
	Death as a result of an unlawful act not amounting to a felony where there is no gross negligence	Not more than 1 year	--	Not more than 2,000	--	Revocation	Not less than 1 year	1 year	--
	§18-4006(3)	§18-4007(3)				§49-329	§49-331	§49-329	
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*	Not less than 2 days nor more than 6 months	2 days	Not more than 500	No	Suspension	License suspended for an additional 6 months	Same
2nd offense* (w/n 5 years)	Not less than 20 days nor more than 6 months (w/n 12 months)	20 days	Not more than 1,000	No	Suspension	License suspension for an additional 1 year	Same
3rd and subsequent offenses (w/n 5 years)	Not more than 3 years		Not more than 3,000	No	Revocation	License revoked for an additional 3 years	Same
§49-337					§49-337		
*Misdemeanor							
ILLINOIS							
Illinois Ann. Stat.	Class A misdemeanor Less than 1 year	7 consecutive days (Special Note: As an alternative, the defendant may be sentenced to 30 days of community service.)	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. If the original charge is based on a revocation, the original revocation period is extended 1 year.	Same
Ch. 95 1/2 §6-303							

STATE	Other Criminal Actions Related to Alcohol Use and Driving—Continued								
	Habitual Offender Laws				Sanctions Following a Conviction of Driving While on Habitual Offender Status				
	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	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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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	19	19 §23-949	No	Alegria 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	21	21 (There are exemptions for religious ceremonies and for home use) (Ch. 43, Para. 134a §6-20)	Yes 43-135	Colligan v. Cousar, 38 Ill. App. 2d 392, 187 N.E. 2d 292 (1963)	--

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
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

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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 and Senate Bills 169 & 171 and House Bills 1162 & 1167 as enacted in 1983	0.10% Ind. Code 9-11, Ch. 2, Sec. 1		0.10% BAC is also prima facie evidence of intoxication Ind. Code 9-11, Ch. 1, Sec. 7	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% §321.281(6)	0.10% SB 514 (Laws 1981) §321.281(5)	--	Yes (Note: applies only where there has been an injury or death related accident) 321B.3	Yes 321B.1 et. seq.	--

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	Other bodily substance IC9-11-1-3	No	No	No
IOWA	Yes 321B.3	Yes 321B.3	Saliva 321B.3	No	No	Yes* §§901.1 et. seq. & discretionary

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 (Mandatory) 9-11-4-9(a)	No
IOWA	N/A	N/A	--	None	Revocation 1st refusal 180 days 2nd refusal 1 year 3rd refusal 540 days (License revocations are mandatory) 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							Special Note No. 1: DWI sanctions apply to anyone over 16 years old; see IC31-6-2-1(6)(1)
1. Illegal per se off. class C misd.	Not more than 60 days IC35-50-3-4	--	Not more than 500	--			
2. Intoxicated off. class A misd.	Not more than 1 year IC35-50-3-2	--	Not more than 5,000	--			Special Note No. 2: There is a mandatory imprisonment term of 5 days (of which 2 days must be served consecutively or 10 days of community service if the defendant has been convicted of a previous DWI offense within a 5 year period; see IC9-11-2-4
3. 2nd offense either 1 or 2 above w/n 5 years class D felony	A fixed term of 2 years	5 days of which 2 days must be served consecutively IC9-11-3-4(a)	Not more than 10,000	--	10 days as an alternative to imprisonment		
Continued on page 3-88A							
IOWA							Special Note: Deferred judgment is allowed for any DWI offense; if a defendant is allowed such deferment their license is to be revoked from 30-90 days; however, a restricted hardship license may be issued. See §321.281(6)
0.10 presumption offense and 0.13 per se offense							
1st offense (Serious misdemeanor)	Not more than 1 year	(Note: There is a 48-hour sentence which may be suspended)	Not more than 1,000		--	--	
2nd offense (w/6 years) (Aggravated misdemeanor)	Not more than 2 years	7 days*	Not more than 5,000		--	--	
3rd offense (Class D felony) §§902.9 & 903.1	Not more than 5 years	--	Not more than 1,000		--	--	
Continued on page 3-89							
		*Note: This sentence may not be suspended. However, the statute is silent as to probation.					

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							
4. Violation of either 1 or 2 above where there is serious injury (Class D felony)	A fixed term of 2 years IC35-50-2-7	See Special Note No. 2	Not more than 10,000	--		Special Note No. 1: DWI sanctions apply to anyone over 16 years old; see IC31-6-2-1(6)(1)	
5. Violation of either 1 or 2 above where there is a death (Class C felony)	A fixed term of 5 years IC9-11-2 et. seq. & IC35-50-2-6	See Special Note No. 2	Not more than 10,000	--		Special Note No. 2: There is a mandatory imprisonment term of 5 days (of which 2 days must be served consecutively or 10 days of community service if the defendant has been convicted of a previous DWI offense within a 5 year period; see IC9-11-2-4	

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
INDIANA	Yes- for 0.10% BAC suspension up to 180 days IC9-11-4-9(b)	Yes	No	1.* Suspension	90 days-2 years	30 days**
2.*				Suspension	90 days-2 years	30 days**
3.*				Suspension	1-2 years	1 year
4.*				Suspension	1-2 years	1 year
5.*				Suspension	1-2 years	1 year
*See description on page 3-88 & 3-88A Continued on page 3-90				IC-9-11		**A restricted license may be issued after the 30-day period.
IOWA	Note: Admin. Per Se at 0.10% with license revocations as follows: 1st offense-120 days (no revocations w/5 years) 2nd offense-240 days 3rd offense-1 year Special Note: A restricted hardship license may be issued for any Admin. Per Se revocation §321B.	Yes	--	0.10 presumption offense		
1st				Revocation	Not more than 1 year*	*Special Note: Under §321.283(6), a temporary restricted permit may be issued if the defendant is attending an alcohol treatment/education program.
2nd				Revocation	Not more than 1 year*	
3rd and subsequent				Revocation	6 years** (§321.281(9))	
Continued on page 3-89A						

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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
IOWA 0.13 per se offense 1st 2nd 3rd and subsequent Iowa Code Ann. §321.281		Yes Yes Yes		Revocation Revocation Revocation 321.209	Not more than 1 year* Not more than 1 year* 6 years** (§321.281(9)) **After 2 years, the license may be issued provided certain conditions are met.	*Special Note: Under §321.283(6), a temporary restricted permit may be issued if the defendant is attending an alcohol treatment/education program.

3-90A

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	
INDIANA	For a first DWI offense, the defendant may, as a condition of probation, be evaluated and treated for alcohol-related problems. The law does not specifically extend such evaluation and treatment to second DWI offenders. In addition, for any misdemeanor in which alcohol abuse is a factor, the Court can take judicial notice that an alcohol training/rehabilitation program may reduce antisocial behavior; if a defendant satisfactorily completes such a program the charges against him/her shall be dismissed; however, licensing suspensions noted on p. 3-89 still apply. A defendant is eligible to participate only once in this type of program.			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	--	--	--	--	Special Note: Even though this State does not have a vehicle homicide statute, it, nevertheless, revokes a license for one year for a conviction of manslaughter resulting from the operation of a motor vehicle. This licensing action is mandatory.			

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	Class A Misdemeanor Not less than 2 days nor more than 6 months	60 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, 321.282, 321.15 and 903.1	Serious misdemeanor Not more than 1 year		Not more than 1,000		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
Note: Under §321.218 A Court cannot suspend sentence; this section is silent as to probation following sentencing.							

3-92

STATE	Other Criminal Actions Related to Alcohol Use and Driving--Continued								
	Habitual Offender Laws				Sanctions Following a Conviction of Driving While on Habitual Offender Status				
	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	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
INDIANA Continued on page 3-93A	Yes	2 convictions for very severe offenses as defined in IC 9-4-13-3(a)(1) 3 convictions for major offenses (w/n 10-year period) as defined in IC 9-4-13(3)(a)(2)*	10-year suspension** 10-year suspension**	Class D felony 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 Continued on page 3-94	Yes 321.55 and 321.560	3 serious offenses (w/n 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 Criminal Actions Related to Alcohol Use and Driving--Continued								
	Habitual Offender Laws				Sanctions Following a Conviction of Driving While on Habitual Offender Status				
	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	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
INDIANA		10 convictions for moving violations; one of which must have been a conviction for an offense listed in one of the above sub-sections.	5 year suspension**	Class D felony	See p. 3-93	See p. 3-93			See p. 3-93
*DWI offenses listed among those offenses counted towards habitual offender status. **A restricted license may be issued.									

3-93A

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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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	21	21	No	Elder v. Fisher 217 N.E. 2d 847 (1966) and Parrett v. Lebanoff, Ind. App., 408 N.E. 2d 1344 (1980)	
					57.1-5-7-7					
IOWA	No	--	--	--	19	19 (There are exemptions for medical reasons, employment & home use with parental consent)	N/A	Yes 123.92	Lewis v. State, 256 N.W. 2d 181 (Iowa 1977)	--
					§§ 123.33 & 123.47					

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 If the license is revoked, term of revocation is 2 years
	123.50(1)	123.50		123,50	

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 2nd offense within 2 years--suspension 3rd offense within 5 years--suspension 4th offense within 5 years--revocation	14 days 30 days 60 days 2 years	No	--
	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
<p>KANSAS</p> <p>See: Generally Ch. 8 of the Kansas Statutes Annotated, 1976, 1981 Cum. Supp. and Senate Bill 699 of the 1982 Legislative Session as enacted</p>	No		<p>0.10% is Prima Facie evidence that the defendant was under the influence of alcohol</p> <p>(§8-1005(a)(2))</p>	No	Yes	--
<p>KENTUCKY</p> <p>See: Kentucky Revised Statutes Annotated, 1980, 1982 Cum. Supp. (current through 1982 Regular Session)</p>	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 §8-1567(c), (d) & (e)	Yes §§8-1008 and 8-1567(c) See §1.0 of Senate Bill 699, 1982 as enacted
KENTUCKY See: Kentucky Revised Statutes Annotated, 1980, 1982 Cum. Supp. (current through 1982 Regular Session)	No	0.10%	No	No	Yes	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
KANSAS	N/A	N/A	N/A	No	Suspension for 120 days-1 year (Kansas Stat. Ann. §8-1001(c))	--
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. (Hardship 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	
KANSAS							
1st offense (w/5 years)	48 hours-6 months**	48 hours**	200-500	--	100 hours (in lieu of imprisonment)	Yes	--
2nd offense (w/5 years)	90 days-1 year	90 days (5 days*)	500-1,000	--	Yes*	Yes	--
3rd and subsequent offenses (w/5 years)	90 days-1 year	90 days	1,000-2,500	--	Yes*		--
§8-1567(c), (d), (e), and (i)		(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.			*May be ordered in lieu of fine; see §8-1567(g)	§21-4610	
**Under §22-2906 et seq. a defendant may enter a diversion program for 1st offense and have the DWI criminal charges dismissed after the program has been successfully completed.							
KENTUCKY							
1st offense	None		100-500		No	No	No
2nd offense	3 days-6 months		100-500				
Subsequent offenses (Mandatory sentences for 2nd and 3rd offenses)	30 days-12 months		100-500				
§§ 189.520 and 189.990(9)(a)							

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*	90 days - 1 year 1 year	--
2nd offense	No	No	--	Suspension	1 year	1 year*
3rd and subsequent offenses	No	No	--	Revocation	1 year	1 year
				*License must be restricted in use in going to and from work, or an alcohol education/treatment program §8-1567(c), (d), (e), and (f) Note: Under §8-1567(j), the Court has the discretionary power to revoke a person's license for a 1st or 2nd DWI conviction.		*License suspension terminates when an approved treatment program 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) §§186,560(1)(6) & (4)		

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	
KANSAS 1st offense	Defendant must complete either an alcohol education or treatment program.		-- (Note: Attendance at an alcohol education or treatment program could be a condition for issuing a restricted license.)	No	--	--	
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

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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 (\$)						
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	(Special Note: Even though this State does not have a vehicle homicide statute, it, nevertheless, provides for mandatory license revocation for at least 6 months for a conviction of manslaughter resulting from the operation of a motor vehicle; the license revocation period is longer if there has been a previous mandatory license revocation action.)			

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	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 Ages Concerning Alcoholic Beverages			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) Sale/Purchases	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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	--	--	--	18 for 3.2 % beer 21 for other alcoholic beverages §§41-715 & 41-2708(e)	18 for 3.2% beer 21 for all other alcoholic beverages	N/A	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. Woosley v. Central Uniform Rental, 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	21	N/A	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 (Kansas Stat. Ann. §§21-4501, 41-320, 41-328, 41-705, 41-2708, and 77-201)	Not more than 200	Suspension or revocation A civil penalty of up to \$1,000 may be imposed	Not specified in the statute
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	Misdemeanor	Not more than 6 months	100-200	Yes	Not specified	No	N/A
2nd offense	Misdemeanor	Not more than 6 months	200-500	Yes	Not specified		

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 §1312	--	--	Must adjudicate as a criminal violation 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
LOUISIANA	N/A	N/A	N/A	No	1st refusal- Suspension for 180 days 2nd and subsequent refusals- Suspension for 545 days 32:667(B)(2)	Special Note: A hardship license is <u>only</u> available to drivers for a 1st refusal
MAINE	N/A	N/A	N/A	No	1st refusal- Suspension for 180 days (a restricted license may be issued after 90 days; see §1312-D(5)) 2nd refusal (w/n 6 years)- Suspension for 1 year (mandatory) §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					No	No	No
1st offense	10 days-6 months	(See Note 1)	125-500	No	Note 1: Alternatives to the imposition of sentence w/probation*: (1) Serve a minimum of 2 days in jail and participate in substance abuse and driver improvement programs or (2) perform at least four eight-hour days of community service and participate in substance abuse and driver improvement programs. Note 2: Alternatives to the imposition of sentence w/probation*: (a) Serve a minimum of 15 days in jail and participate in substance abuse and driver improvement programs or (b) perform at least 30 eight-hour days of community service and participate in substance abuse and driver improvement programs. Note 3: If probation is granted for part of the sentence, the defendant must participate in substance abuse and driver improvement programs; however, 6 months of the sentence is mandatory. *The imposition of sentence is mandatory unless one of these alternatives is taken.		
2nd offense (w/n 5 years)	30 days-6 months	(See Note 2)	300-500	No			
3rd offense-felony (w/n 5 years)	1-5 years (w/or w/o hard labor)*	6 months (See Note 3)	Not more than 1,000	No			
4th offense-felony (w/n 5 years)	10-30 years (w/hard labor)*	--	--	--			
§14:98 DWI related injury (vehicle negligent injury); see §14:39.1 *See also §14:2(4)	Not more than 6 months	--	Not more than 500	§14.98			
MAINE							
Criminal violation	Class D crime less than 1 year	48 hours (consecutive)	Not more than 1,000	Not less than 350	--	--	
Traffic infraction *	Not applicable to a traffic infraction	--	250-500	250	--	--	Note: If BAC is 0.20% or more, the State may not elect to prosecute the DWI offense as a traffic infraction.
Secs. 1312-B & -C Continued on page 3-113	*A person shall not be charged with a traffic infraction if they have been convicted of either such an infraction or an alcohol criminal violation within a six year period.						§1312(C)(5)

STATE	Sanctions Follow 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	Yes-BAC level of 0.10% 1st offense-suspension for 90 days 2nd and subsequent offenses (w/n 5 years)-suspension for 365 days (Special Note: These administrative per se license suspensions appear to be mandatory) 32:667 (B)(1)	Yes		1st offense-Suspension 2nd and subsequent offenses (w/n 5 years)--Revocation §32:414	60 days* 12 months *Hardship provision (to earn a livelihood) for 1st offense only §32:414 & §32:415 Act. No. 822	No 12 months
MAINE	Yes- 0.10 BAC level. The periods of license suspension for 1st and subsequent offenses are the same as and determined like those for either an alcohol criminal violation or an alcohol traffic infraction; however, a work restricted license may be issued; see 29 MRSA §1311-A.	Yes	-- --	Suspension Criminal violation 1st offense Subsequent Offenses (w/n 6 years) Traffic Infraction 1st offense Subsequent offenses (w/n 6 years)	90-275 days 1 year 45-135 days 1 year §1312 et seq.	90-275 days 1 year 45 days 1 year (Special Note: See rehabilitation section on p. 3-114 concerning the restoration of the driving privilege.)

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	
LOUISIANA				No	N/A	N/A	
	§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.						
MAINE	--	--	After 2/3 of license suspension period, the DWI offender may be issued a license if they have completed an alcohol education program for license suspension period of less than 90 days, the license issued after the 2/3 period must restrict the driving privilege to going to and from either employment or to an alcohol education/treatment program (however, the amount of time the license was actually suspended plus the time period for the restricted license cannot total less than 90 days; in addition, a temporary restricted license may be issued to a driver for the purpose of allowing them to attend an alcohol education/treatment program notwithstanding any other provision of law; see §1312-D(2), (3) & (4)	No	--	--	Special Note: Maine has a special statute concerning the suspension of licenses of persons under 20 years of age who operate a vehicle while having a BAC level of 0.02; this statute is not reported in detail here; see 29 MRSA §2241-G.

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		
LOUISIANA	Yes- is restricted to death caused by a driver while DWI §14:32.1	2-5 years		2,000-5,000		Revocation §32:414	12 months	12 months	
MAINE	The law applies only if death is caused by the reckless operation of a vehicle. 17-A MRSA §203 and 29 MRSA §1313	Not more than 5 years	--	Not more than 2,500	--	Revocation	5 years	5 years	--

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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				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 a second or subsequent 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 (Hardship License available for first offenders: see Sec. 32:415.1)
MAINE	Less than 1 year (Class D crime) \$2184	7 days	Not more than 2,500 \$2184	350	Suspension	1-3 years added to the original suspension or revocation	1 year added to the original suspension or revocation

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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	Convictions for 2 or more serious traffic law offenses w/n a 5 year period or convictions for 10 or more minor and serious offenses w/n a 3-year period	3 years (plus, "financial responsibility requirements must be met and petition must be made to court which may, upon showing of good cause, restore the license; also a 1st time habitual offender may apply for a hardship license under §32:1477(B))	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 3 years from the date the offender would have been eligible for relief.
		§2292		§§2292 and 2299			§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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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	Yes §32:661(A)	Yes §32:398(E) (F)	Yes §32:398(E) (F)	18 §26:88 (1) (See also R.S. §14-91)	N/A	N/A	No	(Note: Possible liability under Pence v. Ketchum, 326 So. 2d 831 (1976))	No
MAINE	No	--	--	--	20 28 MRSA §303	20 (Applies to public places and to automobiles; there is an exemption for employment)	20 (Only applies to "On-sale premises" establishments)	Yes 69 MRSA §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)	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	§26:88	1 year §26:291
MAINE	None	N/A	N/A	Yes Suspension or revocation 28 MRSA §401	Not specified in the statute

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.

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 28 MRSA §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., and Senate Bills 341, 510, 513, 514, 515 & 516 as enacted in 1983	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 §§10-309 and 10-307)	Yes	Yes	--
MASSACHUSETTS See: Massachusetts General Laws Annotated August 1982	No	Yes 0.10% 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 (Unless brought in for treatment)	No	--	Yes C.90 §24(g)	No	Yes C.90 §24(1)(a)

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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	1st refusal Suspension for 60 days-6 months* 2nd refusal suspension for 120 days-1 year *Restricted license available. §16-205.1(b)(4)	--
MASSACHUSETTS	No	No	--	No	Suspension of license for 90 days C.90 §24(f) (Mandatory)	--

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	Misdemeanor						
1st offense	Not more than 2 months	(Note: probation is not allowed for a second or subsequent DWI offense within a 5 year period.)	Not more than 500	--	Option when, after determination of guilt or nolo contendere plea, entrance of judgment is stayed and individual is placed on probation.	Option when judgment's entrance is stayed and individual is placed on probation.	
Subsequent offense	Not more than 1 year		Not more than 500	--			
Driving while Intoxicated	Misdemeanor		.	--	Art. 27 §64i	Art. 27 §64i	
1st offense	Not more than 1 year	--	Not more than 1,000	--			
Subsequent offense	Not more than 2 years	--	Not more than 1,000	--			
	(Ann. Code of Maryland, Transportation §§21-902 and 27-101)						
MASSACHUSETTS							
1st offense	Not more than 2 years	No	\$100-\$1,000	No	30 hours may be ordered by Court	--	--
	C.90 §24						
2nd offense (w/n 6 years)	7 days-2 years	7 days*	\$300-\$1,000	No			
3rd and subsequent offense	60 days-2 years	60 days*	\$500-\$1,000	No			
		*See rehabilitation columns			90 §24(D)		

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
MARYLAND						
Driving while under the influence					Not more than:	
1st offense	No	No	--	Suspension*	60 days	--
2nd offense within 2 years	No	No	--	Suspension*	120 days	--
3rd offense within 3 years	No	No	--	Revocation*		--
Driving while intoxicated (Ann. Code of Maryland §10-205)	No	No	--	Revocation* *See Note at the end of the criminal sanctions section.	6 months for a 1st revocation; 1 year for a 2nd revocation; and 18 months for a 3rd revocation	--
MASSACHUSETTS	No	No	--	Suspension G,90 §24(b)	1st offense: 1 year G,90 §24(c) 2nd offense: 2 years if (w/n 6 years) 3rd & subsequent offenses: 5 years (w/n 6 years)	30 days suspension (if defendant is placed on probation and agrees to participate in an alcohol education program; otherwise the license suspension is a mandatory 1 year) 1 year 2 years

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 Education/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	Yes	Yes	--	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 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 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 §16-401 et seq.)
Driving while Intoxicated	Yes	Yes	--			§13-705.1	
	(Ann. Code of Maryland §8-404)						
MASSACHUSETTS							
	1st offense: 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 \$400 fee for placement in the program, at Court's discretion. C.90 §24(d) (Changed as of September 1982)			No	--	--	
	2nd offense: In lieu of imprisonment, defendant may serve at least 14 days in a residential alcohol treatment program and is placed on 2 years probation. C.90 §24 (1982 amendments, Ch. 375)						

Other Criminal Actions Related to Alcohol Use and Driving									
STATE	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	
MARYLAND	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.)	--
	Yes Misdemeanor	Not more than 3 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	Revocation	10 years	10 years	

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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)	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.)
	(Note: See other column under vehicle impoundment/confiscation on p. 3-126)				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.		
MASSACHUSETTS							
1st offense	7 days - 2 1/2 years	7 days	200-1,000		Suspension	90 days-6 months	90 days
Subsequent offenses	10 days-1 year	10 days	--	--	Revocation	--	--
			90 \$23				
			G.90 §23				

Other Criminal Actions Related to Alcohol Use and Driving—Continued

Habitual Offender Laws

Sanctions Following a Conviction of Driving While on Habitual Offender Status

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)
MARYLAND	No	--	--	--	--	--	--	--	--
MASSACHUSETTS	Yes C, 90 §22(f)	Three or more convictions, singularly or in combination of operating a motor vehicle while under the influence of intoxicating 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

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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 Ages Concerning Alcoholic Beverages			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) Sale Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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	No				21	21	21	No	(Special Note: For a recent Maryland Case in this area see <i>Felder v. Butler</i> , 438 A.2d 494 (1981))	--
					(State law applies to prohibiting, possession and consumption in public places; however, certain State laws applying to certain counties have additional restrictions; see generally Art. 28 of the Annotated Code of Maryland)					
					Art. 28 §118(a) et seq.					
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	20 138 §34	20 (Applies to the transportation of alcoholic beverages by an un-attended person under 20; there is an exemption for persons 18 and 19 for employment purposes) 138 §34C	N/A	No	<i>Adams v. Three Sons</i> , 353 Mass. 498; 233 N.E. 2d 18 and <i>Cimino v. The Milford Keg, Inc.</i> , 431 N.E. 2d 920 (Mass. 1982)	--

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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 138 §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) and Act No. 310, Public Act of 1982, Oct. 14, 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 presumption of driving while under the influence	--	Yes §625h	Yes	--
MINNESOTA See: Minnesota Stat. Ann. Includes laws through 1981 Regular Session and 1st and 2nd Special Session (for use in 1983) and S.F. No. 473 as enacted in 1983.	Yes 0.10% Minn. Stat. Ann. 169.121(1)(d) 169.123(5a)	--	--	Yes (Minn. Stat. Ann. C.169.121)	No (But, see special note in other information column)	Special Note: 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 §625(8)
MINNESOTA	Yes	Yes	--	Yes	No	Yes 169.124- 169.126

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		1st refusal- 6 months 2nd refusal w/n 7 years-1 year Note: A restricted/ hardship license may be issued. §323(c) and §625 f	--
MINNESOTA	-	Revocation for 6 months 169.123 Subd. 2(b)(1)	--	--	Revocation for 6 months* 169.123 Subd. 2(b)(1) and Subd. 9 *A limited license may be issued.	--

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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	
MICHIGAN							
Offense of driving while impaired (\$625b) 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 (\$625) 1st offense	Misdemeanor Not more than 90 days	--	100-500	--	Yes--up to 12 days	--	--
2nd offense w/n 7 years	Misdemeanor Not more than 1 year	--	Not more than 1,000	--	Yes--up to 12 days	--	--
3rd and subsequent offenses w/n a 10-year period	Felony 1-5 years	--	Not more than 1,000	--	Yes--up to 12 days	--	--
MINNESOTA							
1st offense (Misdemeanor)	Up to 90 days	No	Not more than 500	--	--	--	--
2nd offense (w/n 5 years) and subsequent offenses (w/n 10 years) (Gross Misdemeanor)	Up to 1 year §169.121(3)	48 hours consecutive hours (see Community Service column.)* *A sentence given for this offense may not be stayed by the Court.	Not more than 1,000	--	10 days (as an alternative to imprisonment)*	--	--

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 (§625b) 1st offense 2nd offense 3rd and subsequent offense Offense of driving while under the Influence (§625) 1st offense Continued on page 3-137A	No	No	--	Suspension	90 days-1 year	(A restricted license may be issued)*
				Suspension	6-18 months	60 days (A restricted license may be issued after 60 days)*
				Revoked	1 year	1 year
				Suspension	6 months-2 years	(A restricted/hardship license may be issued)* §625(4)
MINNESOTA Yes BAC level 0.10 Revocation for 120 days; however, a limited license is available Continued on page 3-138.	--	--	--	1st offense-Revocation	90 days	Special Note: Under §171.30 a limited license may be issued for (1) employment purposes or for (2) attendance at an alcohol treatment program.
2nd offense-(w/n 5 years) Revocation				1 year		
3rd offense-(w/n 5 years) Revocation				2 years		
4th and subsequent offenses §169.121(4)				3 years		
(Note: 90 additional days is added to the above revocation base period if the DWI offense involves either death or injury.)						

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	UYC Type of Provisions	Other	Type of Licensing Action (Suspension/Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
MICHIGAN						
2nd offense	No	No	--	Revoked	1 year	1 year §303(1)(d)
3rd and subsequent offenses (felony)				Revoked	5 years	5 years §303(1)(d) *§§625 b(2) & (3)

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STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	Rehabilitation			Other			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Vehicle Impoundment/Confiscation			
				Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
MICHIGAN	Yes	--	--	No	--	--	
MINNESOTA	Yes 169.124 and 169.126	Yes 169.121(5) 169.124 and 169.126	No The court may stay imposition of fine or jail sentence but not license revocation if defendant submits to treatment at an authorized dependency facility, as provided by 169.121 Subd. 5 and 609.135 Subd. 1	No	--	(Note: State has license plate impoundment law; see Special Note on p. 3-140.	

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		
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) §319(1)(a)	90 days- 2 years	--	--
MINNESOTA	Yes (Felony) (Gross negligence causing death while under the influence of alcohol) 609.21	Not more than 5 years	--	Not more than 5,000	--	Revocation (Note: See Note in the post-DWI conviction licensing action columns on p. 3-137.) 169.11	Maximum length of license revocation period is not specified by statute	60 days 171.30	Special Note: A limited license may be issued after the 60 day minimum license revocation period 171.30

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				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	--	Not more than 500	--			
		(Mich. Stat. Ann. §9,2604(2))					
MINNESOTA							
	Misdemeanor Up to 90 days		Up to 500	--	(Special Note: A violation of §191.24 may result in a person having their motor vehicle registration plates and certificate impounded under §168.041.)		
\$171.24	\$609.02						

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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)
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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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	21 (Employment exemption for transportation in motor vehicles)	21 (Applies to licensed premises)	Yes (Mich. Stat. Ann. §18,993)	No	--
MINNESOTA	Yes	Yes	No	Yes, age 16 or older	19	19 (There is an exemption for intent to consume alcoholic beverages in the home)	19 For beer up to 3.2% there is an exemption for consumption in a licensed establishment when the person under 19 is in the company of either a parent or a legal guardian; for all alcoholic beverages there is an implied exemption for home consumption)	Yes Minn. Stat. Ann. 340.95	Trall v. Christian, 298 Minn. 101, 213 N.W. 2d 618 (1973)	--
										§§340.035 & 340.731

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

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
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)

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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	Misdemeanor	Not more than 90 days	Not more than 500	Not by the State. Local licensing authority has power	Varies	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) and House Bill 182 as enacted in 1983.	0.10% §63-11-30(1)		--	Yes §63-11-5	No	Chemical test required on reasonable ground and probable cause of DWI §63-11-5
MISSOURI See: Vernon's Annotated Missouri Statutes, 1972, 1982 Supp. (Current through 1st Regular Session of 81st General Assembly, 1981) and Senate Bills 135 & 318 as enacted in 1983.	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	Yes §63-11-5	Yes §63-11-5	--	No	Yes A DWI charge may not be reduced if the BAC level of the defendant was 0.10% or more §63-11-39(3)	Yes - limited Sec. 63-11-30(2)(d)
MISSOURI	Yes	Yes	Saliva	No	No	No

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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	Suspension for 90 days if there has been no previous conviction for a DWI offense (§63-11-30) Suspension for one year if there has been a previous conviction for a DWI offense (§63-11-30) (Mandatory) §63-11-5 & 63-11-23	-- (Special Note: A De Novo Court trial may be held follow- ing administrative hearings on these suspensions; see §63-11-25)
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							
1st offense	Not more than 24 hours		200-500	200			
2nd offense (w/n 5 years)	48 consecutive hours-1 year	The law does not specifically prohibit suspending sentences or placing persons on probation for the minimum imprisonment term; see also, §99-19-25 which allows suspended sentences for misdemeanor offenses	400-1,000	400	10 days as an alternative to imprisonment		
3rd offense (w/n 5 years)	30 days-1 year		500-1,000	500			
Conviction for a DWI offense as above where there has been a chemical test refusal (§63-11-30(3))	Not more than 1 year		500-1,000	500			
Conviction for a DWI offense as above where there has been negligence resulting in disfigurement, disability, etc.; felony (Sec. 13 of H.B. 182 as enacted in 1983) See generally §63-11-30	Not more than 5 years			§99-19-25			
MISSOURI							
Intoxicated offense	Misdemeanors		Not more than 500		--	--	
1st offense	Class B--not more than 6 months	--			--	--	
Per se offense	Class C--not more than 15 days		Not more than 300	See statement under Mandatory Minimum Term column.	--	--	
1st offense					--	--	
Intoxicated/illegal per se offenses					--	--	
2nd offense (w/n 5 years)	Class A--not more than 1 year	48 consecutive hours*; see §577.023(2)	Not more than 1,000				
3rd and subsequent offense (w/n 10 years)	Felony Class D--not more than 5 years	(not specified); see §577.023(3)	Not more than 5,000		*In lieu of imprisonment, the defendant performs at least 10 days (involving at least 40 hours) of community service.		

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	<p>Yes--limited to encouraging speedy trial of DWI cases; where the offender has a BAC level of 0.10; if no trial is requested the license suspension periods for implied consent violation apply (See p. 3-147); an accused offender is issued a temporary license by the police for up to 90 days following license seizure after arrest; the temporary license is first issued by the arresting officer who takes the original license; the temporary license is initially valid for 30 days but may be extended for two additional 30 day periods by the Court.</p> <p>Continued on page 3-149A</p> <p>§63-11-23(2)</p>	--	--	<p>1st offense-Suspension</p> <p>2nd offense-Suspension - (w/n 5 years)</p> <p>3rd offense-Suspension (w/n 5 years)</p> <p>Conviction for a DWI offense as above where there has been a chemical test refusal-Suspension</p>	<p>90 days-1 year</p> <p>1-2 years</p> <p>1-3 years</p> <p>Same as provided above depending upon whether the offense is a 1st, 2nd, or 3rd offense; such suspension is in addition to that imposed for chemical test refusal under the Implied consent law</p> <p>*See Special Note page 3-149A</p>	<p>90 days (Not less than 45 days)</p> <p>1 year(2*)</p> <p>1 year(2*)</p>
MISSOURI	<p>Intoxicated offense</p> <p>1st offense</p> <p>Per se offense</p> <p>1st offense</p> <p>Intoxicated/Illegal Per se offenses</p> <p>2 offense</p> <p>3rd and subsequent offenses</p> <p>Continued on page 3-149A</p>	<p>Yes- 0.13 BAC Level</p> <p>(1) If there has been no prior alcohol related enforcement contacts w/n 6 years, suspension for 30 days with a restricted license for an additional 60 days; (2) If there has been such prior contact, suspension for 1 year</p>	<p>No</p> <p>No</p> <p>No</p> <p>No</p>	<p>--</p> <p>--</p> <p>--</p> <p>--</p>	<p>Point system</p> <p>8 points</p> <p>6 points***</p> <p>12 points</p> <p>12 points</p>	<p>90 days</p> <p>90 days</p> <p>30 days**</p> <p>30 days**</p> <p>See Note page 3-149A</p>

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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				<p>(*Special Note: Judicial review is not allowed for these suspension actions by the licensing agency; see §63-11-26, as they are based on a final DWI adjudication)</p> <p>1. On completion of the alcohol education program whichever is longer; reduced to not less than 45 days with restricted hardship license (63-11-37(2))</p> <p>2. License may be reinstated after the completion of an alcohol diagnostic and treatment program; the license cannot be reinstated until after one year after suspension or completion of the program which ever is longer</p>		
MISSOURI				<p>Note: Under the point system 8 points equals 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 in 12 months or 18 points in 24 months or 24 points in 36 months equals revocation for 1 year.</p> <p>**A 60-day restricted license is issued after the 30-day mandatory period.</p> <p>***License suspension action would occur only if the defendant had at least 2 more points on his/her record from some other driving offense: i.e., a 1st illegal per se offense conviction alone would not result in a license suspension action.</p> <p>Ann. Mo. Stat. §§303.302 & 303.304(4)</p>		

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		
MISSISSIPPI 1st offense 2nd offense 3rd offense	Yes-required (See also §63-11-32)	Yes-see Note No. 2 under Post-DWI conviction licensing action on page 3-149A		No				
MISSOURI Intoxicated offense 1st offense Per se offense 1st offense 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.)	Yes Yes -- --		Yes Yes -- --	Alternative to criminal sanctions Ann. Mo. Stat. §577.047	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			
MISSISSIPPI	Yes-felony Where death is a result of a DWI violation and negligent action by the driver See Sec. 13 of H.B. 182 as enacted in 1983	Not more than 5 years	--	--	--	Revocation	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	--

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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 48 hours-6 months Miss. Code Ann. §63-11-40		200-500	--	Suspension	6-month suspension added to the original suspension period	Same
MISSOURI 302,302 and 302,321	Class A misdemeanor Not more than 1 year 302,321	48 consecutive hours*	Not more than 1,000	--	Revocation (12 points) 302,302	1 year	Same

*In lieu of imprisonment, the defendant performs at least 10 days involving at least 48 hours of community service.

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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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	18 for 4% beer and wine 21 for all other alcoholic beverages §§67-1-81 & 67-3-53(b)	21 Applies only to possession in public places of alcoholic beverages of more than 4% alcohol	N/A	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	21 §312.407	N/A	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	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
MISSISSIPPI	<p>Misdemeanor</p> <p>Miss. Code Ann. §§67-1-71, 67-3-53, and 67-3-69</p>	<p>Not more than 6 months</p>	<p>Not more than 500</p>	<p>Revocation*</p> <p>(Void for at least 1 year—mandatory if beer or wine is given to an intoxicated person)</p> <p>*A limited suspension may be imposed in lieu of revocation.</p>	<p>2 years</p>
MISSOURI	<p>Misdemeanor</p> <p>Ann. Mo. Stat. §§311.310, 311.720, and 311.810</p>	<p>Not more than 1 year</p>	<p>50-1,000</p>	<p>Revocation</p>	<p>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 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
<p>MONTANA</p> <p>See: Montana Revised Codes Annotated through 1982</p> <p>§61-8-401</p> <p>See also:</p> <p>c.433; H.B. 250 c.659; S.B. 260 c.698; S.B. 540 c.602; S.B. 313</p> <p>which amends sections:</p> <p>61-8-101 61-8-401 through 61-8-404 of MCA</p>	0.10	<p>0.10%</p> <p>61-8-401(3)(c)</p> <p>This presumption is rebuttable</p>	--	No	Yes	--
<p>NEBRASKA</p> <p>See: Revised Statutes of Nebraska, 1982 Cum. Supp. (current through 1982 session)</p>	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	Yes 61-8-402(1)	Yes 61-8-402(1)		No	No	No (Note: PSI given if crime carries a sentence of 1 year or more Imprisonment) 46-18-111
NEBRASKA	Yes	Yes	No	No	No	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
MONTANA	N/A	N/A	N/A	No	The peace officer shall immediately seize the defendant's drivers license and it shall be forwarded to the driver licensing division Mandatory suspension for 90 days 61-8-402 2nd or subsequent offenses w/n 5 years of a previous refusal; mandatory revocation of 1 year	--
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)	A hardship license may be issued under certain conditions.

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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							
DWI offense							
1st offense	Not more than 60 days	Not less than 24 consecutive hours or more than 60-days, which may be suspended for the defendant's physical and mental well-being.	100-500	--	--	--	10 points on driving record
2nd offense	7 days-6 months	3 days, 48 hours of which must be served consecutively, may not be suspended except for the defendant's physical or mental well-being.	300-500	--	--	--	--
Continued on page 3-160A							
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.
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				\$39-669.27
Continued on page 3-161							

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							
3rd or subsequent offenses	30 days-1 year	10 days, 48 hours of which must be served consecutively, -may not be suspended if the 3rd offense occurred w/n 5 years of the first offense	500-1,000	--	--	--	--
	61-8-401 & 61-8-714(1)(2)(3)	61-8-714(1)(2)(3)					
Illegal Per Se Offense							
1st Offense	Not more than 10 days		100-500				
Continued on page 3-160B							

3-160A

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 2nd offense (w/n 5 years)	48 consecutive hours-30 days		300-500				
3rd and subsequent offenses (w/n 5 years)	48 consecutive hours-6 months §11 of Ch. 698 of the laws of 1983 (H.B. 540)		500-1,000				

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
MONTANA	No		--	1st Offense Revocation	6 months	6 months
			--	2nd offense (w/n 5 years) Revocation	1 year	1 year
			--	3rd and subsequent offenses (w/n 5 years) Revocation	1 year	1 year
Continued on page 3-161A				61-5-208	61-5-208	
NEBRASKA	No	No		Revocation* and automatically accumulates sufficient points to have license revoked administratively *Hardship license available.	1st--6 months 2nd--1 year 3rd--lifetime	60 days 6 months 1 year
Continued on page 3-162				§39-669,07	§39-669,07	§39-669,07

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
MONTANA				Illegal Per Se Offense 1st offense—Revocation 2nd offense—(w/n 5 years) Revocation 3rd and subsequent offenses—(w/n 5 years) Revocation §11 of Ch. 698 of the laws of 1983 (H.B. 540)	6 months 1 year 1 year	6 months 1 year 1 year
Continued on page 3-162						

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STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	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	
MONTANA							
1st offense	Yes*	Yes	No	No	--	--	
2nd offense (w/n 5 years of first offense)	Yes*	Yes	No				
3rd and subsequent offenses (w/n 5 years of first offense)	Yes*	Yes	No				
	*Either an alcohol education or alcohol treatment program is required.						
	61-8-714(4)						
Illegal Per Se Offenses	For any illegal Per Se offense there is a mandatory requirement for the defendant to participate in either an alcohol education or treatment program. See §11 of Ch. 698 of the laws of 1983 (H.B. 540).						
NEBRASKA	See two columns to the right	Any convicted person may be required to attend an alcoholism treatment program as term of probation.	As condition of probation defendant may be placed in program for retraining and rehabilitating DWI offenders. Program is modeled after NHTSA's ASAPs.	No	N/A	No	
		§39-669.07	§§39-669.31, .32				

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	--	--	--	--	Special Note: Even though this State does not have a vehicle homicide statute, it, nevertheless, provides for a 1 year revocation following a conviction for manslaughter resulting from the operation of a motor vehicle; this action is not mandatory as such action may be stayed if a person complies with the terms of a driver improvement program.			
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 willful 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 2nd offense 3rd or subsequent offenses (If license permanently revoked, i.e., a 3rd or subsequent offense or 3rd or subsequent refusal to submit to a chemical test.)	No No No	500 500 10,000	No No No	Ordered not to operate any motor vehicle	1 year 2 years	1 year 2 years

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								

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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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).) §§16-3-301-(2)(a) & 16-6-305	N/A	19 Exemptions for medical purposes and for parents giving alcoholic beverages to their children who are under 19	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	19/20	N/A Exemptions for possession in minor's "permanent place of residence" and for certain employment purposes by those 19 years old or older; see §53-102 for specific details. §§53-102, 53-103(2) & 53-180.2	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, 16-6-304, 16-6-305, 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 and A.S. Bill 167 as enacted in 1983 Assembly Con- current Resolution No. 11.	0.10 484.379(1)(b)	0.10 484.381(1)	--	Yes 484 as amended by §2 of A.S. 167	Yes 484.383(1)	--
NEW HAMPSHIRE See: New Hampshire Revised Statutes Annotated as updated by legislation passed during 1983.	0.10 265:82(I)(b)		A BAC level of 0.10 is prima facie evidence of intoxication. 265:89	Yes 265:92-a	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	Yes 484,383(1)	Yes 484,383(1)	Or other unspecified bodily substances 484,383(1)	No	Yes (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).) 484,379(5)	Yes* *Required only for felony offenses (Nev. Rev. Stat. §176,135.)
NEW HAMPSHIRE	Yes 265,84	Yes 265,84	--	No	Yes-limited to the filing and publishing of plea bargaining agreements 265,82(6)	No §651,4

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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	No	Revocation Sec. 3 of A.S. Bill 167	90 days-1 year	None	Revocation for 1 year for a 1st refusal Revocation for 3 years for a 2nd or subsequent refusal (w/n 7 years) 484,385 (Mandatory)	--
NEW HAMPSHIRE	N/A	N/A	N/A	None	1st refusal where there has been no previous DWI offense -revocation for 90 days 2nd refusal or a 1st refusal where there has been a previous DWI offense--revocation for 1 year 265:92	(Special Note: These revocations are mandatory.)

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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	--	200-1,000	If rehabilitation is taken, the fine can be no more than the minimum fine indicated.	48 hours**	--	--
	2 days-6 months	2 days (1 day if rehabilitation is taken)			(24 hours, if rehabilitation is taken)	--	--
	2nd offense (w/n 7 years)	Misdemeanor	10-days* (5 days if rehabilitation is taken)			--	--
3rd and subsequent offense- (w/n 7 years) See Special Note in the last column on p. 3-175.	1-6 years	1 year* (30 days if rehabilitation is taken)	2,000-5,000		--	--	
484,379 et. seq. and §§10 & 11 of A.S. Bill 167		*At least 48 hrs. must be served consecutively; Para. 4 of Sec. 10 of A.S. Bill 167			**Alternative to imprisonment.		
NEW HAMPSHIRE	1st offense Violation	No term of Imprisonment	N/A	Not more than 1,000	--	--	--
	2nd offense (w/n 7 years) Misdemeanor 265:82-b	Not more than 1 year	7 consecutive 24 hour periods	Not more than 1,000	--	--	--

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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
NEVADA	0.10 License revocation 90 days-1 year (Note: The restricted license provisions of 483,490(2) may apply after 45 days of the revocation period have passed*) §§ 3 & 15 of A.S. Bill 167	No No Yes	-- -- --	1st offense- Revocation 2nd offense (w/n 7 years) Revocation 3rd and subsequent offenses (w/n 7 years) Revocation 483,460	90 days* (restricted license allowed) 1 year* 3 years* *After half of the revocation period has passed and the DWI offender completes a treatment program (483,460(c)(2) & (3)) a restricted license may be issued (483,490(2)).	45 days 1 year (483,460(1)(b)(5)) 1 1/2 years*
NEW HAMPSHIRE 1st offense 2nd offense (w/n 7 years) 265:82	No No		-- --	Revocation Revocation (Note: See rehabilitation section on p. 3-174.)	90 days-2 years 3 years	90 days 3 years

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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	
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	Yes*	--	--	None	N/A	--	--
2nd offense (w/7 years)	Yes*		--				
265:82							
	*Must be completed 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			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				
NEVADA	Yes If death re- sults from a DWI offense 484,3795	1-6 years	1 year*	2,000-5,000	2,000*	Revocation (Note: For any non-alcohol related death caused by vehicle operations, the driver's license is revoked for 1 year; see §483,460(1)(b)(1)) 483,460	3 years	--	(Special Note: NRS 484,3795 also applies to substantial bodily harm, as well as death, caused as a result of a DWI offense.)
NEW HAMPSHIRE	Yes--Class B felony applies only if death results from the reckless operation of a motor vehicle 262-A:61 & 265:79	Not more than 7 years 262-A:61	--	Not more than 2,000 262-A:61	--	Revocation	Up to 7 years	--	--

*A sentence may not be suspended nor may probation be granted.

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				Administrative Licensing Actions		
	Criminal						
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	
					(Note: The restricted license provisions of 483.490(2) as noted in the last two columns on p. 3-173 may apply.)		
NEW HAMPSHIRE	Misdemeanor Not more than 1 year	7 consecutive 24 hour periods	Not more than 1,000	--	(See note in licensing action portion of the Vehicle Homicide section.)		
263:364							

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)
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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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	N/A	21 Applies to any place where alcoholic beverages are sold. §§202,020 & 202,055	No	No	--
NEW HAMPSHIRE See §252-A:69-1, recodified as 265:93	Yes	Yes	No	Yes	20	20 There are employment exemptions; see §175-8 for details.	N/A	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.)	--

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
NEVADA	-- (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.)	--	--	--	--
NEW HAMPSHIRE	Misdemeanor 175.6	Not more than 1 year	Not more than 1,000	Yes	Suspension Time period 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
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, and S.B. 1833 and S.B. 3072 of 1983 as enacted.	0.10 39:4-50(a) (Enacted March 28, 1983)	—	—	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, House Bills 4 & 40 as enacted in 1983 and Senate Bills 105 & 313 as enacted in 1983	0.10 566-8 -102C	0.10 66-8-110B(3)		No	Yes 566-8-107	

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 (Special Note: The police officer must charge a driver with committing a DWI offense if the driver's BAC level is 0.10 or more; see §66-8-110B(3))	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 (Note: The trial Judge must inquire into the DWI defendant's past driving record prior to sentencing; see §66-8-110E)

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 90 days (Note: If refusal was in connection with a subsequent offense, the revocation period is 1 year.) 39:4-50.2 (Mandatory)	--
NEW MEXICO	N/A	N/A	N/A	No	1 year mandatory revocation §66-8-111	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
NEW JERSEY							
1st offense	Not more than 30 days	--	250-400	--	--	--	
2nd offense (w/n 10 years)	Not more than 90 days	--	500-1,000	--	30 days	--	
3rd and subsequent offenses (w/n 10 years)	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, if bodily harm is involved	No
2nd and subsequent offenses (w/n 15 years)	90 days-1 year	48 consecutive hours	Not more than 1,000	No			
66-8-102	66-8-102	66-8-102	66-8-102				
Great bodily injury where driver was intoxicated -	3 years	1 year	Not more than 5,000	--			
3rd degree felony	(Could be 4 years if §31-18-15.1 is applied)	(See §31-18-15.1)					
§§66-8-101 & 31-18-15						§31-22-8(A)(12)	

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
NEW JERSEY						
1st offense	No	No	--		6 months-1 year	6 months
2nd offense	No	No	--	39:4-50(b)*	2 years	2 years
3rd and subsequent offenses	No	No	--		10 years	10 years
				<p>*The statute uses the term "forfeit his right to operate a motor vehicle."</p> <p>(Note: A person convicted under 39:4-50 must satisfy the requirements of a program of alcohol education or rehabilitation approved by the Director of the Division of Motor Vehicles. Failure to satisfy such requirements shall result in a driver license revocation or suspension and continuation of revocation or suspension until such requirements are satisfied unless stayed by Court Order in accordance with Rule 7:8-2 of the N.J. Court Rules, 1969, or R.S. 39:5-22.)</p>		
NEW MEXICO	No	No		Revocation §66-5-29	1 year §66-5-32	1 year
				<p>(Note: Provisions for a restricted hardship license following a DWI conviction or a violation of the implied consent law were repealed by Senate Bill 313 as enacted in 1983; see §66-5-35(A).)</p>		

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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 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	<p>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.</p> <p>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.</p>			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				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 (\$)					
NEW JERSEY	Yes Crime of the fourth degree. Death must have resulted from the reckless operation of the vehicle. "Death by auto" 2C:11-5	Not more than 18 months 2C:11-5 (b)	120 days* Is mandatory if defendant was under the influence of alcohol, drugs, etc. at the time of the incident causing death *Or 120 days of mandatory community service	Not more than 7,500	--	No specific licensing authorized for this offense	--	--	Restitution 2C:43-3
NEW MEXICO	Yes- Misdemeanor Death where driver was intoxicated- 3rd degree felony §66-8-101	Not more than 90 days 3 years (Could be 4 years if §31-18-15.1 is applied) §§31-18-15 & 66-8-7B	-- 1 year (See §31-18-15.1)	Not more than 100 Not more than 5,000	No No	Suspension Revocation §§66-5-29 & 66-5-20	1 year 1 year	-- 1 year	Restitution* Restitution* *Victim restitution is either via the offender or via a State reparations fund; see §§31-17-1 & 31-22-1 et seq.

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 90 days 39:3-40* *As amended by P.L. 1983, Ch. 90 (S.B. 3072 of 1983 as enacted)	--	500	--	Suspension 39:3-40	An additional period of not less than 1 year nor more than 2 years 39:3-40	1 year
NEW MEXICO	2 days-6 months §66-5-39	No	0-500 §66-5-39	No	Revocation §66-5-39	1 year	1 year (except for minors)

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 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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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 33:1-77	N/A	21 9:17B-1	No	Rappaport v. Nichols, 156 A.2d 1 (1959)	--
NEW MEXICO	Yes	Yes §66-8-108	Yes	Yes	21 §§60-3A-3(0), 60-7B-1 & 60-7B-1.1	21 (There is an exemption when the minor is accompanied by either a parent or a guardian.)	21 (2Applies to allowing a minor, unaccompanied by either a parent or legal guardian, to consume alcoholic beverages on a licensed establishment.)	Yes* See Senate Bill 105 as enacted as Ch. 328 of the laws of New Mexico in 1983. *Law limits liability for social hosts to cases involving serving alcoholic beverages in reckless disregard of the rights of others and increases the burden of evidence needed to hold liquor license establishments liable for serving alcoholic beverages to intoxicated persons; this law apparently limits the holding in the Lopez v. Maze case as cited above.	Lopez v. Maze, N.M., 651 P.2d 1269 (N.M. 1982)*	No

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
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	"Petty offense" (Note: Petty offenses are not to be considered crimes.) 2:1-4; 2C:43-8; and 33:1-77	Not more than 6 months	Not more than 1,000	Yes Suspension or revocation (Note: A compromise sum of money may be paid in lieu of suspension.)	1st offense--2 years 33:1-31	No	--
NEW MEXICO	Misdemeanor	0-6 months	100 (Mandatory minimum)	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
<p>NEW YORK</p> <p>See: McKinney's Consolidated Laws of New York as amended through the 1983 legislative session; citations are to the Vehicle and Traffic Law unless otherwise stated</p>	<p>0.10%</p> <p>1192.2</p>	<p>--</p>	<p>A BAC of 0.05-0.07% is relevant evidence (but not prima facie) of being impaired; and a BAC of 0.08-0.10% is prima facie evidence of impairment</p> <p>1195 (c) and (b)</p>	<p>Yes*</p> <p>*Note: Applies to drivers involved in accidents and traffic law violations</p> <p>1193f</p>	<p>Yes</p> <p>1194</p>	<p>(Special Note: Under §1194-a, a driver may be required to submit to a chemical test of their blood for alcoholic content if they have been involved in an accident in which there has been a fatality related to a DWI offense)</p>
<p>NORTH CAROLINA</p> <p>All statutory references refer to Gen. Stat. of North Carolina effective through the 1983 legislative session</p>	<p>0.10%</p> <p>§20-138.1(a)(2)</p>	<p>--</p>	<p>--</p>	<p>Yes</p> <p>20-16.3</p>	<p>Yes</p> <p>(Implied)</p> <p>20-16.2(a)</p>	<p>--</p>

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	Yes (Note: Plea bargaining allowed to one of the two alcohol offenses) §1196.2	Yes* (P.L. §390.20.1 et seq.) *Required for felony convictions
NORTH CAROLINA	Yes	--	--	No	Limited- the prosecutor must explain a reduction or dismissal of a DWI offense §20-138.4	Yes Trial judge may request a presentence investigation in the case of subsequent DWI convictions to determine whether the offender would benefit from any habitual alcohol use treatment program; even without a PSI, the Trial Court may order suitable treatment for the person as a condition for probation. 20-179.1

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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	Infraction Fine up to \$50 and imprisonment up to 15 days §1800 (b)	Revocation for at least 6 months Revocation for at least 1 year for a 2nd or subsequent refusal (w/n 5 years) or a 1st refusal where there has been a previous DWI offense convic- tion (w/n 5 years) Special Note: These revocations are mandatory 510 (d) (2) and 510 (6)	Civil penalty of \$100 Civil Penalty of \$250 for a 2nd or subse- quent refusal (w/n 5 years) or for a 1st refusal where there has been a previous DWI offense con- viction (w/n 5 years) 1194 (3) (b)
NORTH CAROLINA	No	No	--	No	Revocation of driving privileges for 12 months* (Mandatory) *10 days immediate revocation §§20-16.2(c) & 20-16.5	Special Note: A limited driving privilege license may be issued after 6 months of the revocation period have passed provided the driver has not had either a previous chemical test refusal or a DWI conviction w/n the past 10 years.

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
NEW YORK See 510 and 1192 (1 and 5) under "Impaired" status offenses							Special Note: N.Y. has an offense known as "Vehicle Assault;" a person is guilty of such an offense if they injure another in a criminally negligent manner while in violation of the DWI law; such an offense is a Class E felony.
1st offense	Not more than 15 days	--	250	250	--	--	
2nd offense (w/n 5 years)	Not more than 30 days	--	350-500	350	--	--	
3rd and any subsequent offense (w/n 10 years)	Not more than 90 days	--	500-1,500	500	--	--	
Continued on page 3-196A							
NORTH CAROLINA							Special Note: A level of punishment to be given a DWI defendant is determined by weighing aggravating and mitigating factors as specified in §20-179; however, (1) the Court must impose level 2 punishment if there have been two or more previous DWI convictions w/n a 7-year period; (2) the Court must
Level 1 Punishment (See Special Note)	14 days-24 months	14 days	Not more than 2,000		--*	--	
Level 2 Punishment (See Special Note)	7 days-12 months	7 days	Not more than 1,000		--*	--	
Level 3 Punishment (See Special Note)	72 hours-6 months	--	Not more than 500		72 hours	--	
Level 4 Punishment (See Special Note)	48 hours-120 days	--	Not more than 250		48 hours	--	
Level 5 Punishment (See Special Note)	24 hours-60 days	--	Not more than 100		24 hours	--	
§20-179					*Not specified but apparently could be imposed as a condition of probation.		
Continued on page 3-196A							Continued on p. 3-196A

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
NEW YORK							
Per se and Intoxicated status offense	--				--	--	
1st offense (Misdemeanor)	Not more than 1 year	--	350-500	350	--	--	--
2nd and any subsequent offenses (w/n 10 years) (Class E felony)	Not more than 4 years	--	500-5,000	500	--	--	--
Continued on page 3-197							
NORTH CAROLINA							Impose level 2 punishment if there has been an injury related to a DWI offense; and (3) the Court must impose level 1 punishment if there have been two or more DWI convictions w/n a 7-year period and one of the DWI convictions was injury related.

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
NEW YORK						
"Impaired" status offenses						
1st offense	No	--	--	Suspension	90 days	--*
2nd offense (w/n 5 years of any alcohol driving offense)	No	--	--	Revocation	6 months	--*
Per se and Intoxicated offenses			Note: Temporary suspension mandated for repeat offenders w/n 3 years.			
1st offense	No			Revocation	At least 6 months	--*
Continued on page 3-197A			§510.2(b)(v1)	§510		
NORTH CAROLINA	Yes-BAC level of 0.10 §20-16.5*	--	Special Note: Under §20-179.3, a limited driving privilege may be granted for essential purposes as specified in the section (e.g., employment) provided a driver has not had either a previous DWI conviction w/n 10 years or a previous DWI injury related conviction; the privilege is not effective until after a Court ordered license withdrawal period, if any, has	1st DWI offense- Revocation	1 year (See levels of punishment below)	--
	Revocation for 10 days			2nd DWI offense (w/n 3 years)- Revocation	4 years	2 years (After 2 years, a conditional license may be issued)
Continued on page 3-197A	Note: If driver is late in or does not surrender their license to the Court when ordered to do so, the revocation period is 30 days.			3rd DWI offense (where the 2nd DWI offense was w/n 5 years of the 3rd)- Revocation	Permanent	3 years (After 3 years, a conditional license may be issued)

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
NEW YORK 2nd and any subsequent offenses (w/n 10 years)	No	--		Revocation \$510	At least 1 year	--* *(Note: See rehabilitation section page 3-195.)
NORTH CAROLINA	*No limited license following a revocation under this section; see §20-16.5(1)		been completed as a part of any probation requirements. **See the revocations above for multiple DWI convictions and the special note on page 3-195 under the other column.	Level 1 Punishment Level 2 Punishment Level 3 Punishment Level 4 Punishment Level 5 Punishment §§20-17, 20-19 & 20-179	--** --** 90 days 60 days 30 days	Temporary license withdrawal as a condition of probation

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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	
NEW YORK							
"Impaired" status offenses							
1st offense	Yes	Yes	Yes	No	--	Special Note: Certificate of Registration may be suspended or revoked for DWI convictions; see §510.	--
2nd offense	Yes	Yes	(with Court's permission)				
3rd and any subsequent offense	Yes	Yes	(Note: Under §521(1)(f) a person may be issued a conditional license while participating in a rehabilitation program; however, under §521(1)(c) a person is not permitted to take part in such a program if they have participated in one within a five year period; in addition, successful completion of the program shall satisfy any sentence of imprisonment, and one-half of the fine imposed and allow an offender to apply for reinstatement of his/her driver's license.				
Per se and Intoxicated offenses							
1st offense	Yes	Yes					
2nd and any subsequent offenses	Yes	Yes					
	523(a)	521		521(c) & (d)			
NORTH CAROLINA						A driver's vehicle may be subject to forfeiture if the driver is convicted of driving while his/or her license is revoked where the basis of the revocation was a DWI conviction.	
						§20-28.2	

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 YORK	Yes—Class D felony—death of another based on criminally negligent action while in violation of the DWI laws	Not more than 7 years Penal Law §70.00 (2)(d)	See Penal Code §70.00 (3) on minimum sentences	Not more than 5,000 Penal Law §80.00 (1)(a)	--	Revocation Veh. & Traffic Law §510 (2)(f)	Not specified --but see Veh. & Traffic Law §510 (b)	6 months	Special Note: Under Veh. & Traffic Law §530, a restricted use license may be issued after 4 years
NORTH CAROLINA	Death by Vehicle Class I felony if death is DWI related Misdemeanor if death is not DWI related 20-141.4	Not more than 5 years (§14-1.1) Not more than 2 years	--	Fines authorized but not specified in the statute; see §14-1.1 Not more than 500	--	Revocation	1 year unless the trial judge issues a limited driving privilege to the person convicted that contains a condition that the defendant successfully complete the course of instruction at an Alcohol Drug, Ed. Traffic School. If the defendant complies with these provisions, the Division must restore license within 5 months.	--	--

20-17 (1) & 20-19 (c1)

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 511.2	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		Suspension or Revocation	1 year (additional to original term)	90 days*
2nd offense	Not to exceed 2 years		Not less than 200		Suspension or Revocation	2 years (additional to original term)	12 months*
3rd offense	Not to exceed 2 years		Not less than 200		Revoked	Permanently	3 years*
Continued on 3-200A	20-28(a)		20-28(a)				

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 CAROLINA	30 days to 2 years	30 days	Not more than 1,000	--	--	--	*The licensing agency may issue a new license with or without conditions after these terms of license withdrawal.
If a person's license has been permanently revoked and they there- after drive they commit a misdemeanor							Special Note: If a person is convicted of a DWI offense and they were at the time of such offense driving while their license was revoked for a previous DWI offense conviction (w/n 7 years), the Court must impose Level 1 punishment as set out on p. 3-196. See §20-179(c).

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 Ages Concerning Alcoholic Beverages			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) Age Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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 Alcoholic Beverages Control Law §§65 & 65b	N/A	N/A	Yes N.Y. Gen. Oblig. Law §§11-100 & 11-101	Berkeley v. Park, 282 N.Y.S. 2d 290 (1965)	--
NORTH CAROLINA	Yes 20-166-1 (f)	Yes	Yes	Yes	19 for beer and unfortified wine 21 for all other alcoholic beverages	19 for beer and unfortified wine 21 for all other alcoholic beverages	19 for beer and unfortified wine 21 for all other alcoholic beverages	Yes Ch. 188, Art. 1A and §41.1 of Senate Bill No. 1 as enacted in 1983*	Hutchens v. Hankins, 303 SE.2d 584 (N.C. App. 1983) and Chastain v. Litton Systems, Inc. 694 F.2d 957 (CA4, 1982) *These statutory provisions create a Dram Shop type of liability to situations involving minors (those persons under 19 years old) who cause damages while DWI; however, the law specifically does not limit or prohibit other types of Dram Shop civil actions which are based either on other statutes or on case law.	

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

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

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 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. §18B-104 §18B-302	Yes (Left to Board's discretion whether suspended or revoked.) §18B-104 §18B-302	For a specified time up to 3 years if suspended and permanently if revoked §18B-104 §18B-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 48th Legislature; see Senate Bill 2373 as enacted in 1983)	0.10% §39-08-01(1) & §39-20-07(3)	--	No	Yes §39-20-14	Yes	No
OHIO See: Ohio Revised Code Annotated 1981 Supp. (current through 114th General Assembly, November 17, 1982)	0.10% §4511.19(A)(2) & (3)	--	No	No	Yes §4511.19(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	Yes §39-08-01
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

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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	1 year revocation of license §§ 39-20-04 & 39-20-14	No	No	1 year revocation of license (Mandatory) § 39-20-04	No
OHIO	N/A	N/A	N/A	1st--\$100 (maximum) 2nd (w/n 1 year)-- 30 days; \$250 (maximum) 3rd (w/n 1 year of 1st)--60 days; \$500 (maximum) § 4511.99 § 2929.21	Suspension-- 1 year* Trial Judge may impose additional suspension of 30 days-3 years (or revoke license) § 4507.16 § 4511.191 (D) *An occupational license may be issued; see § 4511.191 (G) (5)	No

3-208

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*	Not more than 30 days	No	Not more than 500	250	No	Yes	Special Note: North Dakota has two alcohol-driving offenses, §§39-08-01(1) & 39-08-01(2). The two provisions are identical except that under 39-08-01(1) "a person may not drive any vehicle" whereas, under 39-08-01(2), "a person may not be in actual physical control of any vehicle." The penalties for both offenses are the same. However, the imposition of mandatory sanctions is not required following a conviction under 39-08-01(2) whereas it is required following a conviction under 39-08-01(1); see, also, §39-09-01(3)(e)(1)
2nd and subsequent offense (w/n 5 years)*		4 days of which 48 hours must be served consecutively		500	10 days as an alternative to Imprisonment	Yes	
3rd and subsequent offense (w/n 5 years)**	Not more than 1 year	60 days of which 48 hours must be served consecutively	Not more than 1,000	1,000	--	Yes	
4th and subsequent offense (w/7 years)**		180 days of which 48 hours must be served consecutively		--	--	Yes	
*Class B Misdemeanor **Class A Misdemeanor		See special note under "Other" column; see note under Misc. sanctions column				§§5-01-06 & 12.1-32-02	
OHIO							
Misdemeanor of the first degree							
1st offense	Not more than 6 months	3 days*	150-1,000				
2nd offense (w/n 5 years)	Not more than 6 months	10 days*	150-1,000				
Subsequent offense (w/n 5 years)	30-days-1 year	30 days*	150-1,000				
	§§2929.21 & 4511.99(A)	*These days are to be served consecutively					

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
NORTH DAKOTA	Yes-0.10% BAC 1st offense-90 day suspension* 2nd offense (w/n 5 years)-1 year suspension* (Special Note: These license suspensions appear to be mandatory) *If person was arrested for violating §39-08-01 §§33,34 and 35 of Senate Bill 2373 as enacted	Yes	No	1st offense-suspension 2nd offense (w/n 5 years)-suspension 3rd offense-(w/n 5 years)-suspension Note: 4th offense (w/n 7 years) suspension-treated as a 1st offense §§39-06-35 & 39-06.1-10	91 days 364 days 364 days *A temporary restricted license may be issued after the 30 day mandatory period; see §39-06.1-11.	30 days* 364 days 364 days
OHIO §55-7-113(d) §55-10-301(b) §55-10-406(d)	Yes-where there has been a previous DWI conviction (Special Note: Under §4511.191(E) a driver's license may be seized if the driver's BAC level is 0.10% or more) §4511.191(K)	No	No	1st offense-suspension 2nd offense (w/n 5 years) suspension Subsequent offense (w/n 5 years) suspension §4507.16(B) (Note: See miscellaneous column on p. 3-210) *After the mandatory minimum term, an occupational license may be issued; see §4507.16(D).	60 days-3 years 120 days-5 years 180 days-10 years	60 days* 120 days* 180 days* §4507.16(F)

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	
NORTH DAKOTA	Yes For 1st, 2nd and 3rd alcohol-driving offense convictions, the sentence must include referral to a treatment program; see §39-09-01(5) Note: Under Section 16 of Senate Bill 2373 as enacted a person's license may be suspended for failure to participate in and complete a Court ordered alcohol treatment program; see the cited section for details on suspension periods.	Yes	No	No	N/A	License plates may be impounded following a conviction for an alcohol driving offense; see §39-08-01(4)	Note: Special mandatory sanctions apply if either death or injury is caused by a DWI person. If a person is convicted of DWI and either manslaughter or negligent homicide, there is a mandatory penalty of 1 yr. imprisonment. If a person is convicted of both DWI and reckless driving where there is a personal injury caused by the convicted driver, there is a mandatory penalty of 90 days imprisonment. See §22 of SB. 2373 as enacted
OHIO	No	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. Confinement shall be for at least 3 days and no more than length of maximum prison sentence. §2935.33	No	N/A	(Special Note: Vehicle Registration certificate and license plates shall be impounded for driving while license is suspended; see §4507.38(c))	Special Note: A license may be suspended via a point system under §4507.40. In brief, under this section a DWI conviction results in an assessment of 6 points; if a driver accumulates 12 or more from traffic violations within a 2 year period, their license may be suspended for 6 months.

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	
NORTH DAKOTA	No	N/A	N/A	N/A	N/A	Special Note: Even though this State does not have a vehicle homicide statute, it, nevertheless, provides for mandatory licensing revocation from 30 days to 1 year for a conviction of manslaughter resulting from the operation of a motor vehicle.			
OHIO	Yes	6-months suspended jail sentence by judge if no imprisonment term was given. 1st--6 months 2nd--6 months-5 years if aggravated (reckless) 1st--6 months-5 years 2nd--1-10 years	No No No No	-- 0-1,000 0-2,500 0-2,500 0-5,000	-- No No No	Suspension or revocation (Judge's discretion) plus 6 points suspension system)	30 days-3 years	30 days	--
	\$2903.06 \$2903.07	\$2929.11 \$2828.21	\$2929.11 \$2929.21	\$4507.16 \$4507.40					

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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	Class B Misdemeanor Not more than 30 days Note: Under §39-06-42(3) license plates may also be impounded for the duration of the driver's license suspension/revocation. §39-06-42	15 days See §§39-06-42(2) & 37-08-01	Not more than 500	--	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. Note: Special licensing actions apply for a violation of the conditions of a restricted license; see §§39-06-1-11, 39-06-43 & 39-08-01. §39-06-43		
OHIO	Not more than 6 months (Misdemeanor of the first degree) \$4507.38 \$4507.39 \$4507.99	No	Not more than 1,100 \$4507.99	No	Suspension points gained (As noted briefly on p. 3-210, certificate of registration and license plates in defendant's name shall be impounded for duration of license suspension time.) \$4507.38(c) \$4507.40	Discretionary suspension for not more than 1 year or; mandatory 6 points on 12-point suspension system \$4507.99 \$4507.40	No

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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)	
NORTH DAKOTA	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OHIO	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

3-213

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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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	21	N/A	Yes §5-01-06	No	No
OHIO	Yes	Yes	No	No	19 for beer 21 for all other alcoholic beverages	N/A	19 for beer 21 for all other alcoholic beverages	Yes §4399.01	Mason v. Roberts, 244 N.E. 2d 884 (1973)	No
	§38-709 §55-10-406	§4511-19-1 (B)			§4301.22 (A)		§4301.631, .632 & .69			

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
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

3-215

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)	(Special Note: §4301.64 prohibits the consumption of beer or intoxicating liquor in a motor vehicle.)

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
<p>OKLAHOMA</p> <p>Oklahoma Statutes Annotated, 1962, 1982 Cum. Supp. and Senate Bills 160 and 145 as enacted in 1983.</p>	<p>0.10%</p> <p>Title 47 §11-902A(1)</p>	<p>>0.05% and <0.10% is evidence of Driving While Impaired</p> <p>Title 47 §756(b)</p>	<p>0.10% BAC level is also prima facie evidence that a person was under the influence of alcohol</p> <p>Title 47 §756(c)</p>	<p>No</p>	<p>Yes</p> <p>47 §751</p>	
<p>OREGON</p> <p>Oregon Revised Statutes, (ORS) as amended through the 1983 legislative session; see especially H.B. 2031 as enacted in 1983.</p> <p>OVC = Oregon Vehicle Code (1983) all other citations not identified are to the ORS</p>	<p>0.08%</p> <p>§§487.540(1)(a) & 487.545(2)</p>	<p>No</p>		<p>No</p>	<p>Yes</p> <p>OVC §591</p>	

3-217

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	Yes 47 §751	Yes 47 §751	Saliva 47 §751	DWI--No DUI--No 22 §982 (Note: DWI=Driving While Impaired DUI=Driving While Under the Influence)	DWI--No DUI--No 22 §982	DWI--No DUI--Yes for 2nd and subsequent offenses 22 §982
OREGON	None	None	None	No (There is a diversion from DWI prosecution program for 1st offender; see §484.450)	Yes §484.385 Special Note: There is a diversion program for DWI offenders who have not been convicted of a DWI offense w/n a 10-year period; see OVC §369-374.	Yes PSI is mandatory for persons convicted of two DWI offenses w/n a 5 year period OVC 588(1) and §482.477

3-21B

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				None	Revocation 6 months 47 5753 (Hardship license)	
OREGON	N/A	N/A	N/A	None	<p>1. Suspension for 1 year if there have been no previous suspensions for either a test refusal or a DWI offense (90 days are mandatory*)</p> <p>2. Suspension for 3 years if there has been either a previous test refusal or a previous DWI offense based license suspension w/n 5 years (1 year is mandatory*) §§7 & 17 of Senate Bill 710 as enacted in 1983.</p>	*A restricted hardship occupation license may be issued after these mandatory periods.

3-220

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							
Driving While Impaired 1st	--	No	100-300	No	Yes	Yes	No
2nd plus	--		100-300				
Driving While Under the Influence/Illegal Per Se			47 §761				
1st	10 days-1 year	No	1,000	No	Yes	Yes	No
2nd plus	1 year-5 years 47 §11-902	(Note: A Court has the power to suspend a sentence and/or place a defendant on probation; see 22 §991a)	2,500 47 §11-902		22 §991a	22 §991a	
Continued on page 3-220A							
OREGON							
	A DWI offense is a Class A Misdemeanor Not more than 1 year OVC §587 (2) & §161.615	No	Not more than 2,500 §161.635	No	80-251 Hours 137.129 (4)	No	--
Continued on page 3-221							

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 Personal Injury Accident w/BAC of 0.10 1st offense (Misdemeanor) 2nd offense (Felony) 47 §11-904	90 days-1 year	--	Not more than 2,500	--			
	1-5 years	--	Not more than 5,000	--			

3-220A

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	Yes - BAC level of 0.10 Revocation for 90 days (the revocation may be modified by a District Court in cases of unusual hardship related to employment) 47 §754 & 47 §765	No No	-- --	For driving while impaired (47 §761)- Suspension 1st offense 2nd offense 47 §761 For Driving While Under the Influence/Illegal Per Se (47 §11-902)*- Revocation	-- 6 months 6 months (1st offense)	-- 6 months 6 months
Continued on page 3-221A						
OREGON	Yes- BAC Level of 0.08 1. A 90 day suspension if there has been no previous suspension for either a chemical test refusal, or an Admin. Per Se offense, or a DWI offense (30 days are mandatory*) 2. A 1 year suspension if there has been a previous suspension for either a chemical test refusal, an Admin. Per Se offense or a DWI offense (90 days are mandatory*) §§ 7 and 27 of Senate Bill 710 as enacted in 1983.	Yes		1st offense- Suspension 2nd offense (w/n 5 years)-Suspension 3rd and subsequent offenses (w/n 5 years)-Suspension OVC §354 Schedule 11, 327 & 328; Sections 12, 13, 14 & 17 of Senate Bill 710 as enacted in 1983 See page 3-221A for Special Note.	1 year 3 years 3 years	30 days* 90 days* 1 year* *A restricted hardship occupational license may be issued after these mandatory periods.
Continued on page 3-221A						

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
OKLAHOMA				*These revocations for a violation of 47 §11-902 would, it appears, apply also to violations 47 §11-904 (See 47 §6-205 and 47 §756); however, there are no specific licensing actions in 47 §11-904 47 §6-208	1 year if prior convictions (e.g., 47 §761) of any vehicle violation or revocation/suspension within 3 years under 47 §11-902 2 years if prior 47 §11-902 convictions and revocations under 47 §6-205 47 §6-208	1 year 2 years
OREGON				Special Note: The State issues special licenses to persons 14-17 years old for the purpose of attending educational institutions; the State, it appears, may issue such licenses notwithstanding a DWI conviction and the mandatory licensing sanctions provided for such an offense if vehicle transportation is needed by the minor to attend such institutions; see §482.160 as amended by House Bill 2975 as enacted in 1983.		

Sanctions Following a Conviction for a DWI Offense--Continued							
STATE	Rehabilitation			Other			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Vehicle Impoundment/Confiscation			
				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			For a 2nd or subsequent DWI offense, a restricted hardship occupational license can only be issued following an examination of the DWI offender by the mental health division to determine if the offender is a problem drinker; if he or she is determined to be a non-problem drinker, the offender must enroll in an alcohol education program. However, if the offender is determined to be a problem drinker, he or she must enroll in a rehabilitation program; the offender must enroll in these programs before such a license is issued.	Yes for 2nd or subsequent DWI charge OVC §385 (1)(b)	After period of impoundment (not more than 120 days) and after paying for cost of vehicle's removal and storage.		
		§§482.477 & 429.540					

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
		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 47 511-903	Yes 47 511-903	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	
	Special Note: The Oklahoma Courts have decided that if a vehicle homicide is proximately caused by an alcohol driving law offender, for a first offense the charge may be Manslaughter I and for a second offense the charge may be Murder II. See respectively para. 1 of sec. 711 of Title 31 (McConnell v. State, 495 P.2d. 764 (1971) & White v. State 483 P.2d. 751 (1971) and para. 2 sec. 701.8 of Title 21 (Isom v State, 646 P.2d. 1298 (1982)).								
OREGON	No	N/A	N/A	N/A	N/A	Even though this State does not have a vehicle homicide statute, it, nevertheless, provides for mandatory licenses revocation for manslaughter etc. resulting from the operation of a motor vehicle. Revocation OVC §353(1)(a)	5 years	5 years	Special Note: OVC §327 on hardship occupation licenses applies only to persons who have had their licenses suspended not revoked; see especially OVC §327 (3) (a).

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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		
Incarceration (Term)	Mandatory Minimum Term of Incarceration	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	10 days-12 months		100-500		Suspension or revocation	Period of suspen- sion/revocation extended not more than 12 months	Same
	47 §6-303(c)		47 §6-303(c)		47 §6-303(d)	47 §6-303(d)	
OREGON	Not more than 5 years	No	Not more than 100,000	No	Special Note: For a violation of OVC §598, a defendant's vehicle may be impounded for not more than 120 days under OVC §385.		
OVC §598	§161-605		§161.625				

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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 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 OVC §§ 365, 366, 397 & 398	(1) three serious traffic offenses (no time limit) or (2) a combination of 20 minor and serious offenses w/n a 5-year period) OVC §365	10 years (1 year probationary and renewable license is available if certain conditions are met) OVC §§366 & 326	Class C felony OVC §598(4)(a)	5 years §161-605	No	100,000	No	None

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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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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	21	Special Note: Under 37 §537(a) (8) No one may consume alcoholic beverages containing more than 3.2% alcohol in a public place. Under 37 §246 alcoholic beverages containing less than 3.2% alcohol may not be consumed in public by a person under 21 years old unless the person is being directly supervised by either a parent or a guardian.	No		No
	47 §751	47 §751	47 §10-113	47 §10-113	37 §2411 & 37 §537 (a) (1)					
OREGON	Yes	Yes (If over 13 years of age and within 5 hours of accident)	Yes (If over 13 years of age and within 5 hours of accident)	Yes (If over 13 years of age and within 5 hours of accident)	21	21	21	Yes	Campbell v. Carpenter, 279 Or. 237, 566 P.2d 893 (1977)	No
		§146.113	§146.113	§146.113	§§471.410 & 471.430			§30.950		

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
OKLAHOMA	Felony 37 §5.38	1 year (maximum) 37 §5.38	0-1,000 37 §5.38	Yes 37 §5.28	In the discretion of the Alcoholic Beverage Control Board
OREGON	Class A Misdemeanor--applies to the sale of alcoholic beverages by non-licensed persons; see §471.410 Misdemeanor--applies to individuals and liquor* by the drink licensed establishments; §§472.310 & 472.990 *Includes beer and wine	Not more than 1 year 1st offense-- Not more than 6 months 2nd or subsequent offense-- Not more than 1 year	Not more than 2,500 Not more than 500 Not more than 1,000	--	Special Note: Any licensed establishment that either sells liquor by the drink, or packaged alcoholic beverages, that violates the liquor laws concerning intoxicated persons may have their license revoked/suspended for an indeterminate period of time and/or be fined via administrative action; see §471.385.

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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
OKLAHOMA 37 §537 (a) (7) 37 §538 37 §528 21 §1220	Felony (for 3.2% and above)	5 years (maximum)	0-5,000	Yes 37 §528	In the discretion of the Alcoholic Beverage Control Board	Yes	This law appears to also include nonintoxicating beverages, with an alcoholic content of between 1/2 of 1% and 3.2%
	None (for 1/2 of 1%-3.2%) 37 §538	None 37 §538	None 37 §538	Yes 37 §242	12 months		
OREGON	Class A Misdemeanor- Applies to the sale of alcoholic beverages by non-licensed persons; see §471.410 Misdemeanor- Applies to individuals and liquor* by the drink licensed establishments; §§472.310 & 472.990 *Includes beer and wine	Not more than 1 year for a 3rd or subsequent offense- There is a mandatory 30-day imprisonment sanction 1st offense- Not more than 6 months 2nd or subsequent offenses- not more than 1 year	Not more than 2,500; the following mandatory fines apply: 1st offense- 350 2nd and subsequent offenses- 1,000 Not more than 500 Not more than 1,000	Special Note: Any licensed establishment that sells liquor by the drink or packaged alcoholic beverages, that violates the liquor law concerning minimum legal drinking ages may have their licenses revoked/suspended for an indeterminate period of time and/or be fined via administrative action; see §471.385.		Yes OVC §597 (b)	

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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 (Mandatory)	No
PUERTO RICO						
1st offense	\$100 or 10 days in Jail	No	No	\$100 or 10 days in Jail	Suspension 2 years	No
2nd offense	If within 1 year of 1st, \$200 and/or 20 days			If within 1 year of 1st, \$200 and/or 20 days		
3rd offense	If within 1 year of 1st, \$500 and/or 6 months 9 §1221			If within 1 year of 1st, \$500 and/or 6 months 9 §1221	9 §1044	

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**		300	Appears mandatory	Yes	Yes	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.
	or 30 days if prior conviction in any jurisdiction within previous 7 years	30 days for second offense 75 §3731(e)(4)	75 §3731	75 §3731	(Possible under A.R.D.)* Cr. Pro. Rule 175 et al.	(Required under A.R.D.)* 75 §3731	
	or 90 days if 2 prior convictions within last 7 years	*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. A.R.D applies only to first offenses.					
	or 1 year if 3 prior convictions within last 7 years					75 §3731	
PUERTO RICO							May be ordered to take and pass a driver's improvement course
1st offense	15 days	No	100-300	No	No	No	
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	Rehabilitation			Other			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Vehicle Impoundment/Confiscation			
				Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	
PENNSYLVANIA	Yes	Yes	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. 75 §1548	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	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	
PENNSYLVANIA	Felony 3 Yes	3-9 years	3 years	None	No	Revocation	1 year	1 year	
		Pennsylvania Consolidated Statutes 75 §3735							
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)
	*Applies also to suspensions given under		A.R.D.			75 §1543	75 §1543	75 §1543
		75 §1543	75 §6503					
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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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 1 §1991,	21 18 §6308 & 47	21 §4-493(1)	Yes §4-497	Jardine v. Upper Darby Lodge No. 1973 Inc., 413 Pa. 626, 198 A.2d 550 (1964)	
PUERTO RICO	Yes 9 §1043(a)	Yes 9 §1043	Yes 9 §1043	Yes 9 §1043	18 13 §6083	N/A	N/A	No	No	No

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
PENNSYLVANIA 1st offense 2nd and subsequent offenses	Misdemeanor	1-3 months (if fail to pay fine) 3 months-1 year	100-500 300-500 (and possibly 50-1,000)	Yes or Liquor control board may impose a fine. See column to left within parenthesis. 47 §4-471	3 years if revoked (1 year for location unless ownership changes hands, including immediate family members.) If suspended: Indeterminate 47 §4-471
PUERTO RICO	N/A	N/A	N/A	N/A	N/A

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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)	0.10% 31-27-2(b)	0.10% §31-27-2.1		Yes 31-27-2.3	Yes	No
SOUTH CAROLINA See: Code of Laws of South Carolina Annotated, 1976, 1981 Cum. Supp. (current through 1983 Session of the General Assembly)	No	0.10% §56-5-2950(b)(3)	No	No	Yes	No

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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	Yes* *May be excepted on religious grounds. §31-27-2 §31-27-2.1	Yes §31-27.2 §31-27.2.1				Yes where 1 year or more sentence may be imposed
SOUTH CAROLINA	No	No	No	No	No	Yes §56-6-2990

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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 refusal - \$300-\$500 and 10-60 hours of public service 2nd refusal (w/n 5 year period), \$400-\$500 3rd and subsequent refusal (w/n 5 year period), \$500 (Special Note: In addition to the above fines, an assessment fee of \$150 is charged to the defendant.) (The imposition of these fines, assessments and/or public community service is mandatory.)	3-6 months Suspension 1-2 years Suspension 2-3 years Suspension (These suspensions are mandatory) §31-27-2.1	Attendance at a DWI class or alcohol treatment program Attendance at an alcohol treatment program Attendance at an alcohol treatment program (Attendance at these classes or programs is required.)
SOUTH CAROLINA	N/A	N/A	No	No	90-day suspension of license (Mandatory)	No

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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	Not more than 1 year	No	200	200	10-60 hours*	No	
2nd offense (w/n 5 years)	10 days-1 year	48 consecutive hours	500	500	*Alternative to imprisonment		
3rd and subsequent offenses (w/n 5 years)	6 months-1 year	48 consecutive hours	500	500			
(Note: A DWI offense is a misdemeanor)	§31-27-2(d)			(In addition to the above fines, an assessment fee of \$150 is charged to the defendant.) §31-27-2(d)			
SOUTH CAROLINA							
1st offense	48 hours-30 days	48 hours*	200	200*	A minimum of 48 hours in lieu of imprisonment	No	
2nd offense	48 hours-1 year	48 hours*	Not less than 1,000	No	Not less than 10 days in lieu of imprisonment		
3rd offense	60 days-3 years	60 days*	Not less than 2,000	No	--		
4th offense	90 days-4 years	90 days*	Not less than 3,000		--		
5th and subsequent offenses	1-5 years	1 year*			--		
§56-5-2940		*These minimum sanctions may not be suspended by the Court; the law is silent as to prohibiting the Court from placing a person on probation.					
DWI where there is great bodily injury-felony	30 days-1 year	30 days	5,000-10,000	5,000	--	--	
§56-5-2945							

STATE	Actions 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
RHODE ISLAND	No	Yes		1st--suspension 2nd--suspension 3rd--suspension §31-27-2(d)	3-6 months 1-2 years 2-3 years §31-27-2(d)	3 months 1 year 2 years §31-27-2(d)
SOUTH CAROLINA	No	No	No	1st offense* Suspension 2nd offense* (w/n 5 years) Suspension 3rd offense* (w/n 5 years) Suspension 4th offense* (w/n 5 years) Suspension 5th and subsequent offenses* (w/n 5 years) Revocation *Note: An offense is considered either a §56-5-2930, §56-5-2945 or other alcohol use and driving related law violation. §56-1-1320, 56-5-2990	6 months 1 year 2 years 3 years Permanent	(See Special Note) 1 year 2 years 5 years Special Note: For a 1st DWI offense, a provisional license may be issued for the 6-month suspension period provided the defendant partici- pates in alcohol/drug education/treatment program; see §56-1- 1320 & 56-1-1330.

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STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	Rehabilitation			Other			Miscellaneous Sanctions Not Included Elsewhere
	Alcohol Education	Alcohol Treatment	Alcohol Education/Treatment as an Alternative to Criminal/Licensing Actions (Describe)	Vehicle Impoundment/Confiscation		Other	
				Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released		
RHODE ISLAND							
1st offense	Alcohol (DWI) education course and/or treatment program*			No			
2nd offense		Yes*					
3rd offense		Yes*					
	*Required						
SOUTH CAROLINA				Yes	When It is no longer necessary to protect the vehicle from danger	No	No
	§56-5-2990						

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		
RHODE ISLAND	Yes-where death is the result of DWI offense 1st offense 2nd and subsequent offenses (w/n 5 years) 31-27-2,2 Non-DWI related driv- ing causing death 31017-1	6 months- 10 years 5-20 years Not more than 10 years	-- -- --	500-5,000 800,5,000 --	-- -- --	Suspension Suspension Revocation 31-11-6	1 year 3 years 3 years	1 year 3 years 3 years	
SOUTH CAROLINA	Yes Felony §56-5-2945 Based on a DWI offense that results in death	Not more than 1-15 years	No	Not less than 10,000 nor more than 25,000	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				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)	10 days	10 days	--	500	Suspension	"Time deemed proper" (additional suspension period)	3 months
2nd offense (w/n 5 years) (Misdemeanor)	6 months-1 year	6 months	500	500	Suspension	Dept. of Motor Vehicles' discretion (additional suspension period) 1 year	6 months
3rd and subsequent offenses (w/n 5 years) (Felony)	1 year	1 year	1,000	1,000	Revocation	1 year (additional revocation period)	1 year
§31-11-18.1	(Revocation, etc. due to DWI conviction, refusal to submit to chemical test, reckless driving, motor vehicle manslaughter, or 3 moving violations in one year.)	§31-11-18.1(d)	§31-11-18.1	§31-11-18.1(d)	§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				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		§56-1-460		§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
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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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	20 Applies to the possession of alcoholic beverages containing more than 3.2% alcohol §§3-8-5,-6, & -10	20 Applies to licensed premises	Yes §3-11-1		No
SOUTH CAROLINA	Yes	Yes	Yes	Yes	18 for beer & wine 21 for liquor	18 for beer & wine 21 for liquor There is an exemption for home use and for religious ceremonies §§20-7-320,-317,-380, 61-9-40, -13-290	N/A	No		No

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
RHODE ISLAND	1st Offense Petty Misdemeanor	3 Months	Not More Than 200	Yes	1 year
	2nd Offense - Petty Misdemeanor	6 Months	Not More Than 300	§3-5-21	§3-5-22
	3rd and Subsequent Offenses - Misdemeanor	Not More Than 1 Year	Not More Than 500		
	Secs. 3-8-1, 3-11-5 & 11-1-2				
SOUTH CAROLINA	Misdemeanor	Not more than 30 days	Not more than 100	No provisions are provided for licensing action.	

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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	Petty Misdemeanor		250	Yes	1 year	No	No
1st offense	Misdemeanor		500				
2nd offense	Felony		750				
3rd and subsequent offenses	Secs. 3-8-1, 3-8-5 & 11-1-2		(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), H.B. 1342 and S.B. 247 as enacted in 1983	0.10%	0.10% §32-23-7 (Note: §32-23-7 applies this presumption to the vehicle homicide offense.)	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) and H.B. 545 as enacted in 1983	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 (Note: A DWI charge may be reduced or dismissed only when written reasons for such have been filed with the Court)	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	N/A	Suspension 1st--6 months 2nd +--1 year §55-7-113(g) & §55-10-406 A restricted license may be issued; see §55-10-406(b)	N/A

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	Yes	No
2nd offense (w/5 years)	1 year (county jail)	No	1,000	No			
3rd and subsequent offense (w/5 years)	2 years (state penitentiary) §32-23-2 §32-23-3 §32-23-4	No	2,000	No		§§23-A-28-1 et seq.	
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.	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 <u>all</u> 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. This fee is paid to the county.
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--prohibit driving or 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	30 days-1 year 1 year 1+ year 1 year §32-23-2 §32-23-3 §32-23-4	-- 1 year 1 year No §32-23-2 §32-23-3 §32-23-4
TENNESSEE	No	Yes	No	Revocation* Additionally, court shall prohibit defendant from driving for: 1st--1 year 2nd--up to 2 years 3rd and subsequent--3 to 10 years *Hardship license for employment available after 1st conviction 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 subsequent convictions revocation will be lifted only upon showing that defendant has participated in a program of rehabilitation at an alcohol treatment facility. §55-10-403

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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 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			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			
SOUTH DAKOTA	Yes Class 4 felony Where death is caused by vehicle operation while under the influence of alcohol or drugs	Not more than 10 years	--	Not more than 10,000	--	Revocation §§32-12-44 & 32-12-52	The revocation remains in effect until the cause of such has been removed	Same	
TENNESSEE	Yes §39-2-231	1-21 years §39-2-232	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.	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	Class 1 misdemeanor Not more than 1 year	--	Not more than 1,000	--	Suspension--if the conviction was based on driving while suspended	An additional suspension period equal to the original period	Same
		3 days if convicted after driving has been prohibited for 2nd DWI offense 10 days if convicted after 2nd driving has been prohibited for 3rd DWI offense			Revocation--if the conviction was based on driving while revoked	The original revocation period extended for 1 year	Same
	§§32-6-2(1) & 32-23-5	§§32-23-3 & 32-23-4			§32-12-66	§32-12-66	§32-12-66
TENNESSEE	1st offense 2 days-6 months	2 days	0-500	No	Suspension--if the conviction was based on driving while suspended	An additional suspension period equal to the original period	same
	2nd offense 45 days-11 months 29 days §55-7-116	45 days	500-1,000 §55-7-116		Revocation--if the conviction was based on driving while revoked	The original revocation period extended for 1 year	same

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)
SOUTH DAKOTA	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TENNESSEE	Yes	3 convictions w/in 3 years of any of the following: 1) voluntary or involuntary motor vehicle homicide; 2) DWI; 3) failure to stop at scene of accident; 4) violation of statute on meeting and overtaking school buses.	3 years	Felony	1-10 years	No	--	No	1 year revocation (additional)
	§55-10-601 to 617				Section 39-1-201				

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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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	18 for 3.2% beer 21 for everything else There is an exemption for the possession and consumption of alcoholic beverages greater than 3.2% alcohol by persons under 21 years of age for religious ceremonies	18 for 3.2% beer 21 for everything else	18 for 3.2% beer 21 for everything else	No	Walz v. City of Hudson, 327 N.W. 2d 120 (1982)	No
		§39-25-22.1	§39-25-22.1	§39-25-22.1	§§39-4-78; 35-9-1; 35-9-2 & 35-9-4					
TENNESSEE		Discretionary	Discretionary	Discretionary	19	19 Applies to public places; there is an employment exemption	N/A	No	Mitchell v. Ketter, 54 Tenn. App. 656, 393 S.W. 2d 755 (1964)	No
		§38-7-109	§38-7-109	§38-7-109	§1-33-13	§1-33-113 §§1-33-113; 57-4-203(b) (1) & (2) and 57-5-301				

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
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

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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							
1st offense	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	
2nd and subsequent offenses	Felony	1-3 years	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 and Senate Bill No. 1 as enacted in 1983.	0.10% 67011-1(a)(2)(B)	--	--	No	Yes	-- 67011-5
UTAH See: Utah Code Annotated (current through March 17, 1982) and House Bills 6, 142 and 143 as enacted in 1983.	0.08% §41-6-44(1)			No	Yes	No

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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	Yes 67011-5	No	--	No	No	Yes See Section 4, Article 42.12 and Section 4, Article 42.13, Code of Criminal Procedure.
UTAH	Yes §41-6-44, 10	Yes §41-6-44, 10	No	No (Note: A Magistrate may not grant diversion in a DWI case; see §77-2-9)	No (Note: If defendant pleads guilty or nolo contendere to reckless driving as a substitute for a DWI charge, the prosecution must state for the record whether alcohol or drug use was related to the pleaded offense.) §41-6-44(7)	No (optional in felony cases, e.g., vehicle homicide) §76-3-404

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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 90 days 67011-5	— (Hardship license may be issued)
UTAH	N/A	N/A	N/A	6 months (maximum) §41-6-12 §576-3-105 & 76-3-204	Mandatory revocation for 1 year §41-6-44.10(2) (Note: No hard- ship license may be issued for revoca- tions based on a test refusal; see §41-2-18(d).)	—

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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							Special Note: If there has been bodily injury of another person as a result of the defendant's actions for each of these offenses the minimum term of imprisonment is increased by 60 days (30 days are mandatory*) and minimum & maximum fines are increased by \$500.
1st offense	72 hours-2 years	--	100-2,000	--	Yes	--	
2nd offense (w/n 10 years)	15 days-2 years	72 hours*	300-2,000	--	Yes	--	
6701-L2 Subsequent offenses (w/n 10 years) 67011-1(c), (d) & (e)	Not less than 30 days nor more than 2 years in county jail or not less than 60 days nor more than 5 years in the State penitentiary	10 days*	500-2,000	--	Yes	--	
Continued on page 3-269	*As a part of probation; see section 6b, article 42.12 & section 6b, article 42.13 Code of Criminal Procedure						
UTAH							
1st offense Non-injury related	60 days-6 months	48 hours	299*	--	2-10 days in lieu of imprisonment (2 days are mandatory)	Yes See §41-24-1 et. seq.	
Injury related (Negligence)	Not more than 1 year	48 hours	Not more than 1,000*	--	2-10 days in lieu of imprisonment (2 days are mandatory)		
2nd offense (w/n 5 years) Non-injury related	60 days-6 months	48 hours	299*	--	10-30 days in lieu of imprisonment (10 days are mandatory)		
Continued on page 3-268A							

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
UTAH							
2nd offense (w/n 5 years) Injury related (Negligence)	Not more than 1 year	48 hours	Not more than 1,000*	--	10-30 days in lieu of imprisonment (10 days are mandatory)		
Subsequent offenses (w/n 5 years) Non-injury related	60 days-6 months	30 days	299*	--	30-90 days in lieu of imprisonment (30 days are mandatory)		
Injury related (Negligence) §41-6-44	Not more than 1 year Note: A magistrate may not grant diversion in a DWI case; see §77-2-9.	30 days	Not more than 1,000*	--	30-90 days in lieu of imprisonment (30 days are mandatory)		

*Note: Under §63-43-10(1) The Court is required to impose, in addition to the above fines, a special fine of \$150 for 1st offenders and \$299 for 2nd and subsequent offenders; this special fine is for the purpose of funding alcohol education and treatment programs under §63-43-11; in addition, under §63-43-10(2), the Court is also required to impose other assessments that fully compensate agencies for the costs of treating DWI defendants.

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	DWC 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	--	Suspension	90-365 days 1st conviction 180 days-2 years for any subsequent conviction 6687(b)	Special Note: A license may not be suspended if either (1) a defendant is required to attend an alcohol education/treatment program or (2) a jury recommends no suspension. 6687b(g)(1) & Section 3a, Article 42-13, Code of Criminal Procedure
UTAH	Yes (BAC of 0.08%) 1st admin. action- Suspension for 90 days* 2nd and subsequent admin. actions- Suspension for 120 days* (The suspension period begins on the 31st day after the arrest.) Special Note: These license suspensions appear to be mandatory. 541-2-19.6	Yes 541-2-19	No	(See new 541-2-19-(a) (6)) 1st DWI offense (For either injury or non-injury related offenses) Suspension 2nd or subsequent DWI offenses (for either injury or non-injury related offenses) Revocation 541-66-44(9) Note: No hardship license may be issued for DWI related suspensions/revocations; see 541-2-18(d)	90 days 1 year 541-66-44(9)	90 days 1 year 541-66-44(9)

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	--	Yes- A defendant's vehicle may be subject to forfeiture by the State following three or more DWI convictions 67-011-6(6)	--	--	--
UTAH	Judge must order a convicted DWI defendant to attend either an education or treatment program 41-6-44			No			

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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 Note: There are two different types of vehicle homicide.	Yes 1. Negligent homicide (death caused by the opera- tion of a ve- hicle in reck- less disregard of the safety of others.) §41-6-43.10	Not more than 1 year	--	100-1,000	--	Revocation	1 year		
	2. Automobile homicide- felony of the 3rd degree (death caused by the negligent opera- tion of a motor vehicle while under the influence of alcohol.) §76-5-207	Not more than 5 years §76-3-203(3)	--	Not more than 5,000 §76-3-301(2)		Revocation §41-2-18(a)(1) & (4)	1 year §41-2-21(1) & (4) and §41-2-21	1 year*	*No hardship license may be issued; see §41-2-18(d).

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) §41-6-28 §41-2-30(2) §41-6-44	No	299-1,000 §41-2-30	No	For driving while suspended-suspension For driving while revoked/revocation §41-2-18(b)	An additional like period 1 year-additional §41-2-18(b)	An additional like period 1 year-additional

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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)
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..."	12 months 6687(b) §23 18 months In addition to a suspension of a like amount as to original suspension if applicable	Felony (If driving while intoxicated)	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)	No	Not less than 100 nor more than 5,000	No	Suspension
	6687(b) §22(b)(4)(6)	6687(b) §22(b)(4)(4)	6687(b) §24(c)	6701.L1	6701.L2				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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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 Alcoholic Beverage Code §106.01 et seq.	19 Exemptions for employment or while in the presence of a parent or guardian.	19 There is an exemption for a minor's consumption of alcoholic beverages when they are in the "visible presence" of a parent or guardian.	No	No	--
UTAH	Yes	Yes §26-1-30 (17) §41-644.10	No	Yes (adults only) §26-1-30 (17)	21 §§32-7-15 & 32-7-15.4	21	21	Yes §32-11-1	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
TEXAS 1st offense 2nd offense Note: All statute references come from Vernon's Texas Code Annotated Alcoholic Beverage Code	Misdemeanor §101.63	Not more than 1 year 101.63(a) Not more than 1 year 202.62(b)	Not less than 100 nor more than 500 Not less than 500 nor more than 1,000	Yes	Not more than 60 days §61.71
UTAH	Misdemeanor §32-7-14 §32-8-59	30 days-1 year (mandatory) §32-8-59	100-1,000 (mandatory) §32-8-59	Yes	3 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
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. and Public Law chapters 207, 365, 504 and 608, Acts of Assembly 1983	--	0.10% (Code of Va. Ann. §18.2-269(3))	--	Yes (Code of Va. Ann. §18.2-267(c))	Yes §18.2-268	--

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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

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**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
VERMONT	No	No	No	No	1st--suspension 1 year 2nd (after 5 years)--1 year suspension 2nd (w/n 5 years)--3 years revocation 3rd--6 year revocation 4th + (after 15 years from 1st)--6 years 4th + (w/n 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 some conditions as above are met. The reduced suspension periods are mandatory.
VIRGINIA	None	None	--	None	Suspension for 90 days; for a second or subsequent refusal w/n 1 year--suspension for 6 months (Mandatory) §18.2-2681 (n)	--

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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							(Code of Va. Ann. §§18.2-11, 18.2-266, 18.2-270, and 46.1-423.1)
1st offense	Class 1 misdemeanor 12 months	--	Not more than 1,000	--	--	--	
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	--	--	--	
§18.2-270		--					

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 (Note: Vermont has a point system, but such system does not apply to DWI cases; see 23 §2502)	Suspension 23 §1206 23 §2501-2507	1st--1 year suspension 2nd (after 5 years) --1 year suspension 2nd (w/n 5 years) --3 years revocation 3rd--6 years revocation 4th + (after 15 years from 1st)-- 6 years 4th (w/n 15 years) --life	90 days 90 days 18 months (with rehabilitation and therapy) 3 years (with rehabilitation and therapy) 23 §1208
Continued on page 3-282						
VIRGINIA						
1st offense	No	No	--	Privilege to operate any motor vehicle is deprived	6 months	--**
2nd offense (w/n 5 years)	No	No		Revocation	3 years	1 year*** 2 years***
2nd offense (5-10 years from 1st)	No	No		Revocation	3 years	
3rd and sub. off.	No	No		Revocation	10 years*	5 years*
§18.2-271, 271.1		(Code of Va. Ann. §46.1-421)			*See special note at the end of the Sanctions section (p. 3-282).	See page 3-281A for explanation of asterisks.

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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
VIRGINIA						<p>**A restricted lic. may be reissued if defendant participates in a rehabilitation program</p> <p>***A restricted lic. may be issued after the minimum period of lic. withdrawal has passed and a defendant has completed a rehabilitation program.</p>

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 & drug 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 2nd offense (within 5 years) 2nd offense (5-10 years from 1st) 3rd and sub. off. (See special note in Misc. Column) §18.2-271.1	Yes Yes Yes in Misc. Column)	Yes Yes Yes	A restricted permit may be issued, if court authorizes offender to participate in either an education or treatment program. See page 3-281	No	--	Under §46.1-418 a defendant's vehicle registration certificate and registration plates shall also be suspended when the defendant's license is either suspended or revoked Special Note: A person's license may be restored after 5 years if they are at the time of the DWI conviction dependent on alcohol, and have been cured of such dependency, and are not otherwise a threat to the public safety.

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				
VIRGINIA	No	--	--	--	--	(Special Note: Even though this State does not have a vehicle homicide statute, it, nevertheless, provides for a mandatory 1 year revocation for a conviction of manslaughter resulting from the operation of a motor vehicle.)			

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	(Note: In certain cases there are mandatory minimum sanctions; see 23§674(c))	23 §674			23 §2506	
					(Note: If more than one license suspension/revocation action results from the same incident, the suspension/revocation periods are consecutive.)		
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)					

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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 §673	8 or more convictions based on moving violations (with 6 points or more assessed) and DWI offenses within 5-year period	2 years	Misdemeanor	1st--30 days 2nd--90 days 3rd--6 months 4th+--2 years (Note: Mandatory minimum sanctions in certain cases; 23§674(c))	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.	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									
	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes				Laws Establishing the Minimum Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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	Yes 23 §1202	Unclear, probably yes	Unclear, probably yes	18 7 §173, 7 §657 & 7 §658	18 Employment exemption Special Note: The law does not specifically prohibit possession or consumption per se but makes illegal the possession of alcoholic beverages by minors for the purpose of consumption.	N/A	Yes 7 §501	No	No
VIRGINIA	No	--	--	--	19 for beer 21 for everything else §§4-5, 4-62 & 4-112	19 for beer 21 for everything else Special Exemptions for physicians who administer alcoholic beverages to minors, for employment reasons, and at the order of a parent.	N/A	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
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>30 days-12 months</p> <p>(Code of Va. Ann. §§4-37, 4-62, and 4-92 and 4-98.10)</p>	<p>50-500</p>	<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--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	2 years 7 §658	200-1,000 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, 4-92 and 4-98.10)	30 days- 12 months	50-500	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	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
<p>WASHINGTON</p> <p>See: Revised Code of Washington Annotated, 1970, 1982 Cum. Supp. (1962, 1982 Cum. Supp., alcohol sections), Washington Legislative Service (West's) 1982, #1-6, and H.B. 289 and S.B. 3106 as enacted in 1983</p>	<p>0.10%</p> <p>(Rev. Code of Wash. Ann. §46-61,506(1))</p>	<p>0.10%</p> <p>(Rev. Code of Wash. Ann. §46.61.502(1))</p>	<p>--</p>	<p>No</p>	<p>Yes</p> <p>(Rev. Code of Wash. Ann. §46-20-308)</p>	<p>--</p>
<p>WEST VIRGINIA</p> <p>See: West Virginia Code take effect September 1, 1981 as amended by H.B. 542 and H.B. 1402; both of these passed the legislature March 12, 1983 and are in effect 90 days from passage</p>	<p>(Note: See Administrative Per Se on page 3-293)</p>	<p>0.10%</p> <p>17C-5-8</p>	<p>0.10% is Prima Facie Evidence of driving under the influence of alcohol</p> <p>17C-5-8(c)</p>	<p>Yes</p> <p>17C-5-5</p>	<p>Yes</p> <p>17C-5-4</p>	<p>--</p>

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 (Note: Court appearance mandatory.)	No	Yes Permissive authorization, but not mandatory; see §46.61.515
WEST VIRGINIA	Yes 17C-5-4	Yes 17C-5-4	--	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	Before Jan. 1, 1985: Revocation for 6 months (Mandatory) (Rev. Code of Washington §46.20.311) After Jan. 1, 1985: 1st refusal-revoca- tion for 1 year (Mandatory) 2nd refusal (w/n 5 yrs)-revocation for 2 yrs (Mandatory) (Section 4 of H.R. 289, 1983)	--
WEST VIRGINIA	None	None			1st refusal-revoca- tion for 1 year 2nd refusal-revoca- tion for 10 years (5 years mandatory) 3rd refusal-revoca- tion for life (10 years mandatory) 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 consecutive hours*	Not more than 750**	--	--	} Yes-as an alternative to fine	
2nd and subsequent offenses (w/n 5 years)	7 days-1 year	7 days*	Not more than 1,500**	--	--		
2nd and subsequent DWI offense but offender has no license or because suspended or revoked Continued on page 3-292A	90 days-1 year	90 days *May be suspended only if jail would impose a risk to defendant's physical or mental well-being.	Not more than 1,500** **An additional amount equal to 25% of any fine is paid into a special fund for a statewide alcohol safety program.	200	--		§§9A.04.04(2) & 9A.20.03 See also §7.68-035 for offender supported victim compensation fund.
WEST VIRGINIA							
DWI resulting in death where there is reckless disregard of the safety of others*	1-3 years	--	1,000-3,000		--	--	
DWI resulting in death where there is negligence				} Yes 17C-5-2(1)			
1st offense	90 days-1 year	} See note p. 3-292B.	500-1,000				
2nd offense	6 months-1 year		1,000-3,000				
3rd and subsequent offenses*	1-3 years		3,000-5,000				
Continued on page 3-292A							

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 Vehicle assault (Drunk driving related injury) Class C felony Continued on page 3-293	Not more than 5 years	--	Not more than 10,000	--	--	Yes-as an alternative to fine §§9A.04.04(2) & 9A.20.03	--
	(Rev. Code of Wash. Ann. §§46.61.502, 504, and .515)						
WEST VIRGINIA DWI resulting in bodily injury where there is negligence 1st offense 2nd offense 3rd and subsequent offenses* DWI not related to death or bodily injury 1st offense Continued on page 3-292B	21 days** - 1 year 6 months - 1 year 1-3 years 1 day** - 6 months	** See note p. 3-292B	200-1,000 1,000-3,000 3,000-5,000 100-500		Yes 17C-5-2(1)		

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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
WEST VIRGINIA	2nd offense 6 months-1 year	} See note below. See Art. 11a; Ch. 62.	1,000-3,000	}	Yes 17C-5-2(1)		
3rd and subsequent offenses §17C-5-2	1-3 years		3,000-5,000				
<p>*Felony: All other DWI offenses are misdemeanors.</p> <p>**Actual confinement of not less than 24 hours.</p> <p>Note: The above sentences are mandatory (not subject to Court suspension or probation); see §17C-5.2(m).</p>							

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
WASHINGTON	Administrative Per Se at 0.10 BAC 1st Incident—Suspension for 90 days (30 days are mandatory)**		--	1st offense Suspension	Not less than 90 days	30 days**
Continued on page 3-293A						
WEST VIRGINIA	(Basis of action: A BAC of 0.10 or driving while under the influence) Admin. actions where there is a death and the driver has also acted in reckless disregard for the safety of others 1st action - 10 years revocation (5 years mandatory) 2nd action - Revocation for life (10 years mandatory)	--	--	None	None	None
Continued on page 3-293A				(Note: Mandatory license suspension/revocation provisions under previous law following a DWI conviction have been replaced by the provisions of the Administrative Per Se Law.)		

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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
WASHINGTON						
WEST VIRGINIA	<p>Admin. actions where there is no death or bodily injury:</p> <p>1st action - 6 months revocation (90 days mandatory)</p> <p>2nd action - 10 years revocation (5 years mandatory)</p> <p>3rd action - Revocation for life (10 years mandatory)</p> <p>Note: See Rehabilitation Section on page 3-294.</p>	<p>§17C-5A-2 and §17C-5A-3(a), (b), & (c)</p>				

Continued on page 3-294

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	
WASHINGTON							
1st offense	Yes	Yes		No	--	--	--
2nd and subsequent offense (w/n 5 years)	Yes	Yes					
	Note: Alcohol Education/Treatment Programs are required and are in addition to any other criminal/civil sanctions; see §46.61.515						
WEST VIRGINIA							
	Yes 17C-5A-3	See note below 17C-5A-3	Generally no, but there are some limited alternatives. See 17C-5A-3	No	--	--	--
	Note: After (1) the period of mandatory revocation has elapsed and (2) the driver has successfully completed an approved program of either alcohol education or alcohol treatment, his/her license may be reissued with or without conditions. For mandatory licensing actions, see the Administration Per Se column on pages 293 et seq.						

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		
WASHINGTON	Yes- Class B felony Where death is caused by the operation of a vehicle while under the influence of intoxicat- ing liquor or in a reckless manner. (Rev. Code of Wash. §§46.20.285, and 46.61.520)	Not more than 10 years	--	Not more than 20,000 (Under §9A.20.30, restitution may be authorized in lieu of a fine)	--	Revocation	2 years	2 years (Rev. Code of Washington §46.20.391 (Eff. 1/1/85))	--
WEST VIRGINIA	For details on DWI-death related incidents, see the Admin. Per Se column on p. 3-292 et seq. 17C-5A-2(1)		--						--

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 on page 3-292 above (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-6 months	48 hours	100-500	100	Either suspension or revocation	If license was originally suspended the license withdrawal would be equivalent to the original period of suspension. If license was revoked, 1 year extension of the original revocation.	Same
2nd offense	Misdemeanor 6 months-1 year	6 months	1,000-3,000	1,000			
3rd and subsequent offenses	Felony 1-3 years (Penitentiary)	1 year	3,000-5,000	1,000			
	17B-4-3(b)		17B-4-3(b)			17B-4-3(c)	

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)	
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 committed within a period of 360 days for this alternative 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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	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	21	21	No	Callan v. O'Neill, 578 P.2d 890 (1978)	--
WEST VIRGINIA	Yes 17C-5B-1	Yes	No	Yes (Adult Pedestrians)	19 For State residents 21 for out-of-state residents §§11-16-13 & 60-3-22	N/A	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 (For wine & beer)	30 days-6 months §§11-16-13(r) & 60-8-25(a)	25-500	Yes Suspended or revoked	Not specified in the statute §§11-16-15 & 60-8-18
	Misdemeanor (For liquor)	Not more than 1 year	100-500	Yes Suspended or revoked	§60-7-13(a) 1 year
	(Note: See generally §§11-16-13(b), 60-7-12(a)(3) & 60-8-20(c))				

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 (Rev. Code of Wash. Ann. §§66.24.010, 66.44.180, 66.44.270, 66.44.320, and 66.44.325)		Suspension or revocation	Not specified in the statute	Yes 66.44.100	This law provides that no person shall open a package containing liquor or consume liquor in a public place Note: Under §28 of H.B. 289 as enacted in 1983, it is a traffic infraction to have an open or unsealed container of an alcoholic beverage in the passenger compartment of a motor vehicle.
WEST VIRGINIA	Misdemeanor (For wine and beer)	30-days-6 months §§11-16-13(r) & 60-8-25(a)	25-500	Suspended or revoked	Not specified in the statute §§11-16-15 & 60-8-18	No	--
	Misdemeanor (For liquor)	Not more than 1 year	100-500	Suspended or revoked	1 year §60-7-13(a)		
	(Note: See generally §§11-16-13(b), 60-7-12(a)(3) & 60-8-20(c))						

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	Yes \$967.055 The Court must approve dismissals of or amendments to DWI charges.	Yes Wis. Stat. Ann. §343.305(9)(c)
WYOMING	Yes	Yes	--	No	No	No

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**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
WISCONSIN	None	None	-- (Wis. Stat. §343.303)	None	1st refusal - 6 month revocation; after 15 days of the revocation period, the driver is eligible for an occupational license. 2nd refusal and/or DWI offense conviction w/n 5 years - 1 year revocation; after 60 days of the revocation period, the driver is eligible for occupational license. 3rd and subsequent refusal and/or DWI offense conviction w/n 5 years - 2 years revocation; after 90 days of the revoca- tion period, the driver is eligible for an occupational license.	
WYOMING	N/A	N/A	N/A	None (Wyoming Stat. Ann. §31-6-102(a)(b))	Suspension for 30 days (Mandatory)	--

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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 DWI offenses							
1st offense	--	--	150-300	--	None	None	
2nd DWI offense or refusal w/n 5 years	5 days- 6 months	--	300-1,000	--			
3rd and subsequent offense or refusal w/n 5 years	30 days-1 year		600-2,000	--			
Injury related DWI offenses	30 days-1 year	--	300-2,000	--			
	(Wis. Stat. Ann. §§343.305, and 346.65)						
WYOMING							
1st offense	Misdemeanor 1-30 days	1 day	Not more than 200	--	--	--	--
2nd and subsequent offenses	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 DWI offenses*	No	No	Refusal to licensing agency after two or more DWI arrests; §343.16(2)			
1st offense					Suspension 3-6 months	
2nd offense					where there has been no previous refusals or DUI type offense conviction of any type within 5 years; a restricted license may be issued.	
3rd offense					Revocation 6 months-1 year	
Injury related DWI offenses	No	No		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
	(Wis. Stat. Ann. §§343.30, 343.31, 343.305, and 346.65)					
WYOMING						
1st offense	No	No	--	Suspension or revocation	90 days*	90 days
2nd offense	No	No	--	Suspension or revocation	6 months*	6 months
3rd offense	No	No	--	Revocation	1 year	Same
	(Wyoming Stat. Ann. §§31-7-123 to 31-7-135)					
					*It appears that a license could be suspended or revoked up to 1 year	

STATE	Sanctions Following a Conviction for a DWI Offense--Continued						
	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. §344.14 and for a conviction of driving while license is either suspended or revoked; see Wis. Stat. Ann. §343.44(4))	--
WYOMING	--	--	--	No	--	--	--

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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		
WISCONSIN	Yes-- Class E felony Death caused by operation of a vehicle with a high degree of negligence 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 2 years	--	Not more than 10,000	--	Revocation	1 year	A restricted license may be issued.	--
		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) (1) (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				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				Sanctions Following a Conviction of Driving While on Habitual Offender Status				
	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	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
WISCONSIN	Yes §351.1-.11	Four or more serious offenses or 12 or more normal moving violations w/5 years	5 years	--	90 days	--	Up to 1,000	--	--
WYOMING	No	--	--	--	--	--	--	--	--

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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 Ages Concerning Alcoholic Beverages			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) Sale/Purchase			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	18	18	No	--	--
					Applies to either possession or consumption in public places unless accompanied by a parent or guardian §§125.07(1) & 125.07(4)			(Wis. Stat. Ann. §176.35 repealed)		
WYOMING	Yes 20 §4935	Yes	No	No	19	19	N/A	No	McClellan v. Tottenhoff, 666 P. 2d. 408 (Wyo. 1983)	--
					Applies to possession in a public place; there are exemptions for either employment or by order of a parent §12-6-10(b)					

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
WISCONSIN	Misdemeanor	Not more than 60 days (Wis. Stat. Ann. §§125.07 and 125.12)	100-500	Revocation	12 months
WYOMING	--	-- (Wyoming Stat. Ann. §12-5-501 repealed)	--	--	--

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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)						