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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

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



## DIGEST OF STATE ALCOHOL-HIGHWAY SAFETY RELATED LEGISLATION

SECOND EDITION

August 1983

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

### P RE FACE

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 alcoholrelated 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 alcoholrelated 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

1-1

. 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 <u>per se</u>, 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

### FEE DBACK

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.

State	Legal Purchase/Sale Age For Alcoholic Beverages	PBT	Illegal Per Se and Level (%)	Presumptive and Level (%)	Administra- tive Per Se	Implied Consent (arrast required)13
ALABAMA	19		0.10	0.10		Yes
ALASKA	21	×	0.10		X	Yes
ARIZONA	19		0.10	0.10		Yes
AKKANSAS	21		0.10	1		Yes
CALIFORNIA	21		0.10	0.10		Yes
COLORADO	181.212		0.15	>0.5. 0.1011	X	řes
CONNECTICUT	20		(0.07-0.10)8	(0.10) <sup>9</sup>		Yes
DELAWARE	21	X	0.10	(0.10)9	X	No
DISTRICT OF COLUMBIA	181, 212		0.10	(0.05)9	X	Yes
FLORIDA	19	X	0.10	0.10		Yes
GEORGIA	19		0.12	0.10		Yes
HAWATI	18		0.10	T		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 <sub>6</sub>	0.13	0.10	X	Yes
KANSAS	181.212		1	(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 <sup>11</sup> ) <sup>9</sup>		Yes
MASSACHUSETTS	20			0.10		Yes
MICHIGAN	21	X	0.10	0.07. 0.1011		Yes
MINNESOTA	19	X	0.10	1	X	No
MISSISSIPPI	18 <sup>1</sup> . 21 <sup>2</sup>	X	0.10	1	(X) <sup>12</sup>	No
MISSOURI	21		0.10	(0.10)9	X	Yes
MONTANA	19		· 0.10	0.10		Yes
NEBRASKA	20	X	0.10	1		Yes
NEVADA	21	X	0.10	0.10	X	Yes
NEW HAMPSHIRE	20	X	U.10	(0.10)9		Yes
NEW JERSEY	21		0.10			Yes
NEW MEXICO	21		0.10	0.10		Yes
NEW YORK	19	x7	0.10	(0.08-0.10)9		Yes
NORTH CAROLINA	191; 212	X	0.10	T .	×	Yes
NORTH DAKOTA	21	X	0.10	1	X	Yes
OHIO	191, 212		0.10		(X) <sup>12</sup>	Yes

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State	Drinking Age	РВТ	illegal Per Se and Level (%)	Presumptive and Level (\$)	Administrative Per Se	Implied Consent (arrest required) <sup>13</sup>
OKLAHOMA	21		0.10	(0.10)9	X	Yes
OREGON	21	************	0.08	1	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, 213			0.10		Yes
SOUTH DAKOTA	18 <sup>1</sup> , 21	х —	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
Y IRGINIA	19, 214	X		0.10		Yes
WASHINGTON	21		0.10	0.10	X (Eff. 1/1/85)	Yes
WEST VIRGINIA	19 & 21	X		0.1010	X	Yes
WISCONSIN	18	X	0.10			Yes
WYOMING	19			(0.10)9		Yes
	21-19	23	0.08-2	>0,08-1	20	No-6
	20-6		0.10-36	0.10-23		Yes-46
TOTAL	19-13		0.12-1	0.10 Prima		
	18-5					
	Combination		0.13-1	Facte-12		
	18/21-6		0.15-1	} 1		
	19/21-3					

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

2-2

2. Fortified wine and distilled spirits

- by weight to 6% by volume) and unfortified wine
- 3. 18-beer & wine; 21-liquor
- 4. 19-beer; 21-wine & ligior
- 5. 19 for state residents; 21 for out-of-state residents
- related accident.
- 7. Limited to drivers involved in accidents

- 3. Infraction if BAC level is between these limits
- 9. BAC level or levels which indicate prima facte evidence
- 10. This state has both prima facle and presumptive evidence laws with BAC levels of 0.10
- 11. Lower of two numbers is driving while impaired (DWI); higher is driving while under the influence (DUI)
- 6. Applies only when there has been either an injury or death 12. Limited; see p.3-149 for details on Mississippi; see p.3-209 for details on Ohio
  - 13. All states have implied consent laws. This column identifies whether arrest is required to invoke implied consent.

			Community Services			
			(1st & 2nd	Mandatory		atory
State	Dram Shop	Open Container	Offenses)	Jail-1st Offense	Jail2nd or	Other Offens
ALABAMA	Statute		X			(
ALASKA	Statute			×		<
ARIZONA	Case Law	· • • • • • • • • • • • • • • • • • • •	X	X		<ul> <li></li> </ul>
ARKANSAS	No		X		· · · · · · · · · · · · · · · · · · ·	
CALIFORNIA	Statute	X	,		)	(
COLORADO	Statute	البري هره البوي بدركومره البرسري هزها هرهزهرها. ا	X	, , , , , , , , , , , , , , , , , , ,		(
CONNECTICUT	Statute	هه با اد درمرد رد. به ایرد بدرد، بر بر مرمون م 	ند ها مارموه، مواد ما «رمار»، ما ره اور» ا		م م. بر مرم مرم می مربع در این از <del>از ا</del> ر می (	,
DELAWARE	No	، ۵۰ مور هر او ادر شاهری شواط ۵۰ موجود کود. به موجود کرد.	د الدر با د افراد، مر مازمیشرمازشون ها ا -	د در به جرود از مرفق با ما مرمید ما ما مرمیمرمزد. در	م ه او د درمانه به را برم مازمونه ه مرد ۲	\$
DISTRICT OF COLUMBIA	Case law	ر که اندر هار کار این این این کیر کار کار به راید این اکثر کار کار کار کار کار کار کار کار کار	ه د ه ماهره موهره، مرمومره، د	راد به ۱۰ ادری دردود مراد مراد مراد مراد مراد مراد مراد مرا	ر در هر مرمز مرجوه اجراد بدر مرمز مزند در ا ا	
FLORIDA	Case law		X	, and the second of the second se	د در برد درد. در سرد برد ۲۰ . (	ана на казалана (
GEORGIA	No	و الا درم مردرد از از الا الا مرم مرد م	X	ار داده و از این از داده و <del>در هر در مربور مربور و مربور</del> ا	······································	ι
HAWALI	Case law	νια, απο τη	na natana ara kitu kitu na ara in X	ار این از این این این میشود میود میشود ها می از این این این این این این این این میشود میشود ها می	مان میلاند. میلاندهان م	
IDAHO	Case law	X			· · · · · · · · · · · · · · · · · · ·	(
ILLINOIS	Statute	X	X		ادر در در بر بر ۲۰۰۰ بر همویوند . (	
INDIANA	Case law	• • • • • • • • • • • • • • • • • • •	X			(
IOWA	Statute		*****	· · · · · · · · · · · · · · · · · · ·		; {
KANSAS	No	X	X	X	(	
KENTUCKY	Case law				· · · · · · · · · · · · · · · · · · ·	),
LOUISIANA	No	,	X	X	,	
MAINE	Statute			X	,	
MARYLAND	No	(Limited)	X			·
MASSACHUSETTS	Case law		X		· · · · · · · · · · · · · · · · · · ·	
MICHIGAN	Statute	X	X	*****	مستقاح ها بد سجا کا بر در ها ها م م <sup>ر ب</sup>	
MINNESOTA	Statute	X	X			
MISSISSIPPI	Case law		X			
MISSOURI	Case law		×*************************************			,
MONTANA	No	X		X	·>	
NEBRASKA	No					
NEVADA	No	مصب بردية هي الالالات		× • • • • • • • • • • • • • • • • • • •	ملاية مع يوم المعرو ما ما (	han an a
NEW HAMPSHIRE	No	الومانيات المحاج ماتوم توهير مرمان		• • • • • • • • • • • • • • • • • • •	· · · · · · · · · · · · · · · · · · ·	
NEW JERSEY	Case law		X			
NEW MEXICO	Case Jaw?	*****		*****	·>	
NEW YORK	Statute	*****************	****			
NORTH CAROLINA	Statute	Χ		×*****	····· · · · · · · · · · · · · · · · ·	
NORTH DAKOTA	Statute	X	Χ		·····	
OHIO	Statute			*****	·····	

State	Dram Shop	Open Container	Community Service	Mandatory Jall-1st Offence	Mandatory Jail2nd or Other Offense
OKLAHOMA	No	X	X		
OREGON	Statute	X	X		سینی و د ۱۳ کرکان و د و و پر از ۲۰ ما و د د از در مزمنیسی و.
PENNSYLANIA	Statute	,	X	יש האנים , אין אני אנייען אני און אניין אין אין אין און אני און אניישייש, און אני און אנייאין און אין און און א אין אוייין אין און און און און און און און און און או	X
PUERTO RICO	No	الماريية بالماحة علا عارية والعربية والموجد والماحة والماحة المراحة والم			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
RHODE I SLAND	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	×
WISCONSIN	No	X			
WYOMING	Case Law			X	Х
	Case law-16				······································
TOTAL	Statute -19	18	29	15	39
actions has been With statutory 11 The statute appli developing case 1 4. Limited to intoxi	specifically abro mitations on liab es specifically i aw as to other ty cated minors	ogated by legislation bility to actions of intoxi uppes of dram shop ac	n cated minors, bu itions	o other types of dram t the law does not for	reclose
*• A mandatory Impri DWI related injur *• The law appears t	y/accident			fon where Mera has be	aan a

ANALYSIS BY STATES-HIGH INTEREST LEGISLATION (Continued)

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		Basis for a DWI Charge		Chemica	I Breath Tests for BA	IC Level
			·····		the second s	Consent Law
STATE	Hiegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	PreiIminary Breath Test Lav	Arrest Required (Yes/No)	O <del>ther</del> Information
ALABAMA						
See: "Code of Alabama" Note: All laws of a general and	0 • 10 \$* 325 A191 (a) (1 )	0•108* 32-5A-194(b)(3)		No	Yes 32-5 - 192	
permañent nature were enacted by the Alabama Legislature through the 1983 Session of the Legislature.	*Note: Alabama consi to be an illegal per prohibits driving whi more alcohol in the b 32-5A-194 states that rebuttable presumptic DWI = Since 32-5A-194, it w inconsistent provisio	se law because it le there is 0.10% or lood. However, 0.10% BAC creates a n that the driver was (a)(1) was enacted ould supercede any				
ALASKA						
See Alaska statutes as amended through	Yes 0.10%	N/A		Yes	Yes	
the 1983 Legisla- tive Session (see especially H.B. 6 as enacted in 1983).	28 • 35 •0 30 (a) (2)			28 • 35 •0 31 (b)	28 • 35 •0 31	

<u>د</u>

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	Other Chemi Authorized	ical Tests For BAC Leve 1 Under Law (Implied Co	al Which Are Msent Law)	Adjudication of DNI Charges				
STATE	Blood	Urine	Other (Specify)	Mandatory Adjudication taw (Yes/No)	Anti-Piea Bargaining Statute (Yes/No)	Pre-Sentence Investigation La (PSI) (Yes/No)		
ALABAMA								
	Yes	Yes	"Other bodily substance"	No	No	No		
	32-5A-194(a)	32-5A-194(a)	32-5A-194(a)					
ALASKA		·						
	No	No		No	No	Yes 28,35,030(d)		
					Sec	ond Edition August		
			· .					

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and the second second

		Chemica	al Breath Test		
Refusai Criminai Sanctions (Fine/Jail)	To Take Preliminary Bre Administrative Licensing Action (Suspension/ Revocation)	oth Test Other	Refusal To 1 Oriminal Sanctions (Fine/Jail)	ake implied Consent ( Administrative Licensing Action (Suspension/ Revocation)	Chemical Test Other
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	
N/A	N/A		Not more than 1 year imprisonment and/or \$5,000 fine (sanctions vary for each separate offense and are the same as for DW1	less than a 90-day revocation 2nd Refusal or a 1st refusal where there has been a previous DWI convic- tion. Not less than a revocation for 1 year* Subsequent Refusal of 2 or more refusals of a combination there	here there has been or DWI conviction or of - Not less than
	Criminal Sanctions (Fine/Jaii) N/A	Criminal Sanctions (Fine/Jail) N/A N/A N/A	Chemica Refusel To Take Preliminary Breath Test Administrative Criminal Licensing Action Sanctions (Suspension/ (Fine/Jail) Revocation) Other N/A N/A N/A N/A	Chemical Breath Test       Refusal To Take Preliminary Breath Test       Refusal To Take Preliminary Breath Test     Refusal To       Administrative     Criminal       Sanctions     Criminal       Sanctions     Criminal       N/A     N/A       N/A     N/A	Refusal To Take Preliminary Breath Test     Refusal To Take Implied Consent ( Administrative Licensing Action (Suspension/ (Fine/Jali)       N/A     Licensing Action (Suspension/ Revocation)     Criminal Sanctions (Fine/Jali)     Administrative Licensing Action (Suspension/ Revocation)       N/A     N/A     N/A     None     Ist Refusal- Suspension-90 days 2nd Refusal (W/n 5 years) Suspension-1 year       N/A     N/A     N/A     None     Ist Refusal- Suspension-90 days       N/A     N/A     N/A     None     Ist Refusal- Suspension-90 days       N/A     N/A      Class A misdemeanor- Not more than 1 year Iss than a So-day revocation     Ist Refusal- Not more than 1 year Iss than a so-day revocation

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· · · · · · · · · · · · · · · · · · ·			Sanctions Folic	wing a Convicti	on for a DWI Offense	)		
STATE				Criminal Sanctions				
STATE	Impri	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	<sup>`</sup>		Special Note: under Act 83-508, a		
2nd offense (w/n5 years) 32–5A–191(d)	Not more than 1 year	49 consecutive hours*	500-2 <b>,</b> 500		Not less than 20 days*	defendant may be required to pay restitution to a victim (or a victim's represen-		
3rd or subsequent offenses (w/n 5 years) 32-5A-191(e)	60 days-1 year	60 days *The 20-day commu	1,000-5,000 nity service sam	ction may be us	ed as an alternative	tative) as a result of damages caused by the defendant's criminal behavior		
		to the 48-hour co					********	
ALASKA								
Class A Misdemeanor								
lst 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	30 consecutive days	Not more than 5,000	1,000				
	\$28.35.030							
	*Special Note: A p (This note also app	revious offense is c lies to Class A misd	onsidered to be emeanor offenses	either a previo for refusal to	us chemical test ref submit to a chemica	usal or a previous D   test; see \$28.25.0;	W1 conviction 32(f) & (2).	

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		Sanctions		rion for a DWI OffenseC	oatinued	
				Licensing Actions		- Ac+1
STATE	Administrative Per Se Law	I Conviction Licensing UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	I Conviction Licensi Term of License Withdrawai (Days, Months, Years, etc.)	Mandatory Minimu Term of Withdrawa
ALABAMA						
lst offense	No	No		Suspension	90 days	90 days
				32-5A-191(c)	32-5A-191(c)	
2nd offense	No	Yes		Revocation -	l year	l year
		UYC 6-205		32-5A-191(d)	32-5A-191 (d)	
3rd or subsequent offenses	No		,	Revocation	3 years	3 years
					32-5A-191 (0)	
ALASKA						
	Admin Per Se Law with a BAC of 0.10			Revocation	Special Note: The re and subsequent DWI of spectively the same	onvictions are re-
	lst ottense-revocatio 90 days (30 days mand hardship license may		÷		subsequent admin. pe	as for ist, zhu and or se of enses
	2nd offense (w/n 10 y not less than 1 year					
	Subsequent otfenses ( tion for not less tha	w/n 10 years)-revoca- n 10 years (mandatory)				
	\$\$28.15.165, 28.15.16	5 & 28-15-181 (c)		28.15.181 (c)		

	<b>1</b>			Other			
	<u> </u>	Rehabilitation			Impoundment/Confl	ecation	r
STATE	Aicohoi Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	· · · · · · · · · · · · · · · · · · ·	Terms Upon Which Vehicle Will be Released	Other	Miscellaneous Sanctions Not include Elsewhere
ALABAMA							
1st offense	Yes	Yes		No			
	32 <b>-</b> 5 Å-191 (c)	32-5A-191 (c)					
2nd offense							
3rd and subsequent offenses		<b></b> *					
ALASKA							
	Yes*	Yes*	No	Yes (See Special Note)		Special Note; The Court may order the forfei- ture of a driver's vehicle	
	*For any DWI conv dant must complet alcohol education treatment program feels is appropri defendant.	e either an or an alcohol that the Court				following either a DWI or chemical test refusal con- viction if they have had more than one such conviction; also, under \$28,35.038	
	\$28.35.030(c)	\$28.35.030(c)		§ 28 • 35 •0 36		municipalities may enact ordinan forfeit motor veh of local DWI/chem	ces to Impound Icles for violations Ical test refusal laws
	·!	·	<u></u>	- Artingtographic Court	l	· · · · · · · · · · · · · · · · · · ·	2nd Edition August 19

	Criminal		Sanctions				Other
			· · · · ·	Adatate	rative Licensin		01/10
es aw/ f laprisonment e (Term)	Mandatory Minimum Torm	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Torm of Licensing Withdrawal	Mandetory Action Nin. Length of License Withdrawal	
	[						
e By more than		Not less than 500 nor more than 2,000 (end/or Imprisonment)	500	Revocation	Not more than 1 year		
92				325 A 195 (j)(1)	32-5 A-195 (m)		
		_		vehicle homici discretionary tion of mansia	de statute, it, license revocat	nevertheiess, ion for 1 year	provides for for a convid
d	Not less than 1 year nor more than 1e" 5 years 192	Not less than 1 year nor more than 192	Not less than 1 year nor more than 1 years 1e" 192 Not less than 500 nor more than 2,000 (and/or ImprIsonment) 192	Not less than 1 year nor more than 5 years 192 Not less than 500 nor more than 2,000 (and/or Imprisonment)	Not less than 1 year nor more than 5 years 192 	Not less than 1 year nor more than 1 years Not less than 500 nor more than 2,000 (end/or Imprisonment) 192 Special Note: Even though th vehicle homicide statute, it, discretionary license revocation	Not less than 1 year nor more than 5 years     Not less than 500 nor more than 2,000 (and/or Impr Isonment)     500     Revocation     Not more than 1 year       192     32-5 A-195 (j)(1)     32-5 A-195 (m)

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		Other Cr	Iminal Actions	Related to Alco	ohol Use and Driving	Continued		
		Driving Whil	le License Suspe		Where the Basis Was	a DNI Offense		
STATE		Criminal	·····	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	
ALABAMA								
	(Misdemeanor) not more than 190 days (and/or fine)		Not less than 100 nor more than 500 (and/or Imprisonment)	25	Revocation (At the discretion of the director of public safety)	An additional period of 6 months		
	32 <del>-6</del> -19		32-6-19		32-6-19	32-6-19		
ALASKA								
	Not less than 90 days	90 days	Not less than 1,000		Revocation 28+15+291	Original suspension or revocation extended 1 year		
	28 • 15 • 29 1							
		· ·						

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		· ·			itual Offender	Laws				
			Term of	Type of Criminal	Sanctions Following a Conviction of Driving While on Habitual Offender Status					
STATE	State Has Such a Law (Yes/No)	Grounds for Revocation Ch Being While Under Driv Declared an Habitual on W Habitual Offender O		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									
: .										
									:	

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	STATE	Pe State	rsons Killed BAC Chemic	Chemical Test in Traffic Cr al Test is Gi blowing Perso	ashes		stablishing th erning Alcohol		Deam Sh		
	STATE				un de dhe			IC Devel byes		op Laws and Related Legal	Actions
	ALABAMA			i towing ref SC					State	"Dram Shop Law" Concept Has Been Adopted via a	
		Has Such A Law (Yes/No)	Driver	Vehicie Passengers	Pedestrians	Minimum Age (Years) Sale/ Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	Has a Dram Shop Law (Yes/No)	Change to the Common Law Rule by Action of This Highest Court of Record In the State (Give the Case Citation)	Other
	ALABAMA										
		No*			·	19 \$\$28-3A-2 28-3A-25(	19 (18), 28-3A-18 19)	19 , 28-3A-25 8	Yas	No	
		however, 344 So. 2	in Lankford v d 515 (Ala., law were deem	ded for by s Redwing Car 1977) the pro led to have ap	riers, inc. pulsions of				1980s, th committed	ecause of new legislation is law may be limited to a by intoxicated minors or ed in dry counties.)	cts
	ALASKA		<u></u>								
		No			-	21	21 (There are ex for parents/p furnishing ai beverages to	hysicians coholic	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 ledislature in	
						<b>\$\$04.</b> 16.5	0, .51 & .52			1980 <b>.</b>	

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		Other State Laws Related	to Alcohol Use and DrivingCo	ntinued	
	Criminal Action Agai Alcoho	Inst Owner or Employees of Est blic Beverages to Intoxicated (	ablishments That Serve Patrons	of Establis	tive Actions Against Owners shments That Serve Alcoholi is to Intoxicated Patrons
STATE	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
ALABAMA				1	
-	Note: This type of criminal offense was repealed by 1980 legislation.				
ALASKA					
	Class A misdemeanor	Not more than 1 year	Not more than 5,000	Yes	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			04.16.180	04.16.180

			Other Sta	te Laws Related to Alc	cohol Use and Driving-	Continued		
STATE	Employees o Alcoholic Ber Alcoholic Ber	Actions Against f Establishments verages or the N verage to Those Imum Legal Drink	That Serve Irong Type of Persons Under	Establishments Th Beverages or the Wro Beverage to Those	ons Against Owners of nat Serve Alcoholic ong Type of Alcoholic Persons Under the 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*	l year	No	-	
2nd offense 28-3A-b(1&2)	Misdemeanor	3-6 months	100-1,000	Revocation	l year			
3rd offense	Misdemeanor	6-12 months	100-1,000	Revocation	1 year			
28-3A-b(1 and 2)				*(Suspension or revoc more than \$1,000 may of suspension or revo	be authorized in lieu			
ALASKA								
	Class A misdemeanor	Not more than i year	Not more than 5,000	Yes	1st conviction 45-day suspension	No		
	04.16.180			04.16.180	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.			

	В	asis for a DWI Charge	)	Chemi ca	I Breath Tests for BA	C Level
STATE	lliegal Per Se	Presumption		Proliminary Breath Test	Arrest	onsent Law Other
	Law (BAC Level)	(BAC Level)	Other	Law	Required (Yes/No)	Information
ARIZONA						
See: Arizona Revised Statutes	0.10≴	0 <b>. 10</b> \$	·	No	Yes	
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	<b>\$28−692</b>	\$28 <b>-69</b> 2		-	\$28 <del>-</del> 692	
ARKANSAS See: Arkansas Statutes 1947, 1979, 1981 Cum. Supp. (current	0,10%			No	Yes	
hrough 1981 Regular Session; Act 549, 1983); and H.B. 913 (1983) as enacted	(§316 of Act 549, 1983)					

1		cal Tests For BAC Leve Under Law (implied Co		Ad	udication of DWI Char	ges
STATE	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Ant1-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 arrest offense shall be trie or plead to such char charges shall be redu 1983).	d on such charges ges and no such	Yes (§6 of Act 549, 1983)

				al To Submit to a BAC Breath Test		
STATE	Refusal	To Take Preliminary Bre	ath Test	Refusal To	Take Implied Consent (	Chemical Test
	Criminal Sanctions (Fine/Jaii)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
ARIZONA						
	N/A			None	12 month suspension (Mandatory)	May be required to attend and successfully complete a driver training course
					<b>§28-</b> 691	\$28-446
ARKANSAS			<del></del>			
	N/A	N/A	N/A	Коле	Suspension for not less than 6 months	<b></b>
					Suspension for not less than 1 year for a subsequent refusal within 3 years	
• • •			· ·		(§75-1045; §11 Act 549, 1983) (Mandatory)	
1				1	· . ·	

· · · · · · · · · · · · · · · · · · ·	l		Sanctions Follo		on for a DWI Offense		
				Criminal Sanci	lons		
STATE	Impri	sonment	FI			Other Penalties	
	Term (Day, Months, Years, Etc.)	Mendatory 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	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 .	50 days	Not more than 1,000	500		physical injury or economic loss of the victim, the Court may order that all or any	
3rd offense (w/n 60 months) Class 5 felony	2 years	6 months	Not more than 150,000*			fine imposed be allocated as	
·	\$28-692-01	(Note: See	\$28-692.01		<b>§28-692</b> ∎01	restitution to be	\$28.446
		\$28-692.01(H) where a defendant may serve the term on a part-time basis for employment	*§13-801		**May be used in addition to or as an alternate for imprisonment	paid by the defendant §13-803	
		purposes)					
ARKANSAS					·		
	1st offense <del>"</del> 24 hours-1 year	(Note: The minimum sentence may not	1st offense 150-1,000		Yes**		
	2nd offense*	be mandatory due to the suspended	2nd offense				
	(w/n 3 years) 7 days-1 year	sentence and/or probation provisions of	(w/n 5 years)* 400-3,000				
	3rd offense*	\$\$41-108 and 43-	3rd and subse-				
	(w/n 3 years) 90 days—1 year	2331: these provisions may apply notwith-	quent offenses (w/n5 years) 900-5,000				
	4th & subsequent offenses	standing 19 of Act 549, 1983.)			<b></b>		
	(w/n 3 years)* 1-6 years		(Note: There i Court cost of \$ person pleading	250 for any	**Public service in lieu of imprisonment		
	See special note on page 3-18.		contendere or w guiity of DWI.)	no is found	····p· · · · · · · · · · · · · · · · ·		

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1		· · · · · · · · · · · · · · · · · · ·	Administrative	Licensing Actions				
STATE	Pro-DW	I Conviction Licensing			Post-DWI Conviction Licensing Action			
	Administrative Per Se Law	UVC Type of Provisions	Oth <del>or</del>	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawai		
ARIZONA								
1st offense	No	Yes		Suspension	Not less than 90 days	(37) days*)		
2nd offense	No	Yes		Revocation	Not less than 1 year	1 year		
3rd offense	No	Yes						
				\$\$28-445;28-443 & 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								
ist offense	No	No		Suspension	At least 90 days	90 days		
2nd offense*	No	No		Suspension	At least i 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 DW1 offense				(Note: The section offenders was specif	allowing for restricte Ically repealed by 118	d licenses for DWI (h) of Act 549, 1983)		

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	·····		Sanctions Following		a DWI UttenseCon	TINUED	
	<u></u>			Other	Impoundment/Confi		r
STATE	Alcohol Education	Alcohoi Treatment	Aicohol Educa- tion/Treatment as an Aiternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	0ther	Miscellaneous Sanctions Not included Elsewhere
ARIZONA							
1st offense	Yes			No			
2nd offense		Yes		No			
3rd offense		Yes		No			
ARKANSAS							
1st offense	Yes	Yes	Note: Either an alcohol education	Yes			all be impounded for 90 has been arrested for
2nd offense	Yes	Yes	or alcohol treat- ment program must			driving while sus	pended or revoked islon or revocation was
3rd offense	Yes	Yes	be completed before either a				ol offense conviction.
4th and/or subsequent offenses	Yes	Yes	suspended or a revoked license can be reinstated (Sec. 7 Act 549, 1983)			§15, Act 549, 1983	

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 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 the fine sanction, the sanctions listed apply for any of the listed subsequent 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.

	J	Homicide by Vehicle										
STATE		Sanctions Criminal Sanctions Administrative Licensing Actions										
	State Has Such a Law/ Type of Offense	imprisonment (Term)	Mandatory Minimum Termi	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					* *Note: Licens any homicide r of a motor veh	* §28-445 e revocation fo esulting from t icle.	* or 1 year for the operation	Note: See Restitution column on p. 3-16.			
ARKANSAS	Negligent homicide Death based	Not more than 1 year		100-1,000		Revocation	1 year	I year				
	on reckless or wanton dlsregard of the safety of others (Ark. Stat. Ann. \$75-1001)											

STATE			e cicense suspe	Sanctions	Where the Basis Was	a Del Offense	
JINIE	}	Griminal			istrative Licensing A	ctions	
	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	Nandatory Term of License Withdrawai Action
ARIZONA							
1st offense	10 days-6 months	48 hours	100-300		For driving while suspended	Equal to original suspension period	Same
					For driving while revoked	l additional year of revocation	Same
2nd or subsequent offense	Class 5 felony if convicted of DUI offense and driving while suspended or revoked	6 months			Same as above		
	\$28-692.02 \$28-473	\$28-269 <b>.</b> 02			§28-473	\$28-473	
ARKANSAS							
	Misdemeanor 2 days-6 months	10 days if suspension or revocation based on a DWI charge	Not more than 500		if based on suspension, suspension	Original suspension period extends a like period	Same
	(Ark. Stat. Ann § and §14 of Act 54	§ 75-341, 75-1029.1,	75 <del>-</del> 1053		If based on revocation, revocation	Original period of revocation extended 1 year	Same

	I		Other Crim	nal Actions Rel	ated to Alcohol	Use and Drivin	gContinued			
					Itual Offender					
				Type of Criminal Offense if Convicted on Charges of Driving While c.a Habitual Offender Status	Sanctions Following a Conviction of Driving While on Habitual Offender Status					
STATE	State Has Such a Law (Yes/No)	Grounds for Being Deciared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status		Imprisonment (Term)	Mandatory Ninimum Term Of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)	
ARIZONA									·	
	No					<u> </u>				
7										
ARKANSAS										
	No									

· · · · · · · · · · · · · · · · · · ·	Other State Laws Related to Alcohol Use and Driving											
	Laws R Pe	equiring BAC rsons Killed	Chemical Test in Traffic Cr	Laws Establishing the Minimum Ages Concerning Alcoholic Beverages			Dram Shop Laws and Related Legal Actions					
STATE		BAC Chemical Test is Given to the Following Persons						State	"Dram Shop Law" Concept Has Been Adopted via a			
	State Has Such A Law (Yes/No)	Driver	Vehicle Passengers	Pedestrians	Minimum Age (Years) Sale/ Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	Has a Dram Shop Law (Yes/No)	Change to the Common Law Rule by Action of This Highest Court of Record In the State (Give the Case Citation)	Other		
ARIZONA												
	Yes	Yes ∳28–691 (c)	No		19	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)			
					(4-101(20	) & 4-244(9)						
ARKANSAS					21	21	N/A	No	No			
					<u>∮</u> 48–90 3	& §48-903∙1						
			,									

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	Other State Laws Related to Alcohol Use and DrivingContinued									
	Criminal Action Agai Alcoho	Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons								
STATE	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			Yəs	Length of term not fixed					
	First two convictions	30 days-6 months	100-300	Revoked						
	Subsequent convictions	30 days-1 year	100-1,000							
		§4-246	§4-246	\$4-210						
ARKANSAS										
st offense	Misdemeanor		100250	Revocation	Not specified in the					
2nd and Subsequent Offenses	Misdemeanor	6 months-1 year	250-500		statute					
	(Ark, Stat, Ann, 55 48-529	, 48-901, 48-902, 48-933)								
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			Other Sta	ate Laws Related to Ald	cohol Use and Driving-	Continued		
STATE	Employees of Alcoholic Bey Alcoholic Bey	Actions Against FEstablishments Verages or the W Verage to Those Imum Legal Drink	That Serve rong Type of Persons Under	Establishments Ti Beverages or the Wro Beverage to Those	ons Against Owners of hat Serve Alcoholic ong Type of Alcoholic Persons Under the Drinking Age	Laws Prohibiting the Possession of Open Containers of Alcoholic Baverages 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 flrst two convictions	30 days 6 months	100-300	Yes Revoked	Length of term not flxed			
	Subsequent convictions	30 days 1 year	100-1,000			No	***	
	\$4-241 (AZ \$4-246)	§4-246	§4-246	\$4-210				
ARKANSAS								
1st offense	Misdemeanor		100-250	Revocation	Not specified in the statute (but see Ark, Stat, Ann, §48–525)	No		
2nd and subsequent offenses	Misdemeanor	6 months- Iyear	250-500					
	(Ark. Sta	t. Ann §§ 48-52	4, 48-901, 48-	902, and 48-903)				

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				Implied C	onsert Law
illegal Per Se Law (BAC Level)	Presumption (BAC Lovel)	Other	Preilminary Breath Test Law	Arrest Required (Yes/No)	O <del>ther</del> Information
0 • 10\$ Veh • \$\$23152(b) and 23153(b)	0.10\$ Veh. \$23155(3)		No	Yes Vəh. §13353	
			- <del> </del>		
0.15%	>0.05≴ (Driving while		No	Yes	
	impaired)				
	(Driving under the influence)				
\$42-4-1202(1.5)(a)	542-4-1202(1)(a) & (b)				
1	0.10 <b>%</b> Veh. §§23152(b) and 23153(b) 0.15%	0.10\$ 0.10\$ Veh. §§23152(b) and 23153(b) Veh. §23155(3) 0.15\$ ×0.05\$ (Driving while impeired) 0.10\$ (Driving under the influence) §42-4-1202(1,5)(a) §42-4-1202(1)(a)	0.10% 0.10% Veh. §§23152(b) and 23153(b) Veh. §23155(3) 0.15% x0.05% (Driving while imps ired) 0.10% (Driving under the influence) §42-4-1202(1.5)(a) §42-4-1202(1)(a)	11 legal Per Se Law (BAC Level)         Presumption (BAC Level)         Breath Test Law           0.10\$         0.10\$          No           Veh. \$123152(b) and 23153(b)         Veh. \$23155 (3)          No           0.15\$         Xo.05\$          No	I legal Per Se Lew (BAC Level)         Presumption (EAC Level)         Other         Breath Test Lew         Required (Yes/No)           0.10%         0.10%          No         Yes           Veh. \$523152(b) and 23153(b)         Veh. \$23155(3)          No         Yes           0.10%         0.10%          No         Yes           0.10%         0.10%          No         Yes           Veh. \$523152(b) and 23153(b)         Veh. \$23155(3)          No         Yes           0.15%         x0.05%          No         Yes           (Driving while impered)          No         Yes           (Driving under the infilience)         (Driving under the infilience)          No         Yes

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		Other Chemi Authorized	cal Tests For BAC Leve Under Law (Implied Co	1 Which Are nsent Law)	Adj	udication of DWI Char	
10-11-11-11-11-11-11-11-11-11-11-11-11-1	STATE	Blood	Urine	Oth <del>er</del> (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
	CALIFORNIA						
		Yes	Yes		No	No	No
		Veh. §13353	Veh. §13353				
		-					
				· . · · ·			
3 7 7							<u></u>
	COLORADO	u.	.,	8-11			<b>N</b> .
		Yes	Yes	Saliva	No	No	Yes
		<b>§42-4-1202</b>				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	
						facle case on original case	
						\$42-4-1202(3.7)	
ŧ			· · · · · · · · · · · · · · · · · · ·	<u> </u>		I	2nd Edition August 198

1				I To Submit to a BAC reath Test					
STATE	Refusal	To Take Preliminary Bre	ath Test	Refusal To Take Implied Consent Chemical Test					
	Criminal Sanctions (Fine/Jall)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other			
CALIFORNIA									
	N/A		_	No	refuses after hav	No 1 year If a person ing been convicted r reckless driving years of the date			
						atory)			
						\$13353			
			-	 					
COLORADO	N⁄A	N/A		None	Revocation 1st9 months 2nd and subsequent (w/n 5 years) 12 months	Special Note: It appears that these license revocations for chemical test refusals are mandatory			
					\$42-4-1202(e)				

**`** 

		······	Sanctions Follo	wing a Convicti	on for a DWI Offens	<del>, , , , , , , , , , , , , , , , , , , </del>	······································
		······································	· · · · · · · · · · · · · · · · · · ·	Criminal Sanct	lons	· · · · · · · · · · · · · · · · · · ·	
STATE	Impri	sonment	FI	ne		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/n5 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, e† 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		52-1.04 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 3-29	BA						

			Sancrions Foria	Criminal Sanct	on for a DWI Offense	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
STATE	ImprI	sonment	FI	ne		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimus: Term	Amouns <sup>.</sup> (\$ Range)	Mandatory Minimm Fine (\$)	Community Servic <del>o</del>	Restitution (e•g•, Victim's Fund)	Gther	
CALIFORNIA					*			
4th and subse- quent offensas (w/n 5 years)	180 days - I year	180 days	390 - 1,000	390				
Yeh. \$\$23152 and 23153	are dete related) has had related and rece	rmined by the most r regardless of wheth two (2) prior non-in DWI offense (all off lives the sanctions l ment (1 year minumum	recent type of all her the prior off hjury/death relat fenses having occ listed for injury	cohol offense c fense conviction hed DWI offense cured within a 5 v/death related	iven an offender for conviction (1.00, whe (s) was (were) of th convictions and ther -year period), the c offenses. Such sanc \$5,000 (\$390 minimu	other it is or is not at type. For example reafter is convicted driver is sentenced a stions are as follows	injury/death e, if a driver of an injury/dea as a third offende :: 2-4 years	
COLORADO								
niving while		*See treatment.	§42-4-1201					
st offense	2 days-180 days	No*	100-500	No	24-48 hours (24 hours mandatory)			
st offense – but where there has been w/n 5 years n conviction for driving while under the influ- ence offense	70 days⊷1 year	7 days*	450-1,200		56-112 hours (56 hours mandatory)			
		5 days*	300-1,000	No	48-96 hours			

3-28A

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				Licensing Actions				
STATE	Pre-DWI	Conviction Licensing	g Action		DWI Conviction Licensing Action			
	Administrative Par 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 Withdrawai		
CALIFORNIA	1							
1st offense	No		-	Suspension (Veh₊∮23161)	6 months	*		
lf injury/death	No			Suspension (Veh. §23181(a))	1 year	t year		
2nd offense	No			Suspension (Veh. §23161(b)(3))	t year	·*		
lf injury/death	No			Revocation	3 years	i year suspension**		
3rd offense	No			Revocation (Veh.§23171(a))	3 years	3 years		
lf injury/death	No	**		Revocation (Veh. §23191(a))	5 years	5 years		
				Veh. §13352	Veh.∮13352			
Continued on page 3-29A				driving restri **1 year suspens	eges are to be restri ctions are based on p ion and 2 years restr the Court grants prob	robation. Icted driving		
COLORADO								
	Note: Admin Per Se with a BAC Level of 0.15; the period of license revoca- tions is a mandatory period of 1 year			Driving while under the influence and illegal per se ist offense- Suspension	Not less than 1 year \$42-2-123(8.5)	*		
Continued on				Driving while impaired- ist offense**		**		
page 3-29A	542-2-122-1			1				

and the second second

		****	Sanctions		tion for a DWI Offense-C	ontinued	·····
	STATE	Dec BM			Licensing Actions		
	SIAIE	Administrative Per Se Law	Conviction Licensing UVC Type of Provisions	Other	Post⇒Dw Type of Licensing Action (Suspension/ Revocation)	Conviction Licensir Term of License Withdrawai (Days, Months, Years, etc.)	g Action Mandatory Minimum Term of Withdrawai
	CALIFORNIA						
	4th and subse- quent offenses	No	-		Revocation (Veh: \$23175)	4 years	4 years
	continued on				Veh. §13352	Veh. §13352	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
1	page 30	****		1 <b>2/</b>			whichever is longer
	COLORADO				A conviction for		
ب			}		either an impaired, under the influence.		
3-29A			(		or illegal per se		
A					offense where there has been a previous		
			Ì		alcohol driving offense convictions		
					of any type w/n a 5-year period-	·	
					Revocation (42-2-122(1)(g) & 42-2-124(2))	1 year	1 year
					A conviction for eith lilegal par se infiu there has been two p convictions of any t	ence or filegal ner s revious alcohol drivi	e offense where
					Revocation	Indefinite period	2 years
					(\$42-2-122(1)(1))	per rod	
					* A probationary-restr of employment/alcohol		
					##8 points placed on accumulation of either 24 months results in year, but a probations 42-2-123(1)(a), (5) &	12 points in 12 mon license suspension fo ary-restricted licens	ths or 18 points in r not more than one

;	1		the second s				
	·	Rehabilitation		Vehicle	Impoundment/Confl	scation	
STATE	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	Miscellaneous Sanctions Not Include Elsewhere
CALIFORNIA							
	Probation usually alcohol education treatment for any conviction. See et seq.	or alcohol /DWI offense		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: ist offense- 2nd and subsequent offense- Veh	6 months impoundment 12 months impoundment • \$14602
COLORADO							
	defendant has pre evaluation and sa of level 1 or lev	) t may suspend mand sentence alcohol a stisfactorily comp /el li program. Tr the influence and	and drug letes obligation his applies to	No			·
	mandatory minimum suspended if defe alcohol and drug level II alcohol treatment program for 1 year. This	t offensethe diff and stated minumu endant receives a p evaluation; comple driving safety cou n; and abstains fro also applies to i legal per se offer	um may be presentence stes a level 1 or urse and alcohol um alcohol use Impaired, under the				- -

· · · · · · · · · · · · · · · · · · ·			Other	Criminal Action	s Related to Al	cohol Use and D	Driving	·····	<u> </u>
			· · · · ·	Ho	micide by Vehic	le			
					Sanctions				Other
STATE		· · · · · · · · · · · · · · · · · · ·	Criminal	Sanctions		Administ	trative Licensin	g Actions	
	State Has Such a Law/ Type of Offense	Imprisonment (Term)	Nandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawai	Mandatory Action Min. Length of License Withdrawal	
CALIFORNIA									
California Penal Code §§192 and 193	Yes Death caused by negligent use of a motor vehicle	Up to 5 years depending on the severity/ type of negli- gence involved or	<b></b> 1			Revocation			
		lst90 days- 1 year	No	375-1,000	No		5 years for 3rd offense		
		2nd120 days- 1 year (within 5 years of DWI or ist vehicle homicide	No	375-1,000	No		510 0110050		
		conviction) 3rd2-4 yrs. (within 5 yrs of 2nd prior	No	1,000-5,000	No				
	Veh. §23153	conviction Veh. \$\$23180, 23185, 23190		Veh. §§23180, 23185, 23190		Veh. §13350	Veh. \$\$13352, 23190		
COLORADO									
	YesFelony	2-4 years			<b></b> ·	Revocation	1 year	1 year	
	(Colo. Rev. Stat. §18-3-106)								
	\$42-4-1201								

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		Other Cr	iminal Actions	Related to Alco	hol Use and Driving	Continued	
		Driving Whi	le License Suspe		Where the Basis Was i	a DWI Offense	
STATE		Criminal		Sanctions		Istrative Licensing A	-
	lmprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawa) 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	30 days (10 days)*	Not more than 1,000				
	Veh. §14601.2	* For a 2nd or sub- sequent offense w/n 7 but more than 5 years; see §14602.2(g)					
	(Note: See Other co	lumn under Vehlc∤e Im	poundment/Confi	scation on p. 3	-30•1		
COLORADO						****	atre a transformation à supération
1st offense	30 days-t year	30 days	500-1,000		Revocation	4 years	4 years
2nd and subsequent offenses	90 days-2 years	90 days	500-3,000				
	42-2-1 30					42-2-130	42-2-1 30
	1				1		

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				Hab	Itual Offender	Laws			
				Type of Criminal		Sanctions Foll While on	owing a Convict Habitua! Offend	ion of Driving er 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	Offense if Convicted on Charges of Driving While on Habitual Offender Status	imprisonment (Term)	Mandatory Minlanam Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
CALIFORNIA				· · ·					
	No	-							
COLORADO	<u>↓∽∞₽₩∼₽₩₩₽₽₩₩</u>								
	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	Revocation for 5 years	Felony	1-2 years				
		5 years			ļ				

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		equiring BAC rsons Killed				stablishing 1 erning Alcoho	he Minimum lic Beverages		op Laws and Related Legal	Actions
STATE			al Test is Gi lowing Perso		MI - 1			State Has a	"Dram Shop Law" Concept Has Been Adopted via a	
	State Has Such A Law (Yes/No)	D <del>r</del> iver	Vehic∤e Passengers	Pedestrians	Minimum Age (Years) Sale/ Purchase	Minimum Age (Years) Possession	Min <b>imum</b> Age (Years) Consumption	nasa Dram Shop Law (Yes/No)	Change to the Common Law Rule by Action of This Highest Court of Record In the State (Give the Case Citation)	Other
CALIFORNIA										
	Yes	Yes Veh. §13353	lmpiled Veh.∳13353	lmplied Veh.§13353	21 Bus. & Pr	21 (Possession under 21 legal if minor is acting via a parent's order) of. Code \$\$25	21 (This applies only to consump- tion on the premises of licensed estabilsh- ments) 658 & 25662	Yes- But limited to the serving of alcoholic beverages to intoxica- ted 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	. 18 for	NZA	Yes	No	
					3.2% been 21 for all other alcoholic beverages	3.2% beer 21 for all other alcoholic beverages (applies to possession in public places and motor vehicles)		13-21-103		
					\$\$12-46-1	12 & 12-47-12	3			

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		Other State Laws Related t	o meeter bae and birtring o	the second s	
	Criminal Action Aga Alcoh	inst Owner or Employees of Esta polic Beverages to intoxicated P	blishments That Serve atrons	Administrat of Establis Beverage	live Actions Against Owners imments That Serve Alcoholic is to intoxicated Patrons
STATE	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	Not more than 6 months	Not more than 500	Yes	Length of term not fixed
	(Bus, & Prof, Code §25602)	(Bus, & Prof. Code \$25617)		Suspension or revocation	
COLORADO					
lst offense	Misdemeanor		100-500	Suspension or	6 months
2nd and subsequent	Misdemeanor		100-500	revocation	
offenses	12-46-114	12-46-114	(\$100 of the fine is mandatory)	12-47-110	
				ł	
				{	

			Other Sta	te Laws Related to Alc	ohol Use and Driving-	Continued		
STATE	Employees of Alcoholic Bey Alcoholic Bey	Actions Against Establishments Verages or the W Verage to Those Mum Legal Drink	That Serve rong Type of Persons Under	Establishments Th Severages or the Wro Beverage to Those	ns Against Owners of at Serve Alcoholic ng Type of Alcoholic Persons Under the 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 Withdrawai	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed	
CAL I FORN IA	Misdemeanor (Bus. & Prof. Code \$25658)	Not more than 6 months	Not more than 500	YesSuspension or revocation	Length of term not tixed	Yes Veh. \$\$23222, 23223		
COLORADO 1st offense	Misdemeanor		100-500	Suspension or revocation	6 months	No		
2nd and subsequent offenses	Misdemeanor 12-46-114		100-500 (\$100 fine is mandatory)	12-47-110	12-47-110			
	12-40-114	Z=40=    4		12-47-110	1∠-4/-11U			

en. E - p Second Edition August 1983

		Basis for a DWI Charge	)(	Chenica	I Breath Tests for B	AC Level
н		•	4		ليرهد المحالة والمتحد فتنبيه المتحد والمتحد والمتحد والمتحد والمتحد والمتحد والمتحد والمحال والمحال والمحال وال	Consent Law
STATE	iilegal Per Se Law (BAC Level)	Presumption (BAC Level)	Oth <del>er</del>	Preliminary Breath Test 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 if more than 0.07% but less than 0.10% consti- tutes evidence of alcohol impairment	No	Yes 14-227b	
			14-227a(d)(3) makes a BAC of 0.10\$ prima facle evidence that the defendant was under the influence of intoxicating liquor.			
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 ilquor 11 \$3505	Yes 21 §2741	Probably not 21 §2740 21 §2742(e)	

	Other Chemi Authorized	cal Tests For BAC Level Under Law (implied Cor	Which Are sent Law)	Ad,	Adjudication of DWI Charges			
STATE	Blood	Urtne	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Piea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)		
CONNECTICUT								
	Yes	Yes		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 dis- missed 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".)		
	14-227(d)	14-227(d)						
DELAWARE	an ann an Sana							
	Yes 21 \$2740	Yes 21 §2740		No	No	No		

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				al To Submit to a BAC Breath Test	······		
STATE	Refusal	To Take Preliminary Br	eath 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	
CONNECTIOUF Continued on page 3-39A	N/A	N/A	N/A	None	list refusal- Suspension tor 6 months 2nd refusal- Suspension tor 1 year" Subsequent refusal- Suspension tor 3 years"* (These license suspensions are mandatory) 14-227b(f)	Special Note: If a driver retuses to submit to the chemi- cal test, the police dept. holds their license for 24 hours. "This 1-year suspen- sion would also apply to a 157 refusal where there has been a previous DWI offense conviction. (See page 39A)	
DELAWARE	N/A	N/A		None	(Note: A conditional nardship license may be issued if certain limited conditions are meta) 2nd18 months 3rd24 months (Note: For a 2nd and driver would probable for a conditional he 21 §2741	3rd refusal, the	

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 I			Sanctions for Refus Chemical	al To Submit to a BAC Breath Test				
STATE	Refusal	To Take Pretiminary Br	eath Test	Refusal To Take Implied Consent Chemical Test				
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Oth <del>er</del>	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.		
						2nd Edition August 194		

				Criminal Sancti	ons			
STATE	impr	isonment	F	ine		Other Penalties		
	Tarm (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other	
CONNECTICUT								
lst offense	Not more than 6 months		500-1,000		<u></u>	-		
2nd offense	Not more than I 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 уеаг	2,000-8,000			,	-	
alcohol infraction	None		Fine schedule the Courts;	determined by See \$51-164m		-		
Vehicle Assault- injury related DWI offense - Class D felony	Not more than 5 years		Not more than 5,000			-		
53a-60d								
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		<del></del>			
	21 \$4177(d)		21 §4177(d)					
	DWI offens: may not	r 21 §4177(f) a pers receive a suspended bits a Court from pl	sentence: howev	er, there is no s	specific			
							Edition August 1983	
						2110	Control August 1900	

		Sanctions	Following a Convictio	n for a DWI OffenseC	ontinued			
			Administrative L	Icensing Actions				
STATE	Pre-DW	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 Withdrawai (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawai		
CONVECTICUT			Special Note: The					
lst offense	No	No	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)	Suspens (on	6 months	6 months*		
2nd offense	No	No		Suspension	1 year	l year*		
3rd offense	No	No		Suspens ion	3 years	3 years*		
Continued on page 3-41A								
DELAWARE .			(Note: Licensing sanctions (Revoca- tion) under the Admin Per Se law are as follows;					
lst offense	Yes	Yes	lst offense 3 months;	Revocation	1 year	90 days*		
2nd offense (w/n 5 years)	Yes	Yes	2nd offense 1 year; and	Revocation	l year	l year**		
3rd or subsequent offense	Yes (Administrative	Yəs	3rd or subse- quent offense 18 months	Revocation	18 months	18 months**		
(w/n 5 years)	(Administrative action based on probable cause that a DWI offense has been committed.)		2nd, 3rd, and subse- quent offenses include implied consent violations as well as DWI offenses. 2nd, 3rd and subse-	21 54177A	21 <b>52742(c)</b>	*A conditional license may be issued after the first 90 days of the revocation period. **A conditional license may be issued		
Continued on page 3-42	21 §274?	21 §2733				after 6 months of the revocation period. 21 §4177c 2nd Edition August 198		

		Sanctions	Following a Conviction	on for a DWI OffenseC	continued	
			Administrative	licensing Actions		
STATE	Pre-Di	Il Conviction Licensing	Action	Post-Dw	I Conviction Licensin	g Action
	Administrative Per Se Law	UYC Typ <del>e</del> of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawai
CONNECTICUT						
4th and subsequent offenses				Revocation	Permanently	Permanenti y*
				1 <b>4-</b> 227a(h)		
Alcohol Infraction	No	No				
Vehicle Assault- DWI offense	Injury related			Suspension	1 year	1 year
	(*Note: The law does prohibit a Court from suspension periods.)	not specifically reducing these				
						ł

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1		S	anctions Following	a Conviction for	a DWI OftenseCon	tinu <b>ed</b>	
	-			Other			
		Rehabilitation		Vehicle	impoundment/Confi	scation	
STATE	Al cohol Education	Aicohoi Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Termes Upon Which Vehicle Will be Released	Other	Miscellaneous Sanctions Not included Elsewhere
CONNECTICUT						6	
lst offense	Yes	Yes	Yes	No			
2nd offense	Yes	Yes	Yes				
3rd offense	Yes	Yes	Yes				
4th and subsequent offenses	Yes	Yes					
	14-227a(k)	14-227a(k)					
DELIMARE						;	
For any DWI offense	Course of instruc rehabilitation re convicted persons their licenses/dr reinstated	quired for prior to having		No	-		
Subsequent offenses w/n 5 years of a first	established by tr for a time not to and pay a fee not maximum fine 21 \$	bilitation which thent treatment other programs as alning facility" exceed 15 months to exceed the 4177		registration (fo 1 year for a 2nd operator was ope	nt or surrender of r 90 days for a 1s offense) Is autho irating his/her veh e suspension or re e suspension or re e 21 §2756.	t offense and rized if vehicle icle while they	
	21 S Persons violating admin per se laws	4177D either the implie must complete an bilitation program	alcohol educa-				2nd Edition August 1983

				Но	micide by Vehic	le				
				Sanctions						
1			Criminai	Sanctions		Administ	trative Licensing Actions Mandatory		+	
Such a Type	ate Has h a Law/ ype of ftense	imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Action Min. Length of License Withdraval		
п										
	'Yes* sCfelony	Not more than 10 years	. <b></b>	Not more than 5,000		Suspension	l year			
slaug degre of hi opera he ca	ghter in t ee when in is intoxic									
53	3 <b>a-</b> 56b	53 <b>a-</b> 35		53a-41		53a-56b				
	Yes	7 years	No	As court sees	No	Revocation	3 years	3 years		
	lass E felony			fit .						
1 11	\$630	11 \$4205		11 \$4205	ļ	21 \$2732	21 \$2732	21 \$2732		
	000	11 94205		11 94205		21 32732	21 32732	21 32/32		

STATE		Driving Whil	e License Susp	ended or Revoked Sanctions	Where the Basis Was	a DW1 Offense		
SIAIE	<u></u>	Criminal		Sanctions	Administrative Licensing Actions			
	Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing	Length of Term of	Mandatory Term of License Withdrawa Action	
CONNECTICUT								
	Not more than 1 year	5 days	500-1,000		ist offense Suspension	Not less than 1 year		
-					Subsequent of fenses Suspension	Not less than 5 years	 (Note: See 14~111(k)	
					14-111(b)			
	14-215 (c)							
DELAWARE						┝╾╾╓╴╾┯╴╤╶╃╌ <del>╒╶╕╵╸╘╺╸╸╸╕╕</del> ┓╄╵ <b>╛</b> ╺┥	<del>ni wie zany fi fi kana any d</del> ik	
1st offense	30 days-6 months	(30 days*)	200-500	(500*)	Suspension or revocation	Original period of s revocation extended	uspension or by an equal amount	
2nd and subsequent offenses	60 days-1 year	(60 days*)	500-1,000	(500*)	Suspension or revocation			
	21 \$2756	21 \$2756	21 §2755	21 \$2756		21 \$2758		
		*These special sand revocation was bas similar offenses w	tions are mandu æd on vehicle i here alcohol u	tory where homicide, et al. se was involved.				
- )								

	<u> </u>		Other Crim		elated to Alcohol Use and Driving-Continued						
			[	Type of Criminal		Sanctions Foll	owing a Convict Habitual Offend	tion of Driving Jer Status			
STATE	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habituai Offender Status	Offense if Convicted on Charges of Driving While on Habituai Offender Status	lmprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Hinimum Fine (\$)	Licensing Actions (Specify)		
CONNECTICUT		í.									
	No	-			- 		-		-		
								i			
DELAWARE					a de la fille de la companya de la c						
	Yes	3 serious or 10 minor moving vialations within a 5-year period	Revocation for 5 years if based on serious offenses or for 3 years if based on minor moving vioiations	M isdemeenor	1-5 years				License denied for 5 years if the habitual offender status is based on serious offenses		
	21 \$2801 et seq.								License denie for 3 years 1 the habituai offender status is based on mino offenses		

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							riving		
							Dram Sh	op Laws and Related Legal	Actions
	BAC Chemic	al Test Is G	ven to the	Minimum			State	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law	
State Has Such A Law (Yes/No)	Driver	Vehicle Passengers	Pedestrians	Age (Years) Sale/ Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	Dram Shop Law (Yes/No)	Rule by Action of This Highest Court of Record In the State (Give the Case Citation)	Other
Yes	¥es 14~227 (c)		Y <del>os</del> 14-227 (c)	20 30-86-30- 1 (20) (def•of minor)	N/A	N/A	Yes 30-102	No	
Y					21	21	No	No	
103	183	les		4 \$90.4	4 §904(f) (Law does no alcohol use	t apply to in religious		(See Wright v. Moffitt, 437A 2d 554 (1981). Note especially statements made on p559 by the Court on third party injury liability.)	
	Po State Has Such A Law (Yes/No)	Porsons Kĭlled       BAC Chemic       Fc       State       Has Such       A Law       (Yes/No)       Driver       Yes       Yes       14-227 (c)	Porsons Killed in Traffic Cr       BAC Chemical Test Is Gi       Following Person       State     Vehicle       Has Such     Vehicle       A Law     Driver       Yes     Yes       Yes     Yes       14-227 (c)	Laws Requiring BAC Chemical Tests on Those Porsons Killed in Traffic Crashes BAC Chemical Test is Given to the Following Persons State Has Such A Law (Yes/No) Driver Passengers Pedestrians Yes Yes Yes 14-227 (c) 14-227 (c)	Laws Requiring BAC Chemical Tests on Those Porsons Killed in Traffic Crashes     Laws E Ages Conc Ages Conc       BAC Chemical Test Is Given to the Following Persons     Minimum Age (Years) Sale/ Pedestrians       State Has Such A Law (Yes/No)     Vehicle Passengers     Pedestrians       Yes     Yes      Yes       Yes     Yes      Yes       14-227 (c)     14-227 (c)     30-86-30- 1(20) (def. of minor)       Yes     Yes      20	Laws Requiring BAC Chemical Tests on Those Porsons Killed in Traffic Crashes     Laws Establishing 1 Ages Concerning Alcoho       BAC Chemical Test Is Given to the Following Persons     Minimum Age (Years) Sale/ Yes     Minimum Age (Years) Sale/ Yes       Yes     Yes        Yes     Yes     Yes       Yes     Yes     Yes       Yes     Yes     Yes       Yes     Yes     Yes	Laws Requiring BAC Chemical Tests on Those Porsons Killed in Traffic Crashes     Laws Establishing the Minimum Ages Concerning Alcoholic Beverages       BAC Chemical Test is Given to the Following Persons     Minimum Age (Years) Sale/ (Years)     Minimum Age (Years)       State Has Such A Law (Yes/No)     Vehicle Passengers     Minimum Age (Years)     Minimum Age (Years)       Yes     Yes      Yes       Yes     Yes      Yes       14-227 (c)     14-227 (c)     30-86-30- 1 (20) (def. of minor)       Yes     Yes     Yes       Yes     Yes        Yes     Yes        Yes     Yes        Yes     Yes        Yes     Yes        Yes     Yes        Yes     Yes        Yes     Yes        Yes     Yes        Yes     Yes	Porsions Killed in Traffic Crashes     Ages Concerning Alcoholic Beverages     Dram State       BAC Chemical Test is Given to the Following Persons     Minimun Age     Minimun Age     Minimun Age     State       State Hes Such A Law (Yes/No)     Priver     Yehicle     Pedestrians     Minimun Age     Minimun Age     Minimun Age     Minimun Age     Age     State       Yes     Yes      Yes     20     N/A     N/A     Yes       14-227 (c)     14-227 (c)     14-227 (c)     30-86-30- 1(20) (def of minor)     30-102     30-102       Yes     Yes     Yes      21     21     21     No	Laws Requiring BAC Chemical Tests on Those Porsons Killed in Traffic Crashes         Laws Estabilising the Minimum Ages Concerning Alcoholic Beverages         Dram Shop Laws and Related Legal           BAC Chemical Test is Given to the Following Persons         Minimum Ages         Change of the Comon Law Bite by Action of This Bite/ (Years)         Consumption         Change of the Comon Law Bite by Action of This Highes Court of Record In the State (Give the Case Citation)           Yes         Yes          Yes         20         N/A         N/A         Yes         No           Yes         Yes          Yes         20         N/A         N/A         Yes         No           Yes         Yes          21         21         No         No         So-102           Yes         Yes         Yes          21         21         No         No           Yes         Yes         Yes          21         21         No         <

riminal Action Again Alcohol Criminal Action sdemeanor	nst Owner or Employees of Esta <u>lic Beverages to Intoxicated F</u> <u>Term of Imprisonment</u> Not more than 1 year 30-113	Ablishments That Serve Pairons Fine (\$ Range) Not more than 1,000 30-113	Beverage License to Serve Alcoholic Beverages Withdrawn (Yes/No)	
	Not more than 1 year	(\$ Range) Not more than 1,000	Serve Alcoholic Beverages Withdrawn (Yes/No) Suspension or revocation	Length of Term of License Nithdrawal
sdemeanor			or revocation	Not stated in the statute
sdemeanor			or revocation	Not stated in the statute
	30-113	30-113	30-55	
	<u></u>			
specified	1 month 4 \$903	Not more than 100 4 §903	Suspension	Not specified by statute
	specified			

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· · · · · · · · · · · · · · · · · · ·			Other Sta	te Laws Related to Alc	cohol Use and Driving-	Continued		
STATE	Employees of Alcoholic Bey Alcoholic Bey	Ictions Against Establishments Verages or the W Verage to Those Imum Legal Drink	; That Serve Irong Type of Persons Under	Establishments Tr Beverages or the Wro Beverage to Those	ns Against Owners of at Serve Alcoholic ong Type of Alcoholic Persons Under the 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	Not more than 1,000	Suspension or revocation	Unspecified in the statute	No		
		30-113	30-113	30–55				
DELAWARE								
	Misdemeanor	30 days	Not more than 100 (or imprisonment)	Suspension	Not specified by statute	No		
	4 5713	4 \$904	4 \$904	4 <b>\$</b> 561				

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		Basis for a DWI Charge	)	Chemica	I Breath Tests for BA	C Level
1 1					Implied C	Consent Law
STATE	lilegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Pretiminary Breath Test Law	Arrest Required (Yes/No)	Other Information
DISTRICT OF COLUMBIA						
See generally D.C. Code Title 40 Chapter 7 Regulation of Traffic	0 <b>.</b> 10 <b>%</b>	No	0.05\$ Constitutes prima facle proof of Intoxication	No	Yes	
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)						
FLORIDA						
See: Florida Statutes	0.10\$	0,10\$		Yes	Yes	
Annotated as amended through the 1983 legislative section	316 • 193 322 • 262	322 •262		316.1932(b)(1)	316,1932(1)(a)	

		ical Tests For BAC Leve J Under Law (Implied Co		, bA	judication of DWI Char	gés
STATE	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Suntence Investigation Law (PSI) (Yes/No)
DISTRICT OF COLUMBIA						
	Yes	Yes		No	No	Yes
	40502	40-502				D.€. Code Ann. §23-103
FLORIDA						
	Yes (Only if incapacity	No (Note: Under		Yes (Fla. Stat. Ann.	Yes (Fla. Stat. Ann.	No
	renders the breath test impractical or impossible) 322,261	(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 con- trolled substances)		(114. STAT. ANN. \$322,281(1)	(Note: Only applies if BAC level is 0.20% or more.)	

No	<u></u>		1994 <u>–</u> 19				
			Sanctions for Refusa Chemical E	l To Submit to a BAC reath Test			
STATE	Refusal	To Take Preliminary Bre	ath Test	Refusal To	To Take Implied Consent Chemical Test		
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminai 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	lst refusal- Suspension for 6 months		
					2nd refusal- Suspension for 1 year		
					322,261		
					(Hardship license available)		
				· - ·	L	2nd Edition August 19	

			Sanctions Follo	wing a Convicti	on for a DWI Offense	• • • • • • • • • • • • • • • • • • • •	
		·····		Criminal Sanct	ions		
STATE	Impri	sonment	F1			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				
FLOR 1DA						***************************************	
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 previ- ous DWI conviction*	1,000-2,500				
\$316.193 and \$316.1931		*5316.193(4)					

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	<u> </u>	Sanctions	Following a Conviction		Continued			
			والمحاجبة بالمراجب والمتحاج والمتحاج والمتحاج والمحاج والمحاج والمحاج والمحاج والمحاج والمحاج والمحاج والمحاج والمحاج	Icensing Actions				
STATE	Pre-Di	I 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*.			
	may suspend/revoke a Court conviction if t a person was operatin of intoxicating liquo	driver's license on 1 there is sufficient evi og a motor vehicle whil or, for a 1st Admin. Ac Admin. Actions- Suspen	idence to indicate that le under the influence tion-Suspension 2-30		(Note: This time period or any part of it may be waived at the discretion of D.C. officers.)			
FLORIDA								
1st offense	None	Yes		Revocation	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 <b>.</b> 28			-	\$\$322.26 and 322.28 (see especially \$322.28(2)(d))	45 days following either a driver tr substance abuse co silent as to wheth	t may be issued for the completion of alning program or		

		· · · · ·	Sanctions Following	Other			
		Rehabliltation			Impoundment/Confl	scation	1
STATE	Al cohol Education	Alcohoi Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Wili be Released	Other	Miscellaneous Sanctions Not included Elsewhere
DISTRICT OF COLUMBIA	5						
1st offense				No			
2nd and subsequent offenses			·				
FLORIDA							
	Yes* .*Required before .license can be restored	Yes		No	-		Special Note: Under \$322.291 a defendent may be required to complete a driver training course prior to having their
	Note: Under §316 education/treatman convicted of any i	.193(3) and §322.2 nt is required for DWI offense.	91 alcohol a defendant			•. · · ·	license reinstated
			ч.,			•	
· · · · ·	I I						2nd Edition August 1983
		۰ ۲	• • • • • •	1 .			

			Other	Criminal Action	the second s		Driving	· · · · · · · · · · · · · · · · · · ·	
		r		Ho	micide by Vehic	<u>le</u>			
STATE			Crisical	Sanctions	Sanctions		trative Licensin	a Actions	Other
JIALE	State Has Such a Law/ Type of Offense	imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Renge)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action Min. Length of License Withdrawai	
DISTRICT OF COLUMBIA	Yes	Not more than		Not more than		Revocation	6 months		
	Negligent homicide	5 years		5,000		·	(subject to the discre- tion of D.C.		
		0.C. Law 4-145		D.C. Law 4-145			officials)		
FLORIDA	Homicide by	Not less than	1 year	Not more than		Revocation	Not less than		Special N
	vehicle of ist degree	3 nor more than 10 years		5,000			3 years (restricted		No restric license m issued t
	68A-903						use licenses may be issued)		person con ted of mm slaught resulting the operator of a mot vehicle and See \$322.28(2

1

		Driving Whit	e License Suspe		Where the Basis Was a	a DWI Uttense	
STATE				Sanctions	فمخولا البادية البيدي ويستعد ومراجع المناكر المحصين ويربقه		
		Criminal			Administrative Licensing Actions		
	imprisonment (Term)	Mandatory Winimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawai Action	Mandatory Term of License Withdrawal Action
DISTRICT OF COLUMBIA							
	Not more than 1 year	-	Not more than 5,000		(Note: Suspension or revocation are not specifically		
	D <sub>e</sub> C. Law 4-145		D.C. Law 4-!45		authorized, but under D.C. Code Ann. f40-302 a license may be withdrawn by D.C. officials for "any cause whichamay seem sufficient.")		
FLORIDA							
lst offense	Not more than 60 days		Not more than 500				
	(misdemeanor 2nd degree)						
2nd and Subsequent	Not more than 1 year		Not more than 1,000				
	(misdemeanor ist degræe)						

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(	····		Other C-1-	Inel Action -	atad to Alasha	line and Details			<u>\</u>
		<u></u>	Other Crim	inal Actionsel Hab	itual Offender		gContinued		
				Type of Criminal			owing a Convict Habitual Offend	ion of Driving ler Status	
STATE	State Has Such a Law (Yes/No)	Grounds for Being Declared en Habitual Offender	Term of License Revocation While Under Habitual Offender Status	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)
COLUMBIA DISTRICT OF									
	No								
FLORIDA	<u> </u>		<u> </u>				•		
	Yes	3 serious or 15 normai moving viciations within a 5-year period	5-year minimum revocation period	Not a special criminal offense	N/A	N/A	N/A	N/A	N/A
			(Note: After 12 months, the offender may have his/ her driving privileges restored.)	(Note: The normal sanctions for driving while a license is revoked would apply.)					
	322,264		322,27(5)						

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		ns Killed in	Chemical Test Fatal Traffic	: Crashes	Laws E Ages Conc	stablishing erning Alcoh	the Minimum olic Beverages	Dram Si	op Laws and Related Legal	Actions
STATE			al Test is Gi llowing Perso		Minloum			State Has a	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law	
	State Has Such A Law (Yes/No)	Driver	Vehicie Passengers	Pedestrians	Age Minlmum (Years) Age Sale/ (Years)	Minimum Age (Years) Consumption	Dram Shop Law (Yes/No)	Rule by Action of This Highest Court of Record In the State (Give the Case Citation)	Other	
DISTRICT OF COLUMBIA										
	No				18 for beer 21 for forti- fled wine and liquor	N/A	18 for beer 21 for forti- fied wine and liquor (Applies <u>only</u> to <u>consumption</u> by minors on licensed premises.)	No	Marusa v. D.C., 484 F.2d 828 (D.C. Cir., 1973)	
					<del>\$</del> 25-121		§25-121	 		
FLORIDA	No				19 §562.11	19 (Except for employment purposes)	N/A	No	(Note: See Davis v, Shiappacossee, 155 So, 2d 365 (Fia, 1963) which is limited to intoxicated minors,)	
·						<b>§</b> 562 <b>.</b> 11				
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8 × 127		1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -			7- <u></u> -*
		Other State Laws Related	to Alcohoi Use and DrivingCor	ntinued .	
	Criminal Action Aga Alcoh	inst Owner or Employees of Est olic Beverages to Intoxicated (	ablishments That Serve Patrons	of Establis	tive Actions Against Owners shments That Serve Alcoholic as to Intoxicated Patrons
STATE	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	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
	(D.C	. Code §§25-118, 25-121, and 29	- 132)		
-					
FLORIDA					
	None				. <b></b>
	(Note: Fla, Stat, Ann, §562, person selling or disposing o an habitual drunkard,)	50 makes it illegal to sell or f such intoxicating liquor has	dispose of in any way intoxica written notice that the person	ting liquors receiving su	to an Indiviudal when the Ich intoxicating liquor is I

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	1		Other Sta	te Laws Related to Ald	whol Use and Driving-	Continued	······································	
STATE	Employees of Alcoholic Bey Alcoholic Bey	Actions Against f Establishments verages or the W verage to Those imum Legal Drink	: That Serve Irong Type of <b>Fersons Under</b>	Establishments Th Beverages or the Wro Beverage to Those	ons Against Owners of nat Serve Alcoholic ong Type of Alcoholic Persons Under the 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 Withdrawai	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	If the license has been revoked, no new license shall be issued for 1 year	No		
				(D.C. Code ∮∮25-118,	25-121, and 25-132)			
FLORIDA				<u></u>				
	Misdemeanor (2nd degree)	Not more than 60 days	Not more than than 500	YesSuspension or revocation	Time period not specified in the statute	No		
	(Fla. Stat. Anno. § 562,11)			(Fla. Stat. Anno. § 561,29(1)(a) and (w)				

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			1. 			
		Basis for a DWI Charge		Chemica	al Breath Tests for BA	
STATE	lilegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Implied C Arrest Required (Yes/No)	onsent Law Other Information
GEORGIA						
See: Georgla 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 <b>.10\$</b> 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,	0.10\$			No	Yes	
Special Session, 1981) and H <sub>4</sub> B <sub>2</sub> 187 as enacted in 1983	5291-4(a)(2)					

	Other Chemi Authorized	ical Tests For BAC Lev I Under Law (Implied )	vel Which Are Consent Law)	Ad	judication of DWI Char	ges
STATE	Bicod	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Piea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
GEORGIA						
	Yes	Yes	Or "other bodily substance" (The code does not specify the substances but only uses the general language.)	No	No	No (Note: Mandatory only in felony cases.)
	40-5-55	40-5-55	40-5-55			
				<u></u>		
HAWATI						
	Yes	No		No	No	Yes (Note: Implied by statute.)

67175				I To Submit to a BAC Breath Test	Table Joseffed Accessed At	
STATE	Criminal Sanctions (Fine/Jail)	To Take Preliminary Breac Administrative Licensing Action (Suspension/ Revocation)	oth Test Other	Criminal Sanctions (Fine/Jail)	Take Implied Consent Che Administrative Licensing Action (Suspension/ Revocation)	mical Test 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	
					(Hawali Rev. Stat. \$\$286-155) (Mandatory)	

			Sanctions Folio		on for a DWI Offense		
				Criminal Sanct	lons		
STATE	(mpri	sonment	FI	ne	 	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				_			
lst offense*	10 days-1 year	-	300-1,000	-			
2nd offense (w/5 years)*	90 days-t year	48 hours	600-1,000	-	80 hours <sup>##</sup>	-	'
3rd and subsequent offenses (w/5 years)*	120 days-l year	10 days	1,000	-	30 days**		
40-6-391(c)							
*Misdemeanor		(Note: See Community Service column under Other Penalties)			**Alternate sanction to the 48 hour/10 day minimum imprison- ment term		
HAWAII							
1st offense	48 hours**		150-1,000*		72 hours*		
2nd offense (w/ 5 years of a previous conviction)	48 hours of consecutive imprisonment**		500-1,000 <sup>#*</sup>		10 days**		
3rd offense (w/ 5 years of two previous convictions)	10-180 days		<b>500 1 ,</b> 000				
<u></u> €291-4							
person to more t	than one such sanctio	n .			e sanctions, but it i	•	

		Sanctions	and the second	on for a DWI OffenseC	Continued	
STATE	Rea-DWI	Conviction Licensing		Licensing Actions	I Conviction Licensi	a Action
SIATE	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawai (Days, Months, Years, etc.)	Nandatory Minimum Term of Withdrawai
GEORGIA						
1st offense	None			Suspension	l year	License may be
				40-5-70(b)(1)(A)		restored after 120 days of the suspension period have passed*
2nd_offenses	None	į		Suspension	3 years	License may be
(w/5 years)				40-5-70(b)(1)(B)		restored after 120 days of the suspension have passed**
Srd and subsequent offenses	None			Revocation 40-5-70(b)(1)(C),	5 years	5 years
(w/5 years)				40-5-38 & 40-5-62	40-6-391.1 a licer avoided on a 1st D defendant pleads r such offense; thus	license; also, under ase suspension may be OWI offense if the
					**See rehabilitation	section on page 3-66.
HAWATI						
lst offense	No			Suspension	90 days	90 days
2nd offense				Suspension	1 year	1 year
3rd offense	-			Revocation	1-5 years	
	1					

		3	anctions Following		a DWI UttenseCon	T 111000	
		· · · · · · · · · · · · · · · · · · ·		Other			
STATE		Rehabilitation	Alcohol Educa-	Vehicle	Impoundmont/Confl	scation	ŧ
JINE	Alcohol Education	Alcohol Treatment	tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle ∀iii be Relensed	Other	Miscellaneous Sanctions Not Include Elsestere
GEORGIA							
	For 1st and 2nd D license may be re end of the suspen indicated provide completes an appr drug program.	ki the defendant		No (Note: Under Tilegally par	 Code of Ga. §85-20 ked vehicles may b	 3, only certain e impounded.)	
HAWA I I st offanse	A mandatory I counseling pr	4 hour aicohol abu ogram.	se education/	No			

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			Other	Criminal Action			Driving		
				Ho	micide by Vehic	:1e			Other
		Sanctions Criminal Sanctions Administrative Licensing Actions							
STATE	State Has Such a Law/ Type of Offense	imprisonment (Term)	Mandatory Mánimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Administ Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Mandatory Action Min, Length of License Withdrawal	
GEORGIA									
	1. Vehicle homicide where there is no "Malice afore- thought" (Vehicle Homi- cide in the First Degree)	2–15 years				Suspension	3 years	3 years	
Continued on Dave 3447A									
해변철 : Continued on page 3-68	Yes2 types of offenses Death caused by negligent vehicle operation (homicide in the first degree) a Class C felony	Not more than 5 years	To be datarmined by the paroling authority via spacial procedures	Not more than 5,000		Revocation*	Not less than 1 year		
	Death caused by simple negligence homicide in the second degree) a misdemeanor	Not more than 1 year (Hawa	11 Rev. Stat. §	Not more than 1,000 \$707-703 and 70	 7-704)	conviction of	the driver for definitive man	statute applies manslaughter; t ner whether veh	he statute do

					s Related to Al				
	r			Ho	micide by Vehic Sanctions	18			Other
STATE			Criminal S	Sanctions	Salicitolis	Administ	rative Licensin	a Actions	Urner
	State Has Such a Law/ Type of Offense	Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minirsum Sine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawal	Nandatory Action Win. Length of License Withdrawal	
GEORG I A	2. Vehicle Homicide where the death is caused "with- out an inten- tion to do so' (Vehicle Homi- cide in the Second Degree)	Not more †han 12 months		ikat mete than 1,000		ଥିଲ <b>spens ion</b>	3 years	3 years	
	3. Vehicle Homicids where the defandant is an habitual violator, his/ her license has been re- voked, and there %s no "Malice Aforethought" (Vehicle Homi- cide in the First Degree) 40-6-393	3–15 years	1 year			Suspension	3 years 40-5-63(f)	3 years	
	40.0-555				· · · · · · · · · · · · · · · · · · ·				

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		Other Cr	iminal Actions	Related to Alco	hol Use and Driving	Continued			
		Driving Whi	e License Suspe		Where the Basis Was	a DWI Offense			
STATE		Criminal		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 Withdrawai 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 suspansion or revocation is extended 1 year	The original suspension or revocation is extended 1 year		
HAWA I I	Misdemeanor not more than 1 year	 (Hawail Rev. Stat. )	250-1,000 286-132)		Discretionary license suspension or revocation	If suspension not more than 1 year; if revocation not less than 1 year			
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				Hab Type of Criminal	itual Offender		owing a Convict Habitual Offend	ion of Driving er Status	
STATE	State Has Such a Lew (Yes/No)	Grounds for Being Declared an Habituai Offender	Term of License Revocation While Under Habituai Offender Status	Offense if Convicted on Charges of Driving While on Habitual Offender Status	imprisonment (Term)	Mandatory Ninimum Term of imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
GEORGIA									
• .	Yes 40-5-58(c) (Note: Prevlous 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		
HAWA I I	No								

[	T	<u></u>		Other Sta	te Laws Re	lated to Alco	whoil Use and D	riving		
l			Chemical Test in Traffic Gr			stabilshing t erning Alcoho	the Minimum Mic Beverages	Oram Sh	op Laws and Related Legal	Actions
STATE			al Test is G lowing Perso					State	"Dram Shop Law" Concept Has Been Adopted via a	
	State Has Such A Law (Yes/No)	Driver	Vehicle Passengers	Pedestrians	Minimum Age (Years) Sales/ Purchases	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	Has a Dram Shop Law (Yes/No)	Change to the Common Law Rule by Action of This Highest Court of Record In the State (Give the Case Citation)	Other
GEORGIA										
	Yes	fes	Yes	Yes	19	19	N/A	No	No	
		21.205	21.205	21.205		(Exceptions purposes, re ceremonies, with parenta and a person or older in Armed Forces	home use to consent. 18 years the U.S.			
					§5A-510(a	)(1) & 12)				
HAWATI										
	Yus (Hawaii Rev. Stat. \$841-3)	Yəs	Yes	Yes	18	18 (Law applies to motor vehicles and public places; it does not apply either to employ- ment situa- tions or to religious cermonles.)	N/A" "Liquor can- not be con- sumed by anyone on a public high- way or a public side- waik.		Ono v. Applegate. 612 M.2d 533 (1980)	
					\$\$281-1;	281-78 & 281-	101.5			

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Type of Criminal Action	olic Beverages to Intoxicated P	ar ( 505	License to Serve Alcoholic	s to intoxicated Patrons
	Term of Imprisonment	Fine (\$ Range)	Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
Misdemeanor Acts 1980, pp. 1573, 1649	Not more than 12 months	Not more than 1,000	Suspension or cancel- lation	2 years
ľ			·	
Misdemeanor	Not more then 6 months	Not more than 500	Suspension or revocation	Not specified in the statute
			than \$500 m	ivil penalty of not more ay be assessed in lieu of pension or revocation.)
	(Hawaii Rev. Stat.,	\$\$281-78, 281-91 and 281-102)		
		Misdemeanor Not more than 6 months		Misdemeanor Not more than 6 months Not more than 500 Suspension or revocation (Note: A c than \$500 m license sus

			Other Sta	te Laws Related to Alc	cohol Use and Driving-	Continued		
STATE	Employees of Alcoholic Bey Alcoholic Bey	Actions Against f Establishments varages or the W verage to Those imum Legai Drink	That Serve Frong Type of Persons Under	Establishments Th Beverages or the Wro Beverage to Those	ons Ageinst Owners of nat Serve Alcoholic ong Type of Alcoholic Persons Under the 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 Withdrawai	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		
HAWATI								
	Misdemeanor	Not more than 6 months	Not more than 500	Suspension ar revocation	Not specified in the statute	Yes (Ha. Rev. Stat. \$291-3.3)		
				(Note: A civil penal \$500 may be assessed suspension or revocat	In lieu of license ion.)	2)		
			(Ha	wail Rev. Stat. §§281-	78, 281–91, and 281–10	2)		

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[]		Basis for a DWI Charge		Chemica	al Breath Tests for B/	C Level
					implied (	Consent Law
STATE	lliegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test 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	0.10\$	>0 <b>.</b> 08%	No	No	Yes	No
1983 as enacted	<b>\$49-1102(1)</b>	18–6901				
ILLINOIS See: Smith/Hurd	°.10≴	0.10≸		No	Yes	
illinois Annot, Statutes as amended by enact- ments made during the 1983 legisia- tive session	Ch. 95 1/2 §11-501	Ch. 95 1/2 \$11-501(a)(1)			Ch. 95 1/2 §11-501.1	

	Authorize	nical Tests For BAC Leve Id Under Law (impiled Co	el Which Are Sant Law)	Ad.	judication of DWI Charg	jes
STATE	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/だっ)	Pre-Sentence Investigation La (PSI) (Yes/No)
IDAHO						
	Yes	Yes	Other bodily substance	No	No	Yes
	\$49-352	\$49 <b>-</b> 352	<del>\$</del> 49-352			§49-1102A(4)
ILLINOIS	Yes	Yes		No	No	No
	Ch. 92 1/2 \$11-501.1	Ch. 95 1/2 §11-501.1				

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Refusal	To Take Preliminary Br		T	Take Impiled Consent Ch	emical Test
Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jall)	Administrative Licensing Action (Suspension/ Revocation)	Other
N/A	N/A	N/A	No	120 days suspension (Mandatory)	No
N/A	N/A		None	lst 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/c1	
				311-501.1(c)	
	Criminal Sanctions (Fine/Jail) N/A	Criminal Senctions (Fine/Jail) N/A N/A Administrative Licensing Action (Suspension/ Revocation)	Criminal Refusal To Take Preliminary Breath Test Administrative Licensing Action Sanctions (Fine/Jail) Revocation) Other N/A N/A N/A N/A	Chemical Breath Test           Refusal To Take Preliminary Breath Test         Refusal To           Administrative Licensing Action Senctions (Fine/Jail)         Criminal Sanctions (Suspension)         Criminal Other         Criminal Sanctions           N/A         N/A         N/A         N/A         No         No	Refusal To Take Proliminary Breath Test         Refusal To Take Implied Consent Ch           Criminal Senctions (Fine/Jail)         Administrative Licensing Action (Suspension/ Revocation)         Criminal Sanctions (Fine/Jail)         Administrative Licensing Action (Suspension/ Revocation)           N/A         N/A         N/A         N/A         No         120 days suspension (Wandatory)           N/A         N/A         N/A         N/A         No         120 days suspension (Wandatory)           N/A         N/A         N/A         N/A         No         120 days suspension (Wandatory)

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				Criminal Sanct	lons	Criminal Sanctions					
STATE	(mpr l	sonment	FI		Other Penalties						
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other				
DAHO											
ist oftense*	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 otfense (w/n ら years)**	Not more than 5 years	None	Not more than 5,000	None							
Aggravated DWI ottense where there is bodily harm/disfigure- ment**	Not more than 5 years	None	Not more than 5,000	None		Yes (\$49-11028(1))					
*Misdemeanor **Felony		***See State v. McC statute requiring n	oy, 486 P.2d 24 pandatory sanctio	7 (1971) in whi ns	ch the Idaho Supreme	Court voided a					
\$49-1102A & B											
ILLINOIS											
ist ottense	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		Aminimium of 10 days*						
Note: a UWi offense is a Class A Mis- demeanor -	511-501				*Alternative to the term of 48 consecu- tive hours of mandatory Imprison- ment						

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		İ	Sanctions	Folicwing a Convicti	on for a DWI OffenseC	Continued	
				Administrative	Licensing Actions		
į	STATE	Pre-DW	I Conviction Licensing	Action	and the second se	I Conviction Licensin	ig Action
		Administrative Per Se Law	UVC Type of Provisions	Oth <del>or</del>	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawai
l	IDAHO						
	1st offense	No	Yes	N/A	Suspension	Not more than 180 days	*
	2nd of fense				Suspension	6 months-1 year after release from continement	30 days atter release from confinement**
	3rd ottense				Suspension/ Revocation	l-5 years atter release from confluement	l year after release tron continement
5	Aggravated DWI offense				Suspension/ Revocation	1-5 years atter release trom confinement	l year after release from continement
-	\$49-1102A		<b>\$</b> 49 <b>-</b> 330		*A restricted licens	e may be for reasons	ot enployment.
						employment for the b	tricted license may be alance of the 6 month
	ILL INO IS						
		No	Yes		Revocation \$96-205 and 11-501	Not less than 1 year	
						(Note: A hard- ship license may be issued)	

			Sanctions Following	a Conviction for	a DWI OffenseCont	Inued	
		Rehabilitation		Other			
STATE	Alcohal Education	Alcohol Alcohol		Vehicle Authorized By Specific Statutory Authority	Impoundment/Confis Termes Upon Which Vehicle Will be Released	Other	Miscellaneous Sanctions Not Included Elsewhere
IDAHO		participation in rehabilitation pr driver improvemen judge, a district	nt counselor, a ' court ne hearing officer	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 pro- gram if the offender has had a previous DWI conviction or have been in such a diver- sion program within a 5-year period of the charged offense. 2nd Edition August 1983

			Other	Criminal Action	s Related to Al	cohol Use and I	Driving		
				Ho	micide by Vehic	:le			
					Sanctions				Other
STATE	State Has		<u>Criminal</u>	Sanctions		Licensing	Length of	Mandatory Action	ł
	Such a Law/ Type of Offense	imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Authorized and Type of Action	Term of Licensing Withdrawal	Nin. Length of License Withdrawal	
IDAHO mounting to a gross negligen or (2) of a De	Yes vehicle manslaughter death as a result either (1) of an un- lawful act not felony where ce is involved; I offense	Not more than 7 years		Not more than 7,000	-	Revocat ion	Not less than 1 year	1 year	Note: The lan 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	l year	
	\$18-4006(3)	§18-4007(3)				<b>\$49-329</b>	\$49 <b>-</b> 331	\$49-329	
ILLINOIS									
	Class 4 felony	1-3 years		Not more than 10,000		Revocation	1 year	l year (Note: A	
ł	Reckiess homicide							restricted license may be issued.)	
	(Note: Death must be the result of reckless action of the accused							be issued.)	

		Other Cr	Iminal Actions	Related to Alco	hol Use and Driving	Continued	
		Driving Whit	e License Suspe		Where the Basis Was	a DWI Offense	
STATE		<u> </u>		Sanctions			
	Imprisonment (Terr;)	Criminal Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Admin Type of Licensing Action (Suspension/ Revocation)	Istrative Licensing A Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawai Action
IDAHO							
ist 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 addditional 3 years	Same
§49337				,	\$49-337		
*Misdemeanor							
ILLINOIS							***********************
Illinois Ann. Stat. Ch. 95 1/2 \$6-303	Class A misdemeanor Less than 1 year	7 consocutive days (Spaclal Note: As an alternative, the defendant may be sentenced to 30 days of community service.)	Not more than t,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

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	L		Other Crim	inal Actions Rel			gContinued	<u></u>	
			(		itual Offender				
				Type of Criminal		Sanctions Follo While on 1	owing a Convic Habitual Offen	tion of Driving der Status	
STATE	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habituai Offender Status	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								

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1		·····	Other Sta	te Laws Re	lated to Alco	hol Use and D	riving		
							Dram St	op Laws and Related Legal	Actions
							State	"Dram Shop Law" Concept Has Been Adopted via a	
State Has Such A Law (Yes/No)	Driver	Vehicle Passengers	Pedestrians	Minimum Age (Years) Sale/ Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	Dram Shop Law (Yes/No)	Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
								•	
Yəs	Yes if dead	No	Yes If dead	19	19 \$2 <b>3-</b> 9	19 <b>49</b>	No	Alegria v. Payonk 619 P. 2nd 135 (1980)	No
	§49 <b>-</b> 1016		<b>§49−1</b> 016	<b>\$23-3</b> 12					
Yes Ch. 95 1/2 §1-501.1 Ch. 31 §10	Yes	No	Yes	21 43-131	21	(There are exemptions for religious ceremonies	Yes 43–135	Colligan v• Cousar, 38 III. App. 2d 392, 187 N.E. 2d 292 (1963)	
						home use)			
					(Ch. 43, Par	a. 134a §6-20	3		
	Yes Ch. 95 1/2 51-501.1 Ch. 31	Persons Killed       BAC Chemic       State       Has Such       A Law       Yes       Yes <td>Persons Killed in Traffic Cr       BAC Chemical Test is GI       Following Perso       State     Vehicle       Has Such     Vehicle       A Law     Driver       Yes     Yes       Yes     Yes       No     1f dead       §49-1016     \$49-1016       Yes     Yes       Yes     Yes       Yes     Yes       No     1f dead       §172     51-501.1       Ch.     31</td> <td>Laws Requiring EAC Chemical Tests on Those Persons Killed in Traffic Crashes       BAC Chemical Test is Given to the Following Persons       State Has Such A Law (Yes/No)       Yes     Yes     Vehicle Passengers       Yes     Yes     No       Yes     Yes     No</td> <td>Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes     Laws E Ages Conc       BAC Chemical Test is Given to the Following Persons     Minimum Age (Years) Sale/       State Has Such A Lew (Yes/No)     Vehicle Driver     Pedestrians       Yes     Yes     No       Yes     Yes     No</td> <td>Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes     Laws Establishing f Ages Concerning Alcoho Ages Concerning Alcoho Ages Concerning Alcoho Age (Years) Sale/ Yes       State Has Such A Law (Yes/No)     BAC Chemical Tests on Those Following Persons     Minimum Age (Years) Sale/ Purchase       Yes     Driver       Yes     Yes       Yes     Yes</td> <td>Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes     Laws Estabilishing the Minimum Ages Concerning Alcoholic Deverages       BAC Chemical Test is Given to the Following Persons     Minimum Age (Years)     Minimum Age (Years)       State Has Such A Law     Driver     Vehicle Passengers     Minimum Age     Minimum Age (Years)       Yes     Yes     No     Yes     19     19       Yes     Yes     No     Yes     21     21       Ch. 51-501.1     .     .     .     .     .       Silo     .     .     .     .     .     .</td> <td>Persons Killed in Traffic Crashes         Ages Concerning Alcoholic Beverages         Dram State           BAC Chemical Test is Given to the Following Persons         Minimum Age         Minimum Age         State           State Has Such A Law         Vehicle Pessengers         Pedestrians         Minimum Age         Minimum Age         Minimum Age         State           Yes         Yes         No         Yes         19         19         19         No           Yes         Yes         No         Yes         16 dead         523-512         9         19         19         No           Yes         Yes         No         Yes         19         19         19         No           Yes         Yes         No         Yes         16 dead         523-512         9         9           Yes         Yes         No         Yes         21         21         21         Yes           Yes         Yes         No         Yes         21         21         21         Yes           Ship         43-131         Chersis         43-131         Chersis         43-135         135         135           Ship         Image: Ship         Image: Ship         Image: Ship         135<td>Lews Regulting BAC Chemical Tests on These Persons Killed in Treffic Crosses     Laws Establishing the Minum Ages Concerning Alcoholic Beverages     Drem Shop Lews and Related Legal       BAC Chemical Test is Given to the Following Persons     Minimum Ages Concerning Alcoholic Beverages     Drem Shop Lews and Related Legal       State Has Such A Lew (Yeer/No)     Vehicle     Minimum Yeers     Minimum Age     Minimum Age     Minimum Age     State Hiss Sci (Yeers)     State Hiss Sci (Yeers)     Minimum Age     State Hiss Sci (Yeers)     Minimum Age     State Hiss Sci (Yeers)     Minimum Age     State Histes Court of Recourt of Consumption     State Histes Court of Recourt of Case Citetion)       Yes     Yes     Yes     Yes     19     19     19     No     Alegria v- Payonk Gill P- 2nd 132 (1990)       Yes     Yes     Yes     Yes     11 dead     523-549     State (19 P- 2nd 132 (1990)     State (19 P- 2nd 132 (1990)       Yes     Yes     Yes     Yes     21     21     21     Yes       Yes     Yes     No     Yes     21     21     Yes       State (Dr. 3)     No     Yes     21     21     Yes       State (State)     State (State)     State (State)     State (State)     State (State)       Yes     Yes     No     Yes     21     21       State     Stat</td></td>	Persons Killed in Traffic Cr       BAC Chemical Test is GI       Following Perso       State     Vehicle       Has Such     Vehicle       A Law     Driver       Yes     Yes       Yes     Yes       No     1f dead       §49-1016     \$49-1016       Yes     Yes       Yes     Yes       Yes     Yes       No     1f dead       §172     51-501.1       Ch.     31	Laws Requiring EAC Chemical Tests on Those Persons Killed in Traffic Crashes       BAC Chemical Test is Given to the Following Persons       State Has Such A Law (Yes/No)       Yes     Yes     Vehicle Passengers       Yes     Yes     No       Yes     Yes     No	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes     Laws E Ages Conc       BAC Chemical Test is Given to the Following Persons     Minimum Age (Years) Sale/       State Has Such A Lew (Yes/No)     Vehicle Driver     Pedestrians       Yes     Yes     No       Yes     Yes     No	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes     Laws Establishing f Ages Concerning Alcoho Ages Concerning Alcoho Ages Concerning Alcoho Age (Years) Sale/ Yes       State Has Such A Law (Yes/No)     BAC Chemical Tests on Those Following Persons     Minimum Age (Years) Sale/ Purchase       Yes     Driver       Yes     Yes       Yes     Yes	Laws Requiring BAC Chemical Tests on Those Persons Killed in Traffic Crashes     Laws Estabilishing the Minimum Ages Concerning Alcoholic Deverages       BAC Chemical Test is Given to the Following Persons     Minimum Age (Years)     Minimum Age (Years)       State Has Such A Law     Driver     Vehicle Passengers     Minimum Age     Minimum Age (Years)       Yes     Yes     No     Yes     19     19       Yes     Yes     No     Yes     21     21       Ch. 51-501.1     .     .     .     .     .       Silo     .     .     .     .     .     .	Persons Killed in Traffic Crashes         Ages Concerning Alcoholic Beverages         Dram State           BAC Chemical Test is Given to the Following Persons         Minimum Age         Minimum Age         State           State Has Such A Law         Vehicle Pessengers         Pedestrians         Minimum Age         Minimum Age         Minimum Age         State           Yes         Yes         No         Yes         19         19         19         No           Yes         Yes         No         Yes         16 dead         523-512         9         19         19         No           Yes         Yes         No         Yes         19         19         19         No           Yes         Yes         No         Yes         16 dead         523-512         9         9           Yes         Yes         No         Yes         21         21         21         Yes           Yes         Yes         No         Yes         21         21         21         Yes           Ship         43-131         Chersis         43-131         Chersis         43-135         135         135           Ship         Image: Ship         Image: Ship         Image: Ship         135 <td>Lews Regulting BAC Chemical Tests on These Persons Killed in Treffic Crosses     Laws Establishing the Minum Ages Concerning Alcoholic Beverages     Drem Shop Lews and Related Legal       BAC Chemical Test is Given to the Following Persons     Minimum Ages Concerning Alcoholic Beverages     Drem Shop Lews and Related Legal       State Has Such A Lew (Yeer/No)     Vehicle     Minimum Yeers     Minimum Age     Minimum Age     Minimum Age     State Hiss Sci (Yeers)     State Hiss Sci (Yeers)     Minimum Age     State Hiss Sci (Yeers)     Minimum Age     State Hiss Sci (Yeers)     Minimum Age     State Histes Court of Recourt of Consumption     State Histes Court of Recourt of Case Citetion)       Yes     Yes     Yes     Yes     19     19     19     No     Alegria v- Payonk Gill P- 2nd 132 (1990)       Yes     Yes     Yes     Yes     11 dead     523-549     State (19 P- 2nd 132 (1990)     State (19 P- 2nd 132 (1990)       Yes     Yes     Yes     Yes     21     21     21     Yes       Yes     Yes     No     Yes     21     21     Yes       State (Dr. 3)     No     Yes     21     21     Yes       State (State)     State (State)     State (State)     State (State)     State (State)       Yes     Yes     No     Yes     21     21       State     Stat</td>	Lews Regulting BAC Chemical Tests on These Persons Killed in Treffic Crosses     Laws Establishing the Minum Ages Concerning Alcoholic Beverages     Drem Shop Lews and Related Legal       BAC Chemical Test is Given to the Following Persons     Minimum Ages Concerning Alcoholic Beverages     Drem Shop Lews and Related Legal       State Has Such A Lew (Yeer/No)     Vehicle     Minimum Yeers     Minimum Age     Minimum Age     Minimum Age     State Hiss Sci (Yeers)     State Hiss Sci (Yeers)     Minimum Age     State Hiss Sci (Yeers)     Minimum Age     State Hiss Sci (Yeers)     Minimum Age     State Histes Court of Recourt of Consumption     State Histes Court of Recourt of Case Citetion)       Yes     Yes     Yes     Yes     19     19     19     No     Alegria v- Payonk Gill P- 2nd 132 (1990)       Yes     Yes     Yes     Yes     11 dead     523-549     State (19 P- 2nd 132 (1990)     State (19 P- 2nd 132 (1990)       Yes     Yes     Yes     Yes     21     21     21     Yes       Yes     Yes     No     Yes     21     21     Yes       State (Dr. 3)     No     Yes     21     21     Yes       State (State)     State (State)     State (State)     State (State)     State (State)       Yes     Yes     No     Yes     21     21       State     Stat

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

| 1    |          | 1                                              | · · · · · · · · · · · · · · · · · · ·                                                       | Other Sta                                   | te Laws Related to Alc                                                 | cohol Use and Driving-                                                                                   | Cont Inued                                           |                                                                                                  |
|------|----------|------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------|------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------|
|      | STATE    | Employees of<br>Alcoholic Bey<br>Alcoholic Bey | Actions Against<br>Establishments<br>Verages or the W<br>Verage to Those<br>Mum Legal Drink | That Serve<br>rong Type of<br>Persons Under | Establishments Th<br>Beverages or the Wro<br>Beverage to Those         | ns Against Owners of<br>at Serve Alcohalic<br>ong Type of Alcohalic<br>Persons Under the<br>Drinking Age | Containers                                           | biting the Possession of Open<br>of Alcoholic Beverages in the<br>Compartment of a Motor Vehicle |
|      |          | Type of<br>Criminal<br>Action                  | Term of<br>Imprisonment                                                                     | Fine<br>(\$ Range)                          | License to Serve<br>Alcoholic Beverages<br>Withdrawn<br>(Yes/No)       | Length of Term of<br>License Withdrawai                                                                  | State Has<br>Such a Law<br>(Yes/No)                  | Explanation of<br>Such State Law<br>if Needed                                                    |
|      | IDAHO    |                                                | . *                                                                                         |                                             |                                                                        |                                                                                                          |                                                      |                                                                                                  |
|      |          | Misdemeanor<br>for 1st<br>Felony-2nd<br>and    | 3 months-<br>1 year<br>5 years                                                              | 300-1,000<br>5,000                          | Yes but may pay<br>\$5,000 for 1st<br>offense In 11eu of<br>suspension | indeterminate<br>(statute has no<br>specific time<br>period)                                             | Yes                                                  |                                                                                                  |
|      |          | subsequent<br>§23-603                          |                                                                                             |                                             | <u></u> \$29-933                                                       | <b>€23-93</b> 3                                                                                          | <b>§23</b> −505                                      |                                                                                                  |
| 3-84 |          |                                                |                                                                                             |                                             |                                                                        |                                                                                                          |                                                      |                                                                                                  |
|      | ILLINOIS |                                                |                                                                                             |                                             | <b></b>                                                                |                                                                                                          |                                                      |                                                                                                  |
|      |          | Class B<br>misdemeanor                         | Not more than<br>6 months                                                                   | Not more<br>than 1,000<br>43,149            | Yesrevocation<br>43,149                                                | 1 year                                                                                                   | Yes<br>(111. Stat.<br>Ann.<br>Ch. 95 1/2<br>§11-502) |                                                                                                  |
|      |          |                                                |                                                                                             |                                             |                                                                        |                                                                                                          |                                                      |                                                                                                  |
|      | · .      |                                                |                                                                                             |                                             |                                                                        |                                                                                                          |                                                      |                                                                                                  |
|      |          |                                                |                                                                                             |                                             |                                                                        |                                                                                                          |                                                      | · · ·                                                                                            |

|                                                                                                                                                                                                                    |                                               | Basis for a DWI Charg          | e                                                               | Chemica                                                                                       | I Breath Tests for B           | MC Level                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------------------|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------------------------------------|
| 1                                                                                                                                                                                                                  |                                               |                                |                                                                 |                                                                                               | Implied                        | Consent Law                                                                       |
| STATE                                                                                                                                                                                                              | lilegal Per Se<br>Law (BAC Level)             | Presumption<br>(BAC Level)     | Other                                                           | Preliminary<br>Breath Test<br>Law                                                             | Arrest<br>Required<br>(Yes/No) | Other<br>Information                                                              |
| INDIANA                                                                                                                                                                                                            |                                               |                                |                                                                 |                                                                                               |                                |                                                                                   |
| See: Burn's<br>Indiana Statu<br>Annotated, 15<br>1981 Cum. Sup<br>(1978, 1981 C<br>Supp. alcohol<br>Current throu<br>1981 Special<br>Session and<br>Senate Bills<br>171 and House<br>Bills 1162 &<br>as enacted in | utes<br>180,<br>190-<br>155)<br>169 &<br>1167 |                                | 0,10≸<br>BAC is also prima<br>facie evidence of<br>intoxication | Yes                                                                                           | Yes                            | No arrest is required<br>under Clark v. State,<br>372 N.E. 2nd 185<br>(ind. 1978) |
|                                                                                                                                                                                                                    | Ind. Code 9-11,<br>Ch. 2, Sec. 1              |                                | ind. Code 9-11,<br>Ch. 1, Sec. 7                                |                                                                                               |                                |                                                                                   |
| IOWA                                                                                                                                                                                                               |                                               | 0.107                          |                                                                 | Mar                                                                                           |                                |                                                                                   |
| See: fowa Co<br>Annot. throug<br>October 1982                                                                                                                                                                      | in l                                          | 0.10≴<br>S8 514<br>(Laws 1981) |                                                                 | Yes<br>(Note: applies only<br>where there has been<br>an injury or death<br>related accident) | Yes<br>3218,1 et. seq.         |                                                                                   |
|                                                                                                                                                                                                                    | \$321,281(6)                                  | \$321,281(5)                   |                                                                 | 3218.3                                                                                        |                                |                                                                                   |
|                                                                                                                                                                                                                    |                                               |                                |                                                                 |                                                                                               |                                | 2nd Edl+Ion August 19                                                             |

N. J.

|         | Other Chemi<br>Author Ize | ical Tests For BAC Leve<br>d Under Law (Implied Co | el Which Are<br>onsent Law) | Ad                                        | judication of DWI Char                      | ges                                                 |
|---------|---------------------------|----------------------------------------------------|-----------------------------|-------------------------------------------|---------------------------------------------|-----------------------------------------------------|
| STATE   | Biood                     | Urine                                              | Other<br>(Specify)          | Mandatory<br>Adjudication Law<br>(Yes/No) | Anti-Piea<br>Bargaining Statute<br>(Yes/No) | Pre-Sentence<br>Investigation Law<br>(PSI) (Yes/No) |
| INDIANA |                           |                                                    |                             |                                           |                                             |                                                     |
|         | Yes                       | Yes                                                | Other bodily<br>substance   | No                                        | No                                          | No                                                  |
|         |                           |                                                    | IC9-11-1-3                  |                                           |                                             |                                                     |
|         |                           |                                                    |                             |                                           |                                             |                                                     |
| IOWA    |                           |                                                    |                             |                                           |                                             |                                                     |
|         | Yes                       | Yes                                                | Saliva                      | No                                        | No                                          | Yes*                                                |
|         | 321E.3                    | 3218,3                                             | 3218.3                      |                                           |                                             | \$\$901.1 et. seq. &<br>discretionary               |
|         |                           |                                                    |                             |                                           |                                             |                                                     |
|         |                           |                                                    |                             |                                           |                                             |                                                     |
|         |                           |                                                    |                             |                                           |                                             |                                                     |
|         |                           |                                                    |                             |                                           |                                             | 2nd Edition August 198                              |

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|         |                                      |                                                                   | Sanctions for Refus<br>Chemical | al To Submit to a BAC<br>Breath Test |                                                                   |                  |
|---------|--------------------------------------|-------------------------------------------------------------------|---------------------------------|--------------------------------------|-------------------------------------------------------------------|------------------|
| STATE   | Refusal                              | To Take Preliminary Br                                            | eath Test                       | Refusal To                           | Take Implied Consent Che                                          | mical Test       |
|         | Criminal<br>Sanctions<br>(Fine/Jail) | Administrative<br>Licensing Action<br>(Suspension/<br>Revocation) | Other                           | Criminal<br>Sanctions<br>(Fine/Jaii) | Administrative<br>Licensing Action<br>(Suspension/<br>Revocation) | Other            |
| INDIANA |                                      |                                                                   |                                 |                                      |                                                                   |                  |
|         | N/A                                  | N/A                                                               | N/A                             | No                                   | 1-year suspension<br>(Mandatory)                                  | No               |
|         |                                      |                                                                   |                                 |                                      | 9-11-4-9(a)                                                       |                  |
|         |                                      |                                                                   |                                 |                                      |                                                                   |                  |
| IOWA    |                                      |                                                                   |                                 |                                      |                                                                   | ~                |
|         | N/A                                  | N/A                                                               |                                 | None                                 | Revocation                                                        |                  |
|         |                                      |                                                                   |                                 |                                      | lst refusal<br>180 days                                           |                  |
|         |                                      |                                                                   |                                 |                                      | 2nd refusal<br>1 year                                             |                  |
|         |                                      |                                                                   |                                 |                                      | 3rd refusal<br>540 days                                           |                  |
|         |                                      |                                                                   |                                 |                                      | (License<br>revocations<br>are mandatory)                         |                  |
|         |                                      |                                                                   |                                 |                                      | 3218.7                                                            |                  |
|         |                                      |                                                                   |                                 |                                      |                                                                   | d Edition August |

|                                                                                        |                                                | · · · · · · · · · · · · · · · · · · ·                                          | Sanctions Follo         | wing a Conviction                 | on for a DWI Offense                            | )                                       |                                                                                                                                                                       |
|----------------------------------------------------------------------------------------|------------------------------------------------|--------------------------------------------------------------------------------|-------------------------|-----------------------------------|-------------------------------------------------|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                        |                                                |                                                                                |                         | Criminal Sanct                    | lons                                            |                                         |                                                                                                                                                                       |
| STATE                                                                                  | Impri                                          | sonment                                                                        | FI                      | ne                                | Other Penalties                                 |                                         |                                                                                                                                                                       |
|                                                                                        | Term (Day, Months,<br>Years, Etc.)             | Mandatory<br>Minimum Term                                                      | Amount<br>(\$ Range)    | Mandatory<br>Minimum Fina<br>(\$) | Community<br>Service                            | Restitution<br>(e.g., Victim's<br>Fund) | Other                                                                                                                                                                 |
| INDIANA<br>1. lilegal per se<br>off. class C misd.                                     | Not more than<br>60 days<br>1035-50-3-4        |                                                                                | Not more than<br>500    |                                   |                                                 |                                         | Special Note<br>No.1: DWI sanc-<br>tions apply to any-<br>one over 16 years<br>oid; see<br>IC31-6-2-1(6)(1)                                                           |
| 2. Intoxicated<br>oft. class A misd.                                                   | Not more th <b>an</b><br>1 year<br>1C35-50-3-2 |                                                                                | Not more than<br>5,000  |                                   |                                                 |                                         | Special Note<br>No.2: There is a<br>mandatory imprison-<br>ment term of 5 days<br>(of which 2 days                                                                    |
| 3. 2nd otfense<br>either 1 or 2<br>above w/n 5 years<br>class D telony<br>Continued on | A fixed term of<br>2 years                     | 5 days of which<br>2 days must be<br>served con-<br>sectively<br>(C9-11-3-4(a) | Not more than<br>10,000 |                                   | 10 days as an<br>alternative to<br>imprisonment |                                         | must be served con-<br>sectively or 10<br>days ot community<br>service if the<br>defendant has been<br>convicted of a pre-<br>vious DWL offense                       |
| 10WA<br>0.10 presumption<br>oftense<br>and<br>0.13 per se                              |                                                |                                                                                |                         |                                   |                                                 |                                         | within a 5 year<br>period; see IC9-11-<br>2-4<br>Special Note:<br>Deterred judgment<br>is allowed for any<br>DWI otfense; if a<br>defendant is<br>allowed such defer- |
| ottense<br>1st ottense<br>(Serious<br>misdemeanor)                                     | Not more than<br>lyear                         | (Note: There is a<br>48-nour sentence<br>which may be<br>suspended)            | Not more than<br>1,000  |                                   |                                                 |                                         | ment their license<br>is to be revoked<br>from 30-90 days;<br>however, a restric-<br>ted harship license<br>may be issued.                                            |
| 2nd offense (w/6<br>years) (Aggravated<br>misdemeanor)                                 | Not more than<br>2 years                       | / days*                                                                        | Not more than<br>5,000  |                                   |                                                 |                                         | See §321.281(6)                                                                                                                                                       |
| 3rd offense<br>(Class D telony)<br>§§902.9 & 903.1<br>Continued on<br>page 3-89        | Not more than<br>5 years                       | <br>*Note: This<br>sentence may not be<br>the statute is sile                  |                         |                                   |                                                 |                                         |                                                                                                                                                                       |

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|                                                                                                                                                                                                      |                                           |                                                        | Sanctions Follo                                    |                                   | on for a DWI Offense | 9                                       |                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------------------|----------------------------------------------------|-----------------------------------|----------------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                      | ļ                                         |                                                        |                                                    | Criminal Sancti                   | ons                  |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                         |
| STATE                                                                                                                                                                                                | Impri                                     | sonment                                                | <u>Fi</u>                                          | ne                                |                      | Other Penalties                         |                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                                                                                                                      | Term (Day, Months,<br>Years, Etc.)        | Mandatory<br>Minimum Term                              | Amount<br>(\$ Range)                               | Mandatory<br>Minimum Fine<br>(\$) | Community<br>Service | Restitution<br>(e.g., Victim's<br>Fund) | Other                                                                                                                                                                                                                                                                                                                                                                                                                   |
| INDIANA<br>4. Violation of<br>either 1 or 2<br>above where there<br>is serious injury<br>(Class D felony)<br>5. Violation of<br>either 1 or 2<br>above where there<br>is a death<br>(Class C felony) | IC35-50-2-7<br>A flxed term of<br>5 years | See Special Note<br>No. 2<br>See Special Note<br>No. 2 | Not more than<br>10,000<br>Not more than<br>10,000 |                                   |                      |                                         | Special Note<br>No. 1: DWI sanc-<br>tions apply to any-<br>one over 16 years<br>old; see<br>1C31-6-2-1(6)(1)<br>Special Note<br>No. 2: There is a<br>mandatory imprison-<br>ment term of 5 days<br>(of which 2 days<br>must be served con-<br>sectively or 10<br>days of community<br>service if the<br>dafendant has been<br>convicted of a pre-<br>vious DWI offense<br>within a 5 year<br>period; see iC9-11-<br>2-4 |
|                                                                                                                                                                                                      |                                           |                                                        |                                                    |                                   |                      |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                         |

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|                                     |                                                                                                                      | Sanctions                 |       | ion for a DWI Offense                                      | Continued                                                        | ·                                                                                                    |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------|---------------------------|-------|------------------------------------------------------------|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| STATE                               | Pro- Dh                                                                                                              | I Conviction Licensing    |       | Licensing Actions                                          | I Conviction Licensi                                             |                                                                                                      |
| 51715                               | Administrative<br>Per Se Law                                                                                         | UVC Type of<br>Provisions | Other | Type of Licensing<br>Action<br>(Suspension/<br>Revocation) | Term of License<br>Withdrawal (Days,<br>Months, Y##78,<br>etc. 3 | Handatory Minimus<br>Term of Withdrawal                                                              |
| INDIANA                             |                                                                                                                      |                           |       |                                                            |                                                                  | 1<br>1                                                                                               |
| 1.*                                 | h                                                                                                                    |                           |       | Suspension                                                 | 90 days-2 years                                                  | 30 days**                                                                                            |
| 2.*                                 | Yes- for 0.10% BAC                                                                                                   | Yes                       | No    | Suspension                                                 | 90 days-2 years                                                  | 30 days**                                                                                            |
| 3.*                                 | suspension up to<br>180 days                                                                                         |                           |       | Suspension                                                 | 1-2 years                                                        | 1 year                                                                                               |
| 4.*                                 |                                                                                                                      |                           |       | Suspension                                                 | 1-2 years                                                        | l year                                                                                               |
| 5.*                                 | )                                                                                                                    |                           |       | Suspension                                                 | 1-2 years                                                        | 1 year                                                                                               |
| *See description<br>on page 3-88 &  | IC9-11-4-9(b)                                                                                                        |                           |       | IC-9-11                                                    |                                                                  |                                                                                                      |
| 3-88A                               |                                                                                                                      |                           |       | **A restricted licens                                      | e may be issued after                                            | the 30-day period.                                                                                   |
| Continued on<br>page 3-90           |                                                                                                                      |                           |       | 1                                                          |                                                                  |                                                                                                      |
| IOWA<br>0.10 presumption<br>offense | Note: Admin. Per Se<br>at 0.10% with license<br>revocations as<br>follows:                                           |                           |       |                                                            |                                                                  | *Special Note: Und<br>\$321,283(6), a<br>temporary restricte                                         |
| 1s†                                 | 1st offense-120 days<br>(no revocations w/6<br>years)                                                                | Yes                       |       | Revocation                                                 | Not more than<br>1 year*                                         | permit may be issue<br>if the defendant is<br>attending an alcoho<br>treatment/education<br>program. |
| 2nd                                 | 2nd offense-                                                                                                         | Yes                       |       | Revocation                                                 | Not more than<br>1 year*                                         |                                                                                                      |
|                                     | 240 days                                                                                                             | Yes                       |       |                                                            | i your                                                           |                                                                                                      |
| 3rd and<br>subsequent               | 3rd offense-<br>1 year                                                                                               |                           |       | Revocation                                                 | 6 years**<br>(§321.281(9))                                       |                                                                                                      |
| Continued on<br>page 3-89A          | Special Note: A<br>restricted hardship<br>license may be<br>Issued for any<br>Admin. Per Se<br>revocation<br>\$3218. |                           |       |                                                            |                                                                  |                                                                                                      |

*i*.

|                            |                              |                           | Administrative | Licensing Actions                                          |                                                                                             |                                                                      |
|----------------------------|------------------------------|---------------------------|----------------|------------------------------------------------------------|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| STATE                      | Pre-DWI                      | Conviction Licensing      | Action         | Post-D                                                     | I Conviction Licensin                                                                       | g Action                                                             |
|                            | Administrative<br>Per 3a Law | UVC Type of<br>Provisions | Other          | Type of Licensing<br>Action<br>(Suspension/<br>Revocation) | Term of License<br>Withdrawai (Days,<br>Months, Years,<br>etc.)                             | Mandatory Minimum<br>Term of Withdrawal                              |
|                            |                              |                           |                |                                                            |                                                                                             |                                                                      |
| IOWA                       |                              |                           |                |                                                            |                                                                                             | *Special Note:                                                       |
| 0.13 per se<br>offense     |                              |                           |                |                                                            |                                                                                             | Under §321.283(6), a<br>temporary restricted<br>permit may be issued |
| lst                        |                              | Yes                       |                | Revocation                                                 | Not more than<br>1 year*                                                                    | If the defendant is<br>attending an alcohol<br>treatment/education   |
| 2nd                        |                              | Yes                       |                | Revocation                                                 | Not more than                                                                               | program.                                                             |
| 3rd and<br>subsequent      |                              | Yes                       |                | Revocat ion                                                | 1 year*                                                                                     |                                                                      |
|                            |                              |                           |                |                                                            | 6 years**<br>(§321,281(9))                                                                  |                                                                      |
|                            |                              |                           |                |                                                            | **After 2 years, the<br>ilcense may be<br>issued provided<br>certain conditions<br>are met. |                                                                      |
| lowa Code Ann.<br>§321.281 |                              |                           |                | 321.209                                                    |                                                                                             |                                                                      |

|              |                             |                                                                                                                                                                                                                                  | " <u>.</u>                                                                                                                                                                                        |                                                                                                                                                                                                                           | Other                                               |                                                 | •••••••••••••••••• |                                                     |
|--------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------|--------------------|-----------------------------------------------------|
|              |                             |                                                                                                                                                                                                                                  | Rehabilitation                                                                                                                                                                                    |                                                                                                                                                                                                                           |                                                     | e impoundment/Confis                            | scation            | 1                                                   |
|              | STATE                       | Al coho t<br>Education                                                                                                                                                                                                           | Aicohoi<br>≣reatment                                                                                                                                                                              | Alcohol Educa-<br>tion/Treatment<br>as an Alternative<br>to Criminal/<br>Licensing Actions<br>(Describe)                                                                                                                  | Authorized By<br>Specific<br>Statutory<br>Authority | Terms Upon Which<br>Vehicle Will be<br>Released | Other              | Miscellaneous<br>Sanctions Not include<br>Elsewhere |
|              | INDIANA                     | condition of prob<br>alcohol-related p<br>cally extend such<br>DWI offenders. I<br>which alcohol abu<br>judicial notice t<br>tion program may<br>defendant satisfa<br>the charges again<br>however, licensin<br>still apply. A d | roblems. The law<br>or evaluation and the<br>n addition, for an<br>ise is a factor, the<br>hat an alcohol tra-<br>reduce antisocial<br>ctorily completes<br>st him/her shall<br>g suspensions not | ed and treated for<br>does not specifi-<br>reatment to second<br>ny misdemeanor in<br>he Court can take<br>aining/rehabilita-<br>behavior; if a<br>such a program<br>be dismissed;<br>ad on p. 3-89<br>ble to participate | No                                                  | N⁄A                                             | No                 | No                                                  |
| <b>ل</b> ته  | IOWA                        |                                                                                                                                                                                                                                  |                                                                                                                                                                                                   |                                                                                                                                                                                                                           |                                                     |                                                 |                    |                                                     |
| <b>3-</b> 90 | 0.10 presumption offense    |                                                                                                                                                                                                                                  |                                                                                                                                                                                                   |                                                                                                                                                                                                                           | No                                                  | -                                               |                    |                                                     |
|              | 1st                         |                                                                                                                                                                                                                                  | Yes                                                                                                                                                                                               | Yes                                                                                                                                                                                                                       |                                                     |                                                 |                    |                                                     |
|              | 2nd                         |                                                                                                                                                                                                                                  |                                                                                                                                                                                                   |                                                                                                                                                                                                                           |                                                     |                                                 |                    |                                                     |
|              | 3rd and<br>subsequent       |                                                                                                                                                                                                                                  | Yes                                                                                                                                                                                               | Yes                                                                                                                                                                                                                       |                                                     |                                                 |                    |                                                     |
|              | 0.13 per se<br>offense      |                                                                                                                                                                                                                                  |                                                                                                                                                                                                   |                                                                                                                                                                                                                           |                                                     |                                                 |                    |                                                     |
|              | 1s†                         |                                                                                                                                                                                                                                  |                                                                                                                                                                                                   |                                                                                                                                                                                                                           |                                                     |                                                 |                    |                                                     |
|              | 2nd                         |                                                                                                                                                                                                                                  |                                                                                                                                                                                                   |                                                                                                                                                                                                                           |                                                     |                                                 |                    |                                                     |
|              | 3rd and<br>subsequent       |                                                                                                                                                                                                                                  |                                                                                                                                                                                                   |                                                                                                                                                                                                                           |                                                     |                                                 |                    |                                                     |
|              | iowa Code Ann.<br>§ 321.281 |                                                                                                                                                                                                                                  |                                                                                                                                                                                                   |                                                                                                                                                                                                                           |                                                     |                                                 |                    |                                                     |

|         | 1                                              |                                                                           |                           | Ho                                          | micide by Vehic                   | le                                                                     |                                                 |                                                                          |                        |
|---------|------------------------------------------------|---------------------------------------------------------------------------|---------------------------|---------------------------------------------|-----------------------------------|------------------------------------------------------------------------|-------------------------------------------------|--------------------------------------------------------------------------|------------------------|
|         |                                                | 1                                                                         |                           |                                             | Sanctions                         |                                                                        |                                                 |                                                                          | Other                  |
| STATE   |                                                |                                                                           | Criminal                  | Sanctions                                   | <u>ddildriidilb</u>               | Administ                                                               | rative Licensin                                 | a Actions                                                                | 011101                 |
|         | State Has<br>Such a Law/<br>Type of<br>Offense | Imprisonment<br>(Term)                                                    | Mandatory<br>Minimum Term | Fine<br>(\$ Range)                          | Mandatory<br>Minimum Fine<br>(\$) | Licensing<br>Authorized<br>and Type of<br>Action                       | Length of<br>Term of<br>Licensing<br>Withdrawal | Mandatory<br>Action<br>Min. Length<br>of License<br>Withdrawai           | -                      |
| INDIANA |                                                |                                                                           |                           |                                             |                                   |                                                                        |                                                 |                                                                          |                        |
|         | Yes<br>Felony                                  | Not less than<br>1 year nor<br>more than<br>5 years with<br>no fine<br>or | і уөаг                    | No fine                                     | No fine                           | Court shall<br>recommend<br>license<br>suspension<br>for i year<br>and | 1 уеаг                                          | 1 year                                                                   |                        |
|         |                                                | Not less than<br>1 year nor<br>more than<br>2 years<br>Plus a fine        | 1 year                    | Not less than<br>250 nor more<br>than 5,000 | 250                               | commissioner<br>must comply<br>with such<br>recommendation             |                                                 |                                                                          |                        |
| IOWA    |                                                |                                                                           |                           |                                             |                                   |                                                                        | · · · · · · · · · · · · · · · · · · ·           |                                                                          |                        |
|         | No                                             |                                                                           | _                         |                                             |                                   | vehicle homicie<br>a license for<br>resulting from                     | de statute, it,<br>one year for a               | is State does n<br>, nevertheless,<br>conviction of m<br>of a motor vehi | revokes<br>anslaughter |
|         |                                                |                                                                           |                           |                                             |                                   |                                                                        |                                                 |                                                                          |                        |
|         |                                                |                                                                           |                           |                                             |                                   |                                                                        |                                                 |                                                                          |                        |

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| STATE                                            |                                                                             | 2. IVING MILL                                |                        | Sanctions                         | Where the Basis Was                                                 |                                                                                            |                                                                                            |
|--------------------------------------------------|-----------------------------------------------------------------------------|----------------------------------------------|------------------------|-----------------------------------|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| •                                                |                                                                             | Criminal                                     |                        |                                   |                                                                     | Istrative Licensing A                                                                      | ctions                                                                                     |
|                                                  | imprisonment<br>(Term)                                                      | Mandatory Minimum<br>Term of<br>Imprisonment | Fine<br>(\$ Range)     | Mandatory<br>Minimum Fine<br>(\$) | Type of Licensing                                                   | Length of Term of<br>License Withdrawai<br>Action                                          | Mandatory Term of<br>License Withdrawal<br>Action                                          |
| INDIANA                                          |                                                                             |                                              |                        |                                   |                                                                     |                                                                                            |                                                                                            |
|                                                  | Class A<br>Misdemeanor<br>Not less than<br>2 days nor more<br>than 6 months | 60 days                                      | Not more than<br>500   | No                                | Additional mandatory<br>driving while his li<br>1-year extension of | cense is revoked woul                                                                      | e period and a person<br>d incur a mandatory                                               |
|                                                  |                                                                             |                                              |                        |                                   |                                                                     |                                                                                            |                                                                                            |
|                                                  |                                                                             |                                              |                        |                                   |                                                                     |                                                                                            |                                                                                            |
| IOWA<br>Iowa Code Ann.                           | Serlous misdemeanor<br>Not more than<br>1 year                              |                                              | Not more than<br>1,000 |                                   | Suspension or<br>revocation                                         | Original period of<br>suspension or<br>revocation extended<br>an additional like<br>period | Original period of<br>suspension or<br>revocation extended<br>an additional like<br>period |
| \$\$321.218,<br>321.282,<br>3218.15 and<br>903.1 |                                                                             |                                              |                        |                                   |                                                                     |                                                                                            |                                                                                            |
|                                                  | Note: Under §321,218                                                        | A Court cannot sus                           | pend sentence;         | this section is                   | silent as to probati                                                | on following sentenci                                                                      | ng .                                                                                       |
|                                                  |                                                                             |                                              |                        |                                   |                                                                     |                                                                                            |                                                                                            |
|                                                  |                                                                             |                                              |                        |                                   |                                                                     |                                                                                            | nd Edition August 1983                                                                     |

| l l                                             |                                     |                                                                                                               |                                                                                               | Hab                                                                                            | itual Offender                                                                                    | Laws                                            |                        |                                   |                                                         |  |  |
|-------------------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|-------------------------------------------------|------------------------|-----------------------------------|---------------------------------------------------------|--|--|
| IGE 3-93A<br>IOWA<br>Wa Code Ann.<br>321,55 and |                                     |                                                                                                               |                                                                                               | Type of<br>Criminal                                                                            | Sanctions Following a Conviction of Driving<br>While on Habitual Offender Status                  |                                                 |                        |                                   |                                                         |  |  |
| STATE                                           | State Has<br>Such a Law<br>(Yes/No) | Grounds for<br>Being<br>Declared an<br>Habitual<br>Offender                                                   | Term of<br>License<br>Revocation<br>While Under<br>Habitual<br>Offender<br>Status             | Offense if<br>Convicted on<br>Charges of<br>Driving While<br>on Habitual<br>Offender<br>Status | imprisonment<br>(Term)                                                                            | Mandatory<br>Minimum Term<br>of<br>Imprisonment | Fine<br>(\$ Range)     | Mandatory<br>Minimum Fine<br>(\$) | Licensing<br>Actions<br>(Specify)                       |  |  |
| INDIANA                                         |                                     |                                                                                                               |                                                                                               |                                                                                                |                                                                                                   |                                                 |                        |                                   |                                                         |  |  |
|                                                 | Yes                                 | 2 convictions<br>for very<br>severe<br>offenses as<br>defined in<br>IC 9-4-13-3(a)<br>(1)                     | 10-year<br>suspans ion**                                                                      | Class D<br>felony                                                                              | Not less than<br>I year nor<br>more than<br>5 years.<br>Court may<br>suspend up to<br>180 days of | 180 days                                        | No                     | No                                | Forfeiture of<br>license for<br>life                    |  |  |
| Continued on<br>Dage 3-93A                      |                                     | 3 convictions<br>for major<br>offenses (w/n<br>10-year<br>period) as<br>defined in<br>1C 9-4-13(3)<br>(a)(2)* | 10-year<br>suspension**                                                                       | Class D<br>felony                                                                              | the sentence.                                                                                     |                                                 |                        |                                   |                                                         |  |  |
| IOWA                                            |                                     |                                                                                                               |                                                                                               |                                                                                                |                                                                                                   |                                                 |                        |                                   |                                                         |  |  |
| owa Code Ann.<br>\$321,55 and<br>\$21,560       | Yes                                 | 3 serious<br>offenses<br>(w/n 6-year)<br>period or 6<br>minor offenses<br>in a 2-year<br>period               | If based on<br>serious<br>offenses<br>2-6 years<br>If based on<br>minor<br>offenses<br>1 year | Aggravated<br>misdemeanor                                                                      | Not more than<br>2 years                                                                          |                                                 | Not more than<br>5,000 |                                   | Same as for<br>driving while<br>suspended or<br>revoked |  |  |
|                                                 | 321.55<br>and<br>321.560            |                                                                                                               |                                                                                               |                                                                                                |                                                                                                   |                                                 |                        |                                   |                                                         |  |  |
| ontinued on<br>age 3-94                         |                                     |                                                                                                               |                                                                                               |                                                                                                |                                                                                                   |                                                 |                        |                                   |                                                         |  |  |

|                |                                     |                                                                                                                                                                                      | Other Crimi                                                                       |                                                                                                            |                          | Use and Driving                                 | Continued                             |                                   |                                   |
|----------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------|---------------------------------------|-----------------------------------|-----------------------------------|
|                |                                     |                                                                                                                                                                                      |                                                                                   | Type of                                                                                                    | ltual Offender           | Sanctions Follo                                 | wing a Convict                        | ion of Driving                    |                                   |
| STATE          | State Has<br>Such a Law<br>(Yes/No) | Grounds for<br>Being<br>Declared an<br>Habitual<br>Offender                                                                                                                          | Term of<br>License<br>Revocation<br>While Under<br>Habitual<br>Offender<br>Status | Criminal<br>Offense if<br>Convicted on<br>Charges of<br>Driving While<br>on Habitual<br>Offender<br>Status | lmprisonment<br>(Term)   | Mandatory<br>Minimum Term<br>of<br>imprisonment | iabl†ual Offend<br>Fine<br>(\$ Range) | Mandatory<br>Minimum Fine<br>(\$) | Licensing<br>Actions<br>(Specify) |
| INDIANA        |                                     |                                                                                                                                                                                      |                                                                                   |                                                                                                            |                          |                                                 |                                       |                                   |                                   |
| *DWI offenses  | listed among th                     | 10 convictions<br>for moving<br>violations;<br>one of which<br>must have been<br>a conviction<br>for an offense<br>listed in one<br>of the above<br>sub-sections.<br>ose offenses co | suspens Ion**                                                                     |                                                                                                            | See p. 3-93<br>r status. | See p. 3-93                                     |                                       |                                   | See p. 3-93                       |
| **A restricted | license may be                      | issued .                                                                                                                                                                             |                                                                                   |                                                                                                            |                          |                                                 |                                       |                                   |                                   |
|                |                                     |                                                                                                                                                                                      |                                                                                   |                                                                                                            |                          |                                                 |                                       |                                   |                                   |
|                |                                     |                                                                                                                                                                                      |                                                                                   |                                                                                                            |                          |                                                 |                                       |                                   |                                   |
|                |                                     |                                                                                                                                                                                      |                                                                                   |                                                                                                            |                          |                                                 |                                       |                                   |                                   |
|                |                                     |                                                                                                                                                                                      |                                                                                   |                                                                                                            |                          |                                                 |                                       |                                   |                                   |
|                |                                     |                                                                                                                                                                                      |                                                                                   |                                                                                                            |                          |                                                 |                                       |                                   |                                   |
|                |                                     |                                                                                                                                                                                      |                                                                                   |                                                                                                            |                          |                                                 |                                       |                                   |                                   |
|                |                                     |                                                                                                                                                                                      |                                                                                   |                                                                                                            |                          |                                                 |                                       |                                   |                                   |
|                |                                     |                                                                                                                                                                                      |                                                                                   |                                                                                                            |                          |                                                 |                                       |                                   | ion August 1                      |

| 1   |         | [                                      | ······                                                   |                               | Other Sta                                                    | ite Laws Re                                    | lated to Alco                                                                                                         | hol Use and D                            | riving                                   |                                                                                                                           |             |
|-----|---------|----------------------------------------|----------------------------------------------------------|-------------------------------|--------------------------------------------------------------|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-------------|
|     |         |                                        | equiring BAC                                             |                               |                                                              | Laws E<br>Ages Conc                            | stablishing t<br>erning Alcoho                                                                                        | he Minimum<br>lic Beverages              | Dram Sh                                  | op Laws and Related Legal                                                                                                 | Actions     |
|     | STATE   |                                        |                                                          | al Test is GI<br>Howing Perso |                                                              |                                                |                                                                                                                       |                                          | State                                    | "Dram Shop Law" Concept<br>Has Been Adopted via a                                                                         |             |
|     |         | State<br>Has Such<br>A Law<br>(Yes/No) | Driver                                                   | Vehicle<br>Passengers         | Pedestrians                                                  | Minimum<br>Age<br>(Years)<br>Sale/<br>Purchase | Mimimum<br>Age<br>(Years)<br>Possession                                                                               | Mimimum<br>Age<br>(Years)<br>Consumption | Has a<br>Dram<br>Shop<br>Law<br>(Yes/No) | Change to the Common Law<br>Rule by Action of This<br>Highest Court of Record<br>In the State (Give the<br>Case Citation) | Other       |
|     | INDIANA |                                        |                                                          |                               |                                                              |                                                |                                                                                                                       |                                          |                                          |                                                                                                                           |             |
|     |         | Yes                                    | Yesif<br>driver dies<br>within<br>4 hours of<br>accident | Yes<br>Implied                | Yesif<br>pedestrian<br>dies within<br>4 hours of<br>accident | 21                                             | 21                                                                                                                    | 21                                       | No                                       | Elder v. Fisher<br>217 N.E. 2nd 847 (1966)<br>and Parrett v. Lebamoff,<br>ind. App., 408 N.E. 2d<br>1344 (1980)           |             |
|     |         |                                        |                                                          |                               |                                                              |                                                |                                                                                                                       |                                          |                                          |                                                                                                                           |             |
| μ   |         |                                        |                                                          |                               |                                                              | 37.                                            | 1-5-7-7                                                                                                               |                                          |                                          |                                                                                                                           |             |
| -94 | IOWA    |                                        |                                                          |                               |                                                              |                                                |                                                                                                                       |                                          |                                          |                                                                                                                           |             |
|     |         | No                                     |                                                          |                               |                                                              | 19                                             | 19<br>(There are<br>exemptions<br>for medical<br>reasons,<br>employment<br>& home use<br>with<br>parental<br>consent) | N∕A                                      | Yes<br>123.92                            | Lewis v. State,<br>256 N.W. 2d 181<br>(Iowa 1977)                                                                         |             |
|     |         |                                        |                                                          |                               |                                                              | \$§123                                         | .33 & 123.47                                                                                                          |                                          |                                          | 2nd Edition                                                                                                               | August 1983 |

|             |                               | Other State Laws Related                                           | to Alcohol Use and DrivingC       | ontinued                                                               |                                                                                          |
|-------------|-------------------------------|--------------------------------------------------------------------|-----------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
|             | Criminal Action Aga<br>Alcohu | inst Owner or Employees of Esta<br>olic Beverages to Intoxicated f | ablishments That Serve<br>Patrons | of Establis                                                            | tive Actions Against Owners<br>shments That Serve Alcoholic<br>is to Intoxicated Patrons |
| STATE       | Type of Criminal Action       | Term of Imprisonment                                               | Fine<br>(\$ Range)                | License to<br>Serve<br>Alcoholic<br>Beverages<br>Withdrawn<br>(Yes/No) | Length of Term of License<br>Withdrawal                                                  |
| INDIANA     |                               |                                                                    |                                   |                                                                        |                                                                                          |
| lst offense | Misdemeanor                   | Not more than 60 days                                              | 10 to <b>10</b> 0                 | Yes                                                                    | No period specified in<br>statute                                                        |
| 2nd offense | Misdemeanor                   | Not more than 6 months                                             | 25-200                            |                                                                        | No period specified in statute                                                           |
|             |                               |                                                                    |                                   |                                                                        |                                                                                          |
|             |                               |                                                                    |                                   |                                                                        |                                                                                          |
|             |                               |                                                                    |                                   |                                                                        |                                                                                          |
|             |                               | <b></b>                                                            |                                   |                                                                        |                                                                                          |
| IOWA        |                               |                                                                    |                                   |                                                                        |                                                                                          |
|             | Simple misdemeanor            | Not more than 30 days                                              | Not more than 100                 | Suspension<br>or<br>revocation                                         | Term of suspension not specified in the statute                                          |
|             |                               |                                                                    |                                   |                                                                        | lf the license is revoked,<br>term of revocation is<br>2 years                           |
|             | 123,50(1)                     | 123,50                                                             |                                   | 123, 50                                                                |                                                                                          |
|             |                               |                                                                    |                                   |                                                                        |                                                                                          |
|             |                               |                                                                    |                                   |                                                                        |                                                                                          |
|             |                               |                                                                    |                                   |                                                                        |                                                                                          |

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| <u> </u>    | 1                                              |                                                                                               | Other Sta                                   | te Laws Related to Alc                                           | cohol Use and Driving-                                                                                   | Continued                                                                                                                       |                                               |  |
|-------------|------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--|
| STATE       | Employees of<br>Alcoholic Bey<br>Alcoholic Bey | Actions Against<br>FEstablishments<br>verages or the W<br>verage to Those<br>Imum Legal Drink | That Serve<br>rong Type of<br>Persons Under | Establishments Th<br>Beverages or the Nrc<br>Beverage to Those   | ns Against Owners of<br>at Serve Alcoholic<br>ong Type of Alcoholic<br>Persons Under the<br>Drinking Age | Laws Prohibiting the Possession of Open<br>Containers of Alcoholic Beverages in the<br>Passenger Compartment of a Motor Vehicle |                                               |  |
|             | Type of<br>Criminal<br>Action                  | Term of<br>Imprisonment                                                                       | Fine<br>(\$ Range)                          | License to Serve<br>Alcoholic Beverages<br>Withdrawn<br>(Yes/No) | Length of Term of<br>License Withdrawai                                                                  | State Has<br>Such a Law<br>(Yes/No)                                                                                             | Explanation of<br>Such State Law<br>If Needed |  |
| IND IANA    |                                                |                                                                                               |                                             |                                                                  |                                                                                                          |                                                                                                                                 |                                               |  |
| 1st offense | Misdemeanor                                    | Not more than<br>60 days                                                                      | 10-100                                      | Yes                                                              | Not less than<br>15 days                                                                                 | No                                                                                                                              |                                               |  |
| 2nd offense | Misdemeanor                                    | Not more than<br>6 months                                                                     | 25-200                                      |                                                                  | A 2nd violation<br>within 12 months<br>results in permanent<br>revocation of permit                      |                                                                                                                                 |                                               |  |
|             |                                                |                                                                                               |                                             |                                                                  |                                                                                                          |                                                                                                                                 |                                               |  |
|             |                                                |                                                                                               |                                             |                                                                  |                                                                                                          |                                                                                                                                 |                                               |  |
|             |                                                |                                                                                               |                                             |                                                                  |                                                                                                          |                                                                                                                                 |                                               |  |
| IOWA        |                                                |                                                                                               |                                             |                                                                  |                                                                                                          |                                                                                                                                 |                                               |  |
|             | Simple<br>misdemeanor                          | Not mors th <b>an</b><br>30 days                                                              | Not more<br>than 100                        | 1st offense<br>suspension                                        | 14 days                                                                                                  | No                                                                                                                              |                                               |  |
|             |                                                |                                                                                               |                                             | 2nd offense within<br>2 years-suspension                         | 30 days                                                                                                  |                                                                                                                                 |                                               |  |
|             |                                                |                                                                                               |                                             | 3rd offense within<br>5 years-suspension                         | 60 days                                                                                                  |                                                                                                                                 |                                               |  |
|             |                                                |                                                                                               |                                             | 4th offense within<br>5 years-revocation                         | 2 years                                                                                                  |                                                                                                                                 |                                               |  |
|             | 123.50                                         |                                                                                               |                                             | 123.50                                                           |                                                                                                          |                                                                                                                                 |                                               |  |
|             |                                                |                                                                                               |                                             |                                                                  |                                                                                                          |                                                                                                                                 |                                               |  |

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|                                                                                                                                                                        | E                                 | Basis for a DWI Charge     | 9                                                                                                                       | Chemica                           | I Breath Tests for B/          | C Level              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--------------------------------|----------------------|
| [                                                                                                                                                                      |                                   |                            |                                                                                                                         |                                   |                                | Consent Law          |
| STATE                                                                                                                                                                  | illegal Per Se<br>Law (BAC Level) | Presumption<br>(BAC Level) | Other                                                                                                                   | Preliminary<br>Breath Test<br>Law | Arrest<br>Required<br>(Yes/No) | Other<br>Information |
| KANSAS                                                                                                                                                                 |                                   |                            |                                                                                                                         |                                   |                                |                      |
| See: Generally<br>Ch. 8 of the<br>Kansas Statutes<br>Annotated, 1976,<br>1981 Cum. Supp.<br>and Senate Bill<br>699 of the 1982<br>Legislative<br>Session as<br>enacted | No                                |                            | O.10% is Prima<br>Facie evidence<br>that the defen-<br>dant was under<br>the influence<br>of alcohol<br>(§8-1005(a)(2)) | No                                | Yes                            |                      |
| KENTUCKY                                                                                                                                                               |                                   |                            |                                                                                                                         |                                   |                                |                      |
| See: Kentucky<br>Revised Statutes<br>Annotated, 1980,<br>1982 Cum. Supp.<br>(current through<br>1982 Regular<br>Session)                                               | No                                | 0.10≴                      | No                                                                                                                      | No                                | Yes                            | No                   |
|                                                                                                                                                                        |                                   |                            |                                                                                                                         |                                   |                                |                      |

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|                                                                                                                          | Other Chemic<br>Authorized | cal Tests For BAC Leve<br>Under Law (implied Co | l Which Are<br>nsent Law) |                                           | judication of DWI Charg                     | 383                                                                             |
|--------------------------------------------------------------------------------------------------------------------------|----------------------------|-------------------------------------------------|---------------------------|-------------------------------------------|---------------------------------------------|---------------------------------------------------------------------------------|
| STATE                                                                                                                    | Blood                      | Urine                                           | Other<br>(Specify)        | Mandatory<br>Adjudication Law<br>(Yes/No) | Anti-Plea<br>Bargaining Statute<br>(Yes/No) | Pre-Sentence<br>Investigation La<br>(PSI) (Yes/No)                              |
| KANSAS                                                                                                                   |                            |                                                 |                           |                                           |                                             |                                                                                 |
|                                                                                                                          | Yes                        |                                                 |                           | No                                        | Yes                                         | Yes                                                                             |
|                                                                                                                          |                            |                                                 |                           |                                           | \$8-1567(с),<br>(d) & (ө)                   | \$\$8-1008 and<br>8-1567(c)<br>See,\$10of Senat<br>Bili 699, 1982 as<br>enacted |
| KENTUCKY                                                                                                                 |                            |                                                 |                           |                                           |                                             |                                                                                 |
| See: Kentucky<br>Revised Statutes<br>Annotated, 1980,<br>1982 Cum. Supp.<br>(current through<br>1982 Regular<br>Session) | No                         | 0₊10≸                                           | No                        | No                                        | Yes                                         | No                                                                              |
|                                                                                                                          |                            |                                                 |                           |                                           |                                             |                                                                                 |

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|          |                                      |                                                                   | Sanctions for Refusa<br>Chemical B | I To Submit to a BAC<br>reath Test   |                                                                                                                                                                                                   |            |
|----------|--------------------------------------|-------------------------------------------------------------------|------------------------------------|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| STATE    | Refusal                              | To Take Preliminary Brea                                          | ath Test                           | Refusal To                           | Take implied Consent Che                                                                                                                                                                          | mical Test |
|          | Criminal<br>Sanctions<br>(Fine/Jall) | Administrative<br>Licensing Action<br>(Suspension/<br>Revocation) | Other                              | Criminal<br>Sanctions<br>(Fine/jall) | Administrative<br>Licensing Action<br>(Suspension/<br>Revocation)                                                                                                                                 | Other      |
| KANSAS   |                                      |                                                                   |                                    |                                      |                                                                                                                                                                                                   |            |
|          | N/A                                  | N/A                                                               | N/A                                | No                                   | Suspension for<br>120 days-1 year<br>(Kansas Stat. Ann.<br>§8-1001(c)                                                                                                                             |            |
| KENTUCKY |                                      |                                                                   |                                    |                                      |                                                                                                                                                                                                   | <u></u>    |
|          | N/A                                  | N/A                                                               | N/A                                | No                                   | Possibility of<br>6 months license<br>suspension. If<br>defendent is found<br>guilty of DWI, the<br>6 months suspension<br>is not added onto<br>sentence but is<br>dropped.<br>(Hardship License) | No         |

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|                                                      |                                            |                                                                                                             | Sanctions Follo                     | wing a Convicti                    | on for a DWI Offense                      | )                                       |       |
|------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------|-------------------------------------|------------------------------------|-------------------------------------------|-----------------------------------------|-------|
|                                                      |                                            |                                                                                                             |                                     | Criminal Sanct                     | ions                                      |                                         |       |
| STATE                                                | Impri                                      | sonment                                                                                                     | F1                                  | Nê                                 |                                           | Other Penalties                         |       |
| ·                                                    | Term (Day, Months,<br>Years, Etc.)         | Mandatory<br>Minimum Term                                                                                   | Amount<br>(\$ Range)                | Mandatory<br>Minimum Fine<br>(\$)  | Community<br>Service                      | Restitution<br>(e.g., Victim's<br>Fund) | Other |
| KANSAS                                               |                                            |                                                                                                             |                                     |                                    |                                           |                                         |       |
| lst offense<br>(w/5 years)                           | 48 hours-<br>6 months**                    | 48 hours**                                                                                                  | 200-500                             |                                    | 100 hours<br>(in lieu of<br>imprisonment) | Yes                                     |       |
| 2nd offense<br>(w/5 years)                           | 90 days-<br>1 year                         | 90 days<br>(5 days*)                                                                                        | 500-1,000                           |                                    | Yes*                                      | Yes                                     |       |
| 3rd and<br>subsequent<br>offenses<br>(w/5 years)     | 90 days-<br>1 year                         | 90 days<br>(See note in the<br>last column on                                                               | 1,000-2,500                         |                                    | Yes*                                      |                                         |       |
| ∮8-1567(c), (d),<br>(e), and (1)                     |                                            | p.3-102.)<br>*Mandatory term<br>may be reduced to<br>not less than                                          |                                     |                                    | *May be ordered in<br>§8-1567(g)          |                                         |       |
|                                                      | **Under §22-2906 et<br>have the DWI crimin | 5 days if person<br>enters an approved<br>treatment program.<br>seq. a defendant me<br>al charges dismissed | y enter a divers<br>after the progr | ion program for<br>am has been suc | 1st offense and<br>cessflly completed.    | \$21-4610                               |       |
|                                                      |                                            |                                                                                                             |                                     |                                    |                                           |                                         |       |
| KENTUCKY                                             |                                            |                                                                                                             |                                     |                                    |                                           |                                         |       |
| 1st offense                                          | None                                       |                                                                                                             | 100-500                             |                                    | No                                        | No                                      | No    |
| 2nd offense                                          | 3 days-6 months                            |                                                                                                             | 100-500                             |                                    |                                           |                                         |       |
| Subsequent<br>offenses                               | 30 days-12 months                          |                                                                                                             | 100-500                             |                                    |                                           |                                         |       |
| (Mandatory<br>sentences for 2nd<br>and 3rd offenses) |                                            |                                                                                                             |                                     |                                    |                                           |                                         |       |
| \$\$189,520 and<br>189,990(9)(a)                     |                                            |                                                                                                             |                                     |                                    |                                           |                                         |       |

|   |                                   |                              |                           | · · · · |                                                                                                                                                                                                                           |                                                                 |                                                                                                                                                                                                                     |
|---|-----------------------------------|------------------------------|---------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | Į                                 | L                            | Sanctions                 |         | tion for a DWI OffenseC                                                                                                                                                                                                   | Continued                                                       |                                                                                                                                                                                                                     |
|   | STATE                             | Bro-DW                       | I Conviction Licensing    |         | e Licensing Actions                                                                                                                                                                                                       | I Conviction Licensin                                           | a Aetion                                                                                                                                                                                                            |
|   | SIVIE                             | Administrative<br>Per Se Law | UVC Type of<br>Provisions | Other   | Type of Licensing<br>Action<br>(Suspension/<br>Revocation)                                                                                                                                                                | Term of License<br>Withdrawal (Days,<br>Months, Years,<br>etc.) | Mandatory Minimum<br>Term of Withdrawal                                                                                                                                                                             |
|   | KANSAS                            |                              |                           |         |                                                                                                                                                                                                                           |                                                                 |                                                                                                                                                                                                                     |
| : | 1st offense                       | No                           | No                        |         | Restricted*                                                                                                                                                                                                               | 90 days - 1 year<br>1 year                                      |                                                                                                                                                                                                                     |
|   | 2nd offense                       | No                           | No                        |         | Suspens Ion                                                                                                                                                                                                               | l year                                                          | 1 year*                                                                                                                                                                                                             |
|   | 3rd and<br>subsequent<br>offenses | No                           | No                        |         | Revocation<br>*License must be<br>restricted in use in<br>going to and from<br>work, or an<br>alcohol education/<br>treatment program<br>§8-1567(c), (d), (e),<br>and (1)<br>Note: Under §8-1567(<br>to revoke a person's | j), the Court has the                                           | I year<br>*License suspension<br>terminates when an<br>approved treatment<br>program has been<br>completed, this<br>could take more than<br>or less than one<br>year.<br>discretionary power<br>2nd DW1 conviction. |
|   | KENTUCKY                          | No                           | Yes                       | No      | 1st offense6 months<br>course a                                                                                                                                                                                           | license suspension o<br>nd restricted license                   |                                                                                                                                                                                                                     |
|   |                                   |                              |                           |         | 2nd offense1 year  <br>3rd offense2 year  <br>\$\$186,56                                                                                                                                                                  | -                                                               |                                                                                                                                                                                                                     |
|   |                                   |                              |                           |         |                                                                                                                                                                                                                           |                                                                 | 2nd Edition August 19                                                                                                                                                                                               |

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|             |                                                  | \$                                                    | anctions Following                                                                                                                                 | a Conviction for                                    | a DWI OffenseCon                                | it inued |                                                      |
|-------------|--------------------------------------------------|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------|----------|------------------------------------------------------|
|             |                                                  |                                                       |                                                                                                                                                    | Other                                               |                                                 | ·····    |                                                      |
|             |                                                  | Rehabilitation                                        |                                                                                                                                                    | Vehicle                                             | Impoundment/Confl                               | scation  | ļ                                                    |
| STATE       | Al coho i<br>Education                           | Alcohol<br>Treatment                                  | Aicohol Educa-<br>tion/Treatment<br>as an Alternative<br>to Criminal/<br>Licensing Actions<br>(Describe)                                           | Authorized By<br>Specific<br>Statutory<br>Authority | Terms Upon Which<br>Vehicle Will be<br>Released | Other    | Miscellaneous<br>Sanctions Not Included<br>Elsewhere |
| KANSAS      | -                                                |                                                       |                                                                                                                                                    |                                                     | :                                               |          |                                                      |
| lst offense | Defendant must d<br>alcohol educatio<br>program. | omplete either an<br>on or treatment                  | <br>(Note:<br>Attendance at an<br>alcohol education<br>or treatment<br>program could be<br>a condition for<br>issuing a<br>restricted<br>ilcense.) | No                                                  |                                                 |          | ·                                                    |
| KENTUCKY    | The DMV may refer<br>to retraining or            | a DWI offender<br>rehabilitation<br>mmendation of the | No                                                                                                                                                 | No                                                  | N/A .                                           | N/A      | No                                                   |
|             | upon written reco<br>Court.                      | mmendation of the                                     |                                                                                                                                                    |                                                     |                                                 |          |                                                      |
| :           |                                                  |                                                       |                                                                                                                                                    |                                                     |                                                 |          |                                                      |
| •           |                                                  |                                                       |                                                                                                                                                    |                                                     |                                                 |          |                                                      |
|             |                                                  |                                                       |                                                                                                                                                    |                                                     |                                                 |          |                                                      |

|          |                                                                                                                           |                         |                           | Но                     | micide by Vehic                   | 10                                                                           |                                                                         |                                                                                                                    |                                                  |
|----------|---------------------------------------------------------------------------------------------------------------------------|-------------------------|---------------------------|------------------------|-----------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| STATE    |                                                                                                                           | <b> </b>                | Criminal                  | Sanctions              | Sanctions                         | Administ                                                                     | rative Licensin                                                         | Actions                                                                                                            | Other                                            |
|          | State Hos<br>Such a Law/<br>Type of<br>Offense                                                                            | imprisonment<br>(Term)  | Mandatory<br>Minimum Term | Fine<br>(\$ Range)     | Mandatory<br>Minimum Fine<br>(\$) | Licensing<br>Authorized<br>and Type of<br>Action                             | Length of<br>Term of<br>Licensing<br>Withdrawal                         | Mandatory<br>Action<br>Min. Length<br>of License<br>Withdrawal                                                     |                                                  |
| KANSAS   |                                                                                                                           |                         |                           |                        |                                   |                                                                              |                                                                         |                                                                                                                    |                                                  |
|          | YesClass A<br>misdemeanor.<br>Death caused<br>by operation<br>of a vehicle<br>in a manner<br>which causes<br>unreasonable | Not more than<br>1 year | _                         | Not more than<br>2,500 |                                   | Revocation                                                                   | Not less than<br>1 year                                                 | l year*<br>*A restricted<br>license may<br>be issued.                                                              |                                                  |
|          | risk.<br>(Ka                                                                                                              | nsas Stat. Ann.         | <b>§\$21-3405, 21-</b>    | 4502, and 21-45        | 03)                               |                                                                              |                                                                         |                                                                                                                    |                                                  |
| <br>     |                                                                                                                           |                         |                           |                        |                                   |                                                                              |                                                                         |                                                                                                                    | <u></u>                                          |
| Kentucky | No                                                                                                                        | N/A                     | N/A                       | N/A                    | N/A                               | vehicle homi<br>for mandator<br>for a convic<br>operation of<br>period is ic | cide statute, i<br>y license revoc<br>tion of mansiau<br>a motor vehicl | this State does<br>t, nevertheless,<br>ation for at lea<br>ghter resulting<br>e; the license r<br>as been a previo | provides<br>st 6 month:<br>from the<br>evocation |
|          |                                                                                                                           |                         |                           |                        |                                   |                                                                              |                                                                         |                                                                                                                    |                                                  |

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

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|                     |                                     |                                                |                                                                                                                     | Hab                                                                              | itual Offender             | Laws                                            |                                    |                                   |                                                                          |
|---------------------|-------------------------------------|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------|-------------------------------------------------|------------------------------------|-----------------------------------|--------------------------------------------------------------------------|
| STATE               |                                     |                                                |                                                                                                                     | Type of<br>Criminal<br>Offense If                                                |                            | Sanctions Foll<br>While on                      | owing a Convict<br>Habitual Offend | lon of Driving<br>er Status       |                                                                          |
| STATE               | State Has<br>Such a Law<br>(Yes/No) | State Has Declared an<br>Such a Law Habitual   | Term of<br>License<br>Revocation<br>While Under<br>Habituai<br>Offender<br>Status                                   | Convicted on<br>Charges of<br>Driving While<br>on Habitual<br>Offender<br>Status | imprisonment<br>(Term)     | Mandatory<br>Minimum Term<br>of<br>Imprisonment | Fine<br>(\$ Range)                 | Mandatory<br>Minimum Fine<br>(\$) | Licensing<br>Actions<br>(Specify)                                        |
| KANSAS              |                                     |                                                |                                                                                                                     |                                                                                  |                            |                                                 |                                    |                                   |                                                                          |
|                     | Yes                                 | Three serious<br>offenses<br>within<br>5 years | 3 years                                                                                                             | Class E<br>felony                                                                | 1-5 years                  |                                                 | Not more than<br>5,000             |                                   | No specific<br>licensing<br>action in the<br>statute for<br>this offense |
| <b>∮8-28</b> 5      |                                     | fansas Stat. Ann                               | . §§8-284 et se                                                                                                     | ( <b>1</b> , 1)                                                                  |                            |                                                 |                                    |                                   |                                                                          |
| KENTUCKY<br>186,642 | Yes                                 | Three or more<br>serious<br>offenses           | Revocation of<br>license for a<br>period of                                                                         | Misdemeanor                                                                      | Not to exceed<br>12 months | No                                              | No                                 | No                                | See section or<br>suspended or<br>revoked                                |
|                     |                                     | (including<br>DWI within<br>5 years)           | period of<br>5 years lf<br>habitual<br>offender<br>status is<br>based on<br>three or more<br>convictions<br>for DWI |                                                                                  |                            |                                                 |                                    |                                   | (columa 3)                                                               |

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|                                                                                                                                                                                                                                                                                                                                                                 | 1                                                                                                                                                                             |                              |                                  | Other Sta            | ate Laws Re                                                          | lated to Alco                                   | whoi Use and D                           | riving                                   |                                                                                                                           |         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------|----------------------|----------------------------------------------------------------------|-------------------------------------------------|------------------------------------------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|---------|
| STATE                                                                                                                                                                                                                                                                                                                                                           | Laws R                                                                                                                                                                        | equiring BAC<br>rsons Killed | Chemical Test<br>in Traffic Gr   | ts on Those<br>ashes |                                                                      | stablishing 1<br>erning Alcoho                  | nhe Minimum<br>Dic Beverages             | Dram St                                  | op Laws and Related Legal                                                                                                 | Actions |
| STATE                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                               |                              | cal Test is Gi<br>cliowing Perso |                      |                                                                      |                                                 |                                          | State                                    | "Dram Shop Law" Concept<br>Has Been Adopted via a                                                                         |         |
|                                                                                                                                                                                                                                                                                                                                                                 | State<br>Has Such<br>A Law<br>(Yes/No)                                                                                                                                        | Driver                       | Vehicle<br>Passengers            | Pedestrians          | Minimum<br>Age<br>(Years)<br>Sale/<br>Purchases                      | Min <b>imum</b><br>Age<br>(Years)<br>Possession | Minimum<br>Age<br>(Years)<br>Consumption | Has a<br>Dram<br>Shop<br>Law<br>(Yes/No) | Change to the Common Law<br>Rule by Action of This<br>Highest Court of Record<br>In the State (Give the<br>Case Citation) | Other   |
| KANSAS                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                               |                              |                                  |                      |                                                                      |                                                 |                                          |                                          |                                                                                                                           |         |
|                                                                                                                                                                                                                                                                                                                                                                 | No                                                                                                                                                                            |                              |                                  |                      | 18 for<br>3.2 %<br>beer<br>21 for<br>other<br>alcoholic<br>beverages |                                                 | NZA                                      | No                                       | No                                                                                                                        |         |
|                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                               |                              |                                  |                      | <u>\$</u> \$41-715                                                   | & 41-2708(e)                                    |                                          |                                          |                                                                                                                           |         |
| KEN FUCKY                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                               |                              |                                  |                      |                                                                      |                                                 |                                          |                                          |                                                                                                                           |         |
| Language in Ky. K<br>Ann. 1189.590 req<br>coroners to repor<br>circumstances sur<br>fatal accidents m<br>ly require such t<br>Woosley v. Centra<br>Rental. 463 S.W. 1<br>(1971). An inves<br>otticer or a coro<br>direct taking of<br>ples ot dead if n<br>DAC 73-470; DAC 71<br>person dead or un<br>is deemed not to<br>revoked implied c<br>BAC test. Ky. Re | uiring<br>t on the<br>rounding<br>ay implied-<br>ests.<br>I Uniform<br>2d 345<br>tiqative<br>ner may<br>blood sam-<br>ecessary.<br>3-196. A<br>conscious<br>have<br>onsent to | ĭes                          | Yes                              | Yes                  | 21                                                                   | 21<br>\$244-                                    | N/A<br>085                               | No                                       | Pike v. George<br>434 SW 2d 626<br>(Ку. 1968)                                                                             | No      |

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| 1     | <u></u>     | <b></b>                      | Other State Laws Palated 4                                           | to Alcohol Use and DrivingCont | tinuad                                                                 |                                                                                        |
|-------|-------------|------------------------------|----------------------------------------------------------------------|--------------------------------|------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
|       |             | Criminal Action Age<br>Alcoh | ainst Owner or Employees of Esta<br>polic Beverages to Intoxicated F | iblishments That Serve         | Administrat<br>of Establis                                             | ive Actions Against Owners<br>mments That Serve Alcoholic<br>is to Intoxicated Patrons |
|       | STATE       | Type of Criminal Action      | Term of Imprisonment                                                 | Fine<br>(\$ Range)             | License to<br>Serve<br>Aicoholic<br>Beverages<br>Withdrawn<br>(Yes/No) | Length of Term of License<br>Withdrawai                                                |
|       | KANSAS      |                              |                                                                      |                                |                                                                        |                                                                                        |
|       |             | Misdemeanor                  | Not more than 30 days                                                | Not more than 200              | Suspension<br>or<br>revocation                                         | Not specified in the<br>statute                                                        |
|       |             |                              |                                                                      |                                | A civil<br>penalty of<br>up to<br>\$1,000 may<br>be imposed            |                                                                                        |
| 3-107 |             |                              | Kansas Stat, Ann, §§21-4501, 41                                      | -320, 41-328, 41-705, 41-2708, | and 77-201)                                                            |                                                                                        |
|       |             |                              |                                                                      |                                |                                                                        |                                                                                        |
|       | KENTUCKY    |                              |                                                                      |                                |                                                                        |                                                                                        |
| :     | 1st offense | Misdemeanor                  | Not more than 6 months                                               | 10 <b>0–200</b>                | Yes                                                                    | Not specified                                                                          |
|       | 2nd offense | Misdemeanor                  | Not more than 6 months                                               | 200-500                        | Yes                                                                    | Not specified                                                                          |
|       |             |                              |                                                                      |                                |                                                                        |                                                                                        |
|       |             |                              |                                                                      |                                |                                                                        |                                                                                        |
|       |             |                              |                                                                      |                                |                                                                        |                                                                                        |
|       |             |                              |                                                                      |                                |                                                                        |                                                                                        |
|       |             |                              |                                                                      |                                |                                                                        |                                                                                        |
|       |             |                              |                                                                      |                                |                                                                        |                                                                                        |

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|             |                                                                                                                                                         |                                                                                                | Other Sta                                    | te Laws Related to Alc                                                                   | cohol Use and Driving-                                                                                    | Continued                                                                                                                       | ·····                                         |  |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------------|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--|
| STATE       | Employees of<br>Alcoholic Bey<br>Alcoholic Bey                                                                                                          | Actions Against<br>F Establishments<br>verages or the W<br>verage to Those<br>Imum Legal Drink | That Serve<br>Frong Type of<br>Persons Under | Establishments Th<br>Beverages or the Wro<br>Beverage to Those                           | ons Against Owners of<br>at Serve Alcoholic<br>ong Type of Alcoholic<br>Persons Under the<br>Drinking Age | Laws Prohibiting the Possession of Open<br>Containers of Alcoholic Beverages in the<br>Passenger Compartment of a Motor Vehicle |                                               |  |
|             | Type of<br>Criminal<br>Action                                                                                                                           | Term of<br>Imprisonment                                                                        | Fine<br>(\$ Range)                           | License to Serve<br>Alcoholic Beverages<br>Withdrawn<br>(Yes/No)                         | Length of Term of<br>License Withdrawal                                                                   | State Has<br>Such a Law<br>(Yes/No)                                                                                             | Explanation of<br>Such State Law<br>If Needed |  |
| KANSAS      |                                                                                                                                                         |                                                                                                |                                              |                                                                                          |                                                                                                           |                                                                                                                                 |                                               |  |
|             | Class B<br>misdemeanor<br>(furnishing<br>intoxicating<br>ilquor to any<br>person under<br>21 years of<br>age) (See<br>Kansas Stat.<br>Ann.<br>§21-3610) | Not more than<br>6 months                                                                      | Not more<br>than 1,000                       | Suspension or<br>revocation<br>(See Kansas Stat.<br>Ann. §§41-2611(e)<br>and 41-2708(k)) | Not specified                                                                                             | Yes                                                                                                                             |                                               |  |
| 21-3610     |                                                                                                                                                         |                                                                                                |                                              |                                                                                          | \$41-715<br>\$41-2615<br>\$41-2708                                                                        | §41-804                                                                                                                         |                                               |  |
| KENTUCKY    |                                                                                                                                                         |                                                                                                |                                              |                                                                                          |                                                                                                           |                                                                                                                                 |                                               |  |
| ist offense | Misdemeanor                                                                                                                                             | Not more than<br>6 months                                                                      | 100-200                                      | Yes                                                                                      | Not specified                                                                                             | No                                                                                                                              | N/A                                           |  |
| 2nd offense | Misdemeanor                                                                                                                                             | Not more than<br>6 months                                                                      | 200-500                                      | Yes                                                                                      | Not specified                                                                                             |                                                                                                                                 |                                               |  |
|             |                                                                                                                                                         |                                                                                                |                                              |                                                                                          |                                                                                                           |                                                                                                                                 |                                               |  |

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|                                                                                                                                                                              | В                                                                                   | asis for a DWI Charge      |          | Chemica                           | I Breath Tests for B                                                                                           | AC Level                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|----------------------------|----------|-----------------------------------|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                              |                                                                                     |                            |          |                                   | Implied                                                                                                        | Consent Law                                                                                                                                               |
| STATE                                                                                                                                                                        | lllegal Per Se<br>Law (BAC Level)                                                   | Presumption<br>(BAC Level) | Other    | Preliminary<br>Breath Test<br>Law | Arrest<br>Required<br>(Yes/No)                                                                                 | Other<br>Information                                                                                                                                      |
| LOUISIANA                                                                                                                                                                    |                                                                                     |                            |          |                                   |                                                                                                                |                                                                                                                                                           |
| See: West's<br>Louisiana<br>Statutes<br>Annotated:<br>Revised Statutes,                                                                                                      | 0.10%                                                                               | 0.10\$                     | No       | No                                | Yes<br>§32:661                                                                                                 | No                                                                                                                                                        |
| (current<br>through 1983<br>Legislative<br>Session).                                                                                                                         |                                                                                     |                            |          |                                   |                                                                                                                |                                                                                                                                                           |
|                                                                                                                                                                              | 13:98(A)(2)                                                                         |                            |          |                                   |                                                                                                                |                                                                                                                                                           |
| MAINE                                                                                                                                                                        |                                                                                     |                            | <u> </u> |                                   | an an ann an Anna an Anna an Anna an Anna an Anna an An |                                                                                                                                                           |
| See: Maine<br>Revised Statutes<br>Annotated.<br>Includes laws<br>through the 1983<br>Legislative<br>Session; all<br>references are to<br>29 MRSA unless<br>otherwise stated. | Yes<br>0.10\$<br>(Both a criminal<br>violation and a<br>traffic infraction)<br>C.29 |                            |          | No                                | No                                                                                                             | The law enforcement<br>officer must have<br>"probable cause"<br>before he/she can<br>require a suspected<br>drunkan driver to<br>submit to a BAC<br>test. |
|                                                                                                                                                                              | \$\$13125 and<br>1312()                                                             |                            |          |                                   |                                                                                                                | \$1312<br>2nd Edition August 190                                                                                                                          |

 $-X_{1} = (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1/2} + (-1)^{1$ 

|             | Other Chemi<br>Authorized | cal Tests For BAC Lev<br>Under Law (Implied ( | vel Which Are<br>Consent Law) | ĹþA                                        | judication of DWI Charg                     | <b>je</b> s                                         |
|-------------|---------------------------|-----------------------------------------------|-------------------------------|--------------------------------------------|---------------------------------------------|-----------------------------------------------------|
| STATE       | Blood                     | Urine                                         | Other<br>(Specify)            | Mandatory<br>Adjudication Law<br>(Yes/No)  | Anti-Plea<br>Bargaining Statute<br>(Yes/No) | Pre-Sentence<br>Investigation Law<br>(PSI) (Yes/No) |
| LOUISIANA   |                           |                                               |                               |                                            |                                             |                                                     |
|             | Yes                       | Yes                                           | Other bodily<br>substance     | No                                         | No                                          | Opt ional                                           |
|             | \$32:661                  | \$32:661                                      | \$32:661                      |                                            |                                             |                                                     |
|             |                           |                                               |                               |                                            |                                             |                                                     |
|             |                           |                                               |                               |                                            |                                             |                                                     |
|             |                           |                                               |                               |                                            |                                             |                                                     |
|             |                           |                                               |                               |                                            |                                             |                                                     |
|             |                           |                                               |                               |                                            |                                             |                                                     |
| MAINE       |                           |                                               |                               |                                            |                                             | ······                                              |
|             | Yes                       |                                               |                               | Must adjudicate as a<br>criminal violation |                                             | No                                                  |
|             | \$1312                    |                                               |                               | If BAC level is<br>0,20 or more            |                                             |                                                     |
|             |                           |                                               |                               |                                            |                                             |                                                     |
|             |                           |                                               |                               |                                            |                                             |                                                     |
|             |                           |                                               |                               |                                            |                                             |                                                     |
|             |                           |                                               |                               |                                            |                                             |                                                     |
|             |                           |                                               |                               |                                            |                                             |                                                     |
| · · · · · · |                           |                                               |                               |                                            |                                             | nd Edition August 19                                |

Sanctions for Refusal To Submit to a BAC Chemical Breath Test Refusal To Take Implied Consent Chemical Test STATE Refusal To Take Preliminary Breath Test Administrative Licensing Action (Suspension/ Revocation) Administrative Licensing Action (Suspension/ Criminal Criminal Sanctions (Fine/Jaji) Sanctions (Fine/Jail) Revocation) Other Other LOUISIANA N/A N/A N/A No lst refusal-Special Note: A Suspension for 180 hardship license is days only available to 2nd and subsequent drivers for a 1st refusaisrefusal Suspension for 545 days 32:667(B)(2) 3-111 MAINE N/A N/A N/A ist refusel-No ---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)

1994 A. A.

|                                                          | L                                             |                                     | Sanctions Folio          |                                   | on for a DWI Offense                       | )                                                                                                         |                                                                             |  |  |
|----------------------------------------------------------|-----------------------------------------------|-------------------------------------|--------------------------|-----------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|--|--|
|                                                          |                                               |                                     |                          | Criminal Sanct                    | lons                                       |                                                                                                           |                                                                             |  |  |
| STATE                                                    | Impri                                         | sonment                             | FI                       | ne                                | Other Penalties                            |                                                                                                           |                                                                             |  |  |
|                                                          | Term (Day, Months,<br>Years, Etc.)            | Nandatory<br>Ninimum Term           | Amount<br>(\$ Range)     | Mandatory<br>Minimum Fine<br>(\$) | Community<br>Service                       | Restitution<br>(e,g,, Victim's<br>Fund)                                                                   | Other                                                                       |  |  |
| LOUISIANA                                                |                                               |                                     |                          |                                   | No                                         | No                                                                                                        | No                                                                          |  |  |
| lst offense                                              | 10 days-6 months                              | (See Note 1)                        | 125-500                  | No                                | bation*: (1) Serve                         | }<br>es to the imposition<br>a minimum of 2 days<br>nee abuse and driver                                  | in jail and par-                                                            |  |  |
| 2nd offense<br>(w/n 5 years)                             | 30 days-6 months                              | (See Note 2)                        | 300-500                  | , No                              | grams or (2) perfor                        | m at least four eigh<br>and participate in su                                                             | t-hour days of                                                              |  |  |
| 3rd offense-felony<br>(w/n 5 years)                      | 1-5 years<br>(w/or w/o hard<br>(abor)*        | 6 months<br>(See Note 3)            | Not more than<br>1,000 · | No                                | Note 2: Alternativ                         | ves to the imposition                                                                                     |                                                                             |  |  |
| 4th offense-felony<br>(w/n 5 years)                      |                                               |                                     |                          |                                   | ticipate in substan<br>grams or (b) perfor | a minimum of 15 day<br>nee abuse and driver<br>m at least 30 eight-<br>und participate in su<br>programs. | improvement pro-<br>hour days of                                            |  |  |
| §14:98                                                   |                                               |                                     |                          |                                   | the defendant must                         | on is granted for pa<br>participate in subst                                                              | ance abuse and                                                              |  |  |
| DWI related injury<br>(vehicle negligent<br>injury); see |                                               |                                     | Not more than<br>500     |                                   | sentence is mandato                        |                                                                                                           |                                                                             |  |  |
| \$14:39,1                                                |                                               |                                     |                          |                                   | *The imposition of<br>these alternatives   | sentence is mandator                                                                                      | y unless one of                                                             |  |  |
| *See also §14:2(4)                                       |                                               |                                     |                          | <b>§14,</b> 98                    |                                            |                                                                                                           |                                                                             |  |  |
| MAINE                                                    |                                               |                                     |                          |                                   |                                            |                                                                                                           |                                                                             |  |  |
| Criminal<br>violation                                    | Class D crime<br>less than 1 year             | 48 hours<br>(consecutive)           | Not more than<br>1,000   | Not less than<br>350              |                                            |                                                                                                           |                                                                             |  |  |
| Traffic<br>infraction *                                  | Not appplicable to<br>a traffic<br>infraction |                                     | 250-500                  | 250                               |                                            |                                                                                                           | Note: If BAC is<br>0.20%, or more,<br>the State may no<br>elect to prosecut |  |  |
| Secs. 1312-B &                                           | infraction                                    | nall not be char<br>if they have be | en convicted             | of                                |                                            |                                                                                                           | the DWI offense a<br>a traffic infrac-<br>tion.                             |  |  |
| -C                                                       | either such                                   | n an infraction                     | or an alcohol            |                                   | ł                                          |                                                                                                           |                                                                             |  |  |
| Continued on<br>page 3-113                               | criminal v                                    | olation within                      | a six year pe            | riod .                            |                                            |                                                                                                           | \$1312(C)(5)                                                                |  |  |

| ·····     |                                                                                                               | Sanctions                          | the second s | ion for a DWI OffenseC<br>Licensing Actions                | Continued                                                               |                                                                                                                              |
|-----------|---------------------------------------------------------------------------------------------------------------|------------------------------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| STATE     | Pre-DWI Co                                                                                                    | nviction Licensing                 |                                                                                                                |                                                            | I Conviction Licensin                                                   | d Action                                                                                                                     |
|           | Administrative<br>Per Se Law                                                                                  | UVC Type of<br>Provisions          | Other                                                                                                          | Type of Licensing<br>Action<br>(Suspension/<br>Revocation) | Term of License<br>Withdrawal (Days,<br>Months, Years,<br>etc.)         | Mandatory Minimum<br>Term of Withdrawai                                                                                      |
| LOUISIANA |                                                                                                               |                                    | n die Andreas mit die Jaar die propinsie onders sind wat wat wat wat wat die propinsie die sind                |                                                            |                                                                         |                                                                                                                              |
|           | Yes-BAC level of<br>0.10\$                                                                                    | Yes                                |                                                                                                                |                                                            |                                                                         |                                                                                                                              |
|           | lst offense-<br>suspension for<br>90 days                                                                     |                                    |                                                                                                                | lst offense-<br>Suspension                                 | 60 days*                                                                | No                                                                                                                           |
|           | 2nd and subsequent<br>offenses<br>(w/n5 years)-<br>suspension for<br>365 days                                 |                                    |                                                                                                                | 2nd and subsequent<br>offenses (w/n 5<br>years)Revocation  | 12 months<br>*Hardship provision<br>(to earn a liveli-<br>hood) for 1st | 12 months                                                                                                                    |
|           | (Special Note: These adm<br>license suspensions appear<br>32:667(8)(1)                                        |                                    |                                                                                                                | 532:414                                                    | offense only<br>§32:414 &<br>§32:415<br>Acte Noe 822                    |                                                                                                                              |
| MAINE     |                                                                                                               |                                    |                                                                                                                |                                                            |                                                                         |                                                                                                                              |
|           |                                                                                                               | Yes                                |                                                                                                                | Suspension                                                 |                                                                         |                                                                                                                              |
|           |                                                                                                               | 1                                  |                                                                                                                | Criminal violation                                         |                                                                         |                                                                                                                              |
|           |                                                                                                               |                                    |                                                                                                                | ls† of fense                                               | 90-275 days                                                             | 90275 days                                                                                                                   |
|           | Yes- 0.10 BAC level. The<br>license suspension for is<br>offenses are the same as<br>like those for either an | t and subsequent<br>and determined |                                                                                                                | Subsequent Offenses<br>(w/n 6 years)<br>Traffic infraction | 1 year                                                                  | 1 уөаг                                                                                                                       |
|           | violation or an alcohol th<br>however, a work restricted<br>issued; see 29 MRSA §1311-                        | d license may be                   |                                                                                                                | 1st offense                                                | 45−135 days                                                             | 45 d <b>ay</b> s                                                                                                             |
|           | 133000, 300 27 Pikon 31311                                                                                    |                                    |                                                                                                                | Subsequent offenses<br>(w/n 6 years)                       | 1 year                                                                  | 1 year                                                                                                                       |
|           |                                                                                                               |                                    |                                                                                                                |                                                            | \$1312 et seq.                                                          | (Special Note: See<br>rehabilitation sec-<br>tion on p. 3-114<br>concerning the resto<br>ration of the drivin<br>privilege.) |

|           |                                                                                                                                                |                                                                                                                                                                                                   |                                                                                                                                                                               | <u>O</u> ther                                                                                                                                 |                                                                                                                                                            |                                                                                                       |                                                                                                                                                                                                                                              |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           |                                                                                                                                                | Rehabilitation                                                                                                                                                                                    |                                                                                                                                                                               | Vehicle                                                                                                                                       |                                                                                                                                                            |                                                                                                       |                                                                                                                                                                                                                                              |
| STATE     | Alcohol<br>Education                                                                                                                           | Al cohol<br>Treatmont                                                                                                                                                                             | Alcohol Educa-<br>tion/Treatment<br>as an Alternative<br>to Criminal/<br>Licensing Actions<br>(Describe)                                                                      | Authorized By<br>Specific<br>Statutory<br>Authority                                                                                           | Terms Upon Which<br>Vehicle Will be<br>Released                                                                                                            | Other                                                                                                 | Miscellaneous<br>Sanctions Not Included<br>Eisewhere                                                                                                                                                                                         |
| LOUISIANA |                                                                                                                                                |                                                                                                                                                                                                   |                                                                                                                                                                               |                                                                                                                                               |                                                                                                                                                            |                                                                                                       |                                                                                                                                                                                                                                              |
|           |                                                                                                                                                |                                                                                                                                                                                                   |                                                                                                                                                                               | No                                                                                                                                            | N∕A                                                                                                                                                        | N/A                                                                                                   |                                                                                                                                                                                                                                              |
|           | first time offend<br>tion. Restricted<br>attendance in dri<br>grants such oppor<br>evaluation and b)<br>DWI offender is p<br>is a habituai dri | ers for retraining<br>licenses are issu-<br>ver improvement so<br>tunity on the basi-<br>recommendation the<br>athologically addi-<br>nker or an addict<br>nt. §14:98(C) aut<br>fender to undergo | ed to facilitate<br>hools. Court<br>s of a) medical<br>at the convicted<br>cted to alcohol or<br>who will benefit<br>horizes the court<br>substance abuse                     |                                                                                                                                               |                                                                                                                                                            |                                                                                                       |                                                                                                                                                                                                                                              |
| MAINE     |                                                                                                                                                |                                                                                                                                                                                                   |                                                                                                                                                                               |                                                                                                                                               |                                                                                                                                                            |                                                                                                       |                                                                                                                                                                                                                                              |
|           |                                                                                                                                                |                                                                                                                                                                                                   | After 2/3 of<br>license<br>suspension<br>period, the DWI<br>offender may be<br>issued a license<br>if they have<br>completed an<br>alcohol education<br>program for license   | No<br>a suspension peri                                                                                                                       | <br>od of less than 90                                                                                                                                     | <br>days. the                                                                                         | Special Note: Maine<br>has a special statute<br>concerning the suspen-<br>sion of licenses of<br>persons under 20 years<br>of age who operate a<br>vehicle while having a<br>BAC level of 0.02;<br>this statute is not<br>reported in detail |
|           |                                                                                                                                                |                                                                                                                                                                                                   | ilcense issued afti<br>privilege to going<br>education/treatment<br>was actually susper<br>cannot total less<br>ilcense may be issi<br>attend an alcohol<br>provision of law; | er the 2/3 period<br>to and from eith<br>f program (howeve<br>nded plus the tim<br>than 90 days; in<br>ued to a driver f<br>education/treatme | must restrict the<br>er employment or to<br>r, the amount of t<br>e period for the re<br>addition, a tempore<br>or the purpose of a<br>nt program notwiths | driving<br>o an alcohoi<br>ime the license<br>estricted license<br>any restricted<br>allowing them to | here; see 29 MRSA<br>§2241-G.                                                                                                                                                                                                                |

|           | <u> </u>                                                                                          |                                       | UTher                     |                        | s Related to Al                   |                                                  | riving                                          |                                                                | ·     |
|-----------|---------------------------------------------------------------------------------------------------|---------------------------------------|---------------------------|------------------------|-----------------------------------|--------------------------------------------------|-------------------------------------------------|----------------------------------------------------------------|-------|
|           | {                                                                                                 | · · · · · · · · · · · · · · · · · · · |                           | Но                     | micide by Vehic<br>Sanctions      | :10                                              |                                                 |                                                                | Other |
| STATE     |                                                                                                   |                                       | Criminal                  | Sanctions              | 3810110113                        | Administ                                         | rative Licensin                                 | a Actions                                                      |       |
|           | State Has<br>Such a Law/<br>Type of<br>Offense                                                    | imprisonment<br>(Term)                | Mandatory<br>Minimum Term | Fine<br>(S Range)      | Mandatory<br>Minimum Fine<br>(\$) | Licensing<br>Authorized<br>and Type of<br>Action | Length of<br>Term of<br>Licensing<br>Withdrawal | Mandatory<br>Action<br>Min. Length<br>of License<br>Withdrawal |       |
| LOUISIANA | Yes- is<br>restricted to<br>death caused<br>by a driver<br>while DW1                              | 2-5 years                             |                           | 2,000-5,000            |                                   | Revocation                                       | 12 months                                       | 12 months                                                      |       |
|           |                                                                                                   |                                       |                           |                        |                                   |                                                  |                                                 |                                                                |       |
|           | §14:32 <b>.</b> 1                                                                                 |                                       |                           |                        |                                   | \$32:414                                         |                                                 |                                                                |       |
| MAINE     |                                                                                                   |                                       |                           |                        |                                   |                                                  |                                                 |                                                                |       |
|           | The law<br>applies only<br>if death is<br>caused by the<br>reckless<br>operation of<br>a vehicle. | Not more than<br>5 years              |                           | Not more than<br>2,500 |                                   | Revocation                                       | 5 years                                         | 5 years                                                        |       |
|           | 17-A MRSA<br>\$203<br>and<br>29 MRSA<br>\$1313                                                    |                                       |                           |                        |                                   |                                                  |                                                 |                                                                |       |

| ving While License Sus<br>riminal<br>Minimum<br>of Fine<br>(\$ Range)<br>10-500<br>ys 300-500<br>\$32:415<br>\$32:427<br>Act No. 556 | Sanctions<br>Mandatory                  | 5                                                                                                                                                              | listrative Licensing /<br>Length of Term of                       | Actions<br>Mandatory Term of<br>License Withdrawai<br>Action<br>1 year<br>(Hardship License<br>available for<br>first offenders:<br>see Sec. 32:<br>415.1) |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minimum<br>of Fine<br>(\$ Range)<br>10-500<br>ys 300-500<br>\$32:415<br>\$32:427                                                     | Mandatory<br>Minimum Fine<br>(\$)<br>No | Admin<br>Type of Licensing<br>Action (Suspension/<br>Revocation)<br>Suspension period<br>Increases if<br>driving with<br>suspended license<br>and likewise for | Length of Term of<br>License Withdrawal<br>Action                 | Mandatory Term of<br>License Withdrawal<br>Action<br>1 year<br>(Hardship License<br>available for<br>first offenders:<br>see Sec. 32:                      |
| Minimum<br>of Fine<br>(\$ Range)<br>10-500<br>ys 300-500<br>\$32:415<br>\$32:427                                                     | Hinimum Fine<br>(\$)<br>No              | Type of Licensing<br>Action (Suspension/<br>Revocation)<br>Suspension period<br>Increases if<br>driving with<br>suspended license<br>and likewise for          | Length of Term of<br>License Withdrawal<br>Action                 | Mandatory Term of<br>License Withdrawal<br>Action<br>1 year<br>(Hardship License<br>available for<br>first offenders:<br>see Sec. 32:                      |
| ys 300-500<br>\$32:415<br>\$32:427                                                                                                   |                                         | Increases if<br>driving with<br>suspended license<br>and likewise for                                                                                          | 1 year                                                            | (Hardship License<br>available for<br>first offenders:<br>see Sec. 32:                                                                                     |
| ys 300-500<br>\$32:415<br>\$32:427                                                                                                   |                                         | Increases if<br>driving with<br>suspended license<br>and likewise for                                                                                          | l year                                                            | (Hardship License<br>available for<br>first offenders:<br>see Sec. 32:                                                                                     |
|                                                                                                                                      |                                         |                                                                                                                                                                |                                                                   |                                                                                                                                                            |
| ys Not more than<br>2,500<br>\$2184                                                                                                  | 350                                     | Suspension                                                                                                                                                     | 1-3 years added to<br>the original<br>suspension or<br>revocation | l year added to the<br>original suspension<br>or revocation                                                                                                |
|                                                                                                                                      | 2,500                                   | 2,500                                                                                                                                                          | 2,500                                                             | 2,500 the original suspension or revocation                                                                                                                |

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2nd Edition August 1983

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|             |                                     |                                                                                                                                                                                          |                                                                                                                                                  | Hab                                                                                            | Itual Offender           | Lows                                            |                                    |                                   |                                                                                                                                                                    |
|-------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------|------------------------------------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             |                                     |                                                                                                                                                                                          |                                                                                                                                                  | Type of<br>Criminal                                                                            |                          |                                                 | owing a Convict<br>Habitual Offend |                                   |                                                                                                                                                                    |
| STATE       | State Has<br>Such a Law<br>(Yes/No) | Grounds for<br>Being<br>Declared an<br>Habituat<br>Offender                                                                                                                              | 70rm of<br>License<br>Revocation<br>While Under<br>Habitual<br>Offender<br>Status                                                                | Offense if<br>Convicted on<br>Charges of<br>Driving While<br>on Habitual<br>Offender<br>Status | Imprisonment<br>(Term)   | Mandatory<br>Minimum Term<br>Of<br>Imprisonment | Fine<br>(\$ Range)                 | Mandatory<br>Minimum Fine<br>(\$) | Licensing<br>Actions<br>(Specify)                                                                                                                                  |
| LOU IS IANA | Yes                                 | Convictions<br>for 2 or more<br>serious<br>traffic law<br>offenses w/n a<br>5 year period<br>or convictions<br>for 10 or more<br>minor and<br>serious<br>offenses w/n a<br>3 year period | rastore the l<br>1st time habi<br>may apply for                                                                                                  | of good cause,<br>I⊂∋nse; also a<br>tual offender<br>a hardshīp<br>§32:1477(B))                | 1-5 years                | No                                              | None                               | No                                | Nona                                                                                                                                                               |
|             |                                     | \$32:1472                                                                                                                                                                                | \$32:1479<br>Act. No. 555                                                                                                                        | Act. 933,<br>C. Cr.P.                                                                          | 532:1480<br>Act No. 555  | *****                                           |                                    |                                   |                                                                                                                                                                    |
| MAINE       |                                     |                                                                                                                                                                                          |                                                                                                                                                  |                                                                                                |                          |                                                 |                                    |                                   |                                                                                                                                                                    |
|             | Yes                                 | Convictions<br>for 3 serious<br>offenses.<br>(DWI)                                                                                                                                       | Revocation<br>period is<br>indefinite<br>but relief<br>from the<br>habitual<br>offender<br>status<br>(revocation)<br>is removed<br>after 1 year. | Class C crime                                                                                  | Not more than<br>5 years | 60 days                                         | Not more than<br>5,000             |                                   | Rellef from<br>habitual<br>offender<br>status shall<br>not be grante<br>for at least<br>3 years from<br>the date the<br>offender woul<br>have been<br>eligible for |

|           | 1                                      |                     |                              | Other Sta          | te Laws Re                                     | lated to Alco                                                                     | who I lise and D                                                             | riving                                   |                                                                                                                           |         |
|-----------|----------------------------------------|---------------------|------------------------------|--------------------|------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|---------|
|           |                                        | equiring BAC        |                              |                    |                                                | stablishing 1<br>erning Alcoho                                                    | he Minimum<br>Nic Beverages                                                  | Dram Sh                                  | op Laws and Related Legal                                                                                                 | Actions |
| STATE     |                                        |                     | al Test is G<br>lowing Perso |                    |                                                |                                                                                   |                                                                              | State                                    | "Dram Shop Law" Concept<br>Has Been Adopted via a                                                                         |         |
|           | State<br>Has Such<br>A Law<br>(Yes/No) | . Driver            | Vehicle<br>Passengers        | Pedestrians        | Minimum<br>Age<br>(Years)<br>Sale/<br>Purchase | Minimum<br>Age<br>(Years)<br>Possession                                           | Minimum<br>Age<br>(Years)<br>Consumption                                     | Has a<br>Dram<br>Shop<br>Law<br>(Yes/No) | Change to the Common Law<br>Rule by Action of This<br>Highest Court of Record<br>In the State (Give the<br>Case Citation) | Other   |
| LOUISIANA |                                        |                     |                              |                    |                                                |                                                                                   |                                                                              |                                          |                                                                                                                           |         |
|           | Yes                                    | Yes<br>\$32:661 (A) | Yes<br>\$32:398 (E)          | Yes<br>\$32:398(E) | 18<br>\$26:88                                  | N/A                                                                               | N/A                                                                          | No                                       | (Note: Possible<br>Hability under Pence v.<br>Ketchum, 326 So. 2d 831                                                     | No      |
|           |                                        |                     | (F)                          | (F)                | (1)<br>(See also<br>R.S.<br>§14-91)            |                                                                                   |                                                                              |                                          | (1976))                                                                                                                   |         |
|           |                                        |                     |                              |                    |                                                |                                                                                   |                                                                              |                                          |                                                                                                                           |         |
|           |                                        |                     |                              |                    |                                                | ,                                                                                 |                                                                              |                                          |                                                                                                                           |         |
| MAINE     | No                                     |                     |                              |                    | 20                                             | 20                                                                                | 20                                                                           | Yes                                      | No                                                                                                                        |         |
|           |                                        |                     |                              |                    |                                                | (Applies to<br>public<br>places and<br>to automo-<br>biles; there<br>is an exemp- | ( <u>Only</u><br>applies to<br>"On-sale<br>premises"<br>establish-<br>meats) | 69 MRSA<br>§2002                         |                                                                                                                           |         |
|           |                                        |                     |                              |                    |                                                | tion for<br>employment)                                                           |                                                                              |                                          |                                                                                                                           |         |
|           |                                        |                     |                              |                    |                                                | 28 MRSA §3                                                                        | 03                                                                           |                                          |                                                                                                                           |         |

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| 4                                                                                 |                         | UTHER STATE LAWS KEIATED                                                      | to Alcohol Use and DrivingC                                                                              |                                                                        |                                                                                       |
|-----------------------------------------------------------------------------------|-------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
|                                                                                   |                         | ains' Owner or Employees of Esta<br>holic Beverages to intoxicated f          |                                                                                                          | of Establis                                                            | ive Actions Against Owners<br>Aments That Serve Alcoholi<br>is to Intoxicated Patrons |
| STATE                                                                             | Type of Criminal Action | Term of Imprisonment                                                          | Fine<br>(\$ Range)                                                                                       | License to<br>Serve<br>Alcoholic<br>Beverages<br>Withdrawn<br>(Yes/No) | Length of Term of License<br>Withdrawal                                               |
| LOUISIANA                                                                         |                         |                                                                               |                                                                                                          |                                                                        |                                                                                       |
| A, For alcoholic<br>beverages with an<br>alcohol content<br>of 6% or above        | Misdemeanor             | 30 days-6 months<br>\$26:191                                                  | 100-500<br>or<br>1st50-500<br>2nd*250-1,000                                                              | Yes<br>(not<br>mandatory)                                              | l year                                                                                |
| B. For alcoholic<br>beverages with an<br>alcohol content<br>of 1/2 of 1% to<br>5% | Misdemeanor             | 1st offense30 days-6 months<br>2nd or subsequent offense<br>60 days-12 months | 3rd*500-2,500<br>*Within 3 years<br>\$26:94<br>100-500<br>200-1,000<br>or<br>1st50-500<br>2nd*250-500    | <b>§26</b> ∶88                                                         | 1 year                                                                                |
|                                                                                   |                         | ¥26:521                                                                       | 3rd500-2,500<br>*Within 3 years<br>\$26:290<br>Note: However, this gradua<br>or In addition to revocatio | ated schedule of<br>on/suspension, n                                   | \$26:291<br>fines may be in lieu of<br>ot in addition to first                        |
| MAINE                                                                             |                         | -                                                                             | listed fine.                                                                                             | 1                                                                      |                                                                                       |
|                                                                                   | None                    | N/A                                                                           | N/A                                                                                                      | Yes<br>Suspension<br>or<br>revocation                                  | Not specified in the<br>statute                                                       |
|                                                                                   |                         |                                                                               |                                                                                                          | 28 MRSA<br>\$401                                                       |                                                                                       |
|                                                                                   |                         |                                                                               |                                                                                                          |                                                                        |                                                                                       |

|           |                                                |                                                                                                                    | Other Sta                                     | te Laws Related to Alc                                           | cohol Use and Driving-                                                                                     | -Continued                                   |                                                                                                     |
|-----------|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------|
| STATE     | Employees of<br>Alcoholic Ber<br>Alcoholic Ber | Actions Against<br>f Establishments<br>verages or the N<br>verage to Those<br>Inum Legal Drink                     | Fhat Serve<br>Frong Type of<br>Persons Under  | Establishments Th<br>Beverages or the Wro<br>Beverage to Those   | ens Against Owners of<br>Nat Serve Alcoholic<br>Ong Type of Alcoholic<br>Persons Under the<br>Drinking Age | Containers                                   | ibiting the Possession of Open<br>s of Aicoholic Beverages in the<br>Compartment of a Motor Vehicle |
|           | Type of<br>Criminal<br>Action                  | Term of<br>Imprisonment                                                                                            | Fine<br>(\$ Range)                            | License to Serve<br>Alcoholic Beverages<br>Withdrawn<br>(Yes/No) | Length of Term of<br>License Withdrawai                                                                    | State Has<br>Such a Law<br>(Yes/No)          |                                                                                                     |
| LOUISIANA | Misdemeanor                                    | 0-6 months<br>or<br>it could be th<br>penalty option<br>the preceding<br>a specific exc<br>general rule.<br>§14:91 | s listed on<br>page apply as<br>eption to the | Yes, but not<br>mandatory                                        | i year                                                                                                     | No                                           | N/A                                                                                                 |
| MAINE     | None                                           | N/A                                                                                                                | NZA                                           | Yes<br>Suspension or<br>revocation                               | Not specified in the<br>statute                                                                            | No<br>Additional<br>note<br>28 MRSA<br>\$303 |                                                                                                     |

|                                                                                                                                           |                                   | Basis for a DWI Charge             | ) · · · · · · · · · · · · · · · · · · ·                                                                                                                                                                                                          | Chemica                           | al Breath Tests for E          | BAC Level                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                           |                                   |                                    |                                                                                                                                                                                                                                                  |                                   | tmp11ed                        | Consent Law                                                                                                                                                                 |
| STATE                                                                                                                                     | tilegal Per Se<br>Law (BAC Level) | Presumption<br>(BAC Level)         | Other                                                                                                                                                                                                                                            | Preliminary<br>Breath Test<br>Law | Arrest<br>Required<br>(Yes/No) | Other<br>Information                                                                                                                                                        |
| MARYLAND                                                                                                                                  |                                   |                                    |                                                                                                                                                                                                                                                  |                                   |                                |                                                                                                                                                                             |
| See: Annotated<br>Code of Maryland,<br>1957, 1982 Supp.,<br>and Senate Bills<br>341, 510, 513,<br>514, 515 & 516<br>as enacted In<br>1983 | No                                | No                                 | A BAC of 0.08 is<br>prima facle evidence<br>of driving while<br>under the influence.<br>A BAC of 0.13 is<br>prima facle evidence<br>of intoxication.<br>(Ann. Code of<br>Maryland, Courts and<br>Judicial Proceedings<br>§§10-309 and<br>10-307) | Yes                               | Yes                            |                                                                                                                                                                             |
| MASSACHUSETTS                                                                                                                             |                                   | <u></u>                            |                                                                                                                                                                                                                                                  |                                   |                                |                                                                                                                                                                             |
| See:<br>Massachusetts<br>General Laws<br>Annotated<br>August 1982                                                                         | No                                | Yes<br>0.10≴<br>C.90<br>\$24(1)(e) |                                                                                                                                                                                                                                                  | No                                | Yes<br>C.90 §24(f)             | If person refused to<br>consent after being<br>arrested, police<br>officer immediately<br>prepares written<br>report; and this is<br>forwarded to the<br>registrar who then |
|                                                                                                                                           |                                   |                                    |                                                                                                                                                                                                                                                  |                                   |                                | Suspends the person's<br>license for 90 days.<br>2nd Edition August 198                                                                                                     |

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|               |                                      | cal Tests For BAC Leve<br>Under Law (Implied Co |                    | ٨dJ                                       | udication of DWI Char                       | ges                                                                 |
|---------------|--------------------------------------|-------------------------------------------------|--------------------|-------------------------------------------|---------------------------------------------|---------------------------------------------------------------------|
| STATE         | Bicod                                | Urine                                           | Other<br>(Specify) | Mandatory<br>Adjudication Law<br>(Yes/No) | Anti-Plea<br>Bargaining Statute<br>(Yes/No) | Pre-Sentence<br>Investigation Law<br>(PSI) (Yes/No)                 |
| MARYLAND      |                                      |                                                 |                    |                                           |                                             |                                                                     |
|               | Yes                                  | No                                              |                    | No                                        | No                                          | No                                                                  |
|               | (Ann. Code of                        | Maryland, Transportat                           | ion §16-205.1)     |                                           |                                             | (Note: PSI required<br>only for convictions<br>of felony offenses.) |
|               |                                      |                                                 |                    |                                           |                                             |                                                                     |
|               |                                      |                                                 |                    |                                           |                                             |                                                                     |
|               |                                      |                                                 |                    |                                           |                                             |                                                                     |
| MASSACHUSETTS |                                      |                                                 |                    |                                           | <u></u>                                     |                                                                     |
|               | No                                   | No                                              |                    | Yes                                       | No                                          | Yes                                                                 |
|               | (Unless brought in<br>for treatment) |                                                 |                    | C.90<br>≸24(g)                            |                                             | C.90<br>§24(1)(a)                                                   |
|               |                                      |                                                 |                    |                                           |                                             |                                                                     |
|               |                                      |                                                 |                    |                                           |                                             |                                                                     |
|               |                                      |                                                 |                    |                                           |                                             |                                                                     |
|               |                                      |                                                 |                    |                                           |                                             | 2nd Edition August 198                                              |

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| 2             |                                      |                                                                   |           | I To Submit to a BAC<br>Breath Test  |                                                                                                                                                                 |              |
|---------------|--------------------------------------|-------------------------------------------------------------------|-----------|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| STATE         | Refusal                              | To Take Preliminary Br                                            | eath Test | Refusal To                           | Take Implied Consent C                                                                                                                                          | hemical Test |
|               | Criminal<br>Sanctions<br>(Fine/Jail) | Administrative<br>Licensing Action<br>(Suspension/<br>Revocation) | Other     | Criminal<br>Sanctions<br>(Fine/Jall) | Administrative<br>Licensing Action<br>(Suspension/<br>Revocation)                                                                                               | Other        |
| MARYLAND      |                                      |                                                                   |           |                                      |                                                                                                                                                                 |              |
|               | None                                 | None                                                              |           | None                                 | Ist refusai<br>Suspension for<br>60 days-6 months*<br>2nd refusai<br>suspension for<br>120 days-1 year<br>*Restricted license<br>available.<br>\$16-205.1(b)(4) |              |
| MASSACHUSETTS | No                                   | No                                                                |           | No                                   | Suspension of<br>license for<br>90 days<br>C.90<br>§24(t)<br>(Mendatory)                                                                                        |              |

| STATE                                                 | Impel                                      | sonment                                               | FI                                    | ne                                |                                                                                            | Other Penalties                                                                   |       |
|-------------------------------------------------------|--------------------------------------------|-------------------------------------------------------|---------------------------------------|-----------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
|                                                       | Term (Day, Honths,<br>Years, Etc.)         | Mandatory<br>Minlmum Term                             | Amount<br>(\$ Range)                  | Mandatory<br>Minimum Fine<br>(\$) | Community<br>Service                                                                       | Restitution<br>(e,g., Victim's<br>Fund)                                           | Other |
| MARYLAND                                              |                                            |                                                       |                                       |                                   |                                                                                            |                                                                                   |       |
| Offense of<br>driving while<br>under the<br>influence | Misdemeanor                                |                                                       |                                       |                                   | Option when, after<br>determination of<br>guilt or noio<br>contendere plea,<br>entrance of | Option when<br>judgment's<br>entrance is stayed<br>and individual is<br>placed on |       |
| lst offense<br>Subsequent                             | Not more than 2<br>months<br>Not more than | (Note: probation<br>is not allowed<br>for a second or | Not more than<br>500<br>Not more than |                                   | judgment is stayed<br>and individual is<br>placed on                                       | probation.                                                                        |       |
| offense                                               | 1 year                                     | subsequent DWI<br>offense within                      | 500                                   |                                   | probation _                                                                                |                                                                                   |       |
| Driving while<br>intoxicated                          | Misdemeanor                                | a 5 year period.)                                     | •                                     |                                   | Art. 27 \$641                                                                              | Art, 27 §641                                                                      |       |
| lst offense                                           | Not more than                              |                                                       | Not more than                         |                                   |                                                                                            |                                                                                   |       |
| Subsequent<br>offense                                 | 1 year<br>Not more than<br>2 years         |                                                       | 1,000<br>Not more than<br>1,000       |                                   |                                                                                            |                                                                                   |       |
|                                                       | (Ann, Code of                              | Maryland, Transporta                                  | tion ∮§21-902 an                      | d 27-101)                         |                                                                                            |                                                                                   |       |
| MASSACHUSETTS                                         |                                            |                                                       |                                       |                                   |                                                                                            |                                                                                   |       |
| lst offense                                           | Not more than<br>2 years                   | No                                                    | <b>\$100-\$1,0</b> 00                 | No                                | 30 hours may<br>be ordered by<br>Court                                                     |                                                                                   |       |
|                                                       | C.90<br>§24                                |                                                       |                                       |                                   |                                                                                            |                                                                                   |       |
| 2nd offense<br>(w/n б years)                          | 7 days-<br>2 years                         | 7 days*                                               | \$300-\$1,000                         | No                                |                                                                                            |                                                                                   |       |
| 3rd and<br>subsequent                                 | 60 days-<br>2 years                        | 60 days*                                              | \$500-\$1,000                         | No                                |                                                                                            |                                                                                   |       |
| offense                                               |                                            |                                                       |                                       |                                   | 90 §24(D)                                                                                  |                                                                                   |       |
|                                                       |                                            | *See rehabilitatio                                    | n columns                             |                                   |                                                                                            |                                                                                   |       |
|                                                       |                                            |                                                       |                                       |                                   |                                                                                            |                                                                                   |       |

| ſ                                       |                              |                           | Administrativ | Licensing Actions                                             |                                                                     |                                                                                                                                                                 |
|-----------------------------------------|------------------------------|---------------------------|---------------|---------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| STATE                                   | Pre-DWI                      | Conviction Licensing      | Action        | Past-D                                                        | I Conviction Licensin                                               | ng Action                                                                                                                                                       |
|                                         | Administrative<br>Per Se Law | UVC Type of<br>Provisions | Other         | Type of Licensing<br>Action<br>(Suspension/<br>Revocation)    | Term of License<br>Withdrawal (Days,<br>Months, Years,<br>etc.)     | Mandatory Minimum<br>Term of Withdrawal                                                                                                                         |
| MARYLAND                                |                              |                           |               |                                                               |                                                                     |                                                                                                                                                                 |
| Driving while<br>under the<br>Influence |                              |                           |               |                                                               | Not more than:                                                      |                                                                                                                                                                 |
| 1st offense                             | No                           | No                        |               | Suspension*                                                   | б0 days                                                             |                                                                                                                                                                 |
| 2nd offense<br>within 2 years           | No                           | No                        |               | Suspension*                                                   | 120 days                                                            |                                                                                                                                                                 |
| 3rd offense<br>within 3 years           | No                           | No                        |               | Revocation*                                                   |                                                                     |                                                                                                                                                                 |
| Driving while<br>intoxicated            | No                           | No                        |               | Revocation*                                                   | 6 months for a 1st<br>revocation; 1 year                            |                                                                                                                                                                 |
| (Ann, Code of<br>Maryland §10-205)      |                              |                           |               | *See Note at the end<br>of the criminal<br>sanctions section. | for a 2nd revoca-<br>tion; and 18 months<br>for a 3rd<br>revocation |                                                                                                                                                                 |
| MASSACHUSETTS                           |                              |                           |               |                                                               |                                                                     |                                                                                                                                                                 |
|                                         | No                           | No                        |               | Suspension                                                    | lst offense:<br>1 year                                              | 30 days suspension<br>(if defendant is                                                                                                                          |
|                                         |                              |                           |               | С.90<br>524(b)                                                | C_90<br>\$24(c)                                                     | placed on probation<br>and agrees to par-<br>ticipate in an<br>alcohol education<br>program; otherwise<br>the license suspen-<br>sion is a mandatory<br>1 year) |
|                                         |                              |                           |               |                                                               | 2nd offense:<br>2 years if<br>(w/n 6 years)                         | 1 year                                                                                                                                                          |
|                                         |                              |                           |               |                                                               | 3rd & subsequent<br>offenses: 5 years<br>(w/n 6 years)              | 2 years                                                                                                                                                         |

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|                                         |                                                           |                                                                                                             | Sanctions Following                                                                                      | a Conviction for                                    | a DWI OffenseCon                                | itinued                                                     |                                                                                                                                                   |
|-----------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
|                                         |                                                           |                                                                                                             |                                                                                                          | Other                                               |                                                 |                                                             | · · · · · · · · · · · · · · · · · · ·                                                                                                             |
|                                         |                                                           | Rehabilitation                                                                                              |                                                                                                          | Vehicle                                             |                                                 |                                                             |                                                                                                                                                   |
| STATE                                   | Alcohol<br>Education                                      | Alcohol<br>Treatment                                                                                        | Aicohol Educa-<br>tion/Treatment<br>as an Aiternative<br>to Criminal/<br>Licensing Actions<br>(Describe) | Authorized By<br>Specific<br>Statutory<br>Authority | Terms Upon Which<br>Vehicle Will be<br>Released | <br>Other                                                   | Miscellaneous<br>Sanctions Not included<br>Elsewhere                                                                                              |
| MARYLAND                                |                                                           |                                                                                                             |                                                                                                          |                                                     |                                                 | lf a person<br>drives a motor                               | Special Note:<br>(1) Under separate                                                                                                               |
| Driving while<br>under the<br>influence | Yes                                                       | Yes                                                                                                         |                                                                                                          | No                                                  |                                                 | vehicle while<br>his or her<br>license is sus-<br>pended or | provisions, a license<br>may be suspended or<br>revoked for an alcohoi<br>offense via the point                                                   |
| Driving while<br>Intoxicated            | Yes                                                       | Yes                                                                                                         |                                                                                                          |                                                     |                                                 | revoked for a<br>DWI otfense,<br>the registra-              | system. Under this<br>system two driving<br>under the influence                                                                                   |
|                                         | (Ann                                                      | Code of Maryland                                                                                            | 8-404)                                                                                                   |                                                     |                                                 | tion of the<br>motor vehicle he<br>or she was               | offenses within<br>2 years would result<br>in an accumulation of                                                                                  |
|                                         |                                                           |                                                                                                             |                                                                                                          |                                                     |                                                 | driving may be                                              | points sufficient to<br>warrant revocation;                                                                                                       |
|                                         |                                                           |                                                                                                             |                                                                                                          |                                                     |                                                 | days                                                        | note terms of license<br>withdrawal under the<br>driving while                                                                                    |
|                                         |                                                           | •                                                                                                           |                                                                                                          |                                                     |                                                 | §13-705,1                                                   | Intoxicated offense.<br>(2) All suspensions<br>and revocations not                                                                                |
| MASSACHUSETTS                           |                                                           |                                                                                                             |                                                                                                          |                                                     |                                                 |                                                             | under the point system<br>are discretionary                                                                                                       |
|                                         | placed on 1-year<br>an alcohol educat<br>gram. Such perso | the defendant cons<br>probation conditio<br>ion treatment or r<br>ns must pay a \$400<br>am, at Court's dis | ned on attending<br>ehabilitation pro-<br>) fee for place-                                               | No                                                  |                                                 |                                                             | (3) If a suspension or<br>revocation is based on<br>the point system, the<br>state may cancel or<br>modify such action if<br>employment or oppor- |
|                                         |                                                           | C.90<br>§24(d)                                                                                              |                                                                                                          |                                                     |                                                 |                                                             | tunity for employment.<br>(4) There is a provi-<br>sion allowing persons                                                                          |
|                                         | (Chang                                                    | ed as of September                                                                                          | 1982)                                                                                                    |                                                     |                                                 |                                                             | who drive for a living<br>to accumulate a higher                                                                                                  |
|                                         | serve at least 14                                         | lleu of Imprisonme<br>days in a residen<br>and is placed on                                                 |                                                                                                          |                                                     |                                                 |                                                             | point total before<br>license suspension or<br>revocation is<br>authorized.                                                                       |
|                                         | ( 198                                                     | C.90 §24<br>2 amendments, Ch.                                                                               | 373)                                                                                                     |                                                     |                                                 |                                                             | (Ann, Code of Maryland<br>§16-401 et seq.)                                                                                                        |
|                                         |                                                           |                                                                                                             |                                                                                                          |                                                     |                                                 |                                                             | Ord Fallation American 1007                                                                                                                       |

| Paused by the peration of i velicle "In i grossiy legligent manner"<br>) Death manner"<br>) Death massed by peration of i Wisdemeanor<br>) Death massed by merethan anner and i more than anner and i more than anner and i more than anner anne |                                                                                                 |                        |          |                                       | Но                     | micide by Vehic | le                        |                                                                            |                                                        |       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|------------------------|----------|---------------------------------------|------------------------|-----------------|---------------------------|----------------------------------------------------------------------------|--------------------------------------------------------|-------|
| State Has<br>Such a Law/<br>Ype of<br>Offense     Imprisonment<br>(Iem)     Mandatory<br>Minimum Term     Mandatory<br>(S Range)     Mandatory<br>Minimum Term     Licensing<br>Action     Length of<br>Licensing     Mandatory<br>Action-<br>Icensing       MRYLAND<br>) Death<br>raused by the<br>generation of<br>webicle "In<br>system]     Yes<br>(Not more than<br>5 yeers     Not more than<br>5 yeers      Not more than<br>1,000      Revocation<br>(via point<br>system]     6 months for<br>first<br>revocation;<br>1 year if<br>year if<br>so and is months<br>and is months<br>and is months        Wandatory<br>Mandatory<br>Minimum Term     Yes<br>(Not more than<br>5 yeers      Not more than<br>1,000      Revocation<br>(via point<br>system]     6 months for<br>first<br>revocation;<br>1 year if<br>see special<br>and is months        Death<br>aused by<br>perstion of<br>imoror<br>motor<br>motor<br>motor<br>webicle %     Yes<br>(Homic de by<br>motor that<br>is 2 /2 years     Not more than<br>3 years      Not more than<br>1,000      Revocation<br>is and is months        Ann. Code of<br>Misclered<br>(Homic de by<br>motor<br>webicle)     30 days to<br>2 1/2 years     30 days     300 to 3,000<br>imprisonment     300     Revocation<br>10 years     10 years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                 | ]                      | <b> </b> | · · · · · · · · · · · · · · · · · · · |                        | Sanctions       |                           |                                                                            |                                                        | Other |
| State Has<br>Such a Lew/<br>Type of<br>OffenseImprisonment<br>(Term)Mandatory<br>Minimum TermFine<br>(S Range)Mandatory<br>Minimum Fine<br>(S)Licensing<br>ActionLength of<br>Term of<br>ActionAction<br>Hin.Length<br>of<br>Licensing<br>WithdrawalMRRYLAND<br>) Death<br>aused by the<br>perstion of<br>urshicle "In<br>grossity<br>agiligentYes<br>Not more than<br>5 yearsNot more than<br>5 yearsNot more than<br>1,000Revocation<br>system)Commits for<br>first<br>revocation;<br>type of<br>type of<br>time and is morts for<br>this demeanorWRRYLAND<br>) Death<br>aused by the<br>perstion of<br>urshicle "In<br>grossity<br>agained"Not more than<br>5 yearsNot more than<br>1,000Revocation<br>system)Length of<br>term of<br>ActionAction<br>HindrawalWRRYLAND<br>) Death<br>aused by<br>aused by<br>aused by<br>term of the<br>grossity<br>agained"Not more than<br>1,000Revocation<br>system)Commits for<br>revocation;<br>type of<br>this would be<br>be 3rd<br>and 18 morts for<br>revocation;<br>this would be<br>and 18 morts for<br>this would be<br>section;<br>this would<br>s                                                                                                                                                                                                                                                                                                                                                                                                                                                           | STATE                                                                                           |                        |          | Criminal                              | Sanctions              |                 | Administ                  | rative Licensin                                                            |                                                        |       |
| ) Death<br>paration of<br>importion of<br>imotor<br>ehicle while<br>AssACHUSETTSYes<br>Yes<br>(Homicide by<br>rest<br>and of the<br>and of the<br>solutionNot more than<br>1,000<br>Not more than<br>1,000Revocation<br>system)6 months for<br>first<br>revocation;<br>and 18 months<br>and 18 months<br>and 18 months<br>first<br>revocation;<br>se special<br>notor<br>1,000<br>first<br>revocation;<br>system)6 months for<br>first<br>revocation;<br>and 18 months<br>and 18 months<br>be issued;<br>se special<br>not at the<br>of the<br>this would be<br>a 3rd<br>se special<br>not at the<br>and revocation;<br>section of<br>imotor<br>shield while<br>htis would<br>be a 3rd<br>section of<br>imotor<br>shield while<br>htis would be<br>a 30 days to<br>2 1/2 years<br>and/or fine<br>solution<br>and and and and and and<br>and 18 months<br>and or months<br>and/or fineRevocation<br>and/or<br>and/or<br>and/or fineNot more than<br>and 18 months<br>and/or fineNot more than<br>and 18 months<br>and 18 months<br>and 18 months<br>and 18 months<br>and 18 months<br>and 18 monthsRev                                                                                                                                                                                                                                                                                                                                         |                                                                                                 | Such a Law/<br>Type of |          |                                       |                        | Minimum Fine    | Authorized<br>and Type of | Term of<br>Licensing                                                       | Action<br>Min. Length<br>of License                    |       |
| Susad by the<br>perstion of<br>unstrengtMisdemeanor5 yeers1,000(via point<br>system)first<br>revocation;<br>and is would be<br>a 2nd<br>and is would be<br>essespecial<br>and is month(Via point<br>system)first<br>revocation;<br>and is month(Note: A<br>restricted<br>ilcense may<br>be special<br>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | MARYLAND                                                                                        |                        |          |                                       |                        |                 |                           |                                                                            |                                                        |       |
| Yes       Not more than<br>aused by<br>imporation of<br>ehicle while<br>ntoxicated       Yes       Not more than<br>3 years        Not more than<br>1,000        If this would<br>be a 3rd<br>revocation       end of the<br>DWI criminal<br>sanctions<br>section,)         Ann. Code of<br>Md, Art. 27,<br>j388       Ann. Code of<br>Md, Art. 27,<br>j388       30 days to<br>2 1/2 years<br>and/or fine       30 days to<br>2 1/2 years<br>and/or fine       30 days to<br>300 to 3,000<br>imprisonment       300       Revocation       10 years       10 years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 1) Death<br>caused by the<br>operation of<br>a vehicle "in<br>a grossly<br>negligent<br>manner" | Misdemeanor            |          |                                       |                        |                 | (via point                | first<br>revocation;<br>1 year if<br>this would be<br>a 2nd<br>revocation; | restricted<br>license may<br>be issued;<br>see special |       |
| Md. Art. 27,<br>1388     Md. Art. 27,<br>1388       ASSACHUSETTS     Yes       Yes     30 days to<br>2 1/2 years<br>and/or fine<br>wotor<br>vehicle)     30 days       30 days to<br>2 1/2 years     30 days       300 to 3,000     300       Revocation     10 years       10 years     10 years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2) Death<br>caused by<br>operation of<br>a motor<br>vehicle while<br>intoxicated                |                        |          |                                       | Not more than<br>1,000 |                 |                           | if this would<br>be a 3rd                                                  | end of the<br>DWI criminal<br>sanctions                |       |
| Yes 30 days to 2 1/2 years and/or fine imprisonment imprisonment 10 years 10 years 10 years 2 1/2 years and/or fine wotor yehicle)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                 | Md. Art. 27,           |          |                                       |                        |                 | <del></del>               |                                                                            |                                                        |       |
| 2 1/2 years     and/or       (Homicide by<br>motor<br>vehicle)     2 1/2 years     and/or                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | MASSACHUSETTS                                                                                   |                        |          |                                       |                        |                 |                           |                                                                            |                                                        |       |
| (Homiclde by and/or fine imprisonment vehicle)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                 | Yes                    |          | 30 days                               | 300 to 3,000           | 300             | Revocation                | 10 years                                                                   | 10 years                                               |       |
| C_90 524(G)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                 | motor                  |          |                                       |                        |                 |                           |                                                                            |                                                        |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                 | C_90 \$24(G)           |          |                                       |                        |                 |                           |                                                                            |                                                        |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                 |                        |          |                                       |                        |                 | 1                         |                                                                            |                                                        |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                 |                        |          |                                       |                        |                 |                           |                                                                            |                                                        |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                 |                        |          |                                       |                        |                 |                           |                                                                            |                                                        |       |

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| STATE       Senctions         Criminal       Administrative Licensing Actions         Mandatory Minimum<br>Imprisonment       Mandatory Minimum<br>Term of<br>Imprisonment       Mandatory<br>(S Range)       Type of Licensing<br>Action (Suspension/<br>Revocation)       Length of Term of<br>License Withdrawal<br>Action         MARYLAND       Misdemeanor<br>Not more than<br>1 year       Not more than<br>1,000        Revocation*       6 months if a first<br>revocation       1 year         2nd and<br>subsequent<br>offenses       Not more than<br>2 years        Not more than<br>1,000        Revocation*       1 year if a second<br>revocation       1 year if a second<br>revocation         (Note: See other column under vehicle<br>Impoundment/confiscation on p. 3-126)        Not more othan<br>0 year person whose       18 months if this<br>year person whose                                                                                                                                                                                                                                                                                                                                                                             |              |                |          |           |               | whoi Use and Driving<br>Where the Basis Was                                                                                                                                               |                           |                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------|----------|-----------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------|
| Imprisonment<br>Imprisonment         Mandatory Minimum<br>Term of<br>Imprisonment         Mandatory<br>(S Range)         Type of Licesing<br>Action (Suppension/<br>Revocation)         Length of Term of<br>License Withdrawei<br>Action         Mandatory Term of<br>License Withdrawei<br>Action           MARYLAND<br>Ist offense         Misdemeanor<br>Not more than<br>1 year          Not more than<br>1,000          Revocation*<br>(*via point system)         Length of Term of<br>License Withdrawei<br>Action         1 year           2nd and<br>subsequent<br>offenses         Not more than<br>2 years          Not more than<br>1,000          Revocation*<br>(*via point system)         1 year         1 year         1 year           (Note: See other column under vehicle<br>impoundment/confiscation on p. 3-126)         Not more than<br>1,000          Revocation*<br>(*via point system)         1 year if a second<br>revocation         1 year           MASSACHUSETTS<br>ist offenses         7 days - 2 1/2<br>years         7 days         200-1,000         Suspension<br>Point more than<br>120 days.         90 days-6 months         90 days           C: 90<br>523         10 days - 1 year         10 days           Revocation | STATE        |                |          |           |               |                                                                                                                                                                                           |                           |                                                           |
| Imprisonment<br>(Term)         Term of<br>Imprisonment         Fine<br>(S Range)         Minimum Fine<br>(S)         Action<br>(S)         License Withdrawei<br>Action         License Withdrawei<br>Action           MARYLAND<br>Ist offense         Misdemeanor<br>Not more than<br>2 years          Not more than<br>1,000          Revocation*<br>(*Via point system)         I year if a second<br>revocation         1 year<br>is moths if a first<br>revocation         1 year           2nd and<br>subsequent<br>offenses         Not more than<br>2 years          Not more than<br>1,000          Revocation*<br>(*Via point system)         1 year if a second<br>revocation         1 year           (Note: See other column under vehicle<br>impoundment/confiscation on p, 3-126)         Not more than<br>1,000          Revocation*<br>(*Via point system)         1 year if a second<br>revocation         1 year if a second<br>revocation           MASSACHUSETTS<br>1st offense         7 days - 2 1/2<br>years         7 days         200-1,000         Suspension         90 days-6 months         90 days           0;30<br>523         10 days-1 year         10 days           Revocation                                                   |              |                | Criminal |           |               | Admin                                                                                                                                                                                     | Istrative Licensing A     | Actions                                                   |
| Ist offense       Misdemeanor<br>Not more than<br>1 year        Not more than<br>1 year        Revocation*       6 months if a first<br>revocation       1 year         2nd and<br>subsequent<br>offenses       Not more than<br>2 years        Not more than<br>1,000        Revocation*       1 year if a second<br>revocation       1 year         (Note: See other column under vehicle<br>impoundment/confiscation on p. 3-126)       Not more than<br>1,000        Revocation*       I year if a second<br>revocation       I year if a second<br>revocation         MASSACHUSETTS       Xear       Not more than<br>2 years        Not more than<br>1,000        Revocation*       I year if a second<br>revocation       I year         MASSACHUSETTS       7 days - 2 1/2<br>years       7 days       200-1,000       Suspension       90 days-6 months       90 days         Subsequent<br>offenses       10 days-1 year       10 days         Revocation                                                                                                                                                                                                                                                                                                   |              |                | Term of  |           | Miniauan Fine | Action (Suspension/                                                                                                                                                                       | License Withdrawai        | License Withdrawal                                        |
| 1st offense       Not more than<br>1 year        Not more than<br>1,000        Revocation*       6 months if a first<br>revocation       6 months if a first<br>revocation         2nd and<br>subsequent<br>offenses       Not more than<br>2 years        Not more than<br>1,000        Revocation*       1 year if a second<br>revocation         (Note: See other column under vehicle<br>impoundment/confiscation on p. 3-125)        Not more than<br>1,000        Revocation*       1 year if a second<br>revocation         Not more than<br>2 years        Not more than<br>1,000        Registration of any<br>motor vehicle owned<br>by a person whose<br>1 loonse was sus-<br>pended or revoked<br>for an implied com-<br>sent refusal or a<br>DUI/DWI offense may<br>be suspended for<br>not more than<br>120 days.       (Note: A restricted<br>iscusse; see special<br>note at the end of<br>the criminal<br>senctions section.)         MASSACHUSETTS<br>Subsequent<br>offenses       7 days - 2 1/2<br>years       7 days       200-1,000       Suspension       90 days-6 months       90 days         Subsequent<br>offenses       10 days-1 year       10 days         Revocation                                                                  | MARYLAND     |                |          |           |               |                                                                                                                                                                                           |                           |                                                           |
| subsequent<br>offenses       2 years       1,000       (*via point system)       revocation         (Note: See other column under vehicle<br>impoundment/confiscation on p. 3-125)       1,000       (*via point system)       Registration of any<br>motor vehicle output       revocation         MASSACHUSETTS       10 days - 2 1/2       7 days       200-1,000       Suspension       90 days-6 months       90 days         Subsequent<br>offenses       10 days-1 year       10 days       -       -       Revocation       -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 1st offense  | Not more than  |          |           |               | Revocation*                                                                                                                                                                               |                           |                                                           |
| (Note: See other column under vehicle<br>impoundment/confiscation on p. 3-126)       Registration of any<br>motor vehicle ouned<br>by a person whose<br>license was sus-<br>pended or revoked<br>for an implied con-<br>sent refusal or a<br>DUI/DWI offense may<br>be suspended for<br>not more than<br>120 days.       (Note: A restricted<br>license may be<br>issued; see special<br>note at the end of<br>the criminal<br>sentions section.)         MASSACHUSETTS<br>1st offense<br>§23       7 days - 2 1/2<br>years       7 days       200-1,000       Suspension       90 days-6 months       90 days                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | subsequent   |                |          |           |               |                                                                                                                                                                                           | revocation                |                                                           |
| 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         C.90 523     523                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |              |                |          |           |               | motor vehicle owned<br>by a person whose<br>license was sus-<br>pended or revoked<br>for an implied con-<br>sent refusal or a<br>DUI/DWI offense may<br>be suspended for<br>not more than | would be a third          | issued; see special<br>note at the end of<br>the criminal |
| years       Subsequent<br>offenses     10 days-1 year       C.90<br>§23     C.90                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | ASSACHUSETTS |                |          |           |               |                                                                                                                                                                                           |                           |                                                           |
| C.90<br>§23                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | lst offense  |                | 7 days   | 200-1,000 |               | Suspension                                                                                                                                                                                | 90 d <b>ays-</b> 6 months | 90 days                                                   |
| §23                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |              | 10 days-1 year | 10 days  |           | .—            | Revocation                                                                                                                                                                                |                           |                                                           |
| 90 523                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | C.90<br>§23  |                |          |           |               |                                                                                                                                                                                           |                           |                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |              |                |          | 90 §23    |               |                                                                                                                                                                                           |                           |                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |              |                |          |           |               |                                                                                                                                                                                           |                           |                                                           |

| <b></b>       |                                     |                                                                                                                         | Other Crim                                                                        | inal Actions Rei                                                                               | ated to Alcohol          | Use and Drivin                                  | gContinued                         | `                                 |                                   |
|---------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------|------------------------------------|-----------------------------------|-----------------------------------|
|               |                                     |                                                                                                                         |                                                                                   | Hab                                                                                            | Itual Offender           | Laws                                            |                                    |                                   |                                   |
|               |                                     |                                                                                                                         |                                                                                   | Type of<br>Criminal                                                                            |                          | Sanctions Foll<br>While on                      | owing a Convict<br>Habitual Offend | tion of Driving<br>ler Status     |                                   |
| STATE         | State Has<br>Such a Lav<br>(Yes/No) | Grounds for<br>Being<br>Deciared an<br>Habitual<br>Offender                                                             | Term of<br>License<br>Revocation<br>While Under<br>Habitual<br>Offender<br>Status | Offense if<br>Convicted on<br>Charges of<br>Driving While<br>on Habituai<br>Offender<br>Status | Imprisonment<br>(Term)   | Mandatory<br>Minimum Term<br>Of<br>Imprisonment | Fine<br>(\$ Range)                 | Mandatory<br>Ninimum Fine<br>(\$) | Licensing<br>Actions<br>(Specify) |
| MARYLAND      | }                                   |                                                                                                                         |                                                                                   |                                                                                                |                          |                                                 |                                    |                                   |                                   |
|               | No                                  |                                                                                                                         |                                                                                   |                                                                                                |                          |                                                 |                                    |                                   |                                   |
|               |                                     |                                                                                                                         |                                                                                   |                                                                                                |                          |                                                 |                                    |                                   |                                   |
|               | -                                   |                                                                                                                         |                                                                                   |                                                                                                |                          |                                                 |                                    |                                   |                                   |
|               |                                     |                                                                                                                         |                                                                                   |                                                                                                |                          |                                                 |                                    |                                   |                                   |
| MASSACHUSETTS |                                     |                                                                                                                         |                                                                                   |                                                                                                |                          |                                                 | والمراجعة التركي بسيارية           |                                   |                                   |
|               | Yes                                 | Three or more<br>convictions,<br>singularly or<br>in combina-<br>tion of<br>operating a<br>motor vehicle<br>while under | 4 years<br>(If proven<br>hardship<br>license after<br>1 year)                     | Habituai<br>offender<br>(criminal<br>offense)                                                  | Not more than<br>2 years |                                                 | 200-1,000                          | 200                               | Revocation                        |
|               | 0.00                                | the influence<br>of intoxicat-<br>ing liquor in<br>violation of<br>C.90 §24(1)<br>(a)                                   |                                                                                   |                                                                                                |                          |                                                 |                                    |                                   |                                   |
|               | C.90<br>≸22(f)                      |                                                                                                                         |                                                                                   |                                                                                                |                          |                                                 |                                    |                                   |                                   |

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| ľ.            |                                        |                                                                                                                                                                                                                                                                 |                                | Other Sta                                                                                                                             | to Laws Re                                    | lated to Alco                                                                                                                                                                                                                  | whol Use and D                               | riving                                   |                                                                                                                                       |         |
|---------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------|
|               | Laws F                                 | equiring BAC<br>ersons Killed                                                                                                                                                                                                                                   | Chemical Test<br>In Traffic Cr | ts on Th <del>ose</del><br>ashes                                                                                                      | Laws E<br>Ages Cond                           | stablishing 1<br>erning Alcoho                                                                                                                                                                                                 | ihe Minimum<br>Siic Beverages                | Dram St                                  | op Laws and Related Legal                                                                                                             | Actions |
| STATE         |                                        |                                                                                                                                                                                                                                                                 | al Test is Gi<br>liowing Perso |                                                                                                                                       |                                               |                                                                                                                                                                                                                                |                                              | State                                    | "Dram Shop Law" Concept<br>Has Been Adopted via a                                                                                     |         |
|               | State<br>Has Such<br>A Law<br>(Yes/No) | Dr I v <del>o</del> r                                                                                                                                                                                                                                           | Vohicio<br>Passengers          | Pedestrians                                                                                                                           | Minimum<br>Age<br>(Years)<br>Sale<br>Purchase | Minimum<br>Age<br>(Years)<br>Possession                                                                                                                                                                                        | Minimum<br>Age<br>(Years)<br>Consumption     | Has a<br>Dram<br>Shop<br>Law<br>(Yes/No) | Change to the Common Law<br>Rule by Action of This<br>Highest Court of Record<br>In the State (Give the<br>Case Citation)             | Other   |
| MARYLAND      |                                        |                                                                                                                                                                                                                                                                 |                                |                                                                                                                                       |                                               |                                                                                                                                                                                                                                |                                              |                                          |                                                                                                                                       |         |
|               | No                                     |                                                                                                                                                                                                                                                                 |                                |                                                                                                                                       | 21                                            | places; howe                                                                                                                                                                                                                   | possession<br>ion in public<br>over, certain |                                          | (Special Note: For a<br>recent Maryland Case in<br>this area see Felder v.<br>Butler, 438 A.2d 494<br>(1981))                         |         |
|               |                                        |                                                                                                                                                                                                                                                                 |                                |                                                                                                                                       |                                               | State laws a<br>restrictions<br>of Maryland)<br>Art. 28 \$118                                                                                                                                                                  | ; see general                                | irtain coun<br>ly Art. 28                | tles have additional<br>of the Annontated Code                                                                                        |         |
| MASSACHUSETTS | 1                                      |                                                                                                                                                                                                                                                                 |                                |                                                                                                                                       |                                               |                                                                                                                                                                                                                                |                                              |                                          |                                                                                                                                       |         |
|               | Yes<br>C.38<br>\$6(A)                  | Yes<br>Statute<br>requires<br>medical<br>examiners<br>to submit<br>to police<br>lab of<br>State where<br>accident<br>occurred,<br>blood sam-<br>ples of<br>drivers who<br>die of<br>injuries<br>received in<br>auto<br>accidents<br>within<br>4 hours of<br>the | No                             | Yes<br>(Same rule<br>for drivers<br>who die<br>(C.38<br>\$6(A)) in<br>accidents<br>applies for<br>pedestrians<br>16 years or<br>older | 20<br>138 134                                 | 20<br>(Applies to<br>the trans-<br>portation of<br>alcoholic<br>beverages by<br>an un-<br>attended<br>person under<br>20; there is<br>an exemp-<br>tion for<br>persons 18<br>and 19 for<br>employment<br>purposes)<br>138 §340 |                                              | No                                       | Adamain v. Three Sons,<br>373 Mass. 498; 233 N.E.<br>2d 18 and Cimino v. The<br>Milford Keg, Inc., 431<br>N.E. 2d 920 (Mass.<br>1982) |         |

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|               | Criminal Action Age<br>Alcol | ainst Owner or Employees of Esta<br>colic Beverages to Intoxicated F | blishments That Serve<br>atrons           | of Establis                                                            | tive Actions Against Owners<br>shments That Serve Alcoholi<br>as to Intoxicated Patrons |
|---------------|------------------------------|----------------------------------------------------------------------|-------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| STATE         | Type of Criminal Action      | Term of Imprisonment                                                 | Fine<br>(\$ Range)                        | License to<br>Serve<br>Alcoholic<br>Beverages<br>Withdrawn<br>(Yes/No) |                                                                                         |
| MARYLAND      |                              |                                                                      |                                           | {                                                                      |                                                                                         |
|               | Misdemeanor                  | Not more than 2 years                                                | Not more than 1,000                       | Suspension<br>or<br>revocation                                         | Generally 6 months, but<br>for certain counties it<br>may be longer                     |
|               | (Ann. Code c                 | f Maryland Art. 28, \$\$69, 69A,                                     | 118, and 200)                             | Comptroller                                                            |                                                                                         |
|               |                              |                                                                      |                                           |                                                                        |                                                                                         |
|               |                              |                                                                      |                                           |                                                                        |                                                                                         |
| MASSACHUSETTS |                              |                                                                      |                                           |                                                                        |                                                                                         |
|               | Fine and/or imprisonment     | Not less than 1 month and not<br>more than 1 year                    | Not less than 50 and not more<br>than 500 | No                                                                     |                                                                                         |
|               | 138 \$69                     |                                                                      |                                           |                                                                        |                                                                                         |
|               |                              |                                                                      |                                           |                                                                        |                                                                                         |
|               |                              |                                                                      |                                           |                                                                        |                                                                                         |
|               |                              |                                                                      |                                           |                                                                        |                                                                                         |

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|         |                                                    |                                                                                                                                                                                                         |                                | Other Sta              | te Laws Related to Alc                                                                                                                                                | whol Use and Driving-                                                                                    | -Continued                          | ······································                                                           |
|---------|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------|
|         | STATE                                              | Criminal Actions Against Owners or<br>Employees of Establishments That Serve<br>Alcoholic Beverages or the Wrong Type of<br>Alcoholic Beverage to Those Persons Under<br>the Minimum Legal Drinking Age |                                |                        | Establishments Th<br>Beverages or the Wro<br>Beverage to Those                                                                                                        | ns Against Dwners of<br>at Serve Alcoholic<br>ong Type of Alcoholic<br>Persons Under the<br>Drinking Age | Containers                          | biting the Possession of Open<br>of Aicoholic Beverages in the<br>Compartment of a Motor Vehicle |
|         |                                                    | Type of<br>Criminal<br>Action                                                                                                                                                                           | Term of<br>Imprisonment        | Fine<br>(\$ Range)     | License to Serve<br>Aicoholic Beverages<br>Withdrawn<br>(Yes/No)                                                                                                      | Length of Term of<br>License Withdrawai                                                                  | State Has<br>Such a Law<br>(Yes/No) | Explanation of<br>Such State Law<br>If Needed                                                    |
|         | MARYLAND                                           |                                                                                                                                                                                                         |                                |                        |                                                                                                                                                                       |                                                                                                          |                                     |                                                                                                  |
|         | Ann. Code of<br>Maryland Art. 28<br>\$\$118 and 69 | Misdemeanor                                                                                                                                                                                             | Not more than<br>2 years       | Not more<br>than 1,000 | Suspension or<br>revocation                                                                                                                                           | Generally 6 months<br>but for certain<br>counties it may be<br>longer                                    | Yes                                 | This law is limited to certain public parking areas                                              |
| ct I −5 | 4.                                                 | (Ann. Code of                                                                                                                                                                                           | Maryland Art.<br>118, and 200) | 2B §§69, 69A,          | (Note: For licenses<br>Issued by the<br>comptroller a<br>monetary compromise<br>of not more than<br>\$2,000 may be paid<br>in lieu of suspen-<br>sion or revocation.) |                                                                                                          | See<br>explanation                  | See Maryland Code Article 28<br>§§207-214                                                        |
|         | MASSACHUSETTS                                      | ******                                                                                                                                                                                                  |                                |                        |                                                                                                                                                                       |                                                                                                          |                                     |                                                                                                  |
|         |                                                    | Fine and/or<br>imprisonment                                                                                                                                                                             | Not more than<br>6 months      | Not more<br>than 200   | Possibly<br>(Left up to the<br>Court's discretion)<br>C.138 §64                                                                                                       | lf revoked1 year<br>C.138 §64                                                                            | No                                  |                                                                                                  |
|         |                                                    |                                                                                                                                                                                                         |                                |                        |                                                                                                                                                                       |                                                                                                          |                                     |                                                                                                  |

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|                                                                                                                                                                       |                                                  | Basis for a DWI Charge                                                                                                                                                   |                   | Chemica                           | al Breath Tests for B                       | AC Level                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------------------------|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| STATE                                                                                                                                                                 | lliegal Per Se<br>Law (BAC Level)                | Presumption<br>(BAC Level)                                                                                                                                               | Othe <del>r</del> | Preliminary<br>Breath Test<br>Law | implied (<br>Arrest<br>Required<br>(Yes/No) | Consent Law<br>Other<br>Information                                                                                                                                                                                                                                                                                            |
| MICHIGAN                                                                                                                                                              | ······································           |                                                                                                                                                                          |                   |                                   |                                             |                                                                                                                                                                                                                                                                                                                                |
| See: Michigan<br>Statutes Ann.<br>1981, 1982 Cum.<br>Supp. (current<br>through September<br>28, 1982) and<br>Act No. 310,<br>Public Act of<br>1982, Oct. 14,<br>1982. | 0,10%                                            | A BAC of greater<br>than 0.07 but less<br>than 0.10 is a<br>presumption of<br>impairment<br>A BAC of 0.10 or<br>more is a presump-<br>tion of driving<br>while under the | <b></b>           | Yes                               | Yes                                         |                                                                                                                                                                                                                                                                                                                                |
|                                                                                                                                                                       |                                                  | Influence                                                                                                                                                                |                   | ¥625h                             |                                             |                                                                                                                                                                                                                                                                                                                                |
| MINNESOTA                                                                                                                                                             |                                                  |                                                                                                                                                                          |                   |                                   |                                             | Special Note:                                                                                                                                                                                                                                                                                                                  |
| See: Minnesota<br>Stat, Ann,<br>Includes laws<br>through 1981                                                                                                         | Yes<br>0,10≴                                     |                                                                                                                                                                          |                   | Yes                               | No<br>(But, see special<br>note in other    | Test can be given<br>if:<br>i) person has been<br>lawfully placed und                                                                                                                                                                                                                                                          |
| Regular Session<br>and 1st and 2nd<br>Special Session<br>(for use in 1983)<br>and S <sub>4</sub> F, No. 473<br>as enacted in<br>1983.                                 | Minn, Stat, Ann,<br>169,121(1)(d)<br>169,123(5a) |                                                                                                                                                                          |                   | (Minn, Stat, Ann,<br>C, 169, 121) | information column)                         | arrest under<br>C 169,121 and<br>2) If person has<br>refused to take<br>preliminary screeni<br>test;<br>3) If PBT is refused<br>or shows BAC of 0.10<br>or more;<br>4) If person is<br>involved in an<br>accident resulting<br>property damage,<br>personal injury, or<br>death there is<br>implied consent<br>without arrest. |

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|           | Other Chemic<br>Authorized                                     | al Tests For BAC Leve<br>Under Law (Implied Co | l Which Are<br>nsent Law)                    | bΛ                                        | judication of DWI Char                      | ges                                                 |
|-----------|----------------------------------------------------------------|------------------------------------------------|----------------------------------------------|-------------------------------------------|---------------------------------------------|-----------------------------------------------------|
| STATE     | Blood                                                          | Urine                                          | Other<br>(Specify)                           | Mandatory<br>Adjudication Law<br>(Yes/No) | Anti-Piea<br>Bargaining Statute<br>(Yes/No) | Pre-Sentence<br>Investigation Law<br>(PSI) (Yes/No) |
| MICHIGAN  |                                                                |                                                |                                              |                                           |                                             |                                                     |
|           | Yes                                                            | Yes                                            |                                              | No                                        | No                                          | Yes                                                 |
|           | (Mich. Stat. Ann.<br>\$\$9.2325(1), (3),<br>(4), (5), and (6)) |                                                |                                              |                                           |                                             |                                                     |
|           |                                                                |                                                |                                              |                                           |                                             | \$625(8)                                            |
|           |                                                                |                                                |                                              |                                           |                                             |                                                     |
|           |                                                                |                                                |                                              |                                           |                                             |                                                     |
| MINNESOTA |                                                                |                                                | <u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u> |                                           |                                             |                                                     |
|           | Yes                                                            | Yes                                            |                                              | Yes                                       | No                                          | Yes                                                 |
|           |                                                                |                                                |                                              |                                           |                                             | 169 <b>.</b> 124-<br>169 <b>.</b> 126               |
|           |                                                                |                                                |                                              |                                           |                                             |                                                     |
|           |                                                                |                                                |                                              |                                           |                                             |                                                     |
|           |                                                                |                                                |                                              |                                           |                                             |                                                     |
|           |                                                                |                                                |                                              |                                           |                                             |                                                     |
|           |                                                                |                                                |                                              |                                           |                                             | 2nd Edition August 1983                             |

|              |                                      |                                                                   | Sanctions for Refusal<br>Chemical Br | To Submit to a BAC<br>reath Test     |                                                                                                                                                     |            |
|--------------|--------------------------------------|-------------------------------------------------------------------|--------------------------------------|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| STATE        | Refusal                              | To Take Preliminary Br                                            |                                      |                                      | Take Implied Consent Che                                                                                                                            | mical Test |
|              | Criminal<br>Sanctions<br>(Fine/Jall) | Administrative<br>Licensing Action<br>(Suspension/<br>Revocation) | Other                                | Criminat<br>Sanctions<br>(Fine/Jail) | Administrative<br>Licensing Action<br>(Suspension/<br>Revocation)                                                                                   | Other      |
| MICHIGAN     |                                      |                                                                   |                                      |                                      |                                                                                                                                                     |            |
|              | No                                   | No                                                                | Clv11 Infrætion                      |                                      | 1st refusal-<br>6 months<br>2nd refusal<br>W/n 7 years-1 year<br>Note: A restricted/<br>hardship license<br>may be issued.<br>§323(c) and<br>§625 f |            |
| M I NNE SOTA | -                                    | Revocation for<br>6 months<br>169.123<br>Subd. 2(b)(1)            |                                      |                                      | Revocation for<br>6 months*<br>169.123<br>Subd. 2(b)(1)<br>and Subd. 9<br>*A limited license<br>may be issued.                                      |            |

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|                                                                               |                                                        | Sanctions Following a Conviction for a DWI Offense                          |                                       |                                                |                                       |                                         |                  |  |  |  |  |
|-------------------------------------------------------------------------------|--------------------------------------------------------|-----------------------------------------------------------------------------|---------------------------------------|------------------------------------------------|---------------------------------------|-----------------------------------------|------------------|--|--|--|--|
|                                                                               |                                                        |                                                                             |                                       | Criminal Sanct                                 | lons                                  |                                         |                  |  |  |  |  |
| STATE                                                                         | Impri                                                  | sonment                                                                     | FI                                    | مردعا المكالية التبري بالمتحدية الكالات وأخبأه | ·····                                 | Other Penalties                         |                  |  |  |  |  |
|                                                                               | Term (Day, Months,<br>Years, Etc.)                     | Mandatory<br>Minimum Term                                                   | Amount<br>(\$ Range)                  | Mandatory<br>Minimum Fine<br>(\$)              | Community<br>Service                  | Restitution<br>(e.g., Victim's<br>Fund) | Other            |  |  |  |  |
| MICHIGAN                                                                      |                                                        |                                                                             |                                       |                                                |                                       |                                         |                  |  |  |  |  |
| Offense of<br>driving while<br>impaired<br>(\$625b)<br>1st offense<br>2nd and | Misdemeanor<br>Not more than<br>90 days<br>Misdemeanor |                                                                             | Not more than<br>300<br>Not more than |                                                | Yesup to 12 days<br>Yesup to 12 days  |                                         |                  |  |  |  |  |
| subsequent<br>offense                                                         | Not more than<br>1 year                                |                                                                             | 1,000                                 |                                                |                                       |                                         |                  |  |  |  |  |
| Offense of driving<br>while under the<br>influence<br>(§625)<br>1st offense   | Misdemeanor<br>Not more than                           |                                                                             | 100-500                               |                                                | Yesup to 12 days                      |                                         |                  |  |  |  |  |
| 2nd offense                                                                   | 90 days<br>Misdemeanor                                 |                                                                             | Not more than                         |                                                | Man un de 10 daus                     |                                         |                  |  |  |  |  |
| w/n 7 years                                                                   | Not more than                                          |                                                                             | 1,000                                 |                                                | Yesup to 12 days                      |                                         |                  |  |  |  |  |
| 3rd and subsequent<br>offenses w/n a<br>10-year period                        | 1 year<br>Felony<br>1-5 years                          |                                                                             | Not more than<br>1,000                |                                                | Yesup to 12 days                      |                                         |                  |  |  |  |  |
| MINNESOTA                                                                     |                                                        |                                                                             |                                       |                                                |                                       |                                         |                  |  |  |  |  |
| lst offense<br>(Misdemeanor)                                                  | Up to 90 days                                          | No                                                                          | Not more than<br>500                  |                                                |                                       |                                         |                  |  |  |  |  |
| 2nd offense<br>(w/n 5 years)<br>and subsequent                                | Up to I year                                           | 48 hours<br>consecutive hours<br>(see Community                             | Not more than<br>1,000                |                                                | 10 days<br>(as an<br>aiternative      |                                         |                  |  |  |  |  |
| offenses<br>(w/n 10 years)                                                    | \$169,121(3)                                           | Service column.)*                                                           |                                       |                                                | to imprisonment)*                     |                                         |                  |  |  |  |  |
| (Gross<br>Misdemeanor)                                                        | ·                                                      | *A sentence given<br>for this offense<br>may not be stayed<br>by the Court. |                                       |                                                |                                       |                                         |                  |  |  |  |  |
|                                                                               |                                                        |                                                                             |                                       |                                                |                                       |                                         |                  |  |  |  |  |
|                                                                               |                                                        |                                                                             |                                       |                                                |                                       |                                         |                  |  |  |  |  |
| ·····                                                                         |                                                        |                                                                             |                                       | · _ · · · · · · · · · · · · · · · · · ·        | · · · · · · · · · · · · · · · · · · · | 2n                                      | d Edition August |  |  |  |  |
|                                                                               |                                                        |                                                                             |                                       |                                                |                                       |                                         |                  |  |  |  |  |

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| }                                                         |                                                        | Sanctions Following a Conviction for a DWI OffenseContinued Administrative Licensing Actions |       |                                                            |                                                                 |                                                                                        |  |  |  |  |  |
|-----------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------|-------|------------------------------------------------------------|-----------------------------------------------------------------|----------------------------------------------------------------------------------------|--|--|--|--|--|
| STATE                                                     | Pro-Dil                                                | Conviction Licensin                                                                          |       |                                                            | Post-DWI Conviction Licensing Action                            |                                                                                        |  |  |  |  |  |
| JINE                                                      | Administrative<br>Per Se Law                           | UVC Type of<br>Provisions                                                                    | Other | Type of Licensing<br>Action<br>(Suspension/<br>Revocation) | Term of License<br>Withdrawai (Days,<br>Months, Years,<br>etc.) | Mandatory Minimum<br>Term of Withdrawal                                                |  |  |  |  |  |
| MICHIGAN                                                  |                                                        |                                                                                              |       |                                                            |                                                                 |                                                                                        |  |  |  |  |  |
| Offense of<br>driving while<br>impaired (§625b)           |                                                        |                                                                                              |       |                                                            |                                                                 |                                                                                        |  |  |  |  |  |
| 1st offense                                               |                                                        |                                                                                              |       | Suspension                                                 | 90 days-1 year                                                  | (A restricted license<br>may be issued)*                                               |  |  |  |  |  |
| 2nd offense                                               | No                                                     | No                                                                                           |       | Suspension                                                 | 6-18 months                                                     | 60 days (A<br>restricted license<br>may be issued after<br>60 days)*                   |  |  |  |  |  |
| 3rd and subsequent<br>offense                             |                                                        |                                                                                              |       | Revoked                                                    | 1 year                                                          | 1 year                                                                                 |  |  |  |  |  |
| Offense of driving<br>while under the<br>influence (§625) |                                                        |                                                                                              |       |                                                            |                                                                 |                                                                                        |  |  |  |  |  |
| lst offense<br>Contlnued on<br>page 3-137A                |                                                        |                                                                                              |       | Suspension                                                 | 6 months-2 years                                                | (A restricted/hard-<br>ship license may be<br>issued)* §625(4))                        |  |  |  |  |  |
| MINNESOTA                                                 | Yes                                                    |                                                                                              |       | lst offense-<br>Revocation                                 | 90 days                                                         | Special Note: Under<br>§171_30 a  lmited                                               |  |  |  |  |  |
|                                                           | BAC level 0,10<br>Revocation for<br>120 days; however, | ·                                                                                            |       | 2nd offense-<br>(w/n 5 years)<br>Revocation                | l year                                                          | license may be issued<br>for (1) employment<br>purposes or for<br>(2) attendance at an |  |  |  |  |  |
|                                                           | a limitéd licensé<br>is available                      |                                                                                              |       | 3rd offense-<br>(w/n 5 years)<br>Revocation                | 2 years                                                         | alcohol treatment<br>program,                                                          |  |  |  |  |  |
| Continued on<br>page 3-138.                               |                                                        |                                                                                              |       | 4th and subsequent offenses §169,121(4)                    | 3 years                                                         |                                                                                        |  |  |  |  |  |
|                                                           |                                                        |                                                                                              |       | (Note: 90 additional of period if the DWI offe             | anse involves either                                            | above revocation base<br>death or injury.)<br>2nd Edition August 198                   |  |  |  |  |  |

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|                                         |                              | Sanctions                 | and the second | on for a DWI OffenseC                                      | ontinued                                                        |                                            |
|-----------------------------------------|------------------------------|---------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------|--------------------------------------------|
| L                                       |                              |                           |                                                                                                                  | Icensing Actions                                           |                                                                 |                                            |
| STATE                                   | Pre-DW                       | Conviction Licensing      | Action                                                                                                           |                                                            | I Conviction Licensin                                           | g Action                                   |
|                                         | Administrative<br>Per Se Law | UVC Type of<br>Provisions | Other                                                                                                            | Type of Licensing<br>Action<br>(Suspension/<br>Revocation) | Term of License<br>Withdrawal (Days,<br>Months, Years,<br>etc.) | Mandatory Minimum<br>Term of Nithdrawai    |
| MICHIGAN                                |                              |                           |                                                                                                                  |                                                            |                                                                 |                                            |
| 2nd offense                             | No                           | No                        |                                                                                                                  | Revoked                                                    | 1 year                                                          | 1 year<br>§303(1)(d)                       |
| 3rd and subsequent<br>offenses (felony) |                              |                           |                                                                                                                  | Revoked                                                    | 5 years                                                         | 5 years<br>\$303(1)(d)<br>*§§625b(2) & (3) |
|                                         |                              |                           |                                                                                                                  |                                                            |                                                                 |                                            |
|                                         |                              |                           |                                                                                                                  |                                                            |                                                                 |                                            |
|                                         |                              |                           |                                                                                                                  |                                                            |                                                                 |                                            |
|                                         |                              |                           |                                                                                                                  |                                                            |                                                                 |                                            |
|                                         |                              |                           |                                                                                                                  |                                                            |                                                                 |                                            |
|                                         |                              |                           |                                                                                                                  |                                                            |                                                                 |                                            |

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| ſ |           |                               |                                             | Sanctions Following                                                                                                                                                                                                                                             | a Conviction for                                    | a DWI OffenseCon                                | tinued                                                                                    |                                                      |
|---|-----------|-------------------------------|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------|-------------------------------------------------------------------------------------------|------------------------------------------------------|
| 1 |           |                               | - · · · · · · · · · · · · · · · · · · ·     |                                                                                                                                                                                                                                                                 | Other                                               |                                                 |                                                                                           |                                                      |
| 1 |           | l                             | Rehabilitation                              |                                                                                                                                                                                                                                                                 | Vehicle                                             | impoundment/Confi                               | scation                                                                                   |                                                      |
|   | STATE     | Al coho I<br>Education        | Alcohol<br>Treatment                        | Alcohol Educa-<br>tion/Treatment<br>as an Alternative<br>to Criminal/<br>Licensing Actions<br>(Describe)                                                                                                                                                        | Authorized By<br>Specific<br>Statutory<br>Authority | Terms Upon Which<br>Vehicle Will be<br>Released | Other                                                                                     | Miscellaneous<br>Sanctions Not included<br>Elsewhere |
|   | MICHIGAN  | Yes                           |                                             |                                                                                                                                                                                                                                                                 | No                                                  | -                                               |                                                                                           |                                                      |
|   |           |                               |                                             |                                                                                                                                                                                                                                                                 |                                                     |                                                 |                                                                                           |                                                      |
|   | MINNESOTA | Yes<br>169,124 and<br>169,126 | Yes<br>169.121(5)<br>169.124 and<br>169.126 | No<br>The court may<br>stay imposition<br>of fine or jall<br>sentence but not<br>license revoca-<br>tion if defendant<br>submits to treat-<br>ment at an<br>authorized depen-<br>dency facility,<br>as provided by<br>169.121 Subd. 5<br>and 609.135<br>Subd. 1 | No                                                  | а ————————————————————————————————————          | (Note: State has<br>license plate<br>Impoundment law;<br>see Special Note<br>on p. 3-140. |                                                      |

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|           |                                                                                                                                                                                                                                                           |                                               | Other                     | Criminal Action                 | s Related to Al                   | cohol Use and D                                                                             | Priving                                                                     |                                                                             |                                                                        |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|---------------------------|---------------------------------|-----------------------------------|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------------------------------------------------------------------|
|           |                                                                                                                                                                                                                                                           |                                               |                           | Ho                              | micide by Vehic                   | :19                                                                                         |                                                                             |                                                                             |                                                                        |
|           | 1                                                                                                                                                                                                                                                         |                                               |                           |                                 | Sanctions                         |                                                                                             |                                                                             |                                                                             | Other                                                                  |
| STATE     | State Has<br>Such a Law/<br>Type of<br>Offense                                                                                                                                                                                                            | imprisonment<br>(Term)                        | Mandatory<br>Minimum Term | Sanctions<br>Fine<br>(\$ Range) | Mandatory<br>Ninimum Fine<br>(\$) | Administ<br>Licensing<br>Authorized<br>and Type of<br>Action                                | Length of<br>Term of<br>Licensing<br>Withdrawai                             | g Actions<br>Mandatory<br>Action<br>Min. Length<br>of License<br>Withdrawai |                                                                        |
| MICHIGAN  |                                                                                                                                                                                                                                                           |                                               |                           |                                 |                                   |                                                                                             |                                                                             |                                                                             |                                                                        |
|           | Yes<br>Misdemeanor<br>Death caused<br>by the opera-<br>tion of a<br>vehicle at an<br>immoderate<br>rate of speed<br>or in a care-<br>less, reck-<br>less, reck-<br>less, or neg-<br>ligent manner<br>but not wil-<br>fully or<br>wantonly.<br>(Mich, Stat | Not more than<br>2 years<br>. Ann. \$\$28-556 | <br>and 28-557)           | Not more than<br>2,000          |                                   | Suspension<br>(6 points are<br>also accu-<br>mulated for<br>each<br>offense)<br>\$319(1)(a) | 90 days-<br>2 years                                                         |                                                                             |                                                                        |
| MINNESOTA | Yes<br>(Felony)<br>(Gross<br>negligence                                                                                                                                                                                                                   | Not more than<br>5 years                      |                           | Not more than<br>5,000          | _                                 | Revocation                                                                                  | Maximum length<br>of license<br>revocation<br>period is not<br>specified by | 60 days                                                                     | Special Note<br>A limited<br>license may<br>issued after<br>the 60 day |
|           | causing death<br>while under<br>the Influence<br>of alcohol)                                                                                                                                                                                              |                                               |                           |                                 |                                   | (Note: See No<br>licensing acti                                                             | statute<br>te in the post-<br>on columns on p                               | DWI conviction<br>• 3-137•)                                                 | minimum<br>license<br>revocation<br>period                             |
|           | 609,21                                                                                                                                                                                                                                                    |                                               |                           |                                 |                                   | <b>169.</b> I 1                                                                             |                                                                             | 171.30                                                                      | 171,30                                                                 |

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|                                   |                                | Other Cr                                                 | iminal Actions       | Related to Alco                   | hol Use and Driving                                              | -Continued                                             |                                                                |
|-----------------------------------|--------------------------------|----------------------------------------------------------|----------------------|-----------------------------------|------------------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------|
|                                   |                                | Driving Whi                                              | e License Suspe      |                                   | Where the Basis Was                                              | a DWI Offense                                          |                                                                |
| STATE                             |                                |                                                          |                      | Sanctions                         |                                                                  |                                                        |                                                                |
|                                   | Imp <b>risonment</b><br>(Term) | Criminal<br>Mandatory Minimum<br>Term of<br>Imprisonment | Fine<br>(\$Range)    | Mandatory<br>Minimum Fine<br>(\$) | Admin<br>Type of Licensing<br>Action (Suspension/<br>Revocation) | Length of Term of<br>License Withdrawal<br>Action      | Additions<br>Mandatory Term of<br>License Withdrawai<br>Action |
| MICHIGAN                          |                                |                                                          |                      |                                   |                                                                  |                                                        |                                                                |
| 1st offense                       | Misdemeanor<br>3-90 days       |                                                          | Not more than<br>100 |                                   | Suspension or<br>revocation                                      | The original<br>license suspension<br>or revocation is | The original license<br>suspension or<br>revocation is         |
| 2nd and<br>subsequent<br>offenses | Misdemeanor<br>5 days-1 year   |                                                          | Not more than<br>500 |                                   |                                                                  | extended for a like<br>period.                         | extended a like<br>period,                                     |
| 011011303                         |                                | (Mich. Stat. Ann. §9                                     | .2604(2))            |                                   |                                                                  |                                                        |                                                                |
|                                   |                                |                                                          |                      |                                   |                                                                  |                                                        |                                                                |
|                                   |                                |                                                          |                      |                                   |                                                                  |                                                        |                                                                |
|                                   |                                |                                                          |                      |                                   |                                                                  |                                                        |                                                                |
| MINNESOTA                         |                                |                                                          |                      |                                   |                                                                  |                                                        |                                                                |
| MINNESOTA                         |                                |                                                          |                      |                                   |                                                                  |                                                        |                                                                |
|                                   | Misdemeanor                    |                                                          |                      |                                   | (Special Note: A vi                                              | olation of \$191.24 ma                                 | y result in a                                                  |
|                                   | Up to 90 days                  |                                                          | Up to 500            |                                   | certificate impound                                              | motor vehicle regist<br>ed under §168.041.)            | ration plates and                                              |
| \$171.24                          | <b>\$609.02</b>                |                                                          |                      |                                   |                                                                  |                                                        |                                                                |
|                                   |                                |                                                          |                      |                                   |                                                                  |                                                        |                                                                |
|                                   |                                |                                                          |                      |                                   |                                                                  |                                                        |                                                                |
|                                   |                                |                                                          |                      |                                   |                                                                  |                                                        |                                                                |
|                                   |                                |                                                          |                      |                                   |                                                                  |                                                        |                                                                |

|           |                                     |                                                             | Other Crim                                                                        | inal Actions Rei                                                                               |                        |                                                 | gContinued                         |                                   |                                   |
|-----------|-------------------------------------|-------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|------------------------|-------------------------------------------------|------------------------------------|-----------------------------------|-----------------------------------|
|           |                                     |                                                             | ı — — — —                                                                         |                                                                                                | Itual Offender         | Laws                                            |                                    |                                   |                                   |
|           |                                     |                                                             | <b>-</b> . /                                                                      | Type of<br>Criminal                                                                            |                        | Sanctions Foll<br>While on                      | owing a Convict<br>Habitual Offend | tion of Driving<br>ter Status     |                                   |
| STATE     | State Has<br>Such a Law<br>(Yes/No) | Grounds for<br>Being<br>Declared an<br>Habitual<br>Offender | Term of<br>License<br>Revocation<br>While Under<br>Habitual<br>Offender<br>Status | Offense if<br>Convicted on<br>Charges of<br>Driving While<br>on Habitual<br>Offender<br>Status | imprisonment<br>(Term) | Mandatory<br>Minimum Term<br>of<br>Imprisonment | Fine<br>(\$ Range)                 | Mandatory<br>Minimum Fine<br>(\$) | Licensing<br>Actions<br>(Specify) |
| MICHIGAN  |                                     |                                                             |                                                                                   |                                                                                                |                        |                                                 |                                    |                                   |                                   |
|           | No                                  |                                                             |                                                                                   |                                                                                                |                        |                                                 |                                    |                                   |                                   |
| MINNESOTA | No                                  |                                                             |                                                                                   |                                                                                                |                        |                                                 |                                    |                                   |                                   |
|           |                                     |                                                             |                                                                                   |                                                                                                |                        |                                                 |                                    |                                   |                                   |

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|           |                                        |                                                        | Chemical Test<br>In Traffic Cr | s on Those              | Laws E                                         | lated to Alco<br>stablishing t<br>erning Alcoho                                            |                                                                                                   |                                          | op Laws and Related Legal                                                                                                 | Actions |  |
|-----------|----------------------------------------|--------------------------------------------------------|--------------------------------|-------------------------|------------------------------------------------|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|---------|--|
| STATE     |                                        | BAC Chemical Test is Given to the<br>Following Persons |                                |                         |                                                |                                                                                            |                                                                                                   | State                                    | "Dram Shop Law" Concept<br>Has Been Adopted via a                                                                         |         |  |
|           | State<br>Has Such<br>A Law<br>(Yes/No) | Driver                                                 | Vehicle<br>Passengers          | Pedestrians             | Minimum<br>Age<br>(Years)<br>Sale/<br>Purchase | Minimum<br>Age<br>(Years)<br>Possession                                                    | Minimum<br>Age<br>(Years)<br>Consumption                                                          | Has a<br>Dram<br>Shop<br>Law<br>(Yes/No) | Change to the Common Law<br>Rule by Action of This<br>Highest Court of Record<br>In the State (Give the<br>Case Citation) | Other   |  |
| MICHIGAN  |                                        |                                                        |                                |                         |                                                |                                                                                            |                                                                                                   |                                          |                                                                                                                           |         |  |
|           | Yes                                    | Yes                                                    | No                             | No                      | 21                                             | 21<br>(Employment<br>exemption<br>for trans-                                               | 21<br>(Applies to<br>licensed<br>premises)                                                        | Yes<br>(Mich,<br>Stat,<br>Ann,           | No                                                                                                                        |         |  |
|           |                                        |                                                        |                                |                         |                                                | portation<br>in motor<br>vehicles)                                                         |                                                                                                   | §18,993)                                 |                                                                                                                           |         |  |
|           |                                        |                                                        |                                |                         | <b>§§</b> 18                                   | .1004(1) & 18                                                                              | .1004(2)                                                                                          |                                          |                                                                                                                           |         |  |
| MINNESOTA |                                        | <u>╡╱╌</u> ╱ <sup>╼</sup> ┺╧ <del>╔╘╺┍╻╻╻</del>        | , <b></b>                      |                         | ******                                         |                                                                                            |                                                                                                   | ******                                   |                                                                                                                           | ******  |  |
|           | Yes                                    | Yes                                                    | No                             | Yes, age<br>16 or older | 19                                             | 19<br>(There is<br>an exemp-<br>tion for<br>Intent to<br>consume<br>alcoholic<br>beverages | 19<br>For beer up<br>to 3.2%<br>there is an<br>exemption<br>for con-<br>sumption in<br>a licensed | Yes<br>Minn.<br>Stat.<br>Ann.<br>340.95  | Trall v. Christian, 298<br>Minn. 101, 213 N.W. 2d<br>618 (1973)                                                           |         |  |
|           |                                        |                                                        |                                |                         |                                                | in the<br>home)                                                                            | establishmen<br>the company<br>guardian; fo                                                       | of either<br>r all alco                  | person under 19 is in<br>a parent or a legal<br>holic beverages there<br>n for home consumption)                          |         |  |
|           |                                        |                                                        |                                |                         |                                                |                                                                                            | \$\$340                                                                                           | .035 & 340                               | .731                                                                                                                      |         |  |

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| Criminal Action Acel    |                                 |                                    | [ A/IMIOISTER                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
|-------------------------|---------------------------------|------------------------------------|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|                         | blishments That Serve<br>atrons | of Establis                        | Administrative Actions Against Owners<br>of Establishments That Serve Alcoholic<br>Beverages to Intoxicated Patrons |                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| Type of Criminal Action | Term of imprisonment            | Fine<br>(\$ Range)                 | License to<br>Serve<br>Alcoholic<br>Beverages<br>Withdrawn<br>(Yes/No)                                              | Length of Term of License<br>Withdrawal                                                                                                                                                                                                                                                                                                                                                                            |  |
|                         |                                 | 1                                  |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| Misdemeanor             | Not more than 6 months          | Not more than 500                  | Suspension<br>or<br>revocation                                                                                      | Period of license<br>suspension or revocation<br>not specified in the<br>statute                                                                                                                                                                                                                                                                                                                                   |  |
| (MIC                    | h. Stat. Ann. ∮∮18,993 and 18.  | 1021)                              | (Mich.<br>Stat. Ann.<br>§18,991)                                                                                    | (Note: A civil fine of<br>not more than \$300 may be<br>accessed in addition to<br>in lieu of a suspension<br>revocation.)                                                                                                                                                                                                                                                                                         |  |
|                         |                                 |                                    |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
|                         |                                 |                                    |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
|                         |                                 |                                    | Yes                                                                                                                 | 5 years                                                                                                                                                                                                                                                                                                                                                                                                            |  |
|                         |                                 | ·                                  |                                                                                                                     | 340,19(2)                                                                                                                                                                                                                                                                                                                                                                                                          |  |
|                         |                                 |                                    |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
|                         |                                 |                                    |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
|                         |                                 |                                    |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
|                         |                                 |                                    |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
|                         | Misdemeanor                     | Misdemeanor Not more than 6 months | Type of Criminal Action Term of Imprisonment (\$ Range)                                                             | Type of Criminal Action         Term of Imprisonment         Fine<br>(\$ Range)         Serve<br>Alcoholic<br>Beverages<br>Withdrawn<br>(Yes/No)           Misdemeanor         Not more than 6 months         Not more than 500         Suspension<br>or<br>revocation           (Mich. Stat. Ann. \$\$18,993 and 18,1021)         (Mich. Stat. Ann. \$\$18,993 and 18,1021)         (Mich. Stat. Ann. \$\$18,991) |  |

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|           |                                                |                                                                                                |                                              |                                                                  | cohol Use and Driving                                                                                                               | Continued                                                                                                                       |                                               |  |
|-----------|------------------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--|
| STATE     | Employees of<br>Alcoholic Bev<br>Alcoholic Bev | Actions Against<br>f Establishments<br>verages or the N<br>verage to Those<br>Imum Legal Drink | That Serve<br>Irong Type of<br>Persons Under | Establishments Th<br>Beverages or the Wro<br>Beverage to Those   | ons Against Owners of<br>nat Serve Alcoholic<br>ong Type of Alcoholic<br>Persons Under the<br>Drinking Age                          | Laws Prohibiting the Possession of Open<br>Containers of Alcoholic Beverages in the<br>Passenger Compartment of a Motor Vehicle |                                               |  |
|           | Type of<br>Criminal<br>Action                  | Term of<br>Impr !sonment                                                                       | Fine<br>(\$ Range)                           | License to Serve<br>Alcoholic Beverages<br>Withdrawn<br>(Yes/No) | Length of Term of<br>License Withdrawai                                                                                             | State Has<br>Such a Law<br>(Yes/No)                                                                                             | Explanation of<br>Such State Law<br>if Needed |  |
| MICHIGAN  | Misdemeanor                                    | Not more than<br>6 months                                                                      | Not more<br>than 500                         | Suspension or<br>revocation                                      | Period of license<br>suspension or<br>revocation not<br>specified in the<br>statute                                                 | Yes                                                                                                                             |                                               |  |
|           | (Mich, Stat,                                   | Ann, §§18,1004                                                                                 | and 18,1021)                                 | (Mich, Stat, Ann,<br>\$18,991)                                   | (Note: A civil fine<br>of not more than<br>\$300 may be assessed<br>in addition to or in<br>lieu of a suspension<br>or revocation.) |                                                                                                                                 |                                               |  |
| MINNESOTA | Misdemeanor                                    | Not more than                                                                                  | Not more than                                | Not by the State.                                                | Varles                                                                                                                              | Yes                                                                                                                             | Minn, Stat, Ann, 169,122                      |  |
|           |                                                | 90 days                                                                                        | 500                                          | Local licensing<br>authority has power                           |                                                                                                                                     |                                                                                                                                 |                                               |  |
|           |                                                |                                                                                                |                                              |                                                                  |                                                                                                                                     |                                                                                                                                 |                                               |  |
|           |                                                |                                                                                                |                                              |                                                                  |                                                                                                                                     |                                                                                                                                 |                                               |  |
|           |                                                |                                                                                                |                                              |                                                                  |                                                                                                                                     |                                                                                                                                 | 2nd Edition August 1                          |  |

| B                                                                                                               | asis for a DWI Charge                                                                        |                                                                               | Chemica                                                                                                                                                                                                                                             | I Breath Tests for B/                                                                                                                                                                                                                                                                                           | C Lovel                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                 | ****                                                                                         | 1                                                                             |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                 | Consent Law                                                                                                                                                                                                                                                                                                  |
| lilegai Per So<br>Law (BAC Level)                                                                               | Presumption<br>(BAC Level)                                                                   | Other                                                                         | Preliminary<br>Breath Test<br>Law                                                                                                                                                                                                                   | Arrest<br>Required<br>(Yes/No)                                                                                                                                                                                                                                                                                  | O <del>thor</del><br>Information                                                                                                                                                                                                                                                                             |
|                                                                                                                 |                                                                                              |                                                                               |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                              |
| 0.10\$                                                                                                          |                                                                                              |                                                                               | Yes                                                                                                                                                                                                                                                 | No                                                                                                                                                                                                                                                                                                              | Chemical test<br>required on<br>reasonable ground<br>and probable<br>cause of DWI                                                                                                                                                                                                                            |
| <del>\$</del> 63-11-30(1)                                                                                       |                                                                                              |                                                                               | <del>1</del> 63-11-5                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                 | \$63-11 <del>-</del> 5                                                                                                                                                                                                                                                                                       |
|                                                                                                                 |                                                                                              |                                                                               |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                              |
| N                                                                                                               |                                                                                              |                                                                               |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                              |
| a la serie de l |                                                                                              |                                                                               | an a                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                              |
| 0.10\$                                                                                                          | No                                                                                           | A BAC of 0.10 or<br>more is prima facie<br>evidence of<br>intoxication        | · No                                                                                                                                                                                                                                                | Yes                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                              |
| Ann. Mo. Stat.<br>\$577.12                                                                                      |                                                                                              | Ann。 Mo。 Stat。<br>1577 e0 37                                                  |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                              |
|                                                                                                                 |                                                                                              |                                                                               |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                              |
|                                                                                                                 | egai Per So<br>Law (BAC Level)<br>0.10%<br>\$63-11-30(1)<br>0.10%<br>0.10%<br>Ann. Mo. Stat. | Illegal Per Se     Presumption       0.10%     (BAC Level)       0.10%     No | Illegal Per Se<br>Lew (BAC Level)     Presumption<br>(BAC Level)     Other       0.10%        \$63-11-30(1)        0.10%     No     A BAC of 0.10 or<br>more is prima facile<br>evidence of<br>intoxication       Ann. Mo. Stat.     Ann. Mo. Stat. | Illegal Per Se<br>Law (BAC Level)     Presumption<br>(BAC Level)     Other     Preliminary<br>Breath Test<br>Law       0.10%      Yes       563-11-30(1)      Yes       0.10%     No     A BAC of 0.10 or<br>more is prima facile<br>evidence of<br>intoxication     No       Ann. Mo. Stat.     Ann. Mo. Stat. | Implied     Implied       Law (BAC Level)     Presumption<br>(BAC Level)     Other     Presumption<br>Breath Test<br>Law     Arrest<br>Required<br>(Yes/No)       0.10%      Yes     No       563-11-30(1)     No     A BAC of 0.10 or<br>more is prima facile<br>evidence of<br>intoxication     No     Yes |

|             |                       | cal Tests For BAC Leve<br>Under Law (implied Co |                    |                                           | judication of DWI Char                                                                                 | ges                                                 |
|-------------|-----------------------|-------------------------------------------------|--------------------|-------------------------------------------|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| STATE       | Blood                 | Urine                                           | Other<br>(Specify) | Mandatory<br>Adjudication Law<br>(Yes/No) | Anti-Plea<br>Bargaining Statute<br>(Yes/No)                                                            | Pre-Sentence<br>Investigation Law<br>(PSI) (Yes/No) |
| MISSISSIPPI |                       |                                                 |                    |                                           |                                                                                                        | :                                                   |
|             | Yes                   | Yes                                             |                    | No                                        | Yes<br>A DWI charge may<br>not be reduced if<br>the BAC level of<br>the defendant was<br>0.10≸ or more | Yes - limited                                       |
|             | <del>\$</del> 63-11-5 | <b>\$63-11-5</b>                                |                    |                                           |                                                                                                        | Sec.<br>63-11-30(2)(d)                              |
| MISSOURI    | Yes                   | Yes                                             | Saliva             | No                                        | No                                                                                                     | No                                                  |
|             |                       |                                                 |                    |                                           |                                                                                                        |                                                     |
|             |                       |                                                 |                    |                                           |                                                                                                        |                                                     |

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[				al To Submit to a BAC Breath Test		_
STATE	Refusal	To Take Preliminary Br	eath Test	Refusal To	Take Implied Consent C	hemical Test
	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminai Sanctions (Fine/Jall)	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 heid follow- ing administrative hearings on these suspensions; see \$63-11-25)
MISSOURI	N/A	N/A	N/A	Revocation Ann. Mo. Stat. \$577.41	l year	A restricted license may be issued,

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				Criminal Sanct	ion for a DWI Offense		
STATE	imor	sonment	F	ine		Other Penalties	
	Term (Day; Months; Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim <sub>s</sub> Fund)	Other
MISSISSIPPI Ist offense (w/n 5 years) 3rd offense (w/n 5 years) Conviction for a DWI offense as above where there has been a chemi- cal test retusal (\$63-11-30(3)) Conviction for a DWI offense as above where there has been negli-	Not more then 24 hours 48 consecutive hours-1 year 30 days-1 year Not more than 1 year Not more than 5 years	The law does not specifically pro- hibit suspending sentences or plac- ing persons on probation for the minimum imprison- ment term; see also; §99-19-25 which allows suspended sentences for misdemeanor otfenses	-	200 400 500 500	10 days as an alternative to imprisonment		
(Sec. 13 of H.B. 1 \$63-11-30 MISSOURI Intoxicated	82 as enacted in 196 Misdemeanors	3) See generally	Not more than				
ottense 1st ottense Per se ottense	Class Bnot more than 6 months		500				
lst offense Intoxicated/	Class Cnot more than 15 days		Not more than 300	See statement under Mandatory Minimum Term column.			
lilegal per se offenses				COTUMNT.			

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		Sanctions		on for a DWI OffenseC	continued		
				Licensing Actions			
STATE	Pre-DW	I Conviction Licensing	Action		I Conviction Licensing Action		
	Administrative Per Se Law	UVC Type of Provisions	of (Suspension/ Months, Years,		Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimu Term of Withdrawal	
MISSISSIPPI				1			
	Yes-limited to encouraging speedy trial of DWI cases; where the offender h			ist offense- Suspension	90 days-1 year	90 days (Not less than 45 days)	
	0.10; if no trial is suspension periods f violation apply (See	requested the license or implied consent p. 3-147); an accused		2nd offense- Suspension - (w/n 5 years)	1-2 years	1 year(2 <sup>*</sup> )	
	the police for up to license seizure afte	r arrest; the first issued by the		3rd offense- Suspension (w/n 5 years)	1-3 years	1 year(2 <sup>*</sup> )	
Continued on	license; the tempora tially valid for 30 extended for two add by the Court.	ry license is ini-		Conviction for a DWI offense as above where there has been a chemical test refusal-	Same as provided above depending upo whether the offense is a ist, 2nd, o offense; such suspension is in addit to that imposed for chemical test re under the implied consent law		
page 3-149A	<b>\$63-11-23(</b> 2)			Suspension	*See Special Note pa	ge 3-149A	
MISSOURI Intoxicated offense Ist offense Ist offense Intoxicated/ Illegal Per Se offenses 2 offense 3rd and subsequent offenses	Yes- 0.13 BAC Level (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	Ng 92 SQ 20	   	Point system 8 points 6 points*** 12 points 12 points 12 points	90 days 90 days	30 days** 30 days**	
Continued on page 3-149A	60 days; (2) if there has been such prior contact, suspension for 1 year				See Note page 3-149A		

14.2.8

		Sanctions	Following a Convict	ion for a DWI OffenseC	continued	
i			Administrative	Licensing Actions		
STATE	Pre-DW1	Conviction Licensing	Action	Post-Di	I Conviction Licensin	g 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						
				suspension actions by they are based on a f 1. On completion of is longer; reduced to hardship license (63- 2. License may be re diagnostic and treatm	instated after the co ent program; the lice r one year after susp	; see §63-11-26, as ) program whichever s with restricted mpletion of an aicohol nse cannot be
MISSOURI		<u> </u>				
				a 1st suspension the 60 days, and for a 3r 18 points in 24 month cation for 1 year. **A 60-day restricte mandatory period.	time period is 30 day d it is 90 days12 p s or 24 points in 36 i d license is issued a action would occur o oints on his/her reco ., a 1st iilegal per	bints in 12 months or months equals revoca- fter the 30-day <u>nly</u> if the defendant rd from some other se offense conviction
					Ann. Mo. Stat. \$\$303.	302 & 303,304(4)

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3--149A

· 			Sanctions Following	a Conviction for	a DWI OffenseCon	tinued	
		· · · · · · · · · · · · · · · · · · ·		Other	• • • • • • • • • • • • • • • • • • • •		
		Rehabilitation		Vehicie	Impoundment/Confi	scation	
STATE	Al coho l Educat Ion	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Crimina'/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	Miscellaneous Sanctions Not included Elsewhere
MISSISSIPPI							
1st offense	Yes-required (See also §63-11-32)			No			
2nd offense		Yes-see Note No. 2 under Post-DWI conviction		UN			
3rd offense		Jilcensing action on page 3-149A					
MISSOURI	<u></u>	<del> </del>		*****		······································	
offense lst offense Per se offense lst offense 2nd offense* 3rd and sub- sequent offense* *For driving either while intoxicated and/ or per se (or a combination of the	Yes <u></u> 	Yes Yes  	Alternative to criminal sanctions 	No			
two offenses with- in 10 years of a second offense.)							and Edition August 1083

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				Ho	micide by Vehic	1.			
					Sanctions				Other
STATE	1		Criminal	Sanctions		Administ	rative Licensin	ig Actions	
	State Has Such a Law/ Type of Offense	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	Not more than 5 years			<b></b> .	Revocation	i year		
	Where death is a result of a DWI violation and negligent action by the driver See Sec. 13 of H.B. 182								
MISSOURI	as enacted in 1983 YesClass C felony	Not more than 7 years		Not more than 5,000		Revocation (12 points)	1 year	1 уеаг	
	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								

Other C	riminal Actions	Related to Alco	phol Use and Driving	Continued			
Driving Whi	le License Suspe		I Where the Basis Was	a DWI Offense			
Criminai		Sanctions	Administrative Licensing Actions				
Mandatory Minimum Isonment Term of Term) Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action		
emeanor s-6 months Code Ann. -11-40	200-500		Suspension	6-month suspension added to the original suspension period	Same		
misdemeanor							
ore than 48 consecutive year hours*	Not more than 1,000		Revocation (12 points)	1 year	Same		
2.321 *in lieu of imprisonment, the defendant performs at least 10 days involving at least 48 hours of community service.			302,302				
	least 48 hours of		least 48 hours of	least 48 hours of	least 48 hours of		

				Other Crimi	inal Actions Rel			gContinued		
						itual Offender				
					Type of Criminal		Senctions Foll While on	owing a Convict Hebitual Offend	ion of Driving er Status	
	STATE	Srate Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	Offense if Convicted on Charges of Driving While on Habitual Offender Status	laprisonaent (Term)	Mandatory Minimum Tarm of Imprisonment	Fine (\$ Range)	Mandatory Ninimum Fine (\$)	Licensing Actions (Specify)
· { !	MISSISSIPPI									
		No			-					
	MISSOURI	No				-				

	Laws Re	equiring BAC (	Chemical Test	s on Those	Laws E	stablishing t erning Alcoho	he Minimum Lic Beverages	Dram Shop Laws and Related Legal Actions			
STATE		BAC Chemic	al Test is Gi	Test is Given to the lowing Persons				State	"Dram Shop Law" Concept Has Been Adopted via a		
	State Has Such A Law (Yes/No)	.Driver	Vehicle Passengers	Pedestrians	Minimum Age (Years) Sale/ Purchase	Minimum Minimum rs) Age Age e/ (Years) (Years)	Age	Has a Dram Shop Law (Yes/No)	Change to the Common Law Rule by Action of This Highest Court of Record In the State (Give the Case Citation)	Othe	
MISSISSIPPI											
	Yes	Yes Miss.Code Ann. ≸63-i1-7	No	No	alcohollo	21 Applies only to posses- sion in pub- lic places of alcoholic beverages of more than 48 alcohol	N/A	No	Munford, Inc. v. Peterson, 368 So. 2d 213 (Miss. 1979)		
MISSOURI			an fan fan fan fan fan fan fan fan fan f			& 67 <b>-3-53(</b> b)		The politic cylics at			
1,200061	Yes Ann. Mo. Stat. \$558.445, 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 (No. App. 1980)		

MISSISSIPP!       Misdemeanor       Not more than 6 months       Not more than 500       Revocation       2 ye         (Vold for at least 1 year       If beer or wine is given intoxicated person)       Miss. Code Ann. \$\$67-1-71, 67-3-53, and 67-3-69       67-3-69       *A limited suspension may in lieu of revocation.         MISSOURI       Misdemeanor       Not more than 1 year       50-1,000       Revocation       Not specificated person	
Type of Criminal Action         Term of Imprisonment         Fine (S Range)         Alcoholic Beverages Withdrewn (S Range)         Length of Ter Withdrewn (S Range)         Revocation Revocation S (Void for at least 1 year Is beer or wine 1 is given Intoxicated person)           Miss. Code Ann. \$167-1-71, 67-3-53, and Miss. Code Ann. \$167-1-71, 67-3-53, and MissouRi         67-3-69         *A ilmited suspension may in lieu of revocation.           MissouRi         Misdemeenor         Not more than 1 year         50-1,000         Revocation         Not specifi stat	
Misdemeanor       Not more than 6 months       Not more than 500       Revocation       2 yes         (Yold for at least 1 year       If beer or wine is given intoxicated person)         Miss. Code Ann. \$\$67-1-71, 67-3-53, and 67-3-69       *A ilmited suspension may in ileu of revocation.         Missouri       Misdemeanor       Not more than 1 year       50-1,000       Revocation       Not specificated person	rm of Licens drawal
Missouri       Misdemeanor       Not more than 1 year       50-1,000       Revocation       Not specification	
Miss. Code Ann. \$\$67-1-71, 67-3-53, and 67-3-69       If beer or wine is given intoxicated person?         *A limited suspension may in lieu of revocation.         Missouri         Misdemeanor       Not more than 1 year         50-1,000       Revocation         Not specification	ears
MISSOURI Misdemeanor Not more than 1 year 50-1,000 Revocation Not specification	
Misdemeanor Not more than 1 year 50-1,000 Revocation Not specifistal	y be imposed
Misdemeanor Not more than 1 year 50-1,000 Revocation Not specifistal	
Misdemeanor Not more than 1 year 50~1,000 Revocation Not specifistal	
Misdemeanor Not more than 1 year 50~1,000 Revocation Not specifistal	ي جي چيند او د د د
stat	
	fied in the tute
Ann. Mo. Stat. \$\$311.310, 311.720, and 311.8%0	

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	······································		Other Sta	te Laws Related to Alc	cohoi Use and Driving-	Continued		
STATE	Employees of Alcoholic Bey Alcoholic Bey	Actions Against FEstablishments Verages or the W Verage to Those Imum Legal Drink	That Serve rong Type of Persons Under	Establishments Th Baverages or the Wro Baverage to Those	ns Against Owners of hat Serve Alcoholic mg Type of Alcoholic Persons Under the 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 (S Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawai	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 ¶ubsequent offenses	Misdomaanor	Not more than 1 year	1,000-2,000	Autom⊾tic 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 yearsvoid for at least 1 year (mandatory)			
	Miss. Code	Ann. \$\$67~1-71 and 67-3-53	,67-1-81,	*A limited suspension may be imposed in lieu of revocation				
MISSOURI								
	Misdemeanor	Not more than 1 year	<b>50-</b> i,000	Revocation	Not specified in the statute	No		

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	Basis for a DWI Charge			Chemical Breath Tests for BAC Level		
STATE	lliegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	2reliminary Breath Test Law	Implied ( Arrest Required (Yes/No)	Consent Law Other Informatic
MONTANA						
See: Montana Revised Codes Annotated through 1982	0,10	0,10≴		No	Yes	
<b>§61-8-40</b> 1		61-8-401(3)(c)			61-8-402	
See also:		This presumption is rebuttable				
c.433; H.B. 250 c.659; S.B. 260 c.698; S.B. 540 c.602; S.B. 313						
which amends sections:						
61-8-101 E =2-401 Starough 61-8nA0A of HEA	Sec. 4 of Ch. 698 of the laws of 1983 (H.B. 540)					
NEBRASKA						
See: Revised Statutes of Nebraska, 1982 Cum, Supp, (current through 1982 session)	0,10≸	No	No	Yes	Yes	No

STATE	Other Chemic Authorized	cal Tests For BAC Level Under Law (Implied Cons	Which Are Sent Law)	Adjudication of DWI Charges			
	Blood	Ur i ne	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Piea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)	
MONTANA							
	Yes	Yes	der:	No	No	No	
	61-8-402(1)	61-8-402(1)				(Note: PSI given if crime carries a sentence of 1 year or more imprisonment) 46-18-111	
						40-10-111	
NEBRASKA							
	Yes	Yes	No	No	No	Yes	
			Ì				
		1					

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			Sanctions for Refus Chemical	al To Submit to a BAC Breath Test				
STATE	Refusal	To Take Preliminary Br	eath 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 defend- ant's drivers license and it shall be forwarded to the driver licensing division Mandatory suspension for 90 days 61-8-402 2nd or subsequent of of a previous refuse tion of 1 year			
NEBRASKA								
	100 No Imprisonment	No	Мо	Ist7 days + \$200 (maximum) 2nd30 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.		

			Sanctions Follo	owing a Conviction	on for a DWI Offense	9	
				Criminal Sanct	lons		
STATE	Impri	sonment	F	eni		Other Penalties	
	Term (Day, Months, Years, Etc.)	Handatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
MONTANA							
DWI offense							ł
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 physi- cal and mental well-being.	100-500				10 points on driving record
2nd offense Continued on page 3-160A	7 days-6 months	3 days, 48 hours of which must be served consecu- tively,-may not be suspended except for the defendant's physical or mental well-being.	300–500				
NEBRASKA			<del>الافانيي بكاريبي معني يرغمه</del>				
1st offense	7 days	No	200	No	No	No	Person must attend
2nd offense	30 days	48 hours	500	No			and successfully complete a driver's
3rd and subsequent offenses	3 months-6 months	7 days	500	No			education program of, at least, 8 hours duration.
	\$28-106 \$39-669.07	\$28-106 \$39-669.07	\$28-106 \$39-669.07				§39-669,27
Continued on page 3-161					·		

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				Criminal Sancti	ons			
STATE	Impri	sonment	<u> </u>	ine -		Other Penalties		
	Term (Day, Months, Years, Etc.)	Handatory Hinlmum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other	
MONTANA								
3rd or subsequent offenses		10 days, 48 hours of which must be served consecu- tively,-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)						•
lliugal Per Se Offense								
1st Offonse	Not more than 10 days		100-500					
Continued on page 3-160B								
				1				

		<u></u>	Sanctions Foric		on for a DWI Offense	,	
STATE	Impris	onment	l Fi	Criminal Sanct	1015	Other Penalties	
JINE	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (0,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)	hours-6 months		500-1,000		· ·		
	§11 of Ch. 698 of the laws of 1983 (H.B. 540)						
-							

3-160B

		Sanctions	Following a Convid	tion for a DWI OffenseC	ontinued		
				e Licensing Actions			
STATE	Pre-DWI	Conviction Licensing	Action		-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			ist Offense			
				Revocation	6 months	6 months	
				2nd offense (w/n 5 years)			
				Revocation	1 year	l 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	2	
NEBRASKA			<u></u>			<u>*************************************</u>	
	No	No		Revocation*	1st6 months	60 days	
				and	2nd1 year	6 months	
				automatically accumulates sufficient points to have license revoked administratively	3rdlife†ime	l year	
				*Hardship license available,			
				\$39-669.07	\$39-669,07	\$39-669 <sub>0</sub> 07	
ontinued on age 3–162							

3-161

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		380CT 1005		tion for a DWI OffenseC		
STATE				Licensing Actions		· · · · · · · · · · · · · · · · · · ·
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	I Conviction Licensin Term of License Withdrawal (Days, Months, Years, etc.)	g Action Mandatory Minimu Term of Withdrawa
MONTANA						
				lilegal Per Se Offense 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	l year
ntinued on ge 3-162				\$11 of Ch. 698 of the 540)	laws of 1983 (H <sub>e</sub> Be	
				1 1		

3-161A

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			Sanctions Following	a Conviction for	a DWI OffenseCon	tinued	
				Other			
1		Rehabilitation		Vehicle	a impoundment/Confi	scation	1
STATE	Al cohol Education	Al cohol Trostment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	Miscellaneous Sanctions Not Included Elsawhere
MONTANA							
1st offense	Yes*	Yes	No	No			
2nd offense (w/n 5 years of of first offense)	Yes*	Yes	No				
3rd and subsequent offenses (w/n 5 years of first	Yes* *Either an alcoho alcohoi treatment		No				
offense)	61-8-714(4)						
lllegal Per Se Offenses	requirement for t	er 5e offense ther the defendant to pa education or trea 13 of the laws of 1	articipate in atment program.				
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. §539-669-31, -32	No	N/A	No	
		ט, נסס-נכ נ /	۰٫۶۷ ,۱۲۰۰۴۵۹- <del>۷</del> ۲				

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	1	······	Other	Criminal Action	ns Related to Al	Icohol Use and D	riving		
				Ho	micide by Vehic	le			
	4				Sanctions	1			Other
STATE	State Has Such a Law/ Type of	imprisonment	Criminal Mandatory	Sanctions Fin <del>e</del>	Mandatory Minimum Fine	Licensing Authorized	Length of Term of Licensing	Mandatory Action Min. Length of License	
	Offense	(Term)	Minimum Term	(\$ Range)	(\$)	Action	Withdrawal	Withdrawal	
MUNTANA									
	No					vehicle homici tor all year r slaughter resu this action is	de statute, it; evocation follo liting from the s not mandatory	n's State does t nevertheless; owing a convict operation of a as such action a terms of a dri	provides ion tor man- motor vehicle;
NEBRASKA									
	Yes	6 months	No	500	No	Revocation	Court	6 months	Person must
	(fwo	\$39-669.20	\$39-669.20	<b>∮</b> 39 <del>-</del> 669₊20	<b>§39−669</b> •20		discretion	1	attend and successfully
	statutes: One in	a⊾ 1year	No	1,000	No				complete a driver,s
	Nebraska rules of road	b. 5 years	No	10:000	NO				education course of, at
	section; 2nd in criminal code section.)	(If homicide was result of DUI, reckless driving or wiltui reckless driving.)							least, 8 hours duration.
	\$28-306 \$39-669.20	\$28 <b>-</b> 306	<b>∳28-</b> 306	<b>§28−3</b> 06	<b>\$</b> 28 <b>-</b> 306				

	Other Cr	Iminal Actions	Related to Alco	hol Use and Driving	Continued			
	Driving Whil	le License Suspe			a DWI Offense			
			Sanctions					
J								
Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspengion/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawai Action		
Misdemeanor		Not more than		Suspension or	The period of such	The period of such		
2 days-6 months		200		Fevocat ton	suspension or revocation extended for an additional like period	suspension or revocation extended for an additional like period		
61-5-212		61-5-212		61-5-212	61-5-212			
	:							
					n an	i An an		
					_			
3 months	No	500	No	Ordered not to operate any motor vehicle	l year	1 year		
3 months	No	500	No		2 years	2 years		
5 years	No	10,000	No					
(If license permanently revoked, i.e., a 3rd or subsequent offense or 3rd or subsequent refusal to submit to a chemical test.)								
	(Term) Misdemeanor 2 days-6 months 61-5-212 3 months 3 months 5 years (If flicense permanently revoked, i.e., a 3rd or subsequent offense or 3rd or subsequent refusal to submit to a	Driving White       Criminal       Imprisonment (Term)     Mandatory Minimum Term of Imprisonment       Misdemeanor        2 days-6 months        61-5-212     61-5-212       3 months     No       3 months     No       5 years     No       (If license permanently revoked, i.e., a 3rd or subsequent offense or 3rd or subsequent refusal to submit to a     No	Driving While License Susper         Criminal         Imprisonment (Term)       Mandatory Minimum Term of Imprisonment       Fine (\$ Range)         Misdemeanor        Not more than 500         2 days-6 months        61-5-212         61-5-212       61-5-212       61-5-212         3 months       No       500         3 months       No       500         3 months       No       500         1 e, a 3rd or subsequent offense or 3rd or subsequent refusal to submit to a       No       10,000	Driving While License Suspended or Revoked Sanctions       Criminal       Mandatory Minimum Term of Imprisonment     Mandatory (\$ Range)     Mandatory Minimum Fine (\$)       Misdemeanor      Not more than 500        2 days-6 months     61-5-212     61-5-212       61-5-212     61-5-212     61-5-212       3 months     No     500     No       3 months     No     500     No       5 years     No     10,000     No       (1f license permenently revoked, i.e., a 3rd or subsequent offense or 3rd or     No     500     No	Driving While License Suspended or Revoked Where the Basis Nas           Sanctions           Criminal           Admin           Mandatory Minimum           Imprisonment (Term)         Mandatory Minimum Term of Imprisonment         Fine (\$ Range)         Mandatory Minimum Fine (\$)         Type of Licensing Action (Suspension or revocation)           Misdemeanor          Not more than 500          Suspension or revocation           2 days-6 months         61-5-212         61-5-212         61-5-212         61-5-212           3 months         No         500         No         Ordered not to operate any motor vehicle           3 months         No         500         No         Ordered not to operate any motor vehicle           1 filtense permanently revoked, i.e., a 3rd or subsequent of tense or 3rd or         No         500         No	Original         Administrative Licensing Administrative Licensing Administrative Licensing Administrative Licensing Action (Spension)           Imprisonment (Term)         Mandatory Minimum Term of Imprisonment         Fine (Smange)         Mandatory Minimum Fine (Smange)         Administrative Licensing Action (Spension)         Length of Term of License Minimum Fine Action (Spension)           Misdemeanor          Not more than 500          Suspension or revocation         The period of such suspension or revocation extended for an additional like period           61-5-212         61-5-212         61-5-212         61-5-212         61-5-212         61-5-212           3 months         No         500         No         Ordered not to operate any motor vehicle         1 year           3 months         No         500         No         Ordered not to operate any motor vehicle         1 year           3 months         No         500         No         Ordered not to operate any motor vehicle         2 years           11 filtense permanently revoked, i.e., a 3 dr or subsequent offense or 3rd or         No         500         No         No		

			Other Crim	Inal Actions Rel	ated to Alcoho	Use and Drivin	ngContinued				
				Hat	itual Offender	Laws					
				Type of Criminal	Sanctions Following a Conviction of Driving While on Habitual Offender Status						
STATE	State Has Such a Lav (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender St&?us	Offense if Convicted on Charges of Driving While on Habitual Offender Status		Mandatory Minimum Term of Imprisonment	Fine (S 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 ilcensing action stated in the statute, but provisins concerning driving while suspended or revoked may still apply.)		
NEBRASKA	No										

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	1		·····	Other Sta	ate Laws Re	lated to Alco	phol Use and D	riving	· · · · · · · · · · · · · · · · · · ·	
			Chemical Test in Traffic Cr			stablishing f	the Minimum olic Beverages	Dram St	op Laws and Related Legal	Actions_
STATE			cal Test is Gi pliowing Perso		Minimum			State Has a	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law	
	State Has Such A Law (Yes/No)	Driver	Vehicle Passengers	Pedestrians	Age (Years) Sale/ Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	Dram Shop Law	Rule by Action of This Highest Court of Record In the State (Give the Case Citation)	Other
MONTANA										
	No	N/A	N/A	N/A	19 (Note: See Mont. Code Ann. \$16-3-301 (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.)	
					<b>5516-3</b>	-301-(2)(a) 8	16 <b>-6-30</b> 5			
NEBRASKA										
	Yes	Yes if dead within 4 hours of accident	No	Yes If 16 and died within 4 hours of accident	20	19/20 Exemptions for posses- sion in minor's "permanent place of residence" and for certain empi poses by the old or older for specific	ose 19 years ; see ∮53-102	No	No	
						poses by the old or older for specific	ose 19 years ; see ∮53-102			

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7			·	to Alcohol Use and DrivingCon		: 
		Criminal Action Agai Alcoho	Administrat of Establis	live Actions Against Owners Aments That Serve Alcoholic to Intoxicated Patrons		
	STATE	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	Not more than 6 months	Not more than 500	Suspension or revocation	Not more than 3 months Not specified in the statute
		(Note: See Mont, Code Ann, ∮∮16-3-301, 16-6-304, 16-6-305, and 46-18-212,)		(Note: A civil fine may be assessed by the licensing agency and such fine is not to exceed \$1,500,)	(Note: See Mont, Code Ann, §16-4-406,)	
Ψ						
3-167	NEBRASKA	· · · · · · · · · · · · · · · · · · ·				
		Class III Misdemeanor \$53-180 \$53-180,05	0-3 months	0-500	Yes \$53128 \$531,104	Indeterminate
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- <u></u>	T		Other Sta	te Laws Related to Alc	cohol Use and Driving-	Continued		
STATE	Employees of Alcoholic Ber Alcoholic Ber	Actions Against FEstablishments Verages or the W Verage to Those Mum Legal Drink	That Serve Irong Type of Persons Under	Establishments Th Beverages or the Wro Beverage to Those	ns Against Owners of hat Serve Alcoholic ong Type of Alcoholic Persons Under the Drinking Age	Lars 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	M isdemeanor	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 misdemaanor \$53-180 \$53-180.05	0-3 months	0500	Yes \$53-128 \$53-1,104	Indeterminate	No	N/A	

	B	asis for a DWI Charg	e	Chemica	1 Breath Tests for BA	C Level
ſ		······	1		the state of the s	Consent Law
STATE	lilegai Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Proliminary Breath Test Law	Arrest Required (Yes/No)	O <del>ther</del> Information
NEVADA						
See: Nevada Revised Statutes through September 1982 and A.S. Bill 167	0.10	0.10		Yes	Yes	<u> </u>
as enacted in 1993		484.381(1)			484.383(1)	
Assembly Con- current Resolution No. 11.						
	484•379(1)(b)			484 as amended by ∮2 of A⋅S∗ 167		
NEW HAMPSHIRE						
See: New Hampshire Revised Statutes Annotated as updated by	0.10		A BAC level of 0.10 Is prima facle evidence of intoxication.	Yes	Yes	
legislation passed during 1983.			265 :89		265 .84	
	265:82(1)(b)					
				265 <b>:9</b> 2-a		
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		ical Tests For BAC Leve 1 Under Law (Impiled Ca		Ad	judication of DWI Char	ges
STATE	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence
NEVADA						
•** •	Yes	Yes	Or other unspecified bodily substances	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).)	Yes* *Required only for felony offenses (Nev Rev. Stat. ∮176.135.
	484,383(1)	484,383(1)	484,383(1)		484,379(5)	
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
						·

1	····					
				al To Submit to a BAC Breath Test		
STATE	Refusal	To Take Preliminary Br	eath 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	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)	
		Sec. 3 of A.S. Bill 167			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	(Special Note: These revocations are mandatory.)
					2nd refusal <u>or</u> a 1st refusal where there has been a previous DWL offense-revoca- tion for 1 year	
					265:92	
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			Sanctions Follo		ion for a DWI Offense	) 	
				Criminal Sanct	lions		
STATE	Impri	sonment	<u> </u>	nə		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	ł		1				
lst offense	Misdemeanor		200-1,000		48 hours**		
	2 days-6 months	2 days (1 day 1f rehabilitation is taken)		lf rehabill- tation is	(24 hours, if rehabilitation is taken)		
2nd offense (w/n 7 years)	Misdemeanor	10-days* (5 days if rehabi!- itation is taken)		fine can be no more than the minimum			
3rd and subsequent offense- (w/n 7 years) See Special Note in the last column	10 days-6 months 1-6 years	l year* (30 days if rehabilitation is taken)	2,000-5,000	fine indicated.			
on p. 3-175. 484.379 et. seq. and §§10 & 11 of A	S. B111 167	*At least 48 hrs. must be served con- sectively; Para. 4 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) Alsdemeanor	Not more than 1 year	7 consecutive 24 hour periods	Not more than 1,000				
<b>265:82-</b> b							
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		Sanctions	Following a Convict	ion for a DWI Offense(	Continued	
				Licensing Actions		
STATE	Pre-DWI	I Conviction Licensing Action		Post-D	I Conviction Licensin	g Action
	Administrative Per Se Ley	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc,)	Mandatory Minimum Term of Withdraval
NEVADA						
	0, 10	No		1st offense- Revocation	90 days* (restricted license allowed)	45 days
	License revocation 90 days-1 year	No		2nd offense (w/n 7 years) Revocation	1 year*	1 уөаг (483_460(1)(b)(5))
	(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	Yes		3rd and subsequent offenses (w/n 7 years) Revocation 483_460	3 years* *After half of the r passed and the DWI o treatment program (4 a restricted license (483,490(2)),	ffender completes a 83,460(c)(2) & (3))
NEW HAMPSHIRE						
t offense	No			Revocation	90 days-2 years	90 days
nd offense //n 7 years)	No			<b>Revocation</b>	3 years	3 years
265:82				(Note: See rehabili- tation section on p.3-174.)		

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					Other			
			Rehabilitation		Vehicie	impoundment/Config	scation	
	STATE	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	Miscellaneous Sanctions Not Included Elsewhere
	NEVADA							
	1st offense		Yes	Yes	None	N/A		
	2nd offense		Yes	Yes				
	3rd and subsequent	·	Yes	Yes				
	offense and any DWI offense where death or bodily harm results			Except for the DWI death or bodily injury offense				
			483.470					
•								
	NEW HAMPSHIRE							
	1st offense	Yes*			None	N/A		
	2nd offense (w/7 years)	Yes*		-				
	265:82							
		*Must be completed before license can be restored						

			Other	Criminal Action	ns Related to Al	cohol Use and [	Driving		
				Ho	micide by Vehic		······································		
		ļ	0		Sanctions				Other
STATE	State Has Such a Law/ Type of Offense	Imprisonment (Term)	Mandatory Minimum Term	Sanctions Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Length of Term of Licensing Withdrawal	Mandatory Action Min, Length of License Withdrawal	
NEVADA									
	Yes If death re- suits from a DWI offense 484.3795	1-6 years	l year* *A sentence ma	2,000-5,000 y not be suspen	2,000* ded nor may pro	caused by vehi license is rev \$483,460(1)(b)		the driver's	(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	YesClass 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		Revocat Ion	Up to <b>7 years</b>		

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l		Other Cr	iminal Actions	Related to Alco	hol Use and Driving	Continued	
<b>[</b>		Driving Whil	e License Suspe		Where the Basis Was	a DWI Offense	
STATE				Sanct ions			
Į		Criminal	r			istrative Licensing /	
	imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawai Action	Mandatory Term of License Withdrawal Action
NEVADA							
	Misdemeanor	30 days	500-1,000	500	For driving on a	The original	The original
	30 days-6 months				suspended licensea suspension	suspension period extended a like period	suspension period extended a like period
					For driving on a revoked licensea revocation	The original revocation extended 1 year	The original revocation extended 1 year
48.3 - 560	483-560	483,560	483.560		483-560	483-560	483-560
						(Note: The restrict of 483,490(2) as not columns on p, 3-173	
NEW HAMPSHIRE							
	Misdemeanor Not more then 1 year	7 consecutive 24 hour periods	Not more than 1,000		(See note in licensi section.)	ng <b>action</b> portion of	the Vehicle Homicide
263:364							
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1			Other Crim	Inal Actions Rel	ated to Alcohol	Use and Drivin	gContinued		
		·····			itual Offender	ويستبدئ ويستقادك ويوسانه			
			Term of	Type of Criminal		Sanctions Foll While on	owing a Convict Habitual Offend	tion of Driving der Status	·
STATE	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	License Revocation While Under Habitual Offender Status	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)
NEVADA									
	No								
lew HAMPSHiRE ee§§262–B:1 o 10	Yes	3 serious offenses or 12 moving violations within a 5-year period	4 years	(Note: Type of offense is not specified in the statute, it is probably a Class B felony with	1-5 years	1 year	No fine stated in statute		No specific licensing action provided for this offense
	262-23 262-8:21		262 <del>-</del> 8:7	modifications in the penalty as provided in the habitual offender iaw.)					

				Other Sta	te Laws Re	lated to Alco	hol Use and D	riving		
			Chemical Test in Traffic Cr		Laws E Ages Cond	stablishing 1 erning Alcoho	the Minimum Slic Beverages	Dram St	op Laws and Related Legal	Actions
STATE			BAC Chemical Test is Given to the Following Persons					State	"Dram Shop Law" Concept Has Been Adopted via a	
	State Has Such A Law (Yes/No)	Driver	Vehicle Passengers	Pedestrians	Minimum Age (Years) Sale/ Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	Hasa Dram Shop Law (Yes/No)	Change to the Common Law Rule by Action of This Highest Court of Record In the State (Give the Gase Citation)	Othe
NEVADA										
Sae ∮484,394	Yes	Yes	Yes	Yes	21	N/A	21 Applies to any place where alcoholic beverages are sold.	No	No	
NEW HAMPSHIRE					5	§202_020 & 20	2.055			:   
	Yes	Yes	No	Yes	20	20	N/A	No	No	
5ee \$252-A:69-1. recodified as 265:93	182	192	RU	195	Special N Icaliy in Massachuse	crease to 21 s	age will auto when Maine and eir minimum ag	omat-	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 rsceived as a result of being served additional liquor while in an Intoxicated state, 419 A.2d 1069, 1071.)	

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	1	Other State Laws Related	to Alcohol Use and Driving-Con	tinued	
	Criminal Action Aga Alcoh	linst Owner or Employees of Est olic Beverages to Intoxicated (	ablishments That Serve Patrons	of Establis	ive Actions Against Owners imments That Serve Alcoholic is to Intoxicated Patrons
STATE	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
NEVADA					-
		ocal laws may have been enacted			
NEW HAMPSHIRE					
	Misdemeanor 175.6	Not more than 1 year	Not more than 1,000	Yes	Suspension Time period not specified In the statute

	Other State Laws Related to Alcohoi Use and Driving-Continued										
STATE	Employees of Alcoholic Bey Alcoholic Bey	Actions Against f Establishments verages or the W verage to Those imum Legal Drink	That Serve rong Type of Persons Under	Establishments Th Beverages or the Wro Beverage to Those	ns Against Owners of at Serve Alcoholic ng Type of Alcoholic Persons Under the 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 Withdrawat	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed				
NE VADA	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					

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en e			and the second s			
	[	Basis for a DWI Charge		Chemica	I Breath Tests for BAG	
STATE	illegal Per Se Law (BAC Level)	Presumption (BAC Lovel)	Other	Proliminary Broath Test Lav	Implied Co 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, 35 th Legislature 1982, House Bills 4 & 40 as enacted in 1983 and Senate Bills 105 & 313 as enacted in 1983	0-10	0.10		No	∙ Yes ≸66–8–107	
as enacted in 1963	566-8 -102C	66-8-1 10B(3)				

Ī	·	Other Chemi Authorized	cal Tests For BAC Love   Under Law (Implied Co	N Which Are Ansant Law)	Ad	udication of DWI Char	ges
	STATE	Blood	ür i ne	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
·							
3-182							
182	NEW MEXICO						•
		Yes	No	No	No	Yes	Yes
	~				(Special Note: The police officer must charge a driver with committing a DWI offense if the driver's BAC (evel is 0.10 or more; see 566-8-110B(3)	(\$66-8-102.1 If guilty plea entered it must be to one of subsections of the DWI statute If BAC-0.15%.)	(Note: The trial Judge must inquire Into the DWI defendant's past driving record prior to sentencing; see (66-9-110E)
							 L
				<b>F</b> -			

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				al To Submit to a BAC Breath Test		
STATE	Refusal	To Take Preliminary Br	eath Test	Refusal To	Take Implied Consent C	hemical Test
	Criminai 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	No
					revocation §66-8-111	
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	Sanctions Following a Conviction for a DW1 Offense Criminal Sanctions										
STATE	Impri	sonment	FI	ine Other Penalties							
SIMIL	Term (Day, Months, Years, Etc.)	Mandatory Minlaum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Othe <b>r</b> -				
NEW JERSEY											
lst 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 offanse	30-90 days	No	300-500	No	No	Yes, if bodily	No				
2nd and subsequent offenses (w/n 15 years)	90 days-1 year	48 consecutive hours	Not more than 1,000	No		harm is involved					
66-8-102	66-8-102	65-8-102	66-8-102								
Great bodily	3 years	1 year	Not more than	}							
injury where driver was intoxicated -	(Could be 4 years if §31-18-15,1 is applied)	(See \$31-18-15,1)	5,000								
3rd degree felony \$\$66-8-101 & 31-18-15						§31-22-8(A)(12)					

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

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			Sanctions Following	a Conviction for	a DWI OffenseCon	tinued	
				Other			
		Rehabilitation	· · · · · · · · · · · · · · · · · · ·	Vehicle	Impoundment/Confl	scation	4
STATE	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Othe <del>r</del>	Miscellaneous Sanctions Not Included Elsewhere
NEW JERSEY							
1st offense	Yes	Yes	The Court may	No			
2nd offense	Yes	Yes	Yes an inpatient rehabilitation				
3rd and subsequent offenses	Yes	Yes	program as an alternative to imprisonment				
	39:4-50(b)			-			
NEW MEXICO	Investigation, a order a first off intoxicated school rehabilitation pr	2-1 et seq. After trial court, at it ender to attend "c i," also called t ogram, approved by of Motor Vehicles.	ts discretion, may driving-while- ne driver / both the Court	No	N/A	No	
	court may dismiss	may be allowed to rogram and if succe DWI charge and if oes constitute a f	essfully completed				

	Other Criminal Actions Related to Alcohol Use and Driving											
				Ho	micide by Vehic	:le						
					Sanctions				Other			
STATE	1	ļ	Criminal	Sanctions		Administ	rative Licensin		1			
	State Has Such a Law/ Type of Offense	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 Withdrawai				
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 Incl- dent causing death *Or 120 days of mandatory community service	Not more than 7,500		No specific licensing authorized for this offense			Rest! tu+lon 2C:43-3			
NEW MEXICO	••• · <u>**************</u>											
	Yes- Misdemeanor	Not more than 90 days		Not more than 100	No	Suspension	1 year		Restitution*			
	Death where driver was intoxicated- 3rd degree felony \$66-8-101	3 years (Could be 4 years If \$31-18-15.1 is applied) \$\$31-18-15 & 66-8-78	1 year (See {31- 18-15 •1 )	Not more than 5,000	No	Revocation \$\$66-5-29 & 66-5-20	1 уөаг	1 year	Restitution* *Victim restitution is either via the offender or via a State repara- tions fund; see §§31-17-1 & 31-22-1 et seq.			

	· · · · · · · · · · · · · · · · · · ·	Other Cr	Iminal Actions	Related to Alco	hot Use and Driving	Continued			
		Driving Whii	e License Suspe		Where the Basis Was	a DWI Offense			
STATE				Sanctions					
1	Imprisonment (Term)	Criminal Mandatory Minimum Term of	Fine	Mandatory Minimum Fine (\$)	Type of Licensing	Istrative Licensing A Length of Term of License Withdrawal Action	Mandatory Term of License Withdraval		
NEW JERSEY	(lerm)	Imprisonmen†	(\$ Range)	(3)	Kevocation/	ACTION	Action		
	Not more than 90 days		500		Suspans Ion	An additional period of not less than 1 year nor more than 2 years	1 уеаг		
	39:3-40* *As amended by P•L• 1983, Ch• 90 (S•B• 3072 of 1983 as enacted)				<b>39 : 3-</b> 40	39:3-40			
NEW MEXICO	2 days-6 months	No	0-500	No	<b>Revocation</b>	1 year	l year (except for minors)		
· · ·	<del>≸</del> 66 <b>-</b> 5 <b>-</b> 39		§66 <b>-</b> 5 <b>-</b> 39		\$66-5-39				

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			Other Crim	Inal Actions Rei	ated to Alcohol	Use and Drivin	igContinued			
				Hab	Itual Offender					
				Type of Criminal	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	Offense if Convicted on Charges of Driving While on Habitual Offender Status	lmprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specity)	
NEW JERSEY										
	No	-								
1										
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									

Leve Requiring BAC Checical Tests on Theor Persons Killed In Treffic Crashes         Leve Establishing Humman Age Checical Test is Given to the Polowing Persons         Dram Shop Laws and Related Legal Actions           State Plas Such Ass Such (Ver/Nov         Minimun Age (Versons         Minimun Age (Versons         Minimun Age (Versons         Oran Shop Laws and Related Legal Actions           NEW JERSEY         Yes         No           NEW MEXICD         Yes         Yes	[	Other State Laws Related to Alcohol Use and Driving											
Following Persons     Hininum Age (Years)     State Mininum (Years)     Hes Been Adopted via a Brain (Years)     Hes Been Adopted via a Brain (Years)     Hes Been Adopted via a Brain (Years)       NEW JERSEY     Yes     Yes <td></td> <td colspan="4"></td> <td colspan="3"></td> <td colspan="3">Dram Shop Laws and Related Legal Actions</td>									Dram Shop Laws and Related Legal Actions				
State Has Such A Lew (Yee/Kb)     State Driver     Vehicle Pessengers     Age Pedestrians     Minium Age (Yeers) Sale/ Pessensers     Minium Age (Yeers) Consumption     Buil by Action of This Highest Court of Record in the State (Give the Case Citation)       NEW JERSEY     Yes     Yes     Yes     Yes     Yes     Yes     Yes     1     N/A     21     N/A     21     No     Rappaport v, Nichols, 196 A, 2d 1 (1999)        NEW MEXICO     Yes     Ne       NEW MEXICO     Yes     Ne       NEW MEXICO     Yes     Yes     Yes     Yes	STATE	State Has Such A Law							*Dram Shop Law* Concept State Has Been Adopted via a				
Yes       Yes       Yes       Yes       21       N/A       21       No       Rappaport v, Nichols, 156 A, 2d 1 (1959)          26:28-24       27:28-27			Driver		Pedestrians	Age (Years) Sale/	Age (Years)	Age (Years)	Dram Shop Law	Rule by Action of This Highest Court of Record in the State (Give the	Other		
26:28-24     33:1-77     9:178-1     156 A, 2d 1 (1959)       NEW MEXICO     Yes     Yes     Yes     Yes       Yes     Yes     Yes     Yes     Yes       166-8-108     106-8-108     106-8-108     105 A, 2d 1 (1959)       100 minor is guardian,)     100 minor, un- cocompanied by either a guardian,)     101 minor, un- cosse involving serving alcoholic beverages in recklass disrogerd of the rights of elschells	NEW JERSEY												
NEW MEXICO     Yes     Yes <td< td=""><td></td><td>Yes</td><td>Yes</td><td>Yes</td><td>Yes</td><td>21</td><td>N/A</td><td>21</td><td>No</td><td>Rappaport v. Nichols,</td><td></td></td<>		Yes	Yes	Yes	Yes	21	N/A	21	No	Rappaport v. Nichols,			
YesYesYesYesYes212121Yes*YesNo\$66-8-108\$6		26:2B-24				33:1-77		9:17B-1	1	150 1,20 1 (1555)			
YesYesYesYesYes212121Yes*YesNo\$66-8-108\$6													
YesYesYesYesYes212121Yes*YesNo\$66-8-108\$6							0						
YesYesYesYesYes212121Yes*YesNo\$66-8-108\$6													
YesYesYesYesYes212121Yes*YesNo\$66-8-108\$6													
YesYesYesYesYes212121Yes*YesNo\$66-8-108\$6													
YesYesYesYesYes212121Yes*YesNo\$66-8-108\$6													
\$66-8-108(There is an exemption allowing a minor is accompanied by either a parent or a guardian, to stabilish-(ZApplies to allowing a minor, un- accompanied by either a parent or a guardian, to tonsume alcoholicLopez v. Maze,, N.M. , 651 P.2d 1269 (N.M. 1982)*\$66-8-108\$66-8-108\$ee Senate Bill 105 as enacted as Ch. 328 of the laws of New Mexico in 1983. guardian, to tonsume alcoholic beverages or alcoholicSee Senate Bill 105 as enacted as Ch. 328 of the laws of New Mexico in 1983. tonsume alcoholic beverages others and increases the burden of evidence a liable for serving alcoholic beverages to	NEW MEXICO												
image: stabilish - index in the stabilish - index i		Yes	Yes	Үөр	Yes	21	21	21	Yes*	Yes	No		
accompanied by either a barent or a legal guardian, or a loconsume alcoholic beverages or others and increases the burden of evidence a licensed a consume alcoholic beverages or others and increases the burden of evidence a licensed a consume a licensed to hold liquor license establisher to the rights of the							an exemption	allowing a		, 651 P.2d 1269 (N.M.			
guardian, to *Law limits liability for social hosts to consume cases involving serving alcoholic beverages alcoholic in reckless disregard of the rights of beverages or others and increases the burden of evidence a licensed needed to hold liquor license establishments establish- liable for serving alcoholic beverages to			<b>§66-8</b> -108				accompanied by either a	by either a parent or			h. 328		
beverages on others and increases the burden of evidence a licensed needed to hold liquor license establishments establish- liable for serving alcoholic beverages to								guardian, to consume	cases in	volving serving alcoholic	beverages		
								beverages on a licensed	others a needed to	nd increases the burden of o hold liquor license esta	evidence blishments		
limits the holding in the Lopez v, Maze case									intoxica	ted persons; this law appa	rently		
5560-3A-3 (0), 60-7B-1,1 as cited above. 2nd Edition August 198						\$\$60-3A-3	<b>(</b> 0), 60-7B-1	& 60-78-1.1		above,			

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	Criminal Action Agai Alcoho	Administrat of Establis Beverage	tinued Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			
STATE	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawai	
NEW JERSEY	No specific State statute on this subject. State or local law may make such action an offense.					
NEW MEXICO		<b>6 7</b>	0.700		2	
	Misdemeanor	0-7 months	0-300 (If corporation convicted, 0-1,000)	Yes	2 years	

· · · · · · · · · · · · · · · · · · ·	1	·	Other Sta	te Laws Related to Alc	cohol Use and Driving-	-Continued		
STATE	Employees of Alcoholic Ber Alcoholic Ber	Actions Against f Establishments verages or the W verage to Those imum Legai Drink	; That Serve Irong Type of Persons Under	Establishments Th Beverages or the Wro Beverage to Those	ons Against Owners of nat Serve Alcoholic ong Type of Alcoholic Persons Under the 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 Withdrawai	State Has Such a Law (Yes/No)	Explanation of Such State Law If N <del>oo</del> ded	
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 ileu of suspension.)	lst offense2 years 33:1-31	No		
NEW MEXICO	Misdemeanor	0-6 months	100 (Mandatory minimum)	Yes	2 years	No	N/A	

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	B	asis for a DWI Charg	0	Chemica	l Breath Tests for E	AC Level	
. [					implied Consent Law		
STATE	illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Arrest Required (Yes/No)	Other Information	
NEW YORK							
See: McKinney's Consolidated Laws of New York as amended through the 1993 legisla- tive session; citations are to the Vehicle and Traffic Law unless	0.10\$	-	A BAC of 0.05-0.07% Is relevant evidence (but not prima facle) of being impaired; and a BAC of 0.08-0.10% is prima facle evidence of impairment	Yes* *Note: Applies to drivers involved in accidents and traffic law violations	Yes	(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 acci- dent in which there	
raffic Law unless therwise stated	1192.2		1195(c) and (b)	1193f (r	1 194	has been a fatality related to a DWI offense)	
NORTH CAROLINA							
All statutory references refer to Gen. Stat. of North Carolina effective through the 1983	0.10%			Yes	Yes (Implied)		
legislative session				20-16.3	20-16+2(a)		
	\$20-138.1(a)(2)						

		ical Tests For BAC Leve   Under Law (Impiled Co		LPV [	udication of DWI Char	ges
STATE	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Piea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
NEW YORK						
	Yes	Yes	Yes, Saliva	No	Yes	Yes*
	1194(1)	1194(1)	1194(1)		(Note: Plea bargaining allowed to one of the two alcohol offenses)	
						(P.L. §390.20.1 et seq.)
					\$1196.2	*Required for felony convictions
NORTH CAROLINA						
	Yes			No	Limited— the prosecutor must explain a reduction or dismissal of a DWI offense	Yes Trial judge may re- quest a presentence investigation in the case of subsequent DWI convictions to determine whether the offender would bene- fit from any habitual alcohol use treatment program; even without a PSI, the Trial Court may order suitable treat- ment for the person as a condition for probation.
					<u></u> 920−1 <i>3</i> 8•4	20-179-1

1							i
		····		Chemical	sal To Submit to a BAC Breath Test		
	STATE	Refusal Criminal Sanctions (Fine/Jail)	To Take Preliminary Br Administrative Licensing Action (Suspension/ Revocation)	eath Test Other	Criminal Sanctions (fine/Jail)	Take Implied Consent ( Administrative Licensing Action (Suspension/ Revocation)	other
3-195	NEW YORK	N/A	N/A	N/A	Infraction Fine up to \$50 and Imprisonment up to 15 days	has been a previous DWI offense convic- tion (w/n 5 years)	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 DW1 offense con- viction (w/n 5 years) 1194(3)(b) revocations are
	NORTH CAROL INA	No	No		No	Revocation of driving privileges for 12 months <sup>#</sup> (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 DW1 conviction w/n the past 10 years.

					ion for a DWI Offense		
				Criminal Sanci	tions		
STATE	Impris	onment	FI	ne	<u> </u>	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 "Impatred" status offenses							Special Note: N.Y. has an otfense known as "Vehicle Assault;" a person
lst offense	Not more than 15 days		250	250			is guilty of such an otfense if they injure another in
2nd of tense	Not more than 30 days		350-500	350			a criminally negligent manner
(w/n 5 years) 3rd and any subsequent offense (w/n 10 years)	Not more than 90 days		500-1,500	500			while in violation of the DWI law: such an otfense is a Class E felony.
Continued on page 3-196A							
NORTH CAROLINA Level i Punishment (See Special Note)	14 days-24 months	.14 days	Not more than 2.000		*		Special Note: A level of punishment to be given a DWI
Level 2 Punishment (See Special Note)		7 days	Not more than 1.000		*		defendant is de- termined by weigh- ing aggravating and mitigating factors
Level 3 Punishment (See Special Note)			Not more than 500		72 hours		as specified in §20-179; however, (1) the Court must
Level 4 Punishment (See Special Note)			Not more than 250		48 hours		impose level 2 punishment if there have been two or
Level 5 Punishment (See Special Note)		***	Not more than 100		24 hours *Not specified but		more previous DWI convictions w/n a 7-year period; (2)
<b>\$20-1</b> 79					apparently could be imposed as a condi-		the Court must
Continued on page 3-196A					tion of probation.		Continued on p. 3-196A

			Sanctions Folio	wing a Convicti	on for a DWI Offense	)	
				Criminal Sanct	lons		
STATE	Impri	sonment	FI	ne		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							
lst offense (Misdemeanor)	Not more than I year		350-500	350			
2nd and any subsequent otfenses (w/n 10 years) (Class E felony)	Not more than 4 years		500-5:000	500		. <b></b>	
Continued on page 3-197							
NORTH CAROL INA							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 convic- tions w/n a 7-year period and one of the DWI convictions was injury related.

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[		Sanctio	ns Following a Convictio	n for a DWI Offense-C	Continued	
			Administrative L	Icensing Actions		
STATE	Pre-DW1	Conviction Licensi	ng Action	Post-D	I Conviction Licensin	g 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 Minim Term of Withdrawa
NEW YORK						
"Impaired" status offenses						
1st offense	No			Suspension	90 days	*
2nd offense (w/n5 years of any alcohol driving offense)	No		 Note: Temporary suspension mandated	Revocation	6 months	
Per se and Intoxicated offenses			for repeat offenders w/n 3 years.			
1st offense	No			Revocation	At least 6 months	*
Continued on page 3-197A			5510.2(b)(vi)	<b>§</b> 5 10		
NORTH CAROLINA						
	Yes-BAC level of 0.10		Special Note: Under §20-179-3, a limited driving privilege may	1st DWI offense- Revocation	1 year (See levels of punishment below)	
	\$20−16 <sub>*</sub> 5 *		be granted for essen- tial purposes as specified in the section (e.g., employment) provided			
	Revocation for 10 days		a driver has not had either a previous DWI	2nd DWI offense (w/n 3 years)-	4 years	2 years
	Note: If driver is late in or does not surrender their		conviction w/n 10 years or a previous DWI injury related conviction; the	Revocation		(After 2 years, conditional lice may be issued)
Continued on page 3–197A	ticense to the Court when ordered to do so, the revocation period is 30 days.		priviledge is not effective until after a Court ordered license withdrawai period, if any, has	3rd DW1 offense (where the 2nd DW1 offense was w/n 5 years of the 3rd)~ Revocation	Permanen†	3 years (After 3 years, conditional lice may be issued

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		Sanctions	Following a Convictio	n for a DWI OffenseC	ontinued		
			Administrative L				
STATE	Pre-DWI	Conviction Liconsing	Action		I Conviction Licensi	ng Action	
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawai (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawai	
NEW YORK							
2nd and any subsequent offenses (w/n 10 years)	No			Revocation \$510	At loost 1 year	* *(Note: See rehabill- tation section page 3-199.)	
NORTH CAROL INA	*No limited license following a revoca- tion under this section; see \$20-16.5(1)		been completed as a part of any pro- bation requirements. **See the revocations above for multiple DWI convictions and the special note on page 3-196 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 døys 60 døys 30 døys	Temporary Jicense Withdrawal as a condition of probation	

	*******	····	*****	Sanctions Following	a Conviction for	a DWI OffenseCor	itinued	··· • • • • • • • • • • • • • • • • • •
					Other			
			Rehabilitation		Vehicie	scation		
STAT	E	Alcohol Education	Alcohol Treatment	Alcohoi Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	Miscellaneous Sanctions Not Included Elsowhere
NEW Y	ORK							
"Impaired" status offe							Special Note: Certificate of	
- 1st offense	e	Yes	Yes	Yes	No		Registration may be suscended or	
2nd offense	θ	Yəs	Yes	(with Count's permission)			revoked for DWI convictions; see \$510.	
3rd and an subsequent offense Per se and		Yes	Yes	(Note: Under §521 conditional license rehabilitation pro- a person is not per	e while participa gram; however, un	ting in a der §521(1)(c)	500 9710 •	
Intoxicated offenses	d	Yes	Yes	program if they had five year period; tion of the program imprisonment, and	ve participated i in addition, succ n shall satisfy a			
	- 	Yes	Yes	allow an offender her driver's licen:	to apply for rein	statement of his/		
2nd and any subsequent			-	ner ariver silcen:				
offenses		523(a)	521		521(c) & (d)	والمستعدية والمراجب والمتحد والمستربين		
NORTH CAN	ROLINA						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	

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			Other	Criminal Action	is Related to A	cohol Use and I	Priving	······································	
				На	micide by Vehic	le			
STATE			Crisiaal	Sanctions	Sanctions	Administ	rative Licensin	a Actions	Other
SIAL	State Has Such a Law/ Type of Offense	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 Withdrawai	
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)(1)	Not specified but see Veh.& Traffic Law \$510(b)	6 months	Special Note: Under Veh. & Traffic Law \$530, a re- stricted use license may be issued after 4 years
NOR TH CAROL INA	Death by Yehicle Class I felony If death Is DWI related Misdemeanor If death Is not DWI Telated	Not more than 5 years (§14–1.1) Not more than 2 years		Fines autho- ized but not specified in tha statute; see §14-1•1 Not more than 500		Revocation	1 year unless the trial judge Issues a limited driv- ing privilage to the person convicted that contains a condition that the defendant successfully complete the course of instruction at an Alcohol i the defendant visions, the D within 6 month:	complies with t ivision must re	hese pro- Istore license

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	{				whol Use and Driving		
STATE	<u>}</u>		IS LICENSE JUSPE	Sanctions		G UNI UTTENSE	
	}	Criminal				Istrative Licensing A	ctions
	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 Withdrawa Action
NEW YORK			T			-	
	Misdemeanor	7 days	200-500	200	Suspension or revocation	Not specified in the statute	~
	Not less than 7 nor more than 180 days						
	511.2	511(b)	511(b)	511(b)			
						Į	
		 	1	х.			
			Į				
NORTH CAROLINA							
1st offense	Not to exceed 2 years		Not less than 200		Suspension or Revocation	l 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	Permanenti y	3 years*
	20-28(a)		20-28(a)				
Continued on							

. L					hot Use and Driving-			
<b>.</b>		Driving Whil	e License Suspe		Where the Basis Was	a DWI Offense		
STATE		Criminat		Sanctions				
· •	imprisonment	Mandatory Minimum Tarm of	Mandatory Fine Minimum Fine		Type of Licensing Action (Suspension/	Istrative Licensing A Length of Term of License Withdrawal	Mandatory Term of License Withdraval	
	(Term)	Imprisonment	(\$ Range)	(\$)	Revocation)	Action	Action	
1								
1								
1								
NORTH CAROLINA								
If a person's license has been permanently revoked and they there- after drive	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.	
they commit a misdemeanor						Special Note: If a of a DWI offense and time of such offense license was revoked offense conviction ( Court must impose Le set out on p. 3-196.	they were at the driving while their for a previous DWI w/n 7 years), the yell punishment as	

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3-200A

	×		Other Crim	inal Actions Rel			gContinued			
	<b> </b>	r	· · · · · · · · · · · · · · · · · · ·	Hab Type of	itual Offender			the of Only !		
			Term of	rm of Offense if	Sanctions Following a Conviction of Driving While on Habitual Offender Status					
STATE	State Has Such a Law (Yes/No)	License         Convicted o           Grounds for         Revocation         Charges of           Being         While Under         Driving While           State Has         Declared an         Habitual         on Habitual           Such a Law         Habitual         Offender         Offender			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									

· · · · · · · · · · · · · · · · · · ·	[	· · · · · · · · · · · · · · · · · · ·		Other Sta	te Laws Re	lated to Alco	not Use and D	riving		
		tequiring BAC prisons Killed				stablishing 1 perning Alcoho	the Minimum Dirc Bevorages	Dram Sh	op Laws and Related Legal	Actions
STATE			al Test is Gi liowing Perso		Minimum			State	"Dram Shop Law" Concept Has Been Adopted via a	
	* State Has Such A Law (Yes/No)	Driver	Yehicie Passengers	Pedestrians	Age (Years) Age Sate/ Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	Has a Dram Shop Law (Yes/No)	Change to the Common Law Rule by Action of This Highest Court of Record In the State (Give the Case Citation)	Other
NEW YORK										
Alcoholic Beverage Code Vol• 3	Yes	Yes if dead NY County Law 674:3	Yes if dead NY County Law 674.3 (must be 16 or older)	Yes If 16 years or older and dead NY County Law 674.3	19	N/A	N/A	Yes N.Y. Gen. Obilg. Law \$\$11-100 & 11-101	Berkeley v. Park, 282 N.Y.S. 2d 290 (1965)	
		if ative NY Vehicle and Traffic Law 1193(a)	lf allve NY Traffic Law 1193(a)	if alive NY Vehicle and Traffic Law 1193(a)	A1 coho 1	ic Beverages ያያ65 & 65b	Control Law			
NORTH CAROLINA	Yes 20-166-1 (†)	Yes	Yes	Yes	19 for beer and unforti- fled wine 21 for alf other alcoholic beverages \$\$188-	21 for all other alcohollc beverages	19 for beer and unfort1- fied wine 21 for all other alcoholic beverages & 18B-302	Yes Ch. 188, Art. 1A and §541.1 of Senate BII1 No. 1 as enacted In 1983*	Hutchens v. Hankins, 303 SE.2d 584 (N.C. App. 1983) and Chestain v. Litton Systems, inc. 694 F.2d 957(CA4, 1982) *These statutory provisio a Dram Shop type of liabl situations involving mino persons under 19 years of cause damages while DW; the law specificatly does or prohibit other types o Shop civil actions which eitter on other statutes case law.	flity to rs (those d) who however, not limit f Dram are based

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

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			Other Sta	te Laws Related to Alc	ohol 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			Establishments Th Beverages or the Wro Beverage to Those	ns Against Owners of at Serve Alcoholic ong Type of Alcoholic Persons Under the 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 Aicoholic 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		
14								
NORTH CAROLINA	[							
	None		1st offenseup to 500* 2nd offenseup to 750*	Yes (Left to Board's discretion whether suspended or revoked <sub>e</sub> )	For a specified time up to 3 years if suspended and permanently if revoked	Yes	Gen. Stat. of NC 18B-401(a)	
			3rd offense up to 1,000*		•			
			*Administra- tive penalties.					
			§188-104 §188-302	§188–104 §188–302	§18B-104 §18B-302			

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	Ba	isls for a DWI Charge	•	Chemica	I Breath Tests for BAG	C Level
STATE				Preliminary	implied Co Arrest	onsent Law
JINE	lllegal Per Se Law (BAC Lovel)	Presumption (BAC Level)	Other	Breath Test Law	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 <b>.</b> 10 <b>%</b>		No	Yes	Yes	No
	\$39-08-01(1) & \$39-20-07(3)			539-20-14		
ано 2005 оніо						
G See: Ohio Revised Code Annotated 1981 Supp, (current through 114th General Assembly, November 17, 1982)	0,10≴		No	No	Yes	No
	\$4511,19(A)(2) & (3)				\$4511,191(A)	

	Authorized	cal Tests For BAC Le Under Law (implied (	vel Which Are Consent Law)		judication of DWI Charg	85
STATE	Blood	Ŭr î ne	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pré-Sentence Investigation La (PSI) (Yes/No)
NORTH DAKOTA						
	Yes	Yes	Sailva	No	No	Yes
						<b>\$39-08-0</b> 1
оніо .	Yes	Yes	Probably no; "other bodily substance" applicable to 4511.19 but not mentioned in 4511.9.1 which is the implied Consent	No	No	No
	\$4511 <b>.</b> 191(A)	\$4511 <b>.</b> 191(A)	statutė \$4511,191(A) \$4511,19			
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• •	-			usal To Submit to a BAC I Breath Test	· · · · · · · · · · · · · · · · · · ·				
· · STATE	Refusal	To Take Preliminary Bre	ath Test	Refusal To	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	No	No	1 year revocation of license (Mandatory)	No			
		\$\$39-20-04 & 39-20-14			<b>§ 39−20−0 4</b>				
оню	<b></b>		**********						
	N/A	N/A	N/A	1s <b>t-~\$</b> 100 (maximum)	Suspension 1 year*	No			
				2nd (w/n 1 year) 30 days; \$250 (maximum) 3rd (w/n 1 year of 1st)60 days; \$500 (maximum) §4511.99 §2929.21	Trial judge may impose additional suspension of 30 days-3 years (or revoke ticense) <u>\$4507.16</u> <u>\$4511.191(D)</u> *An occupational ficense may be issued; see \$4511.191(G)(5)				

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	····	·····	Sanctions Follo	wing a Convicti	on for a DWI Offense	· · · · · · · · · · · · · · · · · · ·	
		·····		Criminal Sanct	lons		
STATE	Impri	sonment	Fine				
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amoun† (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
NORTH DAKOTA							
1st offense*	No+	No	Not more than	250	No	Yes	Special Note: North Dakota bas
2nd and subsequent offense (w/n 5 years)*	more than 30 days	4 days of which 48 hours must be served consecutively	500	500	10 days as an alternative to Imprisonment	Yes	two alcohol-driving offenses, \$539-08- 01(1) &39-08-01(2). The two provisions are identical
3rd and subsequent offense (w/n 5 years)**	. Not more than	60 days of which 48 hours must be served consecutively	Not more than	1,000		Yes	except that under 39-08-01(1) "a person may not drive any vehicle"
4th and subsequent offense (w/7 years)**	j 1 year	180 days of which 48 hours must be served consecutively	} 1,000 }			Yes	whereas, under 39-08-01(2), "a person may not be in actual physi- cal control of any
*Class B Misdemeanor **Class A Misdemeanor		See special note under "Other" column; see note under Misc. senc- tions column				555-01-06 & 12•1-32-02	vehicle." The penal ities for both offenses are the same. However, the imposition of mandatory sanctions is not required following a cor-
000							viction under 39-08-01(2) whereas
Misdemeanor of the first degree							it is required following a conviction under
1st offense	Not more than 6 months	3 days*	150-1,000				39-08-01(1); see, also, \$39-09-01(3)(e)(1)
2nd offense (w/n 5 years)	Not more than 6 months	10 d <b>ay</b> s*	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					

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					tion for a DWI OffenseC e Licensing Actions		
ST	ATE	Pro-DWI	Conviction Licensing			I Conviction Licensin	a 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 Minimu Term of Withdrawa
NORTH	DAKOTA	Yes-0.10% BAC	Yes	No	1st offense-	91 days	30 days*
-		1st offense-90 day suspension*	:		suspension 2nd offense (w/n 5 years)-suspension	364 days	364 days
		2nd offense (w/n 5 years)-1 year suspension*			3rd offense-(w/n 5 years)-suspension	364 days	364 days
	:	(Special Note: These appear to be mandatory			Note: 4th offense (w/n 7 years) suspension-	*A temporary restricted license may be issued after	
		*if person was arrested for vioiating \$39-08-01			treated as a 1st offense	the 30 day mandatory period; see \$39-06.1-11.	·
		\$133,34 and 35 of Senate Biti 2.373 as enacted			\$\$39-06-35 & 39-06-1-10		
0	HI0						######################################
Ū		Yes-where there has been a previous DWI conviction	No	No	ist of fense- suspension	60 days—3 years	60 days*
					2nd offense (w/n 5 years) suspension	120 days-5 years	120 days*
		(Special Note: Under §4511.191(E) a driver's license			Subsequent offense (w/n 5 years) suspension	180 days~10 years	180 days*
		may be selzed if the driver's BAC level is 0.10% or more)			\$4507.16(B)		\$4507•16 (F)
·					(Note: See miscellaneous column on p. 3-210)		
\$55-10	-113(d) 0-301(b) 0-406(d)	\$4511•191(K)			*After the mandatory occupational license §4507.16(D).	minimum term, an may be issued; see	

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			Sanctions Following	Other			
		Rehabilitation			• Impoundment/Confi	scation	
STATE	Alcohot Education	Aicohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Termes Upon Which Vehic le Will be Released	Other	Miscellaneous Sanctions Not Include Elsewhere
NORTH DAKOTA	Yes For 1st, 2nd and driving offense ( sentence must ind a treatment progr \$39-09-01(5) Note: Under Sect Bill 2373 as enac license may be su failure to partic complete a Court treatment program section for detail periods.	convictions, the clude referral to ram; see ion 16 of Senate the a person's spended for cluste in and ordered alcohol n; see the cited	No	No	N/A	License plates may be impounded following a conviction for an alcohol drving offense; see §39-08-01(4)	Note: Special manda- tory sanctions apply if either death or in jury is caused by a DWI person. If a per son is convicted of DWI and either man- slaughter or negligen homicide, there is a mandatory penalty of yr. imprisonment. If a person is convicted of both DWI and reck- less 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 enected
оніо	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 jall term. Con- finement shall be for at least 3 days and no more than length of maximum pris- on sentence. §2935.33	No	N/A	(Special Note: Vehicle Registra- tion 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 54507.40. In brief, under this section a DWI conviction results in an assess ment of 6 points; if a driver accumulates 12 or more from traffic violations within a 2 year period, their licens, may be suspended for 6 months.

			UTher		is Related to Al		riving		
				Hx	micide by Vehic	:le	·····		
		ļ			Sanctions				Other
STATE		ļ	Criminal	Sanctions		Administ	rative Licensin		ļ
	State Has Such a Law/ Type of Offense	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	vehicle homici	Even though th de statute , l ilcensing revoc ion of manslaugh or vehicle.	t, nevertheless, cation from 30 d	, provides lays to 1 ve
оніо									
	Yes	6-months sus- pended jail sentence by judge if no imprisonment term was given.	No			Suspension or revocation (judge's discretion) plus 6 points suspension system)	30 days- 3 years	30 days	
		1st6 months	No	0-1,000	No	5y510117			
		2nd+ 6 months- 5 years If	No	0-2,500	No				
		aggravated (reckless)	No	0-2,500	No				
		lst 6 months- 5 years							
		2nd+1-10 years	No	0-5,000	No				
	\$2903.06 \$2903.07	\$2929.11 \$2828.21		\$2929.11 \$2929.21		\$4507.16 \$4507.40			

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					hol Use and Driving-	· · · · · · · · · · · · · · · · · · ·	
		Driving Whi	ie License Susp		Where the Basis Was	a DWI Offense	
STATE				Sanctions		istrative Licensing A	-41
	Impr1sonment (Term)	Criminal Nandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum fine (\$)	Type of Licensing	Length of Term of	Mandatory Term of License Withdrawal Action
NORTH DAKOTA							
	Class B Misdemeanor Not more than 30 days	. 15 days	Not more than 500		person driving while mandatory 1-year ext Note: Special lice	suspension for a lik a his license is revok tension of the period asing actions apply fo tricted license; see §	ed would incur a of revocation, r a violation of the
		42(3) license plates ration of the driver' <sup>n</sup> •				-	
	§39-06-42	See \$\$39-06-42(2) & 37-08-01			§39-06-43		
0110							
	Not more than 6 months (Misdemeanor of the first degree) \$4507,38		Not m <b>ore</b> than 1,100	No	Suspension points gained (As noted briefly on p. 3-210, certificate of registration and license plates in defendant's name shall be impounded	Discretionary suspension for not more than 1 year or; mandatory 6 points on 12-point suspension system	No
	\$4507 <b>.</b> 39 \$4507 <b>.</b> 99		\$4507 <b>.</b> 99		for duration of license suspension time.)	§4507,99 §4507,40	

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<b></b>			Other Crimi	nal Actions Rel	ated to Alcohol	Use and Drivin	igContinued		
				Hat	itual Offender				
			_	Type of Criminal		Sanctions Foll While on	owing a Convict Habitual Offend	lon of Driving ler Status	
STATE	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habituai Offender Status	Offense If Convicted on Charges of Driving While on Habituai 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	NZA	N/A	N/A	N/A
онто	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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	Laws R	equiring BAC	Chemical Test			lated to Alco Establishing		riving	<u></u>	
STATE	Pe	BAC Chemic	in Traffic Cr ai Test is Gi llowing Perso	ashes ven to the	Ages Conc	erning Alcoho	lic Beverages	Dram Sh State	op Laws and Related Legal "Dram Shop Law" Concept Has Been Adopted via a	Actions
	State Has Such A Law (Yes/No)	Driver	Vehicle Passengers	Pedestrians	Minimum Age (Years) Sale/ Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	Has a Dram Shop Law (Yes/No)	Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
NORTH DAKOTA	Yes	Yes	Yes	Yes	21	21	N/A	Yes §5-01-06	No	No
0410					<b>§§5−</b> 01−0	8 & 5-02-06				
	Yes	Yes	No	No	19 for beer 21 for all other alcoholid beverages	N/A	19 for beer 21 for all other alcohollc beverages	Yes	Mason v, Roberts, 244 N,E. 2d 884 (1973)	No
\$38-709 \$55-10-406		§451  -19-1 (B)			\$4301.22 (A)		\$4301.631, .632 & .69	§4399 <b>.</b> 01		
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	Other State Laws Related	to Alcohol Use and DrivingCon-	tinued		
Criminal Action Aga Alcoh	inst Owner or Employees of Est olic Beverages to Intoxicated	ablishments That Serve 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)		
Class A Misdemeanor	Not more than 1 year	Not more than 1,000	Revocation or suspension	Time period not specified in the statute	
5-01-09	<b>§12,1-32-01</b>	\$12,1-32-01	\$5-02-10 \$5-02-11	\$5-02-11	
	n general han an a star ta fan star an ar yn gyfal fan yn ar yn				
Misdemeanor	None	1st100-500 2nd +200-500	Yes	Indoterminate	
		and, order the place where liquor sold to be abated as a nulsance or order defendant to pay \$1,000 bond with sureties not to violate law again			
\$4301,22(B) \$4399,09 \$4399,99			\$4301.25 \$4301.27		
	Type of Criminal Action Class A Misdemeanor 5-01-09 Misdemeanor	Griminal Action Against Owner or Employees of Est Alcoholic Beverages to Intoxicated         Type of Criminal Action       Term of Imprisonment         Class A Misdemeenor       Not more than 1 year         5-01-09       \$12,1-32-01         Misdemeenor       None         \$4301,22(B)       \$4399,09	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons         Type of Criminal Action         Term of Imprisonment       Fine (\$ Range)         Class A Misdemsenor       Not more than 1 year       Not more than 1,000         5-01-09       \$12,1-32-01       \$12,1-32-01       \$12,1-32-01         Misdemeanor       None       1st100-500       2nd +200-500         Index or order the place where a nuisance or order defendant to pay \$1,000 bond with to be abated as a nuisance or order defendant to pay \$1,000 bond with suretiles not to violate law again       \$4301,22(B)	Criminal Action Against Owner or Employees of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons       of Establish Beverages         Iticanse to Serve       Iticanse to Serve       Iticanse to Serve         Type of Criminal Action       Term of Imprisonment       (\$ Renge)       Iticanse to Serve         Class A Misdemeenor       Not more than 1 year       Not more than 1,000       Revocation or suspension         5-01-09       \$12,1-32-01       \$12,1-32-01       \$12,1-32-01       \$5-02-10 \$5-02-11         Misdemeenor       None       Ist100-500       Yes         Misdemeenor       None       Ist200-500       Yes         \$4301,22(8)       \$4301,22(8)       \$4301,22(8)       \$4301,22(8)       \$4301,22(8)	

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<del>.</del>	1		Other Sta	te Laws Related to Alc	whot 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			Establishments Th Beverages or the Wro Beverage to Those	ons Against Owners of nat Serve Alcoholic ong Type of Alcoholic Persons Under the 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 Withdrawai	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed	
NORTH DAKOTA								
	Class A misdemeanor	Not more than 1 year	Not more than 1,000	Revocation or suspension	Time period not specified in the statute	Yes		
	5-01-09	§12•1-32-01	<b>§12</b> •1−32−01	\$5-02-10 \$5-02-11	<del>\$</del> 5-02-11			
оню								
	Misdemeanor	None	1st100-500 2nd + 200-500 and order the place where liquor sold to be abated as a nulsance or order the defondant to pay \$1,000 bond with	Yes	inde torm in a te	No (but see, \$\$4301.62.8 4301.64)	(Special Note: {4301-64 prohibits the consumption of beer or intoxicating liquor in a motor vehicle.)	
			sureties not to violate law again §4301.22(B) §4399.09 §4399.99	\$4301 •25 \$4301 •27				

		Basis for a DWI Charge	T	Chemical Breath Tests for BAC Level				
Г					Implied Consent Law			
STATE	illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Arrest Required (Yes/No)	Other Information		
OKLAHOMA								
Oklahoma Statutes Annotated, 1962, 1982 Cum. Supp. and Senate Bills 160 and 145 as enacted in 1983.	0 <b>.</b> 10 <b>≴</b>	>0.05% and <0.10% is evidence of Driving While Impaired	0.10≸ BAC level is also prima facle evidence that a person was under the influence of alcohol	No	Yes			
	TI+Ie 47 ∮11-902A(1)	Ті†іе 47 §756(b)	Title 47 §756(c)		47 5751			
OREGON	## <u></u>							
Oregon Revised Statutes, (ORS) as amended through the 1983 legislative session; see especially 1.8. 2031 as enacted in 1983.	0,08%	No		No	Yes OVC §591			
VVC = Oregon Vehicle Code (1983) all other Sitations not Identified are no the ORS	\$\$487,540(1)(a) & 487,545(2)							

	Other Chem Authorize	icat Tests For BAC Leve d Under Law (Implied Co	il Which Are msent Law)	Ad	judication of DWI Char	'des
STATE	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Piea Bargaining Statute (Yes/No)	Pre-Sentence
OKLAHOMA						
	Yès	Yes	Saliya	DW I No	DWINo	DWINo
				DUINo	DU I No	DUI-Yes for 2nd ar subsequent offenses
	47 §751	47 §751	47 §751	22 \$982	22 §982	22 <b>§9</b> 82
				(Note: DWI=Driving W D⊍I≢Driving W	hile impaired hile Under the Influe	nce)
OREGON	None	None	None	No	Yes	Yes
				(There is a diversion from DWI prosecution program for 1st offender; see \$484,450)	\$484.385 Special Note: There is a diversion pro-	PSI is mandatory fo persons convicted two DWI offenses w, a 5 year period
					gram for DWI offenders who have not been convicted of a DWI offense w/n a 10-year period; see OVC §369-374,	0VC 588(1) and \$482.477
				•		
↓		<b>]</b>		- <b>)</b>		2nd Edition August
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and the second 
	Sanctions for Refusat To Submit to a BAC Chemical Breath Test									
STATE	Refusal	To Take Pretiminary Breat			Take Implied Consent C	hemical Test				
	Criminat Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminai Sanctions (Fin <del>o</del> /Jaii)	Administrative Licensing Action (Suspension/ Revocation)	Other				
OKLAHOMA				None	Revocation					
					6 months					
					47 §753					
					(Hardship (Icense)					
OREGON	N./A	N/A	N/A	None	1. Suspension for 1 year if there have been no previous suspensions for either a test refu- sal or a DWI offense (90 days are mandatory*)	license may be iss after these mandath periods.				
					2. Suspension for 3 years if there has been either a pre- vious test refusal or a previous DWI offense based iI- cense suspension w/n 5 years (1 year is mandatory*) §{7 & 17 of Senate Bill 710 as enacted in					

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	1	······································	Sanctions Folto	wing a Convicti	on for a DWI Offense	•	
				Criminal Sanct	ions		
STATE	Impri	sonment	FI	ne		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/lilegal Per Se			47 \$761				
1s†	10 days-1 year	No	1,000	No	Yes	Yes	No
2nd plus Continued on page 3-220A	1 year-5 years 47 §11-902	(Note: A Court has the power to sus- pend a sentence and/or place a defendant on probation; see 22 (991a)	2,500 47 \$11-902		22 <b>1</b> 991 a	22 §991 a	
OREGON							
	A DWI offense is a Class A Misdemeanor Not more than 1 year	No	Not more than 2,500	No	80-25° Hours 137 •129 (4)	No	
Continued on page 3-221	0VC §587 (2) & § 161 •615		\$161 <b>•</b> 635				

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ł			Sanctions Follo	the second se	on for a DWI Offense	) 		
		~ <u>~~~~~</u>		Criminal Sanct	lons			
STATE	Impris	onment	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								
lst offense (Misdemeanor)	90 days-1 year		Not more than 2,500					
2nd offense (Felony)	1-5 years		Not more than 5,000					
47 §11-904								
		————————————————————————————————————						
n marine and a second								

			Administrative I	Icensing Actions				
STATE	Pre-DW	Conviction Licensin	g Action	Post-DW	I Conviction Licensi	ng Action		
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawat (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal		
OKLAHOMA								
	Yes - BAC level of 0+10	No		For driving while Impaired (47 §761)-				
	Revocation for 90 days (the revoca- tion may be modified			Suspension				
	by a District Court in cases of unusual hardship related to	No		2nd offense	6 months	6 months		
	employment)			47 \$761				
	47 \$754 & 47 \$765			For Driving White Under the Influence/ Niegal Per Se (47 \$11-902)*-				
Continued on page 3-221A				Revoce tion	6 months (1st offense)	6 months		
OREGON								
	Yes- BAC Level of 0.08	Yes		1st offense- Suspension	1 year .	30 days*		
	1. A 90 day suspension for either a chemical or a DWI offense (30 d	test refusal, or an A		2nd offense (w/n 5 years)-Suspension	3 years	90 days*		
	2. A 1 year suspension for either a chemical	on if there has been a	a previous suspension In Par Se offense or	3rd and subsequent offenses (w/n 5 years)-Suspension	3 years	1 year*		
	a DWI offense (90 days BIII 710 as enacted in	s are mandatorv*) 🐓 7	and 27 of Senate	OVC \$ 354 Schedule 11, 12, 13, 14 & 17 of Se	327 & 328; Sections	ship occupational license may be issued after these		
Continued on page 3-221A				enacted in 1983 See page 3-221A for Si		mandatory periods.		

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	*********		Administrative	Licensing Actions	*****	<del>~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~</del>
STATE	Pre-DWI	Conviction Licensing A	ction	Post-Di	I Conviction Licensin	g 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 Minimu 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 2 years if prior 47 \$11-902 2 years of prior 47 \$6-205 47 \$6-208	i year 2 years
OREGON			1704 244 - 244 - 244 - 244 - 244 - 244 - 244 - 244 - 244 - 244 - 244 - 244 - 244 - 244 - 244 - 244 - 244 - 244	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 notwith- standing a DWI con- viction and the mandatory licensing sanctions provided fo tion is needed by the f432.160 as amended b	r such an offense lf mlnor to attend such	Institutions; see

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3-221A

			anctions Foilowing	a conviction for	a DWI Uttense-Con	TINU <b>B</b> C	· · · · · · · · · · · · · · · · · · ·
		Rehabilitation			Impoundment/Confi	scation	1
.STATE	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Yehicle Will be Released	Other	Miscellaneous Sanctions Not Included Elsenhere
oklahoma		defendant to unde courses (with def Further judicie)	off t educational nigher learning, nonprofit ber courses for retraining; court endant's plea of antendere, but is entered, commit ortake these endant's consent). proceedings are on conditions that and successfuly	No			
OREGON	hardship occupati following an exam the mental health offender is a pro- determined to be must enroll in an if the offender i drinker, he or sh	s determined to be e must enroll in a nder must enroll i	nly be issued offender by mine if the ne or she is ker, the offender program. However, a problem a rehabilitation	Yes for 2nd or subsequen† DW1 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.	<b></b>	

]			•••••	Ho	micide by Vehic	le		****	
		*****	*****	••••••••••••••••••••••••••••••••••••••	Sanctions		****		Other
STATE			Criminal	Sanctions		Administ	rative Licensin	a Actions	
	State Has Such a Law/ Type of Offense	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									
	Yes	l year	No	100-1,000	No	Revocation	6 months	6 months	
17 511-903	is proximately offense the ch charge may be (McConnell v.	The Oklahoma C caused by an a arge may be Man Murder II- See State, 435 P-2d	icohol driving slaughter 1 and respectively p • 764 (1971) &	law offender, f for a second o ara. 1 of sec. White v. State	or a first iffense the 711 of Title 31 483 P.2d. 751		but 1 year If within prior 3 years have a motor vehicle violation conviction 2 years If revoked twice before for DUI,		
<del>1995-1916 (8-8-8,8-8))</del>	(1971) and par (1982).	a. 2 sec. 701.8	of Title 21 (I	som v State, 64	6 P•2d• 1298	lagaganakanakanakanakanakanakanakanakanak	negligent homicide, etc.		
OREGON	No	N/A	NZA	N/A	N/A	Even though this State does not have a vehicle homicide statute, it, nevertheless, provides for m licenses revoc manslaughter e from the opera motor vehicle Revocation OVC §353(1)(a)	ation for tc.resulting tion of a	5 years	Special Note OVC \$327 on hardship occ pation licenses applies only to persons w have had the licenses sus pended not revoked; See especially OVC \$327 (3) (a).

4				and the second	hot Use and Driving	والانتقاص والمتحد والمتحد والمتحد والمحاد والمحاد والمتحد والمحاد والمحاد والمحاد والمحاد والمحاد والمحاد			
STATE	· · · · · · · · · · · · · · · · · · ·	Driving Whit	le License Suspe	nded or Revoked Sanctions	Where the Basis Was	a DWI Offense	÷		
SIAIL		Criminal		Salicitons	Administrative Licensing Actions				
	Imprisonment (Term)	Mendatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Length of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action		
OKLAHOMA									
	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(d)	47 §6-303(d)			
OREGON									
Class C fetony	Not more than 5 years	No	Not more than 100,000	No	Special Note: For vehicle may be impo OVC \$385.	a violation of OVC \$5 unded for not more th	98, a defendan†'s an 120 days under		
OVC \$598	\$161-605		§161 ₊625						

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	· ····			Other Crimi	nal Actions Rel	ated to Alcohol	Use and Drivin	gContinued		
						itual Offender				
					Type of Criminal		Sanctions Foli While on	owing a Convict Habitual Offend	tion of Driving der Status	
	STATE	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habituai Offender Status	Offense if Convicted on Charges of Driving While on Habitual Offender Status	Imprisonment (Term)	Mondatory 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
3-225										
	OREGON									
		Yes	(1) three serious traffic offenses (no time limit) or (2) a combina- tion of 20 minor and serious offenses w/n a 5- year period)		Class C felony	5 years	No	100,000	No	None
		0VC 55 365, 366, 397 & 398	OVC \$365	OVC \$\$366 & 326	OVC §598(4)(a)	§161-605				

		*****	****	Other Sta	te Laws Re	lated to Alco	hol Use and I	riving		****	
			Chemical Test In Traffic Cr			stablishing i erning Alcoho		Dram Shop Laws and Related Legal Actions			
STATE		BAC Chemic	al Test is Gi lowing Perso	ven to the	Minimum		***	State Has a	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law		
	State Has Such A Law (Yes/No)	Driver	Vehicle Passengers	Pedestrians	Age (Years) Sale/	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	Dram Shop Law	Rule by Action of This Highest Court of Record In the State (Give the Case Citation)	Other	
OKLAHOMA											
	Yes 47 \$751	Yes. 47 \$751	Yes 47 §10-113	Yes 47 §10-113	21 37 §2411 & 37 §537 (a) (1)	21 (Applies to possession of alcoholic beverages of not more than 3.2% alcohol in a public places 21 §1215 & 37 §537 (a) (1) & (5) 37 §538 (e)		IC ontaining 2% alcohol consumed in person ars old un- rson is tly super- ther a		No	
OREGON	Yes	Yes	Yes	Yes	21	21	21	Yes	Campbell v. Carpenter, 279 Or. 237, 566 P.2d	No	
		(1f over 13 years of age and within 5 hours of accident) \$146.113	(If over 13 years of age and within 5 hours of accident) \$146.113	(If over 13 years of age and within 5 hours of accident) §146.113	\$\$471.41	possession of sumption of beverage in residence ac	an alcoholic	<b>\$ 3</b> 0 • 95 0	893 (1977)		

	Criminal Action Aga Alcoh	Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			
STATE	Type of Criminal Action	Term of imprisonment	Fine (\$ Range)	License to Serve Alcohotic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawai
OKLAHOMA					
	Fetony	1 year (maximum)	0-1,000	Yes	In the discretion of the Alcoholic Beverage Control Board
	37 \$5 38	37 \$5 38	<b>37 §</b> 5 <b>3</b> 8	37 \$5 28	
OREGON					
	Class A Misdemeanor-applies to the sule of alcoholic beverages by non-licensed persons; see \$471.410	Not more than 1 year	Not more than 2,500		Special Note: Any licensed establishment that either sells liquor by the drink, or packaged alcoholic beverages, that
	Misdemeanor-applies to Indi- viduals and liquor* by the drink licensed establish- ments; §§472.310 & 472.990 *Includes beer and wine	1st offense- Not more than 6 months 2nd or subsequent offense- Not more than 1 year	Not more than 500 Not more than 1,000		violates the liquor laws concerning intoxicated persons may have their license revoked/suspended for an inderminate period of time and/or be fined via administrative action see §471.385.

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ſ				Other Sta	te Laws Related to Alc	cohol Use and Driving-	Continued	*****	
	STATE	Employees of Alcoholic Bev Alcoholic Bev	ctions Against Establishments erages or the M erage to Those mum Legal Drink	That Serve rong Type of Persons Under	Establishments Th Baverages or the Mrc Beverage to Those Minimum Legal	ons Against Owners of hat Serve Alcoholic ong Type of Alcoholic Persons Under the 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 Withdrawaj	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 <b>5 ,</b> 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 1,5-3,2%)	None	None	Yes	12 months			
3-228		37 \$538	<b>37 §5 3</b> 8	37 <b>§</b> 5 38	<b>37 §242</b>				
∞	OREGON		يطعنه بطيار فأماله إعرابها		₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩			ويستركب يروني بالمرابع والمرابع والمتحد والمتحد والمتحد والمتحد والمرابع والمرابع والمرابع والمرابع والمرابع	
		Class A Misdemeanor- Applies to the sale of alcoholic beverages by non-licensed persons; see \$471.410	Not more than 1 year for a 3rd or subse- quent offense There is a mandatory 30- day imprison- ment sanction	Not more than 2,500; the following mandatory fines apply: 1st offense- 350 2nd and sub- sequent offenses- 1,000	that sells liquor by alcoholic beverages,	the drink or packaged that violates the minimum legal drink- ir licenses revoked/ terminate period Of	Yes		
		Misdemeanor- Applies to in- dividuals and liquor* by the drink licensed establish- ments: §§472- 310 & 472-990 *includes been and wine	6 months	Not more than 500 Not more than 1,000			OVC (597 (b)		

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		Basis for a DW1 Charge	)	Chemica	al Breath Tests for B/	IC Level
					Implied C	Consent Law
STATE	lllegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test 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 Biil 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

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		cal Tests For BAC Level Under Law (Implied Co		Ad	Judication of DNI Charg	<b>36</b> \$ ~
STATE	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence investigation Law (PSI) (Yes/No)
PENNSYLVANIA						
	Yes	Yes	No	. No	Yes, qualified	Yes
	75 \$1547	75 §1547			(A.R.D. may not be allowed if: (1) de- fendant was con- victed or accepted A.R.D., because of DWI charge within last 7 years; (2) present offense violated habitual offender stat- ute(s); (3) if any person other than the defendant was sericusly injured or killed.) Also, judge may not les- sen the charge at preliminary hearing.	75 §1548
PUERTO RICO						
	Yes	No	"Any other susbtance of his body"	No	No	Yes
	9 §1043	9 §1043	9 §1043			9 \$1042

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			Sanctions for Refu Chemica	isal To Submit to a BAC Breath Test		
STATE	Refusal	To Take Preliminary Bre	ath Test	Refusal To T	ake Implied Consent Cl	nemical Test
	Criminai Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminai Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
PENNSYLVANIA						
	No	No	No	No	Suspension	No
					(12 months)	
					75 §1547	
					(Mandatory)	
PUERTO RICO						
st offense	\$100 or 10 days in jail	No	No	\$100 or 10 days in jail	Suspension 2 years	No
nd offense	lf within 1 year of 1st, \$200 and/or 20 days			If within 1 year of 1st, \$200 and/or 20 days	2 94013	
rd offense	if within 1 year of 1st, \$500 and/or 6 months			lf within 1 year of 1st, \$500 and/or 6 months		
	9 §1221			9 ≸1221	9 §1044	

	1		Sanctions Follo	wing a Convicti	ion for a DWI Offense	)	
				Criminal Sanct	lons		······
STATE	Impri	isonment <sup>a</sup>	Fl	ne			
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
PENNSYLVAN I A	48 hours** or 30 days if prior conviction in any jurisdiction	30 days for second offense 75 §3731(e)(4)	300 75 §3731	Appears mandatory 75 §3731	Yes (Fossible under A.R.D.)* Cr. Pro. Rule 175 et al.	Yes (Required under A.R.D.)* 75 §3731	Court supervision for at least 6 months if counseling/ treatment not necessary and for not less than
	yithin previous 7 years or 90 days if 2 prior convictions within iast 7 years or 1 year if 3 prior convictions within iast 7 years	tance into and sati 2) Acceptance deter and any victims, J such as may be impo and costs, and may not be imposed." A found by judge, at nated and the prose A.R.D. program b/c **Acceptance of A.R	sfactory complet mined by judge a udge also announ sed w/respect to include other co ) Programs durat a hearing, to ha cutor may procee of a DWi charge ,D, shell be co	ion of program ifter hearing re- ices terms of A. probation after and lions agreed ion shall not ev ve violated A.R d w/the DWI cha the Pa. D.0.T. nsidered a 1st	a. Cr. Pro. Rule 17 may lead to dismisse ilevant facts of pros R.D. 3) "Conditions r conviction, inc ito by parties, exce xceed 2 years. 5) i .D. terms the progra rrge(s). 6) When def shall keep a record conviction for purpo y to first offenses.	I of DWI charge. ecutor, defendant of program may be duding restitution pt that a fine may f defendant is m will be termi- endant enters for 7 years. se of computing any	12 months if counseling or treatment is necessary and person is in A,R.D. 75 \$3731
PUERTO RICO							
1st offense	15 days	No	<b>100-3</b> 00	No	No	No	May be ordered to take and pass a
2nd offense	30 days	No	200-400	No			driver's Improvement course
3rd offense	60 days	No	300-500	No			
4th and subsequent offenses	60 days-6 months	No	300-500	No			
If injury caused:							
ist offense	30 days	No	200~500	No			
2nd offense	60 days	No	300-500	No			
3rd and subsequent	30 days-6 months	No	300-500	No			
offenses	9 §1042		9 §1042				d Edition August 198

	1	Sanctions	s Following a Conviction	on for a DWI Offense(	Continued	<u> </u>
			Administrative	Licensing Actions		
STATE	Pre-Di	I Conviction Licensing	Action	Post-D	I Conviction Licensin	ng 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 Withdrawai
PENNSYLVANIA						
	No	No	No	Suspension	12 months	12 months
					or	
					1 month~12 months	
					(if accepted into A.R.D. program.)	1 month
PUERTO RICO	-					
	No	No	No	Suspension*	Until defendant	Yes
				*Hardship provision.	participates in and passes a driver's	15 days or length of
					improvement course or until agency in charge of rehabilitation	driver's Improvement course
					certifies defendant is qualified to drive (probably not more than 1 year).	
				9 \$691	9 §691	9 \$691

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			Sanctions Following	a Conviction for	a DWI OffenseCon	tinued	
				Other			
	L	Rehabilitation	······	Vehici	e Impoundment/Confl	scation	1
STATE	Alcohol Education	Alcohol Treatment	Alcohoi Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Wili be Reteased	Other	Miscellaneous Sanctions Not Included Elsewhere
PENNSYLVANIA							
	Yes	Yes	Yes	No			
		 d person must take highway safety cla					
	individual or gro intervention prog	er participation (s oup inpatient or or gram to treat subs v be ordered for up	utpatient tance abuse.				
	abuser, who repre						
		75 §1548					
PUERTO RICO							
	presentencing rep kind of treatment advice") would	l effects of 1st ca l ort indicates reha , orientation, gui l be effective and is to undergo rehal	abilitation ("any Idance or defendant	No			
	defendant would b	enses, if Court de enefit from rehabl jail penalty if d litation.	ilitation, court				
		for up to 3 consec Court deems such	cutive months, may treatment				
_		9 §1042					

1				Hc	micide by Vehic	10			
1					Sanctions				Other
STATE		J	Criminal	Sanctions		Administ	rative Licensin		
	State Has Such a Law/ Type of Offense	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 Withdrawai	
PENNSYLVANIA									
	Felony 3								
	Yes	3-9 years	3 years ·	None	No	Revocation	l year	1 уеа,	
		Pennsylvania Consolidated Statutes 75 §3735							
PUERTO RICO									
	Yes 33 §4005	3 years	No	3,000	No	Revocation	1 year	1 year	
				2					
							1		

					hol Use and Driving				
		Driving Whil	e License Susp		Where the Basis Was	a DWI Offense			
STATE		Criminal		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 Withdrawat Action		
PENNSYLVANIA									
1st offense	90 days*	90 days*	1,000* or 200	1,000* or 200	<b>Revocation</b>	6 months (additional)	6 months (additional)		
2nd offense	l year	No	200-1,000	No	Revocation	6 months	6 months		
	*Applies also to sus	pensions given under 75 §1543 75 §6503	A.R.D.		75 <b>§</b> 1543	(additional) 75 §1543	(addi†ionai) 75 §1543		
PUERTO RICO							<del></del>		
1st offense	1-3 months	No	200	No	Probably revocation	indeterminate	No		
2nd offense	3-6 months		500						
					9 §691	9 \$691			
				1					

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					ated to Alcohol Itual Offender		9				
				Type of Criminal	Sanctions Following a Conviction of Driving While on Habitual Offender Status						
STATE	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habituai Offender	Term of License Revocation While Under Habituai Offender Status	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)		
PENNSYLVANIA											
	Yes	*	5 years	Summary offense	1 year	No	200-1,000	No	2 years		
	*Three convict within a 5-yea	ions of any one r period:	or more of the	following					additional revocation period		
	<ol> <li>vehicle homicide when DUI;</li> <li>DUI;</li> <li>other offenses listed in 75 \$1532;</li> <li>operation following registration's suspension;</li> <li>using a vehicle without knowledge or consent of owner;</li> <li>using vehicle for unlawful sale of alcohol or controlled substance;</li> <li>any felony in which vehicle was essentially involved.</li> </ol>										
	75 §1542		75 §1542	75 §1543	75 <b>§</b> 6503		75 \$6503		75 <b>\$</b> 6503		
PUERTO RICO	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		

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	1			Other Sta	te Laws Re	lated to Alco	hol Use and D	riving		
		Requiring BAC prisons Killed				stablishing t erning Alcoho	he Minimum lic Beverages	Dram St	nop Laws and Related Legal	Actions
STATE		BAC Chemic	al Test is Gl lowing Perso	ven to the	-			State	"Dram Shop Law" Concept Has Been Adopted via a	
	State Has Such A Law (Yes/No)	Driver	Vehicle Passengers	Pedestrians	Minimum Age (Years) Sale/ Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	Has a Dram Shop Law (Yes/No)	Change to the Common Law Rule by Action of This Highest Court of Record In the State (Give the Case Citation)	Other
PENNSYLVANIA										
	Yes	Yes (if over 15 and died within	lmpiled	Yes (if driver 15 and died within	21	21	21	Yes	Jardine v. Upper Darby Lodge No. 1973 inc., 413 Pa. 626, 198 A.2d 550 (1964)	
		4 hours of accident) 75 §3749	75 \$3749	4 hours of accident) 75 §3749	1 §1991,	18 \$6308 & 47	§4-493(1)	§4-497		
PUERTO RICO										
	Yes	Yəs	Yes	Yes	18	N/A	N/A	No	No	No
9 §1043(a)	9 §1043	9 \$1043	9 §1043	9 <b>§</b> 1043						
					13 \$6083					
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		Other State Laws Related	to Alcohol Use and DrivingCor	tinued				
		Criminal Action Against Owner or Employees of Establishments That Serve						
STATE	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal			
PENNSYLVANIA								
1st offense	Misdemeanor	1-3 months	100-500	Yes	3 years if revoked			
2nd and subsequent offenses		(if fall to pay fine) 3 months-1 year	300-500 (and possibly 50-1,000)	or liquor control board may impose a fine. See column to left within paren- thesis. 47 §4-471	(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			

······	l		Other Sta	te Laws Related to Alc	cohol Use and Driving	Continued		
STATE	Employees of Alcoholic Bey Alcoholic Bey	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			ons Against Owners of Nat Serve Alcoholic Ang Type of Alcoholic Persons Under the 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 Withdrawai	State Has Such a Law (Yes/No)	Explanation of Such State Law If <del>Neo</del> ded	
PENNSYLVANIA								
lst offense	Misdemeanor	1~3 months (lf fine not paid)	100-500	Yes	3 years if revoked (1 year for structure unless ownership changes hands, including immediate	No		
2nd and subsequent offenses		3 months- 1 year	300-4,500 and		family) suspension indeterminate			
			may be		or liquor control board may impose a fine.			
			50-1,000	47 §4-471 47 §5-514	See fine range column. 47 §4-471			
PUERTO RICO								
	Misdemeanor	30 days- 6 months	100-500	Yes	Indeterminate	No		

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## Basis for a DWI Charge Chemical Breath Tests for BAC Level Implied Consent Law Preliminary Breath Test Law Arrest Required STATE lllegat Per Se Law (BAC Level) Presumption (BAC Level) Other Other (Yes/No) Information RHODE ISLAND Yes See: General 0.10% 0,10% Yes No Laws of Rhode Island, 1956. Reenactment of 1976, 1981 Cum. \$31-27-2.1 Supp. Supp. (Reenactment of 1968, 1981 Cum. Supp. Motor Vehicle section) (current through January Session, 1981) 31-27-2(b) 31-27-2.3 . \*\*\*\*\*\*\* \_\_\_\_\_ \_\_\_\_\_\_ \_\_\_\_\_\_ SOUTH CAROLINA See: Code of Laws of South No 0.10% No No Yes No Carolina Annotated, 1976, 1981 Cum. Supp. (current through 1983 Session of the General Assembly) \$56-5-2950(b)(3)

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	Other Chemi Authorized	cal Tests For BAC Leve Under Law (implied Co	Hich Are	Adl	judication of DWI Char	
STATE	Blood	Urine	Other (Specify)	Nandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence
RHODE ISLAND						
	Yes*	Yes				Yes
	*May be excepted on religious grounds.					where I year or more sentence may be imposed
	\$31-27-2 \$31-27-2,1	\$31-27.2 \$31-27.2.1				
SOUTH CAROLINA						
	No	No	No	No	No	Yes
						<b>§</b> 56-6-2990
						2nd Edition August 1983

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······································	<u></u>	****		al to Submit to a BAC Breath Test		<u>▞▝▖▋▖▌▖▋▖▋▖▋▖▋▖▋▖▋▖▋▖▌</u> ▖▋▖▋▖▋▖▋▖▋▖▋▖▋▖▋▖▋▖		
STATE	Refusal	To Take Preliminary B	reath Test	Refusal To Take Implied Consent Chemical Test				
	Criminal Sanctions (Fin <del>o</del> /Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other		
RHODE ISLAND				1st refusal - \$300- \$500 and 10-60 hours of public service	3-6 months Suspension	Attendance at a DWI class or alcohol treatment program		
	None	None		2nd refusal (w/n 5 year period), \$400- \$500	1-2 years Suspension	Attendance at an alcchol treatment program		
				3rd and subsequent refusal (w/n 5 year period), \$500	2-3 years Suspension (These suspensions are mandatory)	Attendance at an alcohoi treatment program		
			(Special Note: in addition to the above fines, an assessment fee of \$150 is charged to the defendant.)			(Attendance at these classes or programs is required.)		
			(The Imposition of th and/or public communi mandatory+)	nese fines, assessments ty service is				
				\$31-27-2-1				
SOUTH CAROLINA								
	N/A	N/A	No	No	90-day suscension of license	No		
					(Mandatory)			

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			adder tons FOLIC	Criminal Sanci	ion for a DWI Offense			
STATE	Impr	i sonment	F		Other Penalties			
onne.	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Anount (\$ Raige)	Mandatory Minimum Fing (\$)	Community Service	Restitution (e.g., Victim/s Fund)	Other	
RHODE ISLAND								
lst oftense	Not more than 1 year	No	200	200	10-60 hours*	No		
2nd oftense (w/n 5 years)	10 days-i year	48 consecutive hours	500	500	*Alternative to Imprisonment			
3rd and subsequent	6 months-1 year	48 consecutive	500	500	1			
, offenses (w/n 5 years)	\$31-27-2(d)	hours			to the above fines, fee of \$150 is defendant.)			
(Note: A DW) ottense is a misdemeanor)				\$31-27-2(d)				
SOUTH CAROL INA					**************************************			
IST oftense	48 hours-30 days	48 hours*	200	200*	A minimum of 48 hours in lieu of imprisonment	No		
2nd oftense	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 then 2,000	No				
4th offense	90 days-4 years	90 days*	Not less than 3,000					
5th and subsequent offenses	1-5 years	l year*						
\$56-5-2940		*These minimum sanc from placing a pers	tions may not be on on probation.	suspended by t	he Court; the law is	silent as to prohib	Iting the Court	
DWI where there is great bodily injury-telony	30 days-1 year	30 days	5,000-10,000	5,000				
\$56-5-2945								

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	n 201 An the state of the An and a state of the	<u> </u>	Enctions	Following a Convic	tion for a DWI OffenseC	continued	
					Licensing Actions		
	STATE	Pre-DW	Conviction Licensing			I Conviction Licensi	ng Action
		Administrative Por Se Lew	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, efc.)	Mandatory Minimum Term of Withdrawai
1	RHODE ISLAND						
		No	Yes		1stsuspension	3-6 months	3 months
					2ndsuspension	1-2 years	t year
					3rdsuspension	2-2 years	2 years
					<del>(</del> 31–27–2(d)	§31-27-2(d)	\$31-27-2(d)
	SOUTH CAROLINA						
		No	No	No	1st offense* Suspension	6 months	(See Special Note)
3245					2nd offense* (w/n 5 years) Suspension	1 year	1 year
					3rd offense* (w/n 5 years) Suspension	2 years	2 years
l					4th offense* (w/n 5 years) Suspension	3 years	
					5th and subsequent offenses* (w/n 5 years) Revocation *Note: An offense is considered either a f56-5-2930, f56-5-2945 or other alcohol use and driving related law violation.	Permanen†	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 5456-1- 1320 & 56-1-1330.
					56-5-2990		

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			Sanctions Following	a Conviction for	a DWI OffenseCont	tinued	
				Other			
		Rehabilitation	r	Vehicie	1		
STATE	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	Miscellaneous Sanctions Not Included Elsenhere
RHODE ISLAND							
lst offense	Alcohoi (DWI) education course and/or treatment program*			No			
2nd offense		Yes*					[
3rd offense		Yes*					
	"Required						
SOUTH CAROLINA						<del></del>	
	completion of an Program prior to special recommend	5 years provided s	afety Action ent (or a al Advisory d; and (2) for se may be	Yes	When It is no longer necussary to protec: the vehicle rrom danger	No	No
	<b>§56−5−2990</b>						2nd Edition Asgust 198

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	Other Criminal Actions Related to Alcohoi Ute and Driving Homicide by Vehicle										
		· · · · · · · · · · · · · · · · · · ·		Ho	Sanctions	10	······	ſ	Other		
STATE							rative Licensin	a Actions	011101		
	State Has Such a Law/ Type of Offense	imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized	Length of Term of Licensing Withdrawai	Mandatory Action Hin, Length of License Withdrawai			
RHODE ISLAND	Yes-where	6 months-		500-5,000		Suspension	1 year	1 year			
	death is the result of DWI offense	10 years		JUU-3,000		Juspension	, Aggi	i yeai			
	1st offense						·	_			
	2nd and subsequent offenses (w/n 5 years) 31-27-2,2	5-20 years		800,5,000		Suspension	3 years	3 years			
	Non-DWI related driv- ing causing death	Not more than 10 years				Revocation 31-11-6	3 years	3 years			
	31017-1	•									
SOUTH CAROL INA											
	Yes Felony	Not more than 1-15 years	No	Not less than 10,000 nor more than	No	Revocation	5 years	5 years	No		
	\$56-5-2945			25,000			(56 5 0015				
	Based on a DWI offense that results in death					<b>§56−5−2910</b>	§5⊱-5-2910	§56-5-2910			

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					whol Use and Driving				
STATE		Driving Whil	e License Suspe		Where the Basis Was	a DWI Offense			
STATE		Criminal	<u>-</u>	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 Withdrawai Action		
RHODE ISLAND		······································							
lst 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 (Revocation, etc. due to DWI convic- tion, refusal to submit to chemical test, reckless driv- ing, motor vehicle manslaughter, or 3	1 year	1,000	1,000	Revocation	l year (adultiona) revocation period)	l year		
\$31-11-18,1	moving violations in one year.)	\$31-11-18,1(d)	\$31-11-18,1	§31-11-18,1(d)	\$31-11-18,1	531-11-18,1	\$31-11-18,1		
SOUTH CAROL I NA									
1st offense	30 days	None	100	None		period of time if th			
2nd offense	Not more than 60 days	None	500	None	suspension for an add	definite period of ti ditional 3 months. ed, a new license shal	• •		
3rd and subsequent offense	Not less than 45 days nor more than 6 months				an additional 1 year entitled to apply for	from the date such pe	erson would have bee		
	\$56-1-460		§56-1-460			<b>§</b> 56−1−460			

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			Other Crim			Use and Drivin	gContinued				
		r			itual Offender	and the second se	outes a Constant				
			l	Type of Criminal	Sanctions Following a Conviction of Driving While on Habitual Offender Status						
STATE	State Has Such a La <del>v</del> (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habituai Offender Status	Offense if Convicted on Charges of Driving While on Habitual Offender Status	lmprisonment (Term)	Mendatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)		
RHODE ISLAND					i						
	Yes	-	1-5 years	Felony	5 years	No	None	N/A	No apparent		
	foilowing: 1) motor vehic 2) DWI (alcoho 3) driving whi 4) wilfully op 5) any felony 6) failure to driver was 7) failure of damage=\$150 \$31-40-1 to	le license susp erating a motor offense using a stop and report involved in; driver to stop	ended or revoke vehicle withou motor vehicle; death/injury a	d; It a license; after accident	(məximum)	but if an imprisonment sentence is given it may not be suspended or deterred except to save a life			specific provision, but see 31-11-18, driving after denial, generally 1 year extension of revocation		
SOUTH	\$31-4-13										
CAHOL INA	Yes	3 or more serious offense convictions, or 10 or more convictions for viola- tions 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					

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•							phol Use and D	riving		
	Laws I	Requiring BAC	Chemical Test in Traffic Cr	ts on Those Tashes	Laws I Ages Conc	Establishing t corning Alcoho	the Minimum blic Beverages	Drám St	hop Laws and Related Legal	Actions
STATE		BAC Chemic	al Test is Gi bliowing Perso	ven to the	Minimum			State Has a	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law	
	State Has Such A Law (Yes/No)	Driver	Vehicle Passengers	Pedestrians	Age (Years) Sale/	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	Dram Shop Law (Yes/No)	Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
RHODE ISLAND	1									
	Yes	Yes	Yes	Yes	20	20	20	Yes		No
		<b>§23-4-9</b>	§23-4-9	§23-4-9		Applies to the posses- sion of alcoholic beverages containing more than 3.2% alcohol	Applies to licensed premises	§311-1		
						\$\$3-8-5,-6, & -10				
SOUTH CAROLINA										
	Yes	Yes	Yes	Yes	18 for beer & wine 21 for liquor	18 for beer & wine 21 for liquor	N/A	No		No
					• •	There is an exemption for home use and for religious	-			
						ceremonies \$\$20-7-320,- 317,-380, 61-9-40, -13-290	~			

		Other State Laws Related	to Alcohol Use and DrivingC	ontinued	
		inst Owner or Employees of Est olic Beverages to Intoxicated (		of Establis	tive Actions Against Owners shments That Serve Alcoholic as to Intoxicated Patrons
STATE	Type of Griminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
RHODE ISLAND					
	lst Offense Petty Mis- demeanor	3 Months	Not More Than 200	Yes	1 уеаг
	2nd Offense - Petty Misdemeanor	6 Months	Not More Than 300	<b>\$3-5-21</b>	\$3-5-22
	3rd and Subsequent Offenses - Misdemeano	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 provisio licensing a	ns are provided for ction.

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				Other Sta	te Laws Related to Alc	cohol 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			Establishments Th Beverages or the Wro Beverage to Those	ns Against Owners of at Serve Alcoholic ang Type of Alcoholic Persons Under the 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 Withdrawai	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed	
15	RHODE ISLAND	Petty Misdemeanor		250	Yes	l year	No	No	
21	nd offense	Misdemeanor		500					
l su	rd and Ibsequent fenses	Felony		750 (lf no					
		Secs. 3-8-1, 3-8-5 & 11-1	-2	offenses in 3 successive years, next offense shall be treated as ist.)					
					<b>§3</b> −5−21	<b>§3−5−</b> 22			
	SOUTH CAROLINA	Misdemeanor	Not more than 5 years	Not more than 5,000	No provisions are pro action.	vided for licensing	Yes	South Carolina Code §61-5-20	
i									
								<u> </u>	

		Basis for a DWI Charge	······································	Chemica	I Breath Tests for BAG	C Level
F					Implied Co	onsent Law
STATE	illegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test 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\$	No	Yes \$32-23-1.2	Yes \$32-23-10	No
		\$32-23-7 (Note: \$32-23-7 applies this pre- sumption to the vehicle homicide offense.)				
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

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		cal Tests For BAC Leve Under Law (Implied Co			judication of DWI Charg	<b>195</b>
STATE	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Piea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
SOUTH DAKOTA						
	Yes	No	"Other bodily substances"	No	No (Note: A DWI	Discretionary
	\$32-23-10	\$32-23-10	<b>§32−23−</b> 10		charge may be reduced or dismissed only when written reasons for such have been filed with the Court)	
TENNESSEE						
	Yes	Yes	No	Yes	No	No
	55-10-405	55-10-405		\$55-10-403(b)(1)		

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			Sanctions for Refu Chemical	sal To Submit to a BAC Breath Test		
STATE	Refusal	To Take Preliminary Br	eath Test	Refusal To 1	Take implied Consent C	hemical Test
	Criminal Sanctions (Fine/Jall)	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 jall and/or \$100	l year (revocation*) *Hardship license exception available. \$32-23-11	No
TENNESSEE	<u></u>					
	N/A	N/A	N/A	N∕A	Suspension 1st6 months 2nd +1 year \$55-7-113(g) & \$55-10-406 A restricted license may be Issued; see \$55-10-406(b)	N∕A

1			Sanctions Folio	wing a Convicti	ion for a DWI Offens	9	
{				Criminal Sanct	lons		
STATE	impris	onment	FI FI	ne		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	No	1,000	No	No	Yes	No
	(county jail)						
2nd_offense	1 year	No	1,000	No			
(w/5 years)	(county jall)						
3rd and	2 years	No	2,000	No			
subsequent oftense (w/5 years)	(state penitentiary)						
	\$32-23-2 \$32-23-3 \$32-23-4					<b>\$\$23-</b> A-28-1 et seq.	
		e					
TENNESSEE							
1st offense	48 hours- 11 months 29 days	48 hours	250-1,000	<b>25</b> 0	After serving min- imum sentence judge may order	Shall be ordered as a condition of probation	Upon conviction <u>all</u> defendants in counties with
2nd offense	45 days- 11 months 29 days	45 days	500-2,500	500	defendant to re- move litter from various public	(probation may commence only after minimum jail	600,000 or more people and in counties with a
3rd and subsequent offense	120 days- 11 months 29 days	120 days	1,000-5,000 (unless judge determines defendant is indigent)	1,000	areas or work in a recycling center or "other approp- riate location" for any period of time in lieu of or in addition to other penalties. The community ser- vice work may be done at non- working hours.	sentence has been served) If defendant can afford It.	metropolitan form of government, must pay a BAC test fee of \$10. This fee is paid to the county.
	\$55-10-403		\$55-10-403		\$55-10-403	\$55-10-403	\$55-10-403

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4		Sanctions		on for a DWI OffenseC	DAT I NUOG	
	····			Licensing Actions		
STATE	Pre-DWI	Conviction Licensing	Action		Conviction Licensin	g Action
	Administrative Per Se L <del>aw</del>	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		1stprohibit driving or revocation*	30 days-1 year	
				2ndrevocation (no hardship license)	1 year	1 year
				3rd+revocation (no hardship license)	1 <del>1</del> year	1 year
				Suspensionif 15 points accumulated in 12 consecutive months or 22 points in 24 consecutive months DWI=10 points *Hardship provision for employment	l year	No
				purposes. \$32-23-2, \$32-23-3 \$32-23-4	\$32-23-2 \$32-23-3 \$32-23-4	\$32-23-2 \$32-23-3 \$32-23-4
TENNESSEE						
	No	Yes	No	Revocation*	ist1 year	1 year
		455-7-113		Additionally, court shall prohibit defendant from driving for: 1st1 year 2ndup to 2 years 3rd and subsequent 3 to 10 years "Hardship (icense for employment avail- able after 1st con- viction if no one is killed or seriously injured, §55-10-403	2nd2 years 3rd3-10 years	2 years 3 years For 2nd and subse- quent convictions revocation will be lifted only upon showing that defen- dant has participate in a program of rehabilitation at an alcohol treatment facility.
		<u></u> \$55 <b>-7-</b> 113		\$55-10-403 \$55-7-113	\$55-10-403 \$55-10-412	\$55-10-403

			anctions Following	other	a Det Offense-Con	111111111	
		Rehabilitation		Vehicle	impoundment/Confis	scation	
STATE	Alcohol Education	Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	Miscellaneous Sanctions Not included Elsewhere
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 pro- gram required as part of proba- tion (probation can begin only after serving minimum impris- onment term).	<b></b>	No	N/A	No	No
		For 2nd and sub- sequent convic- tion, a condi- tion of proba- tion is particl- pation in a rehabilitation program treat-					

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				Other	the second s	is Related to Al		riving		
	1				Но	micide by Vehic	:le		<u>_</u>	
	STATE			Criminal	Sanctions	Sanctions	Administ	rative Licensin	a Actions	Other
		State Has Such a Law/ Type of Offense	imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawai	Mandatory Action Min. Length of License Withdrawai	
	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	
3–259	TENNESSEE	Yes	1-21 years	No	No	No	Revocat lon	Equals term of sontence received. If paroled dofendant may have license reissuad upon satisfactory completion of licensing exam and on petition of defendant's parole officer.	l year	
}		\$39-2-231	\$39-2-232				\$55-7-112	<b>155-7-112</b>		

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	l	Other Cr	iminal Actions	Related to Alco	bol Use and Driving	Continued			
		Driving Whil	e License Suspe		Where the Basis Was	a DWI Offense			
STATE		<b>0-1</b>		Sanctions					
	imprisonment (Term)	Criminai Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Admin Type of Licensing Action (Suspension/ Revocation)	Istrative Licensing A Length of Term of License Withdrawai Action	Mandatory Term of License Withdrawal Action		
SOUTH DAKOTA	_								
	Class 1 misdemeanor Not more than 1 year	 3 days if convicted after driving has been prchibited for	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		
		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 i year	Same		
	\$\$32-6-2(1) & 32-23-5	\$\$32-23-3 & 32-23-4			\$32-12-66	<b>\$32-</b> 12-66	<b>§32-12</b> -66		
TENNESSEE			· · · · · · · · · · · · · · · · · · ·						
	lst 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	45 days	500-1,000		Revocationif the conviction was based on driving	The original revocation period extended for 1 year	same		
	<b>§</b> 55 <b>7-</b> 116		<b>§55-7-116</b>		while ravoked				

			Other Crim	inal Actions Rei	ated to Alcohol	Use and Drivin	gContinued	· · · · · · · · · · · · · · · · · · ·	
				Hab	Itual Offender	Laws			
				Type of Criminal		Sanctions Foll While on	owing a Convict Habitual Offend	tion of Driving ler Status	
STATE	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habituai Offender	Term of License Revocation While Under Habitual Offender Status	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)
SOUTH DAKOTA									
	No	N/A	N/A <sup>···</sup>	N/A	N/A	N/A	N/A	N/A	N/A
TENNESSEE			·				************		,
	Yes	3 convictions w/m 3 years of any of the following: 1) voluntary or involuntary motor vehicle homicide; 2)	3 years	Felony	1-10 years	No		No	l year revocation (additional)
	€55-10-601 to 617	DWI; 3) fail- ure to stop at scene of accident; 4) violation of statute on meeting and overtaking school buses.			Section 39-1-201				• • •

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		Laws Ru Per	equiring BAC rsons Killed	Chemical Test In Traffic Cr	s on Those	Laws E	stablishing t	hol Use and D he Minimum lic Beverages		op Laws and Related Legal	Actions
S	TATE			al Test is Gi Howing Perso					State	"Draw Shop Law" Concept Has Been Adopted via a	
		State Has Such A Law (Yes/No)	Driver	Vehicle Passengers	Pedestrians	Minimum Age (Years) Sale/ Purchase	Minimum Ag <del>o</del> (Years) Possession	Minimum Age (Years) Consumption	Has a Dram Shop Law (Yes/No)	Change to the Common Law Rule by Action of This Highest Court of Record In the State (Give the Case Citation)	Other
SOUTI	h dakota										
		Yes	Ύes	Yes ·	Yes	18 for 3.2% been 21 for every- thing else	18 for 3.2% beer 21 for everything eise	18 for 3-2\$ beer 21 tor everything else	No	Walz v. City of Hudson, 327 N.W. 2d 120 (1982)	No
						possessio alcoholic 3.2% alco	an exemption n and consump beverages gr hol by person age for relig s	tion of eater than s under 21			
			<b>\$39-25-</b> 22 <b>•</b> 1	\$39-25 <b>-</b> 22-1	<b>\$39-25-</b> 22.1	§§35-4-78	; 35-9-1; 35-	9-2 & 35-9-4			
TEN	NESSEE										
			Discr <del>o-</del> tionary	Discre- tionary	Discr <del>e-</del> tionary	19	19 Applies to public places; there is an employment exemption	N/A	No	Mitchell v. Ketner, 54 Tenn. App. 656, 393 S.W. 2d 755 (1964)	No
			<b>§</b> 38-7-109	<b>§38−7−</b> 109	<del>§</del> 38-7-109	\$1-33- 13	\$1-33-113				
							\$\$1-33-113 (1) & (2)	57-4-203(b) and 57-5-301			

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	·····	Other State Laws Related to			Ive Actions Acainst Owners
	Criminal Action Agai Alcoho	of Establis	Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons		
STATE	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawai
SOUTH DAKOTA					
	Class 1 misdemeanor	l year (county jail)	1,000	Yes	i year
	<b>§35</b> -4-78			§35-2-10	<b>§35</b> 2-20
				·	
TENNESSEE					
st offense	Misdemeanor	30 days-6 months	500-1,000		
nd offense				Yes	Permanently
	57 <b>-4-2</b> 03				
					-

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	Other State Laws Related to Alcohol Use and DrivingContinued										
STATE	Employees of Alcoholic Bey Alcoholic Bey	Actions Against f Establishments verages or the W verage to Those Imum Legal Drink	That Serve rong Type of Persons Under	Establishments Th Beverages or the Wro Beverage to Those	ns Against Owners of at Serve Alcoholic ong Type of Alcoholic Persons Under the Drinking Age	Containers	biting the Possession of Open of Alcoholic Beverages in the 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 Withdrawai	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed				
South Dakota	Class 2 misdemeanor (generally) Class 1 misdemeanor (for llcensee) §35-4-78	30 days (county jail) 1 year (county jail)	100 1,000	Yes	1 year \$35-2-20	Yes \$35-1-9-1	No				
	\$35-9-1		-	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,						
TENNESSEE											
lst 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	Yes	Permanent (for sale of any alcoholic beverage)						
	§57-3-412 §57-5-303 §57-4-203	§57-5-303	\$57-4-203 \$57-5-303	<b>\$</b> 57−5−303	\$57-5-109 \$57-5-303						

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	В	asis for a DWI Charge		Chemica	I Breath Tests for BA	C Level
	T			1		onsent Law
STATE	lilegal Per Se Law (BAC Level)	Presumption (BAC Lovel)	Other	Proilminary Breath Tost Law	Arrest Required (Yes/No)	Other Information
TEXAS						
See: Vernon's Texas CIVII Statutes, Cum. Annual Pocket Part 1982-1983 (current through ThIrd Called Session, 1982), Vernon's Texas Statutes and Codes Annotated, July 1982 and Senate BIII 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 Blils 6, 142 and 143 as enacted in 1983.	0.08% \$41-6-44(1)			No	Yes	No

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		cal Tests For BAC Leve Under Law (Implied Co		Adj	udication of DWI Char	ges
STATE	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Anti-Plea Bargaining Statute (Yes/No)	Pre-Sentence Investigation Law (PSI) (Yes/No)
TEXAS						
	Yes	No		No	No	Yes
	67011-5					See Section 4, Article 42,12 and Section 4, Article 42,13, Code of Criminal Procedure
UTAH						
	Yes	Yes	No	No	No	No
				(Note: A Magistrate may not grant diversion in a DWI case; see \$77-2-9)	(Note: If defendant pleads guilty or noic contenders 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.)	(optional in felony cases, e.g., vehicio homicide)
	<b>\$41-6-44</b> .10	§41-5-44.10			§41-6-44(7)	<b>§</b> 76-3-404
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			Sanctions for Refus Chemical	al To Submit to a BAC Breath Test		
STATE	Refusal	To Take Preliminary Bre	ath Test	Refusal To	Take Implied Consent C	hemical Test
	Criminal Sanctions (Fine/Jall)	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	(Hardship license may be issued)
					6701 1-5	
UTAH			<u></u>			
	N/A	N/A	N⁄A	б months (maximum)	Mandatory revocation for 1 year	
				\$41-6-12	\$41-6-44.10(2)	
				\$\$76-3-105 & 76-3-204	(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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		· · · · · · · · · · · · · · · · · · ·	Sanctions Follo	wing a Convict	ion for a DWI Offense		
				Criminal Sanct	lons		
STATE	Impri	sonment	F	Ine		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
1st offense	72 hours-2 years		100-2,000		Yes		bodily injury of another person as
2nd offense (w/n 10 years)	15 days-2 years	72 hours*	300-2,000		Yes		a result of the defendant's actions for each of these
6701-L2 Subsequent offenses (w/n 10 years)	Not less than 30 days nor more than 2 years in county jail or	10 days*	500-2,000		Yes		offenses the minimum term of imprisonment is increased by 60 days (30 days are mandatory*) and
67011-1(c), (d) ( (e)	not less than 60 days nor more than 5 years in the State penitentiary						minimum & maximum fines are increased by \$500.
Continued on page 3-269	*As a part of proba	tion; see section 6t	, article 42,12	& section 6b, a	rticle 42,13 Code of	Criminal Procedure	
UTAH							
lst offense							
Non-injury related	δU days-δ months	48 hours	299*		2~10 days in lleu of imprisonment (2 days are mandatory)	Yes See \$41-24-1 et. seq.	
Injury related (Negligence)	Not more than I year	48 hours	Not more than 1,000*		2-10 days in lleu of imprisonment (2 days are mandatory)		
2nd offense (w/n 5 years)							
Non-injury related Continued on page 3-268A	60 days-6 months	48 hours	299*		10–30 days in lieu of imprisonment (10 days are mandatory)		

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			Sanctions Follo		ion for a DWI Offens	) 	
				Criminal Sanct	lons		
STATE	Impri	sonment	FI FI	ne	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) Subsequent offenses (w/n 5 years)	Not more th <b>an</b> 1 year	48 hours	Not more than 1,000*		10-30 days in lieu of imprisonment (10 days are mandatory)	required to impose, above fines, a spec lst offenders and \$	s; this special fine of funding alcohol ment programs under ion, under \$63-43- also required to ments that fully for the costs of
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 diversion in a DWI	30 days may not grant case; see §77-2-9.	Not more than 1,000*		30-90 days in lieu of Imprisonment (30 days are mandatory)		

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		Sanctions	Following a Convictio	on for a DWI OffenseC	ontinued			
			Administrative L	Icensing Actions				
STATE	Pre-DVI	<b>Conviction</b> Licensing	Action	Post-DWI Conviction: Licensing Action				
	Acministrative Por So Law	UVC Type of Provisions	. Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawai		
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		<u></u>	a a a a a a a a a a a a a a a a a a a			<del></del>		
	Yes (BAC of 0.08\$) 1st admin.action- Suspension for 90 days*	Yes	No	(See new \$41-2-19-(a) (6)) 1st DWI offense (For either injury or non-injury related				
	2nd and subsequent admin.actions- Suspension for 120 days*	<del>\$41-2-19</del>		offenses) Suspension 2nd or subsequent DWI offenses (for	90 days	90 days		
	(The suspension period	·		either injury or non-injury related offenses) Revocation	1 year	1 year		
	Special Note: These II	cense suspensions ap	pear to be mandatory.	\$41-66-44(9) Note: No hardship lic suspensions/revocation	\$41-55-44(9) cense may be issued ins; see \$41-2-18(d)	§41–66–44(9) or DWI related		

			Sanctions Following		a DWI OffenseCon	tinued	
			· · · · · · · · · · · · · · · · · · ·	Other			
		Rehablilitation		Vehicie	Impoundment/Confl	scation	4
STATE	Alcohoi Education	Alcohol Treamient	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Author Ized By Specific Statutory Author ity	Terms Upon Which Vehicle Will be Released	Other	Miscellaneous Sanctions Not Included Elsewhere
TEXAS							
	Yes (driver's education training) 6687(b) \$24A(a)	Yes 5561(c) §12		Yes- A defendant's vehicle may be subject to fore- feiture by the State following three or more DWI convictions 67-011-6(6)			
UTAH	Judge must order a convicted DWI defendent to attend either an education or treatment program 41-6-44			No			

[]			Other	Criminal Action	and the second se		riving		
				Но	micide by Vehic	1e			<b></b>
STATE					Sanctions				Other
State Has	Such a Law/ Type of	imprisonment (Term)	Mandatory Minimum Term	Sanctions Fine (\$ Range)	Mandatory Minimum Fine (\$)	Administ Licensing Authorized and Type of Action	rative Licensin Length of Term of Licensing Withdrawal	Mandatory Action Min. Length of License Withdrawai	-
TEXAS									
	Yes 3rd degree felony	2-10 years	No	5,000	No	Suspension	Not more than 1 year		
	\$19.05 Penal Code	§12-34 Penal Code	<b>§12•3</b> 4	<b>§12.3</b> 4	<b>§12.3</b> 4	6687(b) \$22(b)(2) 6687(b)	6687(b) §23		
						\$24(a)			
		******	****************			*********	- <del></del>	************	****
UTAH									
Note: There are two	Yes								
different types of vehicle homicide.	<ol> <li>Negligent homicide (death caused by the opera- tion of a ve- hicle in reck- less disregard of the safety of others.)</li> </ol>	Not more than 1 year		100-1,000		Revocation	l year		
	\$41-6-43-10			-					
	degree (doath	homicide-felo caused by the n r vehicle while icohol.) Not more than 5 years	egligent opera-	Not more than 5,000		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).	
	\$76-5-207	\$76-3-203(3)		\$76-3-301(2)		ĺ		341 <sup>-</sup> 2∾10(Q)•	

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					hol Use and Driving		
		Driving Whi	le License Suspe		Where the Basis Was	a DWI Offense	
STATE		Criminal		Sanctions		Istrative Licensing A	ations
	1mprlsonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing Action (Suspension/ Revocation)	Longth of Term of License Withdrawal Action	Mandatory Term of License Withdrawal Action
TEXAS							,
	Not less than 72 hours nor more than 6 months	No	Not less than 25 nor more than 500	No	Suspension	12 months	12 months
	6687(b) <del>5</del> 34				6687(b) §24(с)		
UTAH					For driving while suspended-suspension	An additional like period	An additional like period
	6 months (maximum)	No	299- 1,000	No	For driving while revoked∕revocation	1 y∋ar∽ addi†ionai	1 yəar- additional
	\$41-6-28 \$41-2-30(2) \$41-6-44		<b>§</b> 41−2−30		\$41-2-18(b)	\$41-2-18(b)	

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	ļ		Other Crimi	nal Actions Rei			gContinued		·····
				Type of Criminal	ltual Offender	Sanctions Foll	owing a Convict Habitual Offend	ion of Driving	
STATE State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of Offense if License Convicted on Ands for Revocation Charges of Being While Under Driving While ared an Habitual on Habitual abitual Offender Offender		Imprisonment (Term)	Mandatory Minimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)	
TEXAS									
	Yes 6687(b) \$22(b)(4)(6)	"Any person with four or more convic- tions arising out of differ- ent transac- tions in a consecutive period of 12 months or 7 or more con- victions aris- ing out of different transactions w/in a period of 24 months" 6687(b) \$22(b)(4)(4)	In addition to a suspen~ sion of a like amount as to original	Felony (lf driving while intoxicated) 6701.L1	Ist subsequent offensenot less than 10 days nor more than 2 years in county jail or not more than 5 years in state penitentlary (if driving while intoxicated) 6701.L2	No	Not less than 100 nor more than 5,000	No	Suspension 6687(b) \$22(b)
UTAH									
	No								

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1				Other Sta	te Laws Re	lated to Alco	whoil Use and D	riving		
		Requiring BAC prsons Killed				stablishing t erning Alcoho		Dram Sh	op Laws and Related Legal	Actions
STATE			al Test is Gi liowing Perso					State	"Dram Shop Law" Concept Has Been Adopted via a	
	State Has Such A Law (Yes/No)	Driver	Vehicle Passengers	Pedestrians	Minimum Age (Years) Sale/ Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	Has a Dram Shop Law (Yes/No)	Change to the Common Law Rule by Action of This Highest Court of Record In the State (Give the Case Citation)	Other
TEXAS										
	Yes	Yes	Yes	Yes	19	19	19	No	No	
	See 6701(d) ∳46	(Indirectly at 6701(d) §46)			Alcohol Code ∳106	Exemptions for employ- ment or while in the presence of a parent or guardian. Ic Beverage .01 et seq.	There is an exemption for a minor's consumption of alcoholic beverages when they are in the "visable presence" of a parent or guardian.			
UTAH										
	Yes	Yes	No	Yes (adults only)	21	21	21	Yes	No	No
		\$26-1-30 (17) \$41-644_10		\$26-1-30 . (17)	\$\$32-7-15 & 32-7- 15.4			<u></u> 532−11−1		
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	Criminal Action Agai Alcoho	Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			
STATE	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal
TEXAS					
1st offense	Misdemeanor	Not more than 1 year 101.63(a)	Not less than 100 nor more than 500	Yes	Not more than 60 days
2nd offense Note: All statute references come from Vernon <sup>1</sup> s		Not more than 1 year 202.62(b)	Not less than 500 nor more than 1,000		
Texas Code Annotated Alcohollc Beverage Code	§101 <sub>e</sub> 63				§61.71
UTAH					
	Misdemeanor	30 days~1 year	100-1,000	Yes	3 years
		(mandatory)	(mandatory)		
	\$32-7-14 \$32-8-59	<b>§</b> 32 <b>−8−59</b>	<b>§32−8−</b> 59		
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			Other Sta	ite Laws Related to Alc	cohol 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			Establishments Th Beverages or the Wro Beverage to Those	ons Against Owners of Nat Serve Alcoholic Ong Type of Alcoholic Persons Under the 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 Withdrawai	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed	
TEXAS	Misdemeanor	Not more than 1 year OR E \$106.06	Not less than 100 nor more than 500 OTH	Yes (license may be suspended or cancelled at Commissions discretion §106,13(a))	1stnot more than 60 days 2ndnot 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	

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Í		Basis for a DWI Charge	)	Chemica	I Breath Tests for B	AC Level
The second se						Consent Law
STATE	illegai Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Preliminary Breath Test Law	Arrest Required (Yes/No)	Other Information
VERMONT						
See: Vermont Statutes Annontated, Cum. Supp. 1982 (current through April 22, 1982)	0,10 <b>5</b> 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,		0.10% (Code of Va. Ann. §18.2-269(3))		Yes (Code of Va. Ann. \$18,2-267(c)	Yes	
Acts of Assembly 1983					§18 <b>.</b> 2−268	

	Other Chemic Authorized	al Tests For BAC Leve Under Law (Implied Co	i Which Are nsent Law)	Adj	udication of DWI Charg	jes
STATE	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
1						
1						
VIRGINIA						
	Yes			No	No	No
			-			

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				al To Submit to a BAC Breath Test		<u></u>
STATE	Refusal	To Take Preliminary Br	eath 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	1stsuspension 1 year 2nd (after 5 years)1 year suspension 2nd (w/n 5 years) 3 years revocation 3rd6 year revocation 4th + (after 15 years from 1st) -6 years 4th + (w/n 15 years of 1st)for life	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.
					23 \$1205	
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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]			Sanctions Folio	wing a Convictio	n for a DWI Offens	8	
			<del> </del>	Criminal Sancti	ons		<u></u>
STATE	impris	conment	F1			Other Penalties	<u></u>
	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	No	No	No	No
			23 \$1210				
			25 \$1210				
	1 1			[			
1	[ [						
						1	
VIRGINIA						]	
1st offense	Class 1		Not more than				(Code of Va. Ann.
	misdemeanor 12 months		1,000				<b>5518,2-11,</b> 18, 2-266, 18, 2, 270
	1						\$\$18,2-11, 18,2-266, 18,2,270, and 46,1-423,1)
2nd offense (within 5 years)	1 month-1 year	48 hours	200-1,000				
(within 5 years) 2 2nd offense (5-10	1		200 1 000	1			
years from 1st)	1 months-1 year		200-1,000		—		
3rd and sub, off.	2 months-1 year	30 days	500-1,000	1			
within 5 years							
3rd and	2 months-1 year	10 days	500-1,000				
subsequent offense		•					
5-10 years from				ļ			
1st							
§18,2-270			[ [	1			
1							

			Administrative 1	icensing Actions		
STATE	Pre-D	Wi Conviction Licensing			I Conviction Licensin	g Action
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
VERMONT						
	No	No	No	Suspension	lst1 year suspension	90 days
			(Note: Vermont has a point system, but such system does not apply to DWI		2nd (after 5 years) 1 year suspension	90 days
			cases; see 23 §2502)		2nd (w/n 5 years) 3 years revocation	18 months (with rehabilitation and therapy)
				23 \$1206	3rd6 years revocation	3 years (with rehabilitation and therapy)
Continued on page 3-282				23 \$2501-2507	4th + (after 15 years from 1st) 6 years 4th (w/n 15 years) life	tilei ab X X
						23 \$1208
VIRGINIA						
ist 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***
2nd offense (5-10 years from 1st)	No	No		Revocat ion	3 years	2 years***
3rd and sub. off.	No	No		Revocation	10 years*	5 years*
		ode of Va. Ann. 146.1-	421)		*See special note at the end of the Sanctions section (p. 3-282).	See page 3-281A for explanation of asterisks.
\$18.2-271, 271.1	•					

			ion for a DWI OffenseC		
Pre-DWI	Conviction Licensian			Conviction Licensin	a Action
Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawai (Days, Months, Years, etc.)	Mandatory Minimum Term of Withdrawal
					**A restricted lic may be reissued if defendant partici- pates in a rehabili- tation program ***A restricted lic may be issued after the minimum period of lic. withdrawai has passed and a defendant has com- pleted a rehabilita- tion program.
	Administrative Per Se Law	Administrative UVC Type of Per Se Law Provisions	Pre-DWI Conviction Licensing Action Administrative UVC Type of Per Se Law Provisions Other	Administrative     UVC Type of     Type of Licensing Action (Suspension/ Per Se Law       Per Se Law     Provisions     Other	Pre-DWI Conviction Licensing Action     Post-DWI Conviction Licensing Conviction Licensing       Administrative     UVC Type of Per Se Law     Type of UVC Type of Provisions     Type of Licensing Action Other     Term of License Withdrawai (Days, (Suspension/ Revocation)

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			Sanctions Following		a DWI OffenseCor	nt inued	
				Other			r
STATE	<u>_</u>	Rehabilitation	Alcohol Educa- tion/Treatment		Impoundment/Confi	Iscation	
	Alcohol Education	Alcohol Treatment	as an Alternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Terms Upon Which Vehicle Will be Released	Other	Miscelianeous Sanctions Not Included Elsewhere
VERMONT							
	Therapy a prerequisite also for 2nd conviction, within 5 years, for getting license back sooner. Any revocation of 3t 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 i year		NO			
VIRGINIA							
1st offense	Yes	Yes	A restricted	No		Under \$46,1-418	
2nd offense (within 5 years)	Yes	Yes	permit may be issued, if court authorizes offender to			a defendant's vehicle regis- tration certi- ficate and	person's license may be restored after 5 years if they are at the time of the DUi
2nd offense (5-10 years from 1st)	Yes	Yes	participate in either an education or			registration plates shall also be suspended	conviction dependent on alcohol, and have been cured of such
3rd and sub. off.	(See special note	in Misc. Column)	treatment program. See page 3-281			when the defen- dant's license is elther sus- pended or revoked	dependency, and are not otherwise a threat to the public safety.
	\$18.2-271.1					pondou or revolueu	

	}				s Related to Al		a reing		
		r		Hic	micide by Vehic Sanctions	:10			Other
STATE			Criminal	Sanctions	Sanci tons	Administ	rative Licensin	a Actions	UTNEF
	State Has Such a Law/ Type of Offense	lmprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawai	Mandatory Action Min. Length of License Withdrawai	
VERMONT									
	Yes	1-15 years*	No	3,000	No				
		*These penaities do not foreclose option of tougher penaities for manslaughter (homicide) convictions. 23 §1091(a) 23 §1210(b)							
VIRGINIA	No					(Special Note:	Even though t	his State does	not have a
						venicie nomici for a mandator mans laughter r vehicie.)	y 1 year revoca esulting from t	nevertheless, tion for a conv he operation of	iction of a motor

					shol Use and Driving-				
STATE		Driving Whil	e License Suspe	ended or Revoked Sanctions	<u>  Where the Basis Was</u>	a DWI Offense			
SINIE		Criminal		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	Nandatory Term of License Withdrawai 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			
ath offense	2 years	No	1,000	No		suspension under point system whichever is			
:	23 \$674	(Note: In certain cases there are mandatory minimum sanctions; see 23§674(c)	23 <del>§</del> 674			greater 23 §2506 one license suspensio e incident, the suspen			
VIRGINIA									
1st offense	10 days — 6 months	A portion but not	100-200	-	Revocation or	The same period for	Same		
1st offense 2nd and subsequent offenses	2 months-1 year	A portion but not all of the jail sentence may be suspended; term of mandatory imprisonment not specified in the statute de of Va Ann. \$\$46.1-3	200-1,000	-	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		

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Second		

						itual Offender				
ł					Type of Criminal		Sanctions Foll While on	owing a Convict Habitual Offend	tion of Driving ler 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	Offense if Convicted on Charges of Driving While on Habitual Offender Status	imprisonment (Term)	Mandatory Ninimum Term of Imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Actions (Specify)
	VERMONT	•								
		Yes 23 §673	8 or more convictions based on moving violations	2 years	Misdemeanor	1st30 days	No	500	No	Suspension 30 days (additional)
			(with 6 points or more	<i>,</i>		2nd90 days	No	500	No	90 days
			assessed) and DWI			3rd6 months	No	1,000	No	6 months
			offenses within 5-year period			sanctions	No atory minimum in certain (3§674(c)	1,000	No	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 Ann. \$\$18.2-8, .12, 46.1-5	10 years 46.1-387.9:2, 14.6 et seq.	Felony 46.1-387.1 to	1-5 years	I 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.

				Other Sta	ate Laws Re	elated to Alco	hol Use and D	rlving		
			Chemical Test In Traffic Cr			stablishing 1 erning Alcoho		Dram St	op Laws and Related Legal	Actions
STATE			at Test is G flowing Perso					State	"Dram Shop Law" Concept Has Been Adopted via a	
	State Has Such A Law (Yes/No)	Driver	Vehicle Passengers	Pedestrians	Ninimum Age (Years) Sale/ Purchase	Ninimum Age (Years) Possession	Minimum Age (Years) Consumption	Has a Dram Shop Law (Yes/No)	Change to the Common Law Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
VERMONT										
	Yes	Yes 23 §1202	Unclear, probably yes	Unciear, probably yes	18	18 Employment exemption		Yes 7 ∳501	No	No
					7 \$173, 7	Special Note does not spe prohibit pos consumption makes illega possession c beverages by the purpose tion. \$657 & 7 \$658	cifically session or per se but if he of alcoholic minors for of consump-			
VIRGINIA			**********				. <del></del>	*********		
	No				19 for beer 21 for every- thing else	19 for been 21 for everything alse Special Exem physicians a alcoholic be minors, for reasons, and order of a p	ho administer verages to employment at the	No	No	
					554-5 A-	62 & 4-112				

, etters,

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				Administrat	ive Actions Against Owners		
		nst Owner or Employees of Esta blic Beverages to Intoxicated f		of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons			
STATE	Type of Criminal Action	Term of imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawal		
VERMONT							
	None	N/A	N/A	No	Indeterminate		
	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).			but revoked if civil judgment against licensee not paid within 30 days			
	7 \$501			7 §236			
VIRGINIA							
	Misdemeanor (Code	30 days-12 months of Va. Ann. §§4-37, 4-62, and	50-500 4-92 and 4-98,10)	Revocation or suspension* *See note in section on sanctions for serving minors intoxicat- ing liquor	Time period not specified In the statute		

			Other Sta	ite Laws Related to Alc	cohol Use and Driving	Continued		
STATE	Employees of Alcoholic Bey Alcoholic Bey	Actions Against Establishments Verages or the W Verage to Those Mum Legal Drink	That Serve rong Type of Persons Under	Establishments Th Beverages or the Wro Beverage to Those	ons Against Owners of at Serve Alcoholic ong Type of Alcoholic Persons Under the 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 Withdrawai	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed	
VERMONT								
	Misdemeanor	2 years	200-1,000	Yes	Indeterminate	No	No	
		7 \$658	7 \$658	7 \$236	7 \$236			
VIRGINIA								
	Misdemeanor	30 days- 12 months	50-500	Revocation or suspension	Time period not specified in the statute	No		
	(Code of Va. 4-37(j), 4-	Ann. §§ 4-37(C1) 62, 4-92 and 4-9	), 4-37(C2), 38,10)	(Note: in addition or in lieu of revoking or suspending a license, a civil fine may be imposed as follows:	5181010			
				1stnot more than 1,000 2ndnot more than 2,500 3rdnot more than 5,000)				

		Basis for a DWI Charge		Chemica	I Breath Tests for BAC	Level
		1			Implied Co	Ansent Law
STATE	lliegal Per Se Law (BAC Level)	Presumption (BAC Level)	Other	Pretiminary Breath Test Law	Arrest Required (Yes/No)	Other Information
WASHINGTON						
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	0.10% (Rev. Code of Wash. Ann. \$46-61,506(1))	0,10% (Rev. Code of Wash. Ann. \$46.61,502(1))		No	Yes (Rev. Code of Wash. Ann. §46-20-308)	
WEST VIRGINIA See: West Virginia Code take effect September 1, 1981 as amended by H.B. 542 and H.B. 1402; both of these passed the legislature March 12, 1983 and are in affect 90 days from passage	(Note: See Adminis- trative Per Se on page 3-293)	0.10≸ 17C-5-8	0.10% is Prima Facie Evidence of driving under the influence of alcohol 17C-5-8(c)	Yes 17C-5-5	Yes 17C-5-4	

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		Other Chen Authorize	Ical Tests For BAC Leve d Under Law (Implied Co	il Which Are onsent Law)	Adjudication of DWI Charges			
	STATE	Blood	Urine	Other (Specify)	Mandatory Adjudication Law (Yes/No)	Ant I-Plea Bargaining Statuto .(%sr/No)	Pro-Sentence Investigation Law (PSI) (Yes/No)	
	WASHINGTON							
		Yes			No (Note: Court appearance mandatory.)	No	Yes Permissive authorization, but not mandatory; see \$46.61.515	
3-290	WEST VIRGINIA	Yes	Yes		No	No		
5		170-5-4	17C-5-4					

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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 Impiled Consent Chemical Test				
		Criminal Sanctions (Fine/Jali)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jaii)	Administrative Licensing Action (Suspension/ Revocation)	Other		
	WASHINGTON					Before Jan. 1, 1985:			
3-291		N/A	N/A	N/A	None	Revocation for 6 months (Mandatory) (Rev. Code of Washington \$46.20.311) After Jan. 1, 1985: Ist refusal-revoca- tion for 1 year (Mandatory) 2nd refusal (w/n 5 yrs)-revocation for 2 yrs (Mandatory) (Section 4 of H.B. 289, 1933)			
1	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)			
						17 C-5-4 17 C-5-7			

STATE	Criminal Sanctions							
	Impri	sonment	Fi	ne		Other Penalties		
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (@.g., Victim's Fund)	Other	
WASHINGTON								
1st offense	24 hours-1 year	24 consecutive hours*	Not more than 750**	-				
2nd and subsequent offenses (w/n 5 years)	7 days-1 year	7 days≭	Not more than 1,500**	-		Yes-as an alternative to fine		
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 *Nay be suspended only if jali 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 aicohol safety program.	200		559A.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 dis- regard of the safety of others*	1-3 years		1,000-3,000					
DWI resulting in death where there is negligence 1st offense 2nd offense	90 days-1 year 6 months-1 year	See note p. 3-2928.	500-1,000 1,000-3,000	Yes				
3rd and subsequent offenses*		)	3,000-5,000	17C-5-2(1)				
Continued on page 3-292A								

			Sanctions Folio	——————————————————————————————————————	on for a DWI Offen		
				Criminal Sanct	lons		·····
STATE	Impri	sonment	F1			Other Penalties	
	Term (Day, Months, Years, Etc.)	Mendatory 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	Not more than 5 years		Not more than 10,000			Yes-as an alternative to fine	
	i					\$\$9A.04.04(2) & 9A.20.03	
Continued on page 3-293	(Rev. Code of Wash	. Ann. \$\$46.61.502,-	504, and -,515)				
WEST VIRGINIA							<u> </u>
DWI resulting in bodily injury where there is negligence					)		
ist offense	21 days**-1 year	**	200-1,000				
2nd offense	6 months-1 year		1,000-3,000		Yes		
3rd and subsequent offenses*	1-3 years	See note p. 3-2928.	3,000-5,000		17C-5-2(1)		
DWI not related to death or bodily injury							
lst offense	1 day##—6 months	**	100-500		)		
Continued on page 3-2928					•		

1				Criminal Sanct	ions		
STATE	Impri	sonment	FI	ne		Other Penalties	
	Term (Day, Months, Years, Etc.)	Mandatory Minimum Term	Amount (\$ Range)	Mandatory Minimum Fine (\$)	Community Service	Restitution (e.g., Victim's Fund)	Other
ļ							
WEST VIRGINIA					<b>`</b>		
2nd offense	6 months-1 year	2	1,000-3,000		Yes		
3rd and subsequent offenses	1-3 years	See note below. See Art. 11a; Ch. 62.	3,000-5,000		J		
§17C-5-2					170-5-2(1)		
*Felony: All oth	er DWI offenses are	misdemeanors,					
**Actual confineme	nt of not less than	24 hours.					
Note: The above s Court suspension c	entences are mandato r probation); see §1	ry (not subject to 7C-5.2(m).					
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			Administrativ	Elicensing Actions		
STATE	Pre-DWI	Conviction Licensing			I Conviction Licensin	a 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)**			Ist 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 driv- ing while under the influence)		-	None (Note: Mandatory lic under previous law fo replaced by the provi	None ense suspension/revoc ilowing a DWI convict sions of the Administ	Ion have been
	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 - Rev	vocation for life (1	0 years mandatory			
Continued on page 3-293A		1				

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					Licensing Actions		
	STATE	Pre-DWI	Conviction Licensing	Action		1 Conviction Licensi	ng 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						
	WASHINGION	2nd Incident (w/n 5 years) Revocation for 1 year*			2nd offense (w/n 5 years) Revocation	î year	1 year
		3rd incident (w/n 5 years) Revocation for 2 years*			3rd offense (w/n 5 years) Revocation	2 years	2 years **A restricted license may be issue under certain condi-
		*Mandatory licens- ing action Note: Admin Per Se Law effective					tions after the 30- day mandatory period see the Rev. Code of Wash. Ann.\$46.20.391
	ontinued on 1 page 3-294	January 1, 1985 <b>f</b> 4 of H-B- 289, 1983)			Vehicle assault revocation (Rev. Code of Wash. S	1 year ≨45-20-285 46-04-480	1 year
-	<u> Pressing and the set stars</u>			<del></del>		-	
	WEST VIRGINIA			1			1
		Admin. actions where there is a death of a person but no recklessness on the part of the driver			Except out of State conviction of West Virginia drivers; revocation	Not less than 90 days for out of State conviction only	Not less than 90 days for out of State conviction only
		ist action - 5	years revocation (2 )	/2 years mandatory)			
		2nd action - Re	vocation for life (10	years mandatory)			
		Admin. actions where there is bodily injury	:				
	ontinued on age 3-293B	ist action - 2	years revocation (1 y	vear mandatory)			
	<b>v</b>	2nd action - 10	years revocation (5	years mandatory)			

			Administrative	Licensing Actions		
STATE	Pre-DWI	Conviction Licensing			I Conviction Licensin	a Action
	Administrative Per Se Law	UVC Type of Provisions	Other	Type of Licensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mendatory Minimum Term of Withdrawal
WASHINGTON						
WEST VIRGINIA						<u>, , , , , , , , , , , , , , , , , , , </u>
	Admin. actions where there is no death or bodily injury:					
	1st action - 6 mo	nths revocation (90 d	ays mandatory)			
	2nd action - 10 ye	ars revocation (5 yea	rs mandatory)			
	3rd action - Revoc	ation for life (10 ye	ears mandatory)			
	Note: See Rehabilitat	ion Section on page 3	-294.			
	1	\$17C-5A-2 and \$1 & (c)	7C-5A-3(a), (b),			
Continued on page 3-294						

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				Other			
		Rehabilitation			Impoundment/Confis	scation	1
STATE	Aicohoi Education	Aicohoi Treatment	Aicohol Educa- tion/Treatment as an Aiternative to Criminal/ Licensing Actions (Describe)	Authorized By Specific Statutory Authority	Teras Upon Which Vehicle Will be Released	Other	Miscelianeous Sanctions Not include Elsewhere
WASHINGTON							
1st offense	Yes	Yes		No			
2nd and subsequent offense (w/n 5 years)	Yes	Yes ucation/Treatment	Programs are				
	required and are civil sanctions:	in addition to any	other criminal/				
				1940-144 - 1-4-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1			
WEST VIRGINIA							
	Yes	See note below	Generally no, but	No			
	17C-5A-3	170-58-3	there are some limited alter- natives. See l7C-5A-3				
	has elapsed and ( completed an appr cation or alcohol reissued with or	the period ot mano (2) the driver has coved program of ei- treatment, his/he without conditions (3) et sec.	successfully ther alcohol edu- er license may be . For mandatory				

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			Other		s Related to Al		riving		
				Но	micide by Vehic	10			
STATE			Criminal	Sanctions	Sanctions	Administ	rative Licensir	n Actions	Other
••••	State Has Such a Law/ Type of Offense	Imprisonment (Term)	Mandatory Minimum Term	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Licensing Authorized and Type of Action	Length of Term of Licensing Withdrawai	Mandatory Action Min. Length of License Withdrawai	
WASHINGTON									
	Yes− Class B felony	Not more than 10 years		Not more than 20,000		Revocation	2 years	2 years	
	where death is caused by the operation of a vehicle while under the influence of intoxicat- ing liquor or			(Under \$9A.20.30; restitution may be authorized in lieu of a tine)					
	in a reckless manner. (	Rev. Code of Wa	sh. ∮∮46.20.285	and 46.61.520	) ·			(Rev. Code of §46.20.391 (Ef	Washington f. 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)								•
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					whol Use and Driving		
STATE		Driving Whit	e License Suspe	Sanctions	i Where the Basis Was	a DWI Uttense	
SIALE		Criminal		Saliet joils		istrative Licensing A	ctions
	imprisonment (Term)	Mandatory Minimum Term of imprisonment	Fine (\$ Range)	Mandatory Minimum Fine (\$)	Type of Licensing	Length of Term of License Withdrawai Action	Mandatory Term of License Withdrawal Action
WASHINGTON							
lst offense	10 days-6 months		Not more than 500		Suspension or revocation	lf offense is driving while	Same*
2nd offense	90 days-1 year		Not more than 500			suspended, an additional suspension for a period equal to the	
3rd offense	1 year		Not more than 500			period equal to the original suspension period; if the offense is driving while revoked, an additional revocation period of i year	
	(Note: See last o	ffense listed under 1	he DWI sanction	s section on			*A restricted
	page 3-292 abo 46.61.515(2))	ve (Rev. Code of Wash	. Ann. §§46.20.	342 and			license may be
WEST VIRGINIA	page 3-292 abo 46,61,515(2))	ve (Rev. Code of Wash	. Ann. §§46.20.	342 and			license may be issued under certai
WEST VIRGINIA 1st offense	page 3-292 abo 46.61.515(2)) Misdemeanor 48 hours-6 months	ve (Rev. Code of Wash	. Ann. §§46.20.	342 and	Either suspension or revocation	If license was originally suspended the	license may be Issued under certal conditions.
lst offense	46,61,515(2)) Misdemeanor 48 hours-6 months Misdemeanor	-	. Ann. §§46.20.	342 and		originally suspended the license withdrawa! would be equivalent to the original	license may be issued under certal
1st offense 2nd offense 3rd and	46,61,515(2)) Misdemeanor 48 hours-6 months	48 hours	• Ann • §§46.20. 100-500	342 and		originally suspended the license withdrawal would be equivalent to the original period of suspension.	license may be Issued under certal conditions.
	46,61,515(2)) Misdemeanor 48 hours-6 months Misdemeanor 6 months-1 year	48 hours	. Ann. §§46.20. 100-500 1,000-3,000	342 and 100 1,000 <sup>-</sup>		originally suspended the license withdrawal would be equivalent to the original period of	license may be Issued under certal conditions.

		•	Other Crimi	nal Actions Rel	ated to Alcohol	Use and Drivin	gContinued		
1		·			itual Offender				
				Type of Criminal		Sanctions Foll While on	owing a Convict Habitual Offend	tion of Driving der Status	<b></b>
STATE	State Has Such a Law (Yes/No)	Grounds for Being Declared an Habitual Offender	Term of License Revocation While Under Habitual Offender Status	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)
WASHINGTON									
	Yes	3 serious offenses with- In 5 years or a combination of 20 minor and for serious offenses with- In 5 years provided that 3 minor offenses must have been com- mitted within a period of 360 days for this alterna- tive to apply.	*Special stay of revocation if based on DWI offenses and person is attending an alcohol treatment program; or after 2 years a restricted	Gross misdemeanor	Not more than l year If convicted for DWI and for this offense, the penalty is 30 days- 1 year and the 30 day sentence shali not be suspended or deferred				There is no special licensing action for this offense.
WEST VIRGINIA									
	No	None							
•									
									tion August 198

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		Laws R	equiring BAC ersons Killed	Chemical Test In Traffic Cr	s on Those ashes		stablishing t erning Alcoho	he Minimum lic Beverages	Dram Sh	op Laws and Related Legal	Actions
	STATE		BAC Chemic	al Test is Gi llowing Perso	ven to the	Minimum			State Has a	"Dram Shop Law" Concept Has Been Adopted via a Change to the Common Law	
		State Has Such A Law (Yes/No)	Driver	Vehicle Passengers	Pedestrians	Age (Years) Sale/ Purchase	Minimum Age (Years) Possession	Minimum Age (Years) Consumption	Dram Shop Law (Yes/No)	Rule by Action of This Highest Court of Record in the State (Give the Case Citation)	Other
	WASHINGTON										•
		Yes	Yes	No	Yes	21	21	21	No	Callan v. O'Neil, 578 P.2d 890 (1978)	
3-298		(Rev. C	ode of Wash. 46.	Ann. §∮46.20. 52.065)	308(1) and	\$\$6	have bee alcoholic b their pa guardian	or minors who n served everages by rents or s and for services.			
[	WEST VIRGINIA										
		Yes	Yes	No	Yes	19	N/A	N/A	No	N/A	
		17C-5B-1			(Adult Pedestrians)	For State residents					
						21 for out-of- state residents					
						\$\$11-16- 13 & 60-3-22					
										2nd Ed1+1on	August 1983

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		Other State Laws Related	to Alcohol Use and DrivingCo	ntinued	
		ainst Owner or Employees of Esta holic Beverages to Intoxicated f		of Establis	ive Actions Against Owners ments That Serve Alcoholi s to Intoxicated Patrons
STATE	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					
lst offense		Not more than 2 months	Not more than 500	Suspension	
2nd offense		Not more than 6 months		or revocation	statute
örd and subsequent offenses		Not more than i year			
For corporations					
lst offense		*	Not more than 5,000		
2nd and Subsequent Stfense	(Rev. Code of Wash, Ann.	 \$66,04.010, 66.24.010, 66.44.18	Not more than 10,000* *And/or forfeiture of its corporate license. 0. 66.44.200. and 66.44.280 (i	Repealed))	
WEST VIRGINIA					
	Misdemeanor (For wine & beer)	30 days-6 months	25-500	Yes	Not specified in the statute
i	· · · ·	\$\$11-16-13(r) & 60-8-25(a)		Suspended or revoked	\$\$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 60-8-20(c)	-13(b), 60-7-12(a)(3) &			

1	]			te Laws Related to Alc	ohol Use and Driving	Continued		
STATE	Employees of Alcoholic Ben Alcoholic Ben	Criminal Actions Against Owners or Employees of Establishments That Serve Alcoholic Bevarages or the Wrong Type of Alcoholic Bevarage to Those Persons Under the Minimum Legal Drinking Age			ns Against Owners of at Serve Alcoholic ong Type of Alcoholic Persons Under the 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 Withdrawai	State Has Such a Law (Yes/No)	Explanation of Such State Law If Needed	
WASHINGTON		Same penalties serving alcoho to intoxicated	lic beverages	Suspension or revocation	Not specified in the statute	Yes	This law provides that no person shall open a package containing liquor or consume liquor in a public place	
	(Rev. Code of	Wash, Ann, ∮≸¢	6.24.010, 66.4	4.180, 66.44.270, 66.4	4.320, and 66.44.325)	66,44,100	Note: Under \$28 of H.B. 289 as enacted in 1983, it is a traffic infraction to have a open or unsealed container c 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 specififed in the statute \$\$11-16-15 & 60-8-18	No		
	Misdemeanor (For liquor) (Note: See g	Not more than 1 year enerally §§11-1	100-500 6-13(b), 60-7-	Suspended or revoked 12(a)(3) & 60-8-20(c))	1 year ≸50-7-13(a)			

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		Basis for a DWI Charge	)	Chemica	i Breath Tests for B/	C Level
STATE	illegal Per Se Law (BAC Level)	lliegal Per Se Presumption Law (BAC Level) (BAC Level)		Preliminary Breath Test Law	impiled ( Arrest Required (Yes/No)	Onsent Law Other Information
WISCONSIN See: Wisconsin Statutes Annotated, 1971, 1982 Supp. and West's Wisconsin Legislative Service, 1982 (current to June 14, 1982)	0 <b>.</b> 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 facle evidence of intoxication. (Wyoming Stat. Ann. §32-5-233)	No	Yes	

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	Other Chemi AuthorIzed	cal Tests For BAC Leve Under Law (implied Co	I Which Are Insent Law)	Ad	udication of DWI Char	g <del>os</del>
STATE	Blood	Ur ine	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	Yes
					<b>\$967.</b> 055	Wis. Stat. Ann. \$343,305(9)(c)
					The Court must approve dismissals of or amendments to DWI charges.	
WYOMING						<u> </u>
	Yes	· Yes		No	No	No
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ул. Настоя Полого (1999)	T	• • • • • • • • • • • • • • • • • • • •		sal To Submit to a BAC		 
STATE	Refusa	To Take Pretiminary Br		Breath Test Refusal To 1	Take Implied Consent (	henical Test
	Criminal Sanctions (Fine/Jali)	Administrative Licensing Action (Suspension/ Revocation)	Other	Criminal Sanctions (Fine/Jail)	Administrative Licensing Action (Suspension/ Revocation)	Other
WISCONSIN						
	None	None	 (Wis. Stat. §343,303)	None	<pre>1st refusal - 6 mont 15 days of the revoor driver is eligible f 11cense. 2nd refusal and/or E w/n 5 years - 1 year 60 days of the revoor driver is eligible f 11cense. 3rd and subsequent r offense conviction w revocation; after 90 tion period, the dri an occupational lice</pre>	ation period, the for an occupational will offense conviction revocation; after ation period, the for occupational refusal and/or DWI (/n 5 years - 2 years I days of the revoca- ver is eligible for
WYOM I NG	N/A	NZA	N/A	None	Suspension for 30 days	
				(Wyoming Stat, Ann, \$31-6-102(a)(b))	JU days (Mandatory)	

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Criminal Sanctions           STATE         Imprisonment         Fine         Other Penaltie           Term (Day, Months, Years, Etc.)         Mandatory Minimum Term         Amount (S Range)         Mandatory (S)         Restitution (e.g., Victim's Fund)           WISCONSIN         Non-injury related DWi offenses         Imprisonment (S Range)         Imprisonme	
Mandatory Years, Etc.)     Mandatory Minimum Term     Amount (\$ Range)     Mandatory Hinimum Fine (\$)     Mandatory Community (\$)     Restitution Community Service     Restitution (e.g., Victim's Fund)       WISCONSIN     Non-injury related DWi     Non-injury     Non-injury	
Non-Injury related DWI	
related DWI	
1st offense 150-300 None None	
2nd DWI offense 5 days- 6 months 300-1,000 or refusal w/n 5 years	
3rd and subsequent 30 days-1 year offense or refusal w/n 5 years	
Injury related 30 days-1 year 300-2,000	
DWI offenses (Wis. Stat. Ann. \$\$343.305, and 346.65)	
WYOMING	
1st offense Misdemeanor 1 day Not more than 1-30 days 200	
2nd and Misdemeanor 7 days Not more than subsequent 7-90 days 200	
(Wyoming Stat. Ann. \$\$31-5-233, 31-6-101, and 31-7-127 et seq.)	

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Γ			Sanction	s Following a Convictio	on for a DWI OffenseC	continued .	
-					Icensing Actions		
	STATE	Pre-DW	I Conviction Licensing	Action ·		Conviction Licensi	ng Action
		Administrative Per Se Law	UVC Type of Provisions	Other	Type of Lieensing Action (Suspension/ Revocation)	Term of License Withdrawal (Days, Months, Years, etc.)	Mandatory Minimu Term of Withdrawa
	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	5
	2nd offense				panviction of any ≵yp be issued.	no previous refusais e within 5 years; a r evocatic# 6 months-1 y	estricted license m
	3rd offense				If there have been on convictions of any ty refusais/convictions issued after 30 days.	upa within 5 years; 1, within 5 years; a res	.e., two stricted license may
						Revocation 1-2 years	i
	injury related	No	No		If there are been two convictions within 5 within 5 years; a res	years; ie., three ref	usals/convictions
ļ	DWI offenses	NO .	NO		Revocation	1-2 years	60 days
		(Wis. Stat. Ann.	<u>\$\$343.30, 343.31, 343</u>	.305, and 346.65)		<u> </u>	
T	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	-	Reovcation	1 year *It appears that a license could be	Same
- [	1	(Wyoming S	tat. Ann. \$\$31-7-123 1	(31-7-135)		suspended or revoked	

Г			5	anctions Following	a Conviction for	a DWI OffenseCon	tinued	·····
1					Other			
	STATE	Alcohoi Education	Rehabilitation Alcohol Treatment	Alcohol Educa- tion/Treatment as an Alternative to Criminal/ Licensing Actions (Describe)	Vehicle Authorized By Specific Statutory Authority	impoundment/Confi Terms Upon Which Yehicle Will be Released		Miscellaneous Sanctions Not Included Elsewhere
	W I SCGNS I N	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 icense is either suspended or revoked; see Wis. Stat. Ann. §343.44(4)	
3-306	WYOM ING				No			
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		L		Other	Criminal Action	s Related to Al	cohol Use and I	Driving		
					Ho	micide by Vehic	le	·		
	STATE			Criminal	Sanctions	Sanctions	Administ	rative Licensin	a Actions	Other
	01112	State Has Such a Law/ Type of Offense	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 Withdrawai	
	WISCONS IN	Yes Class E	Not more than		Not more than		Revocation	1 year	A restricted	
3-307		feiony Death caused by operation of a vehicle with a high degree of negligence Class D feiony where death caused by the operation of a vehicle in	2 years Not more than 5 years		10,000 Not more than 10,000		Revocation	5 years	license may be issued. 120 days A restricted license may be issued after this	
07	wyom i Ng	an intox- lcated condition	at. Ann. §§343. Not more than 1 year	10, 343,31, 939 	<u>50, 940.08, an</u> Not more than 2,000	d 940.09) 	Revocation or suspension	Not more than 12 months	period. Same	
		by operation of a vehicle in violation of the motor vehicles laws regulating traffic control	ng Stat. Ann. S	§31-5-1115 (гөр	ealed) and 31-5	-1117)	(Wyomiong Stat, Ann. §§31-7-126(a) (11) (repealed) but see 31-5-1117)			

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Ē	Other Criminal Actions Related to Alcohoi Use and DrivingContinued Driving While License Suspended or Revoked Where the Basis Was a DWI Offense											
STATE		Di iving with	le License Suspe	Sanctions		a Det Offense						
	······································	Criminai			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 Withdrawa Action					
WISCONSIN												
1st offense	Not more than 6 months		150-600		Revocation	6 months	A mandatory licens withdrawal period					
2nd offense*	10 days-6 months		300-1,000		Revocation	6 months	not specified; a restricted license					
3rd otfense*	30 days-9 months		1,000-2,000		Revocation	6 months	could be reissued but only if there					
45h offense*	60 days-1 year		1,500-2,500		Revocation	6 months	has been no previo suspension or					
5th and subsequent offenses	6 months-1 year	<b></b>	2,000-2,500		Revocation	6 months	revocation tor the past year.					
*(Within 5 years)	CWI	s. Stat. Ann. 5\$343.3	1 and 343.44)									
WYOMING	****	<b>18 - 10 - 18 - 19 - 19 - 19 - 19 - 1</b> 9 - 19 - 19 - 1										
	Misdomeanor		Not more than		Suspension or	The original	Same					
	Not more than 6 months		100		revocation	suspension or revocation period is extended 1 year	:					
	· · ·	(Wyoming Stat. Ann. §	31~7-135)									
Sec. 2 Sec.		i				· ·						
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	Other Criminal Actions Related to Alcohol Use and DrivingContinued Habitual Offender Laws												
				Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	ITUBI Offender	Sanctions Foli While on	owing a Convict Habitual Offend	ion of Driving er 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		lmprlsonment (Term)	Mandatory Ninimum Term of Imprisonment	Fine (\$ Range)	Handatory Minimum Fine (\$)	Licensing Actions (Specify)				
WISCONSIN													
	Yes	Four or more serious offenses or 12 or more normal moving violations w/5 years	5 years		90 days	. –	Up to 1 <b>,0</b> 00		<b></b> *				
	•												
	<b>\$351.II</b> 1				-								
WYOMING							ي اي من الكريم من الكريم و من ال						
	No	_	÷.			-							
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	Laws Re Per	sons Killed	Chemical Test in Traffic Cr	ashes	Laws Establishing the Minimum Ages Concerning Alcoholic Beverages			Dram Sh	op Laws and Related Legal	Actions
STATE		BAC Chemic Fo	al Test is Gi llowing Perso	ven to the ns				State	"Dram Shop Law" Concept Has Been Adopted via a	
	State Has Such A Law (Yes/No)	Driver	Vehicle Passengers	Podestrians	Minimum Age (Years) Sale/ Purchase		-	Has a Dram Shop Law (Tes/No)	Change to the Common Law Rule by Action of This Highest Court of Record In the State (Give the Case Citation)	Othe
WISCONSIN										
	Yes	Yes	No	Yes	18	sion or con public plac	by a parent	No (Wis. Stat. Ann. \$176.35 repealed)		
					\$\$125.07( (4)	1) & 125.07				
WYOM ING	Yes 20 \$4935	Yes	No	No	19	a public pi are exempti	N/A possession in ace; there ons for either or by order of	No	McClellan v. Tottenhoff, 666 P.2d.408 (Wyo.1983)	
					<b>§</b> 12-	6-10(Б)				

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		Other State Laws Related to	Alcohol Use and Driving	Continued		
	Criminal Action Aga Alcohu	inst Owner or Employees of Estab olic Beverages to intoxicated Pa	lishments That Serve trons	Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Intoxicated Patrons		
STATE	Type of Criminal Action	Term of Imprisonment	Fine (\$ Range)	License to Serve Alcoholic Beverages Withdrawn (Yes/No)	Length of Term of License Withdrawai	
WISCONSIN					•	
	Misdemeanor	Not more than 60 days	100-500	Revocation	12 months	
	()(	Is. Stat. Ann. §§125.07 and 125.	12)			
					·	
WYOMING						
			<b></b> .			
	(Wyon	ning Stat. Ann. §12-5-501 repeale	) ( De			
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STATE	Other State Laws Related to Alcohol Use and DrivingContinued						
	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							
lst offense	(Forfeiture)		Not more - than 500	*		Yes	
2nd offense (w/n 12 months)	(Forfelture)		20 <b>0–5</b> 00	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)	(Forfelture)		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 S	tat. Ann. §§12- 12-7-102)	6-101, and				

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