Digest of State Alcohol-Highway Safety Related Legislation

Current as of January 1988

Sixth Edition

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

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National Highway Traffic Safety Administration
Washington, DC 20590

PREFACE

Drunk driving continues to be one of our nation's most serious public health and safety problems. It is, in fact, a national epidemic which transcends State boundaries and from which no one is immune. In excess of 50 percent of all drivers killed each year have blood alcohol concentrations (BACs) higher than the legally recognized limit, 0.10 percent. In single vehicle fatal crashes, more than 65 percent of the drivers who died were legally drunk. Over the past decade, the United States has experienced an average of 25,000 deaths per year involving alcohol. Therefore, approximately one quarter of a million persons have been killed in alcohol-related crashes in the past ten (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 costs 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 occurred and is occurring. This digest is an attempt to summarize the existing legislation as of January 1, 1988.

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PURPOSE

This Digest is designed for use by anyone interested in State laws related to alcohol and drug use and highway safety. It provides the reader with the status of such State laws as of January 1, 1988.

ORGANIZATION

The Digest is divided into three main areas: (1) Introduction; (2) High Interest Legislation; and (3) State Law Summary. The Summary is organized by State and then by specific legal topics. The Summary includes code and, where needed, case law citations; these should help individuals conducting additional research in this area of the law. It should be noted that the Summary can be used to facilitate the comparison of State laws in the subject areas.

The Digest also includes two appendices, using the State Law Summary's format, giving (1) the Uniform Vecicle Code's alcohol and drug driving offense provisions and (2) certain criteria for Federal Alcohol Incentive Grant Funds under 23 USC §408.

EXPLANATIONS

The following statements clarify the contents of and/or establish certain presumptions used in the Digest.

1. For each State in the Summary, the section on "Other Tests for BAC Levels which are Authorized by Law" identifies other bodily substances (e.g., blood) which may be tested 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, could be subjected to the same sanctions as those specified for a refusal to submit to a chemical breath test.

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

3. The term "mandatory sanction" means either a criminal sanction (e.g., jail, fine or community service) or an administrative licensing action (e.g., license suspension or revocation) which must be imposed by either a court or an administrative agency. That is, statutory law specifically requires that such sanction be given; this may be accomplished by denying either the court or the administrative agency the power to either suspend or otherwise prevent the imposition of such sanction.

4. Unless otherwise stated, the sanctions are the same for all alcohol driving offenses (e.g., driving while under the influence, illegal per se, et al.). Likewise, sanctions for alcohol and drug driving offenses are the same unless otherwise specified.

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

6. For each State in the Summary, in the section on "Driving After License hasbeen Suspended or Revoked for an Alcohol Driving Offense," the general sanctions for operating a vehicle while in a license suspension/revocation status are given in the absence of any specific sanctions dealing with the exact subject of the section.

7. A number of States have adopted the concept of a dram shop law via case law decisions. State courts making such decisions have used a multiplicity of legal theories in their opinions. Citations to major case law decisions are give in this Digest. Note: Some States have both case law and statutes.

8. The "Open Container" Law section also includes State laws which prohibit the consumption of alcoholic beverages in motor vehicles.

9. A statute or regulation banning "Happy Hours" means one that prohibits the sale of alcoholic beverages below the price per quantity normally charge for such beverages

LEGISLATIVE SUBJECT AREAS

- Basis for an Alcohol Driving Offense and BAC (Blood Alcohol Content) Level
- Basis for a Drug Driving Offense (Types of Drugs)
- Chemical Breath Tests
  - Preliminary
  - Evidential (Implied Consent Law)
- Other Tests for BAC/Drugs Under the Implied Consent Law
- 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: Pre-conviction and Post conviction)
  - Rehabilitation
  - Vehicle Impoundment
- Homicide by Vehicle
- Driving While License Suspended or Revoked Where the Basis was an Alcohol Driving Offense
- Habitual Offender Laws
- BAC Tests Required for Persons Killed as a Result of a Traffic Crash
- Laws Establishing Minimum Ages Concerning the Use of Alcohol Beverages
- Dram Shop Laws and Related Legal Actions

- Laws Concerning Criminal/Administrative Actions Against Employees/Owners of Licensed Liquor Establishments who Sell Alcoholic Beverages to Persons who are under the Legal Drinking Age or who are Intoxicated
- Laws Prohibiting "Happy Hours"
- Laws Prohibiting the Possession of Open Containers of Alcoholic Beverages in Motor Vehicles (the Passenger Compartment)
- Laws Prohibiting the Consumption of Alcoholic Beverages in Motor Vehicles

ABBREVIATIONS

cl = class
cons = consecutive
dy = day
dys = days
hr = hour
hrs = hours
mand = mandatory
misd = misdemeanor
mo = month
mos = months
N/A = not applicable
n.a. = not available
off = offense
offs = offenses
rev = revocation
susp = suspension
UVC = Uniform Vehicle Code
veh = vehicle
w/n = within
yr = year
yrs = years

FEEDBACK

We intend, of course, to update this publication periodically. Accordingly, the NHTSA staff would appreciate receiving any comments that you might have concerning improving any future digest's readability or accuracy.

Any comments, corrections or new information should be sent to:

National Highway Traffic Safety Administration
Office of Alcohol and State Programs - Code NTS-20
400 7th Street, S.W.
Washington, D.C. 20590

Attention: Legislative Resource Center

Telephone: (202) 366-2729

Finally, NHTSA staff hopes that this document will be useful to you. If you are interested in receiving updates to this Digest, please let us know via either telephone or letter.

ANALYSIS BY STATES -- HIGH-INTEREST LEGISLATION
TABLE 1

STATE	PBT[1] Law	Implied Consent Ref Mand Min Lic Action 1st Refusal	2nd Refusal	Administrative Per Se (BAC Level)	Administrative Per Se (Mand Min Licensing Action) 1st Offense	2nd Offense	3rd Offense
AL		S-90 dys	S-1 yr	N	--	--	--
AK	X	R-90 dys	R-1 yr	Y-0.10	R-30 dys	R-1 yr	R-10 yrs
AZ		S-12 mos	S-12 mos	Y-0.10	S-30 dys	S-90 dys	S-90 dys
AR		S-6 mos	S-1 yr	N	--	--	--
CA		S-6 mos	S-2 yrs	A[2]	--	--	--
CO	X	R-1 yr	R-1 yr	Y-0.15	R-1 yr	R-1 yr	R-1 yr
CT		S-6 mos	S-1 yr	N	--	--	--
DE	X	R-6 mos	R-18 mos	Y[3]	R-3 mos	R-1 yr	R-18 mos
DC		S-12 mos	S-12 mos	Y[4]	--	--	--
FL	X	--	S-18 mos	N	--	--	--
GA		S-6 mos	S-6 mos	N	--	--	--
HI		R-12 mos	R-2 yrs	N	--	--	--
ID		S-180 dys	S-180 dys	N	--	--	--
IL	X	--	S-90 dys	Y-0.10	--	S-90 dys	S-90 dys
IN		S-1 yr	S-1 yr	Y-0.10	S-180 dys[5]	S-180 dys[5]	S-180 dys[5]
IA	X	R-240 dys[6]	R-360 dys[6]	Y-0.10	--	R-1 yr	R-1 yr
KS	X	--	--	N	--	--	--
KY	X	--	--	A[7]	--	--	--
LA		S-90 dys	S-545 dys	Y-0.10	S-30 dys	S-365 dys	S-365 dys
ME		S-90 dys	S-1 yr	Y-0.10	--	--	--
MD	X	--	--	N	--	--	--
MA		S-120 dys	S-120 dys	A[7]	--	--	--
MI	X	--	S-1 yr	N	--	--	--
MN	X	--	--	Y-0.10	--	--	--
MS	X	S-90 dys[8]	S-90 dys[8]	Y-0.10[9]	--	--	--
MO		--	R-1 yr	Y-0.13	--	--	--
MT		S-90 dys	R-1 yr	N	--	--	--
NE	X	R-60 dys	R-6 mos	N	--	--	--
NV	X	R-1 yr	R-3 yrs	Y-0.10	--	--	--
NH	X	R-90 dys	R-1 yr	N	--	--	--
NJ		R-6 mos	R-2 yrs	N	--	--	--
NM		R-1 yr	R-1 yr	Y-0.10	R-90 dys[10]	R-1 yr	R-1 yr
NY	X	R-6 mos	R-1 yr	A[7]	--	--	--
NC	X	R-6 mos	R-12 mos	Y-0.10[9]	R-10 dys	R-10 dys	R-10 dys
ND	X	R-1 yr	R-2 yrs	Y-0.10	S-30 dys	S-364 dys	S-2 yrs
OH		--	--	A[7]	--	--	--
OK		--	--	Y-0.10	--	--	--
OR		S-90 dys	S-1 yr	Y-0.08	S-30 dys	S-1 yr	S-1 yr
PA	X	S-12 mos	S-12 mos	N	--	--	--
PR	X	--	--	N	--	--	--
RI	X	S-3 mos	S-1 yr	N	--	--	--
SC		S-90 dys	S-90 dys	N	--	--	--
SD	X	--	--	N	--	--	--
TN		--	--	N	--	--	--
TX		--	--	N	--	--	--

ANALYSIS BY STATES -- HIGH-INTEREST LEGISLATION
TABLE 1 (continued)

STATE	PBT[1] Law	Implied Consent Ref Mand Min Lic Action 1st Refusal	Implied Consent Ref Mand Min Lic Action 2nd Refusal	Administrative Per Se (BAC Level)	Administrative Per Se (Mand Min Licensing Action) 1st Offense	Administrative Per Se (Mand Min Licensing Action) 2nd Offense	Administrative Per Se (Mand Min Licensing Action) 3rd Offense
UT		R-1 yr	R-1 yr	Y-0.08	--	--	--
VT	X	S-6 mos	S-18 mos	N	--	--	--
VA	X	S-6 mos	S-1 yr	N	--	--	--
WA		R-1 yr	R-2 yrs	N	--	--	--
WV	X	R-1 yr	R-5 yrs	Y-0.10[11]	R-90 dys	R-5 yrs	R-10 yrs
WI	X	R-30 dys	R-90 dys	Y-0.10	S-15 dys	S-15 dys	S-15 dys
WY		S-6 mos	S-6 mos	Y-0.10	--	S-90 dys	S-90 dys
TOTAL	26	S - 21 R - 17	S - 23 R - 19	Admin Per Se - 23	S - 6 R - 6	S - 8 R - 7	S - 8 R - 5

S = Suspension
R = Revocation

Y = Yes
N = No
A = Alternative

[1]Preliminary Breath Test (Pre-arrest/nonevidentiary breath test)
[2]Pre-DWI adjudication licensing action for persons who have been involved in a DWI related accident and who have had a previous DWI related vehicle homicide conviction.
[3]Based on probable cause of DWI.
[4]Based on sufficient evidence of DWI.
[5]Suspension up to 180 days or until the DWI charges have been disposed of which ever occurs first.
[6]A restricted license may be issued for an implied consent law violation provided the defendant pleads guilty to a subsequent DWI charge.
[7]Alternative pre-DWI criminal adjudication licensing action by the courts.
[8]License suspension for one (1) year if the driver has a prior DWI offense conviction.
[9]Special provisions/procedures.
[10]Applies to persons 18 years old or above.
[11]Or under the influence of alcohol.

ANALYSIS BY STATES -- HIGH-INTEREST LEGISLATION
TABLE 2

STATE	Illegal Per Se (BAC Level)	Pre-sumptive (BAC level)	In Vehicle Prohibitions: Open Con-tainer[1]	In Vehicle Prohibitions: Anti-Consump-tion Law	Dram Shop Law[2]	Legal Purch/ Sale for Alc Bev
AL	0.10	0.10			Statute	21
AK	0.10	--			Statute	21
AZ	0.10	0.10		X[3]	Statute	21
AR	0.10	--		X[4]	No	21
CA	0.10	0.10	X	X	Statute[5]	21
CO	0.15	.05-.10[6]		X	Statute	21
CT	0.10	--			Statute[8]	21
DE	0.10	0.10[9]			No	21
DC	0.10	0.05[9]		X	Case Law	21[10]
FL	0.10	--			Statute[11]	21
GA	0.12	0.10			Possible[7]	21
HI	0.10	--	X	X	Case Law	21
ID	0.10	>0.08	X		Statute	21
IL	0.10	0.10	X		Statute[8]	21
IN	0.10	0.10[9]			Statute	21
IA	0.10	--	X	X	Statute	21
KS	0.10	0.10[9]	X	X	No	21
KY	--	0.10		X	Case Law	21
LA	0.10	0.10			Possible[12]	21
ME	0.10	--			Statute[8]	21
MD	--	.08,.13[9,13]	X[14]	X[3]	No	21
MA	--	0.10		X[3]	Case Law	21
MI	0.10	>.07,.10[6]	X	X	Statute	21
MN	0.10	--	X	X	Statute	21
MS	0.10	--			Statute	21
MO	0.10	0.10[9]			Statute[15]	21
MT	0.10	0.10	X	X	Statute	21
NE	0.10	--		X	No	21
NV	0.10	0.10		X[3]	No	21
NH	0.10	0.10[9]		X[4]	Statute	21
NJ	0.10	--		X	Statute	21
NM	0.10	0.10			Statute	21
NY	0.10	0.08[9]		X	Statute	21
NC	0.10	--	X[14]	X[14,3]	Statute	21
ND	0.10	--	X	X	Statute	21
OH	0.10	--		X	Statute	21
OK	0.10	0.10[9]	X	X	Case Law	21
OR	0.08	0.08[17]	X	X	Statute	21
PA	0.10	--		X[3]	Statute	21
PR	--	0.10			No	18
RI	0.10	--		X[3]	Statute	21
SC	--	0.10	X	X[4]	Possible[7]	21
SD	0.10	0.10	X		No	21[23]
TN	--	0.10			Statute	21
TX	0.10	--		X[3]	Statute[21]	21

ANALYSIS BY STATES -- HIGH-INTEREST LEGISLATION
TABLE 2 (continued)

STATE	Illegal Per Se (BAC Level)	Pre-sumptive (BAC Level)	In Vehicle Prohibitions: Open Con-tainer[1]	In Vehicle Prohibitions: Anti-Consump-tion Law	Dram Shop Law[2]	Legal Purch/ Sale for Alc Bev
UT	0.08	--	X	X	Statute	21
VT	0.10	0.10		X[3]	Statute	21[18]
VA	0.10	0.10		X[4]	No	21
WA	0.10	--	X	X	Case Law[8&19]	21
WV	0.10	0.10[20]		X	No	21
WI	0.10	--	X	X	Statute[5]	21
WY	--	0.10			Statute[22]	19
TOTAL	.08 - 2 .10 - 41 .12 - 1 .15 - 1	>.08 - 1 .10 - 21 .10 prima facie - 7 Other - 5	19	34	Case Law - 6 Statute - 33 Possible Case Law - 3	18 - 1 19 - 1 21 - 50

[1]Laws prohibiting the possession of an open container of an alcoholic beverage in the passenger compartment of a motor vehicle.
[2]Ten (10) States do not have dram shop liability.
[3]Applies to drivers only.
[4]Possible.
[5]Applies only to the actions of intoxicated minors; previous case law as to other types of dram shop actions has been specifically abrogated by legislation.
[6]The lower of the two numbers is driving while impaired; the higher is driving while under the influence.
[7]Possible case law.
[8]This state has a statute that places a monetary limit on the amount of damages that can be awarded in dram shop liability actions.
[9]BAC level or levels which indicated prima facie evidence.
[10] Persons who were 18 before 9/30/86, may continue to purchase beer and light wine (14% alcohol or less).
[11]Applies only to the actions of intoxicated minors or persons known to be habitually addicted to alcohol.

[12]Possible case law based upon the actions of minors.
[13]The lower of the two numbers is prima facie evidence of driving while under the influence; the higher is prima facie evidence of driving while intoxicated.
[14]Limited application.
[15]Cause of action limited to licensees who have been convicted of selling alcoholic beverages either to minors or to intoxicated individuals.
[16]The statute applies specifically to the actions of intoxicated minors, but the law does not foreclose developing case law as to other types of dram shop actions.
[17]Not less than 0.08 constitutes being under the influence of intoxicating liquor.
[18]Persons who were 18 as of 6/30/86 may continue to purchase alcoholic beverages.
[19]Applies only to the actions of (1) intoxicated minors and/or (2) adults who have lost their will to stop drinking.
[20]This state has <u>both</u> <u>prima</u> <u>facie</u> and presumptive evidence laws with BAC levels of 0.10.
[21]Statutory law has limited dram shop actions.
[22]Liability limited only to the actions of persons who are under 19 years old.
[23]Until 4/1/88, persons who are at least 19 years of age can purchase 3.2% beer.

ANALYSIS BY STATES -- HIGH-INTEREST LEGISLATION
TABLE 3

STATE	Fine ($) (Mandatory Minimum)			Imprisonment (Mandatory Minimum)		
	First Offense	Second Offense	Third Offense	First Offense	Second Offense	Third Offense
AL	--	--	--	--	48 con hrs	60 dys
AK	--	--	--	72 con hrs	20 con dys	30 con dys
AZ	$250	$500	--	24 con hrs	60 dys	6 mos
AR	--	--	--	--	--	--
CA	$390	$375	$390	--	48 hrs[1&2]	120 dys[1&2]
CO	--	--	--	--	7 dys	7 dys
CT	--	--	--	48 con hrs	10 dys	120 dys
DE	--	--	--	--	60 dys	60 dys
DC	--	--	--	--	--	--
FL	--	--	--	--	10 dys	30 dys
GA	--	--	--	--	48 hrs	10 dys
HI	$150-1000[3]	--	--	48 hrs[3]	48 con hrs	--
ID	--	--	--	--	10 dys	30 dys
IL	--	--	--	--	48 con hrs	--
IN	--	--	--	--	5 dys[4]	5 dys[4]
IA	$500[6]	$750	$750	--	7 dys[7]	30 dys
KS	--	--	--	48 hrs	5 dys	90 dys
KY	--	--	--	--	7 dys	30 dys
LA	--	--	--	2 dys	15 dys	6 mos
ME	$350	$350	$750	48 hrs[17]	7 dys	30 dys
MD	--	--	--	--	48 con hrs	48 con hrs
MA	--	--	--	--	14 dys[8]	60 dys
MI	--	--	--	--	--	--
MN	--	--	--	--	--	--
MS	$200	$400	$500	--	--	--
MO	--	--	--	--	48 con hrs	--
MT	--	--	--	24 con hrs[9]	3 dys[4&9]	10 dys[10]
NE	--	--	--	--	48 hrs	7 dys
NV	--	--	--	2 dys[11]	10 dys[12]	1 yr[13]
NH	--	--	--	--	10 dys[14]	10 dys[14]
NJ	--	--	--	--[15]	48 con hrs	90 dys
NM	--	--	--	--	48 con hrs	48 con hrs
NY	$350	$500	$500	--	--	--
NC	--	--	--	--	7 dys	7 dys
ND	$250	$500	$1,000	--	4 dys[4]	60 dys[4]
OH	$150	$150	$150	--	10 con dys	30 con dys
OK	--	--	--	--	--	--
OR	--	--	--	--[5]	48 hrs	48 hrs
PA	$300	$300	$300	--	30 dys	90 dys
PR	--	--	--	--	--	--
RI	$100	$400	$400	--	48 con hrs	48 con hrs
SC	$200	--	--	48 hrs	48 hrs	60 dys
SD	--	--	--	--	--	--
TN	$250	$500	$1,000	48 hrs	45 dys	120 dys
TX	--	--	--	--	72 hrs[16]	10 dys[16]

ANALYSIS BY STATES -- HIGH-INTEREST LEGISLATION
TABLE 3 (continued)

STATE	Fine ($) (Mandatory Minimum)			Imprisonment (Mandatory Minimum)		
	First Offense	Second Offense	Third Offense	First Offense	Second Offense	Third Offense
UT	$150	$299	$299	48 con hrs	240 con hrs	720 dys
VT	--	--	--	--	48 con hrs	48 con hrs
VA	--	--	--	--	48 hrs	30 dys
WA	$250	$500	$500	24 con hrs	7 dys	7 dys
WV	$100	$1,000	$3,000	24 hrs	6 mos	1 yr
WI	--	--	--	--	--	--
WY	--	--	--	--	7 dys	7 dys
TOTAL	16	14	13	14	42	39

[1]The 48 hours (2nd off) and 120 days (3rd off) are not necessarily served consecutively.
[2]48 consecutive hours or 10 days of community service are mandatory if the Dept. of Motor Vehicles certifies that an application for 23 USC 408 grant funds has been submitted to the U.S. Dept. of Transportation.
[3]See Footnote No. 3 on Table 4.
[4]Must serve at least 48 consecutive hours.
[5]48 con. hrs. but work release is allowed for litter collection.
[6]Not more than 200 hours of community service in lieu of the fine.
[7]This sentence may not be suspended; however, the statute is silent as to probation.
[8]Or 14 days in a treatment facility.
[9]Does not apply to illegal per se offense; this sanction only applies to "regular" DWI offenses.
[10]Must serve 48 consecutive hours; does not apply to illegal per se offenses.
[11]One day imprisonment or 24 hrs of community service if rehabilitation is taken.
[12]5 days if rehabilitation is taken; 48 hours must be served consecutively.
[13]48 hrs. must be served consecutively.
[14]Three (3) consecutive 24 hour periods in a house of correction and seven (7) consecutive 24 hour periods in a DWI detention center.
[15]Mandatory treatment of not less than 12 nor more than 48 hours; this time is to be spent in an intoxicated driver resource center.
[16]As a part of probation.
[17]Provided the defendant either (1) had a BAC level of 0.15 or more, (2) was driving 30 MPH over the speed and had a BAC level of 0.10 or more or (3) was eluding police and had a BAC level of 0.10 or more.

ANALYSIS BY STATES -- HIGH-INTEREST LEGISLATION
TABLE 4

STATE	Community Service In Lieu of Jail			License Sanction (Mandatory Minimum Following a DWI Conviction)		
	First Offense	Second Offense	Third Offense	First Offense	Second Offense	Third Offense
AL	--	20 dys	--	S-90 dys	R-1 yr	R-3 yrs
AK	--	--	--	R-30 dys	R-1 yr	R-10 yrs
AZ	8 hrs	--	--	S-90 dys[5]	R-1 yr	R-3 yrs
AR	--	--	--	--	S-1 yr	S-2 yrs
CA	--	10 dys[1]	--[1]	--	S-30 dys	R-3 yrs
CO	(60 hrs)[2]	(60 hrs)[2]	(60 hrs)[2]	--	R-1 yr	R-2 yrs
CT	100 hrs	--	--	S-1 yr	S-2 yrs	S-3 yrs
DE	--	--	--	R-90 dys	R-6 mos	R-6 mos
DC	--	--	--	R-6 mos	R-1 yr	R-2 yrs
FL	(50 hrs)[2]	--	--	--	R-12 mos	R-24 mos
GA	--	80 hrs	30 dys	--	S-120 dys	R-5 yrs
HI	(72 hrs)[3]	10 dys	--	S-30 dys	S-1 yr	R-1 yr
ID	--	--	--	--	S-30 dys	S-1 yr
IL	--	10 dys	--	--	--	--
IN	--	10 dys	10 dys	S-30 dys	S-1 yr	S-1 yr
IA	--	--	--	--	R-1 yr	R-2 yrs
KS	100 hrs	--	--	S-21 dys[8]	S-120 dys[8]	R-1 yr[8]
KY	--	--	--	S-30 dys	R-12 mos	R-24 mos
LA	4 dys	30 dys	--	--	R-12 mos	R-12 mos
ME	--	--	--	S-60 dys[9]	S-8 mos[9]	S-16 mos[9]
MD	--	80 hrs	80 hrs	--	--	--
MA	--	--	--	S-45 dys	R-1 yr	R-2 yrs
MI	--	--	--	--	R-1 yr	R-1 yr
MN	--	--	--	--	--	--
MS	--	--	--	S-45 dys	S-1 yr	S-1 yr
MO	--	10 dys[4]	--	--	R-1 yr[6]	R-1 yr[6]
MT	--	--	--	--	R-3 mos	R-3 mos
NE	--	--	--	R-60 dys	R-6 mos	R-1 yr
NV	48 hrs	--	--	R-45 dys	R-1 yr	R-1.5 yrs
NH	--	--	--	R-90 dys	R-3 yrs	R-3 yrs
NJ	--	(30 dys)[2]	(90 dys)[2]	R-6 mos[7]	R-2 yrs[7]	R-10 yrs[7]
NM	--	--	--	--	R-1 yr	R-5 yrs
NY	--	--	--	--	--	--
NC	--	--	--	--	R-2 yrs	R-3 yrs
ND	--	10 dys	--	S-30 dys	S-364 dys	S-728 dys
OH	--	--	--	--	--	S-180 dys
OK	--	--	--	R-6 mos	R-2 yrs	R-3 yrs
OR	80 hrs	80 hrs	80 hrs	--	S-90 dys	S-1 yr
PA	--	--	--	S-1 mo	S-12 mos	S-12 mos
PR	--	--	--	--	--	--
RI	--	--	--	S-3 mos	S-1 yr	S-2 yrs
SC	48 hrs	10 dys	--	--	S-1 yr	S-2 yrs
SD	--	--	--	--	R-1 yr	R-1 yr
TN	--	--	--	--	R-2 yrs	R-3 yrs
TX	--	--	--	--	--	--

STATE	Community Service In Lieu of Jail			License Sanction (Mandatory Minimum Following a DWI Conviction)		
	First Offense	Second Offense	Third Offense	First Offense	Second Offense	Third Offense
UT	24 hrs	80 hrs	240 hrs	S-90 dys[10]	R-1 yr[10]	R-1 yr[10]
VT	--	10 dys	10 dys	S-90 dys	S-18 mos	R-2 yrs
VA	--	--	--	--	R-2 yrs	R-5 yrs
WA	--	--	--	S-30 dys	R-1 yr	R-2 yrs
WV	--	--	--	N/A	N/A	N/A
WI	--	--	--	S-15 dys	R-60 dys	R-90 dys
WY	--	--	--	--	S-1 yr	R-3 yrs
TOTAL	8	14	7	S - 17 R - 8	S - 17 R - 27	S - 12 R - 33

S = Suspension
R = Revocation

[1]See Footnote No. 2 on p. 2-7.

[2]Mandatory community service regardless of whether there is a mandatory imprisonment sanction.

[3]The court must sentence defendants to at least one of these sanctions but may sentence them to more than one such sanction.

[4]Involving at least 40 hours.

[5]May not apply to certain offenders who have been suspended pursuant to the administrative per se law.

[6]Applies only to intoxicated offenses; for illegal per se and admin. per se actions, a restricted hardship license may be granted provided the defendant has not received such a privilege within the passed 5 years.

[7]The law states that the right to operate a motor vehicle is "forfeited."

[8]It may be possible to modify this suspension/revocation period.

[9]Temporary restricted license may be issued only for the purpose of attending either an alcohol education or treatment program.

[10]May not be mandatory in all cases as limited driving privileges may be granted in certain hardship situations.

STATE	ALABAMA
General Comments:	See Code of Alabama

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of alcohol §32-5A-191(a)(2)
Illegal Per Se Law (BAC Level):	Yes 0.10 §32-5A-191(a)(1)
Presumption (BAC Level):	Yes 0.10 §32-5A-194(b)(3)
Types of Drugs/Drugs and Alcohol:	(1) Any substance, (2) a Controlled Substance and(3) Alcohol and a Controlled Substance §32-5A-191(a)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §32-5-192
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal & Civil Cases) §32-5A-194(c)
Other Information:	Special Note: A person who has been arrested for a DWI charge shall not be released until their BAC Level is less than 0.10; see §32-5A-191(g)

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §32-5-192
Urine:	Yes §32-5-192
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st Refusal - Susp-90 dys; 2nd Refusal (w/n 5 yrs) - Susp-1 yr; Special Note: These susp appear to be mandatory[1] §32-5-192
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment/Fine:	1st off §32-5A-191(c)-Not more than 1 yr, $250-1,000; 2nd Off (w/n 5 yrs) §32-5A-191(d)-Not more than 1 yr, $500 - 2,500; 3rd or subsequent offs (w/n 5 yrs) 60 dys to 1 yr, $1,000-5,000 §32-5A-191(e) Serious Bodily Injury related to a DWI Off (assult in the first degree-Class B felony): 2-20 yrs[2], not more than $10,000[2] §§13A-5-6(a)(2), 13A-5-11(a)(2) and 13A-6-20(a)(5) & (b)
Mandatory Minimum Term:	For non-injury DWI offs: 2nd off-48 cons hrs[3]; 3rd & sub off-60 dys
Mandatory Minimum Fine ($):	None

Other Penalties:

Community Service:	2nd Off (w/n 5 yrs)-Not less than 20 dys[3] §32-5A-191(c) & (d)
Restitution (eg Victim's Fund)	Yes, Victims' Compensation Fund; see §15-23-1 et seq. Special Note: Under §15-18-65 et seq., a defendant may be required to pay restitution to a victim (or a victim's representative) as a result of damages caused by the defendant's criminal behavior.
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	No
Other:	None

[1]These suspensions periods may be reduced only if the driver is acquitted of the related DWI charge; see §32-5-192(c).

[2]These sanctions apply to 1st offence convictions for assult in the first degree; to determine the sanctions for 2nd and subsequent offenses of this type, see §13A-5-9.

[3]The 20-dy community service sanction may be used as an alternative to the 48 consecutive hour imprisonment term.

Sanctions Following a Conviction for a DWI Off: (continued)

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev) and Term of Withdrawal:	1st off - Susp, 90 dys 32-5A-191(c); 2nd off - Rev, 1 yr 32-5A-191(d); 3rd or subsequent offs - Rev.-3 yrs 32-5A-191(e)
Mandatory Minimum Term of Withdrawal:	1st off - 90 dys; 2nd off - 1 yr; 3rd or subsequent offs - 3 yrs

Other:

Rehabilitation:	
Alcohol Education:	1st off - Yes 32-5A-191(c)
Alcohol Treatment:	1st off - Yes 32-5A-191(c)
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority:	None
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes, Felony[1] "Homicide By Veh"; §32-5A-192
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not less than 1 yr nor more than 5 yrs
Mandatory Minimum Term:	None
Fine ($ Range):	Not less than $500 nor more than $2,000 (and/or imprisonment)
Mandatory Minimum Fine:	$500

[1]See §13A-1-2(4) and Whirley v. State, 481 So.2d 1151 (Ala. Cr. App. 1985).

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Administrative Licensing Action:

Licensing Authorized and Type of Action:	Rev §32-5A-195(j)(1)
Length of Term of Licensing Withdrawal:	Not more than 1 yr §32-5A-195(m)
Mandatory Action--Minimum Length of License Withdrawal:	None
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	(Misd) not more than 180 dys (and/or fine); §32-6-19
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Not less than $100 nor more than $500 (and/or imprisonment); §32-6-19
Mandatory Minimum Fine:	$25

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Rev (at the discretion of the director of public safety) §32-6-19
Length of Term of License Withdrawal Action:	An additional period of 6 mos §32-6-19
Mandatory Term of License Withdrawal Action:	None

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Sanctions Following a Conviction of Driving While on Habitual Offender Status:

Imprisonment (Term):

Mandatory Minimum Term of Imprisonment:

Fine ($ Range):

Mandatory Minimum Fine ($):

Licensing Actions (Specify):

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	No (Not specifically provided for by statute. Note: In Lankford v. Redwing Carriers, Inc., 344 So.2d 515 (Ala., 1977), the BAC test law provisions were deemed to apply to dead persons.)
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 §28-1-5 & 28-3A-25(a)(19) (Year eff. 1985)
Minimum Age (Years) Possession:	21 §28-3A-25(a)(19)
Minimum Age (Years) Consumption:	21 §28-3A-25(a)(19)

Dram Shop Laws and Related Legal Actions:

State Has a Dram Shop Law (Yes/No):	Yes §6-5-71
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, see Buchanan v. Merger Enterprises, Inc., 463 So.2d 121 (1984)
Dram Shop Actions-Social Hosts:	No DeLoach v. Mayer Electric Co., 378 So.2d 733 (1979) and Beeson v. Scoles Cadillac Corp., 506 So.2d 999 (1987)[1] (Note: These cases involved "business" social host situations.)
Other:	None

[1]The court held that the Dram Shop Act, §6-5-71, does not apply to social host situations where alcoholic beverages are not sold.

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	See Regulation 20-X-6-.02 which prohibits the sale of alcoholic beverages to persons "acting in a manner as to appear to be intoxicated." Reg. promulgated via §28-3-49.[1] It is a misd. to violate a regulation (§28-3-20)
Imrisonment:	Not more than 6 mos §28-3-20[2]
Fine ($ Range):	Not more than $500 §28-3-20[2]
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	No
Length of Term of License Withdrawal:	
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	1st off - Misd; 2nd off - Misd; 3rd and subsequent Off Misd §28-3A-25(a)(3)
Term of Imprisonment:	1st off - Not more than 6 mos; 2nd off - 3 to 6 mos; 3rd and subsequent off 6 to 12 mos §28-3A-25(b)(1)
Fine ($ Range):	1st off - $100 to 1,000; 2nd off - $100 to 1,000; 3rd and subsequent off - $100 to 1,000 §28-3A-25(b)(1)

[1]The legislature repealed the law, §28-3-260(2), that prohibited the sale of alcoholic beverages to visibly intoxicated persons; see Acts of 1980, No. 80-529, p. 806 §27. Reg. 20-X-6-.02 was promulgated as a substitute for this repealed law.
[2]See §28-3-19 which also makes it a misd. to violated alc. bev. control regs.: Fine - $100-200 and/or imprisonmnet for not more than 90 days.

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes 1st off - None; 2nd and subsequent off - Rev §28-3A-26
Length of Term License Withdrawal:	1st off None; 2nd and subsequent off - 1 yr §38-3A-26
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	No

STATE:	ALASKA
General Comments:	See Alaska Statutes

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor §28.35.030(a)(1)
Illegal Per Se Law (BAC Level):	Yes 0.10 §28.35.030(a)(2)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	(1) A Controlled Substance and (2) Intoxicating Liquor and Another Substance §§28.35.030(a)(1) & (3)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §28.35.031(b)
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §28.35.031
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal & Civil Cases) §28.35.032(e)
Other Information:	Special Note: A chemical test may be administered to a person without their consent if they have been arrested for a DWI off where there has been an accident involving death or physical injury to another person; See §28.35.035(a)

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	No
Urine:	No
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes §28.35.030(d)

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	Infraction not more than $300 §§28.35.031(e) & 28.35.230(c)
Administrative Licensing Action (Susp/Rev):	None
Other:	None

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	Cl A misd, Not more than 1 yr imprisonment and/or $5,000 fine (sanctions vary for each separate off and are the same as for DWI offs; §28.35.032(f) & (g))
Administrative Licensing Action (Susp/Rev):	1st Refusal-Not less than a 90-day rev; 2nd Refusal or a 1st refusal where there has been a previous DWI conviction-Not less than 1 yr rev[1] §§28.15.165, 28.15.166 & 28.15.181(c)
Other:	Special Note: All license rev periods given are mandatory.

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment/Fine:	Cl A Misd, 1st Off - Not more than 1 yr, $250 - 5,000; 2nd Off[2] (w/n 10 yrs) - Not more than 1 yr, $500 - 5,000; Subsequent Offs[2] (w/n 10 yrs) - Not more than 1 yr, $1,000 - 5,000 §12.55.135
Mandatory Minimum Term:	1st off - 72 cons hrs; 2nd off - 20 cons dys; 3rd off - 30 cons dys
Mandatory Minimum Fine ($):	None

Other Penalties:

Community Service:	Cl A Misd, 1st Off - Yes[3]; 2nd Off[2] (w/n 10 yrs) - Yes[3]; Subsequent Offs[3] (w/n 10 yrs) - Yes[3] §12.55.055

[1]Subsequent refusal where there have been 2 or more refusals or DWI conviction or a combination thereof - not less than a 10 yr rev. (The previous refusal/DWI conviction must have occurred within 10 yrs of the 1st refusal. §§28.15.164, 28.15.166 and 28.15.181(c))

[2]Special Note: A previous off is considered to be either a previous chemical test refusal or a previous DWI conviction (This note also applies to Cl A misd offs for refusal to submit to a chemical test; see §28.25.032(f) & (2).)

[3]This community service is not an alternative to the mandatory minimum terms of imprisonment; the length and type of community service is discretionary with the court.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Restitution (eg Victim's Fund)	Yes The court may order a defendant to pay direct compensation to a victim(s). §12.55.045
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes 0.10, 1st Off-rev for not less than 90 dys (30 dys are mandatory; a restricted hardship license may be issued for 60 dys); 2nd off (w/n 10 yrs)-rev for not less than 1 yr (mandatory)[1]
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	Rev §28.15.181(c)
Term of License Withdrawal (Days, Months, Years, etc.):	Special Note: The revs for 1st, 2nd and subsequent DWI convictions are respectively the same as for 1st, 2nd and subsequent admin. per se offs.
Mandatory Minimum Term of Withdrawal:	See Special Note above.

Other:

Rehabilitation:	
Alcohol Education:	Yes[2] §28.35.030(c)
Alcohol Treatment:	Yes[2] §28.35.030(c)
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	No
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	Yes §28.35.036 A vehicle used in a DWI offense may be subject to forfeiture if the operator has been previously convicted of a DWI or implied consent law offense.
Terms Upon Which Vehicle Will Be Released:	N/A
Other:	None

[1]Subsequent offs (w/n 10 yrs) - rev for not less than 10 yrs (mandatory)
§§28.15.165, 28.15.166 and 28.15.181(c)
[2]For any DWI conviction, a defendant must complete either an alcohol education or an alcohol treatment program that the Court feels is appropriate for that defendant. §28.35.030(c)

Sanctions Following a Conviction for a DWI Offense:
(continued)

Miscellaneous Sanctions
Not Included Elsewhere: None

Special Note: The Court may order the forfeiture of a driver's veh following either a DWI or chemical test refusal conviction if they have had more than one such conviction; also, under §28.35.038 municipalities may enact ordinances to impound/forfeit motor vehicles for violations of local DWI/chemical test refusal laws.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:
State Has Such Law/Type of Offense: No
Sanctions:
Criminal Sanction:
Imprisonment (Term):
Mandatory Minimum Term:
Fine ($ Range):
Mandatory Minimum Fine:

Homicide by Vehicle
Administrative Licensing Action:
Licensing Authorized and Type of Action: See Footnote No. 1 below.
Length of Term of Licensing Withdrawal:
Mandatory Action--Minimum Length of License Withdrawal:
Other:

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:
Sanction:
Criminal:
Imprisonment (Term): Not less than 90 dys §28.15.291
Mandatory Minimum Term of Imprisonment: 90 dys
Fine ($ Range): Not less than $1,000
Mandatory Minimum Fine: None

[1]Special Note: Even though this State does not have a veh homicide statute, it, nevertheless, provides for discretionary license rev for 1 yr for a conviction of manslaughter resulting from the operation of a motor vehicle.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Rev §28.15.291
Length of Term of License Withdrawal Action:	Original susp or rev extended 1 yr
Mandatory Term of License Withdrawal Action:	None

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	

Other State Laws Related To Alcohol Use And Driving: (continued)

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 §§04.16.50, .51 & .52 (Year Eff: 1983)
Minimum Age (Years) Possession:	21 (There are exemptions for parents/physicians furnishing alcoholic beverages to minors) §§04.16.50, .51 & .52
Minimum Age (Years) Consumption:	21 (There are exemptions for parents/physicians furnishing alcoholic beverages to minors) §§04.16.50, .51 & .52
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes §04.21.020
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes Nazareo v. Urie, 638 p.2d 671 (1981) Note: The holding in this case limited to actions arising before §04.21.020 was amended by the legislature in 1980.
Dram Shop Actions-Social Hosts:	No (No cases)
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Cl A misd §§04.16.030 & 04.16.180
Term of Imprisonment:	Not more than 1 yr
Fine ($ Range):	Not more than $5,000
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes §04.16.180
Length of Term of License Withdrawal:	1st conviction--45 day susp; 2nd conviction -- 90 day susp; 3rd and/or subsequent convictions--discretionary (no time limit given in the statute); Note: The susps and revs are not mandatory. §04.16.180
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Cl A Misd §§04.16.052 & 04.16.180
Term of Imprisonment:	Not more than 1 yr
Fine ($ Range):	Not more than $5,000

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes §04.16.180
Length of Term License Withdrawal:	1st conviction--45 day susp; 2nd convictions --90-day susp; 3rd and/or subsequent convictions--Court's discretion (no time limit given in the statute.) Note: The time limitations are not mandatory.
Anti-Happy Hour Laws/Regulations:	Yes §04.16.015
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	No

STATE:	ARIZONA
General Comments:	See Arizona Revised Statutes Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor §28-692(A)
Illegal Per Se Law (BAC Level):	Yes 0.10 §28-692
Presumption (BAC Level):	Yes 0.10 §28-692
Types of Drugs/Drugs and Alcohol:	Any Drug §28-692(b)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §28-692
Implied Consent Law Applies to Drugs (Yes/No):	Yes
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal & Civil Cases) 28-692K
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §28-691
Urine:	Yes §28-691
Other:	"Other bodily substances" approved in §28-691 (G) but not in §28-691 (implied consent statute)

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	Yes §§28-692(C)[1] & 28-692.04
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes §28-692.01A

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

[1]A DWI charge shall not be dismissed or changed to another misd/petty off unless there is clearly an insufficient legal basis for the DWI off charge.

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	12 month susp (Mandatory) §28-691
Other:	A person may be required to attend and successfully complete a driver training course §28-446

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment/Fine/Term:	1st off-Cl 1 misd - Not more than 6 mos, Not more than $1,000; 2nd off-Cl 1 misd (w/n 60 mos) - Not more than 6 mos, not more than $1,000 §§13-707 & 28-692.01; 3rd off (w/n 60 mos)-Cl 5 felony §28-692 - 1 to 2 yrs[1], not more than $150,000 §13-801
Mandatory Minimum Term:	1st off - 24 cons hrs; 2nd off - 60 dys; 3rd off - 6 mos
Mandatory Minimum Fine ($):	1st off Cl 1 misd-$250; 2nd off Cl 1 misd (w/n 60 mos)-$500; 3rd off (w/n 60 mos) Cl 5 felony §28-692.01-None (See Footnote No. 2.)
Other Penalties:	
Community Service:	1st off (Cl 1 misd)-Yes 8-24 hrs (May be used in addition to or as an alternate for imprisonment, provided the defendant (1) did not have a BAC level of 0.20 or more or (2) did not cause serious physical injury to another person; see §28-692.01(C) & (D).)
Restitution (eg Victim's Fund)	Yes, a victims' compensation fund; see §41-2407. Also, where a defendant's conviction was for an off that resulted in economic loss to a victim, the Court may order that all or any portion of the fine imposed on the defendant be allocated as restitution. §13-804
Other:	1st off (Cl 1 misd)-Traffic safety school may be required.

[1]See §28-692.01(H) where a defendant may serve the imprisonment term on a part time basis for employment purposes.

[2]Under §36-2219A, an additional fee of $30 is collected from each defendant for the purpose of financing emergency medical services operating fund. Also, under §36-2219A, $40 of the regular fine must be deposited into the alcohol abuse treatment fund.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes, 0.10 §28-694 For a mandatory suspension period of 90 consecutive days (for 1st offenders who did not (1) have a BAC level of 0.20 or more or (2) cause serious physical injury, the license suspension period is 30 days (mandatory) with a restricted license for an additional 60 days; see §28-694B.)
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev) and Mandatory Term of License Withdrawal:	1st off-Susp, not less than 90 con dys[3]; 2nd off-Rev, not less than 1 yr; 3rd & sub off-Rev, 3 yrs; §§28-445;28-448 & 28-692.01[1]
Mandatory Minimum Term of Withdrawal:	1st off-90 con dys[3]; 2nd off-1 yr[2]; 3rd & sub off-3 yrs

Other:

Rehabilitation:	
Alcohol Education:	1st off - Yes
Alcohol Treatment:	2nd off - Yes; 3rd Off - Yes
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	None

[1]In addition to any other legal sanction for a DWI off conviction, a person under 18 yrs old must receive license suspension for two (2) yrs; however, restricted driving privileges are available for employment/education purposes; see §§1-125(4) and 8-249(A) and (D). Note: The legal purchase/possession/consumption age is 21 for all alcoholic beverages.
[2]Mandatory if second off. was committed w/n 36 mos. of the first; see §28-445(b).
[3]Note: This suspension period does not apply to certain 1st offenders who have been suspended pursuant to the admin. per se law; see §28-692.01J.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority:	Yes Under §28-1259, vehicle registration and license plates are suspended for the same period of time as the vehicle owner's driver's license. For second or subsequent offenses w/n 36 mos, this suspension is mandatory. (Note: If a person has had their license suspended/revoked for a DWI offense and they are convicted of another such offense while in a DWI suspension/revocation status, their vehicle is forfeited. §28-692.06(A)
Terms Upon Which Vehicle Will Be Released:	N/A
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	No
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	
Mandatory Minimum Term:	
Fine ($ Range):	
Mandatory Minimum Fine:	
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Note: License rev for 1 yr for any homicide resulting from the operation of a motor veh.
Length of Term of Licensing Withdrawal:	
Mandatory Action—Minimum Length of License Withdrawal:	
Other:	Note: See Restitution under Sanctions Following a Conviction for a DWI Offense.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	1st off - 10 dys to 6 mos; 2nd and subsequent offs - Cl 5 felony (2 yrs) if convicted of a DWI off and driving while suspended or revoked; §28-692.02 §28-473
Mandatory Minimum Term of Imprisonment:	1st off - 48 hrs; 2nd or subsequent offs - 6 mos; §28-269.02
Fine ($ Range):	1st off - $100 to $300
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	For 1st off & sub. offs.: For driving while suspended - Susp; For driving while revoked - Rev §28-473[1]
Length of Term of License Withdrawal Action:	For 1st off & sub. offs.: Susp equal to original susp period not to exceed one yr form the date of reinstatement; Rev 1 additional yr of rev §28-473
Mandatory Term of License Withdrawal Action:	For 1st off & sub. offs.: Susp equal to original susp period not to exceed one yr form the date of reinstatement; Rev 1 additional yr of rev §28-473

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

[1]See Vehicle Impoundment/Confiscation on p. 3-20.

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 §§4-101(20) & 4-244(9) (Year Eff: 1985)
Minimum Age (Years) Possession:	21 §§4-101(20) & 4-244(9)
Minimum Age (Years) Consumption:	21

Other State Laws Related To Alcohol Use And Driving: (continued)

Dram Shop Laws and Related Legal Actions:

State Has a Dram Shop Law (Yes/No):	Yes §4-311
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, Ontiveros v. Borak, et al., 667 P. 2d. 200 (Ariz. 1983), and Brannigan et al. v. Ray Buck, 667 P. 2d. 213 (Ariz. 1983)[1]
Dram Shop Actions-Social Hosts:	No §4-301 (However, liability for minors' actions may still be possible) and Profitt v. Canez, 575 P.2d 1261 (1977)
Other:	None

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

Type of Criminal Action:	Cl I Misd §§4-244(14) & 4-246(B)
Term of Imprisonment:	Not more than 6 mos §13-707(A)
Fine ($ Range):	Not more than $1,000 §13-802(A)

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

License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes - Susp or rev §4-210(A)(9)
Length of Term of License Withdrawal:	Length of term not fixed

[1]These cases may have been abrogated by statute; see §4-312.B.

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Cl I Misd §§4-244(9) & 4-246(B)
Term of Imprisonment:	Not more than 6 mos §13-707(A)
Fine ($ Range):	Not more than $1,000 §13-802(A)
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes - Susp or rev §4-210(A)(9)
Length of Term License Withdrawal:	Length of term not fixed
Anti-Happy Hour Laws/Regulations:	Yes §4-244(24)
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	Yes Driver only §4-244(22) Note: There is also a law prohibiting the consumption of liquor (but not beer) in a public place; See §4-244(20); Beer may be consumed in certain limited public areas.

STATE:	ARKANSAS
General Comments:	See Arkansas Statutes

Basis for a DWI Charge:

Standard DWI Offense:	Intoxicated §§75-2502 & 75-2503(1)
Illegal Per Se Law (BAC Level):	Yes 0.10 §75-2503(b)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	Controlled Substance §§75-2003(a) & 75-2502
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §75-1045
Implied Consent Law Applies to Drugs (Yes/No):	Yes §75-1045
Refusal to Submit to Chemical Test Admitted into Evidence:	n.a.
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes
Urine:	Yes
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	Yes[1]
Anti-Plea Bargaining Statute (Yes/No):	Yes[1]
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes §75-2506

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

[1]Persons arrested for a DWI charge off shall be tried on such charges or plead to such charges and no such charges shall be reduced. §75-2508.

Sanction for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test:

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st ref-susp. 6 mos; 2nd ref (w/n 3 yrs)-susp. 1 yr-16 mos; 3rd ref (w/n 3 yrs)-susp. 2 yrs-30 mos;4th ref (w/n 3 yrs)-rev. 3 yrs. (These susps and rev. are mandatory.) Note: Nonresidents of Ark. would only receive a 6 mos. susp. §75-1045(d)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment/Fine/ Mandatory Minimum Term:	1st off[1]-24 hrs-1 yr $150 - 1,000, None see Note; 2nd off (w/n 3 yrs)[1] - 7 dys-1 yr, $400 to 3,000, None see Note; 3rd off (w/n 3 yrs)[1] - 90 dys to 1 yr, $900 - 5,000, None see Note; 4th and subsequent offs (w/n 3 yrs)[1] - 1 to 6 yrs, None see Note; §75-2504 Note: There is a special Court cost of $250 for any person pleading guilty, nolo contendere or who is found guilty of DWI.
Mandatory Minimum Term:	None Note: The minimum sentence may not be mandatory due to the suspended sentence and/or probation provisions of §§41-108 and 43-2331. See §75-2509 which prohibits judges from placing on probation first DWI offenders who pleads guilty or nolo contendere to the DWI charge and after probation discharging the accused without adjudication (The recond is also expunged.).
Mandatory Min. Fine ($):	None

[1]Special Note: Arkansas has two different sanctioning systems for DWI offs. 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 offs which have been committed within three (3) yrs of a first off. For the fine sanction, the sanctions listed apply for any of the listed subsequent offs which have been committed within five (5) yrs of a first off. For example, if a person has been convicted of a DWI off which occurred more than three but less than five yrs 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 yr 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.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other Penalties:

Community Service:	1st off - Yes (Public Service in lieu of imprisonment; §75-2504(a) (Note: If a person is unable to pay a fine, they may be given community service as an alternative sanction; see §75-2533.)
Restitution (eg, Victim's Fund)	Yes By the defendant §41-803(4)(d) and via a crimes victim's compensation fund. The maximum amount that may be paid from this fund is $10,000; see H.B. 1770 as enacted in 1987.
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	None
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev) and Term of License Withdrawal Action:	1st off - Susp, 90-120 dys; 2nd off (w/n 3 yrs) - Susp, 1 yr-16 mos; 3rd off (w/n 3 yrs) - Susp, 2yrs-30 mos; 4th and subsequent offs (w/n 3 yrs) - Rev, 3 yrs §75-2511
Mandatory Minimum Term of Withdrawal:	1st off - none[1]; 2nd off - 1 yr; 3rd off - 2 yrs; 4th or subsequent offs - 3 yrs

Other:

Rehabilitation:

Alcohol Education:	Yes
Alcohol Treatment:	Yes
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	Note: Either an alcohol education or alcohol treatment program must be completed before either a suspended or a revoked license can be reinstated §75-2507

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority:	None

[1]Note: §75-2511, as amended by Acts 113 & 1064 of 1985, provides for restricted hardship licenses for first offenders.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Terms Upon Which Vehicle Will Be Released:	N/A
Other:	License plates shall be impounded for 90 dys if a driver has been arrested for driving while suspended or revoked where such susp or rev was based on an alcohol off conviction. However, a temporary license plate may be issued if the court determines that it is in the best interests of the dependents of the offender. §75-2513
Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Negligent homicide, if death is caused whice DWI, Class D Felony; §41-1505
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 6 yrs §41-901(1)(e)
Mandatory Minimum Term:	None
Fine ($ Range):	Not more than $10,000 §41-1101(1)(b)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev §75-333(1)
Length of Term of Licensing Withdrawal:	1 yr §75-335
Mandatory Action--Minimum Length of License Withdrawal:	1 yr §§75-333(1) & 75-335
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	Misd 2 dys to 6 mos (§§75-341, 75-1029.1, 75-1053 and 75-2514)
Mandatory Minimum Term of Imprisonment:	10 dys if susp or rev is based on a DWI charge §75-2512
Fine ($ Range):	Not more than $500
Mandatory Minimum Fine:	None

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	If based on susp, susp. If based on rev, rev.
Length of Term of License Withdrawal Action:	Original susp period is extended a like period. Original period of rev is extended 1 yr.
Mandatory Term of License Withdrawal Action:	Original susp period is extended a like period. Original period of rev is extended 1 yr.

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 §§48-903 & 48-903.1 (Year eff: 1935)
Minimum Age (Years) Possession:	21 §§48-903 & 48-903.1
Minimum Age (Years) Consumption:	None

Other State Laws Related To Alcohol Use And Driving: (continued)

Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the Case (Case Citation):	No Note: For cases denying liability, see Carr v. Turner, 385 S.W. 2d 656 (Ark. 1965) and Milligan v. County Line Liquor, 709 S.W.2d 409 (Ark. 1986)
Dram Shop Actions-Social Hosts:	No (No cases)
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd for all offenses (See Footnote No. 3 on page 3-31 for citations.)
Term of Imprisonment:	Package Sales: (1) All alcoholic beverages except those noted below-1st off.-none; 2nd & sub. off.-6 mos - 1yr; (2) Beer and wine not in excess of 5% alcohol by wgt-none. On-Premisis Consumption Sales: (1) All alcoholic beverages except those noted below-not more than 6 mos; (2) beer (all types)-none; (3) wine not exceeding 14%-10-30 dys
Fine ($ Range):	Package Sales: (1) All alcoholic beverages except those noted below-1st off.-$100-250; 2nd & sub. off.-$250-500; (2) Beer and wine not in excess of 5% alcohol by wgt-none. On-Premisis Consumption Sales: (1) All alcoholic beverages except those noted below-not more than $1,000; (2) beer (all types)-none; (3) wine not exceeding 14%-$100-500

Other State Laws Related To Alcohol Use And Driving: (continued)

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

License to Serve Alcoholic Beverages Withdrawn (Yes/No): Yes (under certain conditions)

Length of Term of License Withdrawal: Package Sales: (1) All alcoholic beverages except those noted below-for two or more convictions-Rev[1] (and a possible administrative fine); (2) Beer and wine not in excess of 5% alcohol by wgt-none. On-Premisis Consumption Sales: (1) All alcoholic beverages except those noted below-Susp/Rev[1]; (2) beer (all types)-Susp/Rev[1]; (3) wine not exceeding 14%-Susp/Rev[1]

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:

Type of Criminal Action: Misd for all offs. (except as noted) (See Footnote No. 3 for citations.)

Term of Imprisonment: Package Sales: (1) All alcoholic beverages except those noted below - (a) where "knowledge" is a factor[2]-1st off.-not more than 10 days; 2nd off (w/n 3 yrs)-felony-1-5 yrs; (b) where "knowledge" is not a factor[2]-1st off-none; 2nd & sub. off-6 mos-1 yr or not more than 1 yr; (2) beer and wine not in excess of 5% alcohol by wgt.-not more than 1 yr On-Premisis Consumption Sales: (1) All alcoholic beverages except those noted below-not more than 6 mos; (2) beer and wine not in excess of 5% alcohol by wgt-not more than 1 yr; (3) wine not in excess of 14%-10-30 dys

[1]Length of Rev/Susp is not specified in the statute.
[2]See State v. Jarvis, 427 S.W.2d 531 (1968).
[3]Citations: §§48-107, 48-110, 48-309, 48-316, 48-346, 48-503, 48-520, 48-524, 48-525, 48-529, 48-530, 48-606, 48-626, 48-629, 48-630 (w/ref to §48-530 et seq.). 48-631, 48-901, 48-902.1, 48-903, 48-1014, 48-1414 and 48-1416.

Other State Laws Related To Alcohol Use And Driving: (continued)

Fine ($ Range):	Package Sales: (1) All alcoholic beverages except those noted below-(a) where "knowledge" is a factor[1]-1st off.-not more than $500; 2nd off (w/n 3 yrs)-felony-not more than $500; (b) where "knowledge" is not a factor[1]-1st off-$100-250; 2nd & sub. off-$250-500 or not more than 1 yr; (2) beer and wine not in excess of 5% alcohol by wgt.-not more than $500 On-Premisis Consumption Sales: (1) All alcoholic beverages except those noted below-not more than $1,000; (2) beer and wine not in excess of 5% alcohol by wgt-not more than $500; (3) wine not in excess of 14%-$100-500
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcohlic Beverages Withdrawn (Yes/No):	Yes (under certain conditions)
Length of Term License Withdrawal:	Package Sales: (1) All alcoholic beverages except those noted below - for two or more convictions-Rev[2]; (2) beer and wine not in excess of 5% alcohol by wgt.-1 yr Rev/Susp On-Premisis Consumption Sales: (1) All alcoholic beverages except those noted below-Rev/Susp[2]; (2) beer and wine not in excess of 5% alcohol by wgt-1 yr Rev/Susp; (3) wine not in excess of 14%-Rev/Susp[2]
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	Yes (Probably but the law is not specific) - drivers and passengers §41-2913(3))

[1]See State v. Jarvis, 427 S.W.2d 531 (1968).
[2]Length of Rev/Susp is not specified in the statute.

STATE:	CALIFORNIA
General Comments:	See West's Annotated California Codes

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of an alcoholic beverage Veh. Code §§23152 & 23153
Illegal Per Se Law (BAC Level):	Yes 0.10[1] Veh. Code §§23152(b) and 23153(b)
Presumption (BAC Level):	Yes 0.10 Veh Code §23155(3)
Types of Drugs/Alcohol and Drugs:	(1) Any Drug & (2) a Combination of Alcohol and Any Drug Code §§23152 & 23153
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes Veh. Code §13353
Implied Consent Law Applies to Drugs (Yes/No):	Yes Veh. Code §23353(a)(1)
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal & Civil Cases) Veh. Code §13353(a)(4)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes Veh. Code §13353
Urine:	Yes Veh. Code §13353
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No (Note: Under Veh. Code §23212, the court must give the reasons a DWI charge either was reduced to a lesser offense or was dismissed.)
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

[1]Special juvenile offense at 0.05; see Veh. Code §23140.

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	No
Administrative Licensing Action (Susp/Rev):	Susp-6 mos; Rev for 2 yrs if a person refuses after having been convicted of a DWI[1] off within 5 yrs of the date of refusal (Mandatory); Veh. Code §§13353[2] and 23157 Rev for 3 yrs if a person refuses after having been convicted 2 or more times of a DWI[1] off within 5 yrs of the date of refusal (Mandatory); Veh. Code §§13353 and 23157
Other:	See Special Note on p.3-35.

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment/Fine:	Non-Injury DWI Off (Veh. Code §§23152 et seq.), 1st Off-96 hrs-6 mos, $390-$1,000; 2nd Off[2] (w/n 7 yr)-90 dys-1 yr, $390-1,000; 3rd Off[2] (w/n 7 yrs.)-120 dys-1 yr, $390-1,000; 4th & Sub Off[2] (w/n 7 yrs) - 180 dys-1 yr, $390-1,000; Injury related offs (Veh. Code §§23153 et seq.), 1st off - 90 dys-1 yr, $390-1,000; 2nd off[2] (w/n 7 yrs) - 120 dys-1 yr, $390-5,000; 3rd and subsequent offs[2] (w/n 7 yrs) - 2-4 yrs, $1,015-5,000, Also, a person convicted of a DWI injury related offense in which more than one individual has been injured shall receive an enhanced prison term of one (1) year for each additional injured individual. The maximum number of one (1) year enhancements which may be imposed is three (3); see §23182. See Footnote No. 3 for special juvenile offense.

[1]For purposes of license sanction enhancements under Veh. Code §23157, a previous DWI off. includes a guilty or nolo contendere plea to reckless driving (Veh. Code §23103) as a substitute for a DWI charge; see Veh. Code §§23103.1 & 23157(a)(1).

[2]A previous off includes Veh. Code §§23152 & 23153 and Penal Code §192 offs.

[3]Juvenile Offenses Involving Alcohol. Under Veh. Code §§23140 and 23142, it is unlawful for a person under 18 years old to operate a motor vehicle if they have a BAC level of 0.05 or more. A person found to have committed this offense is only subject either to participate in an alcohol education program or a community service program with an alcohol education component. Note: A person under 18 years old who violates this section as well as the regular DWI laws must also participate in either an alcohol education or rehabilitation program; see Veh. Code §23142.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Mandatory Minimum Term:	Non-injury DWI off - 2nd off 48 hrs[1]; 3rd off - 120 dys[1]; 4th and sub off - 180 dys[1]; Injury related DWI off, 1st off - 5 dys; 2nd off - 30 dys[1]; 3rd off - 1 yr See Special Note below.
Mandatory Min. Fine ($):	Non-Injury DWI Off, 1st Off - $390; 2nd Off (w/n 7 yr)-$375; 3rd Off (w/n 7 yrs)-$390; 4th & Sub Offs (w/n 7 yrs.)- $390; Injury related DWI off's, 1st Off- $390; 2nd Off (w/n 7 yrs)-$390; 3rd & Sub Off (w/n 7 yrs) - $390 See Special Note below.
Other Penalties:	
Community Service:	None
Restitution (eg Victim's Fund)	Yes, Injury-related DWI offs (§§23153 et. seq.) See Gov't. Code §13959 (Victims' Assistance Fund) and Veh. Code §23191(a). The court may also order direct compensation by the defendant to the victim(s); see Gov't. Code §13967 and Penal Code §1203.1.

Special Note: A person who has been convicted of any DWI offense and who has also refused to submit to a chemical test is subject to the follwing sanctions; see Veh. Code §23159 : DWI non-injury offs.: 1st off., if probation is granted, the court must use the follwing sentence structure: Jail-48 hrs. (mandatory) up to 6 mos.; fine-$390 (mandatory) up to $1,000; and lic. susp.-6 mos. 2nd off.-96 hrs. in jail (mandatory). 3rd off.-10 days in jail (mandatory). 4th & sub. offs.-18 days in jail (mandatory). DWI injury offs. 1st off.-48 continuous hrs. in jail (mandatory). 2nd off. 96 hrs. in jail (mandatory).sequent off includes Veh. Code §23153 and Penal Code §192 offs.
Also, any person convicted of a DWI offense must pay the following assessments: (1) An amount not to exceed $50 for the purpose of funding alcohol abuse education and prevention programs (see Veh. Code §23196(a)[3] (Ch. 1118 of the law of 1986)) and (2) an amount not to exceed $50 for the purpose of funding an alcohol assessment program (see Veh. Code §23244(a)[2]).

[1]In addition to those given, the following mandatory sanctions become operative when the Dept of Motor Vehicles certifies to the State Sec. of State that the Dept. has submitted a completed application to the U.S. Dept. of Trans. for grant funds under 23 USC §408. At least one period of 48 con. hours of imprisonment or 10 days of community service is mandatory; see §23206.5.
[2]In 1986, the California Legislature enacted two different provisions of the Vehicle Code using the same section number citation (§23240 et seq.). For alcohol assessment, see Ch. 985, §1, of the laws of 1986 and, for ingnition interlock systems, see Ch. 1108, §5, of the same laws. Note: By their own provisions, both of these laws will be repealed, unless otherwise extended, on January 1, 1990.
[3]In 1986, the California Legislature enacted two different provisions of the Vehicle Code using the same section number citition (§23196). For vehicle forfeiture, see Ch. 1104, §1 of the laws of 1986 and, for alcohol abuse education programs, see Ch. 1118, §5 of the same laws.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other:	(1) A person may be held liable upto $500 to pay for the cost of an emergency response which resulted from a DWI related offense; see Gov't. Code §§53150 et seq. (2) The court may require a defnedant to install an ignition interlock device on their vehicle as a condition of probation; see Veh. Code §23240 et seq.[1] (Ch. 1108 of the laws of 1986).
Administrative Licensing Actions:	
Pre-DWI Conviction Licensing Action:	
Administrative Per Se Law:	No[2] (However, see Special Note below.)
Other:	None
Post DWI Conviction Licensing Action:	
Type of Licensing Action (Susp/Rev):	Non-Injury related DWI Off, 1st off Susp - (Veh. Code §23161); 2nd off Susp - (Veh. Code §23161(b)(3)); 3rd off Rev (Veh. Code §23171(a)); 4th & subsequent off Rev -(Veh. Code §23175); Injury Related DWI Off, 1st off Susp -(Veh.§23181(a)); 2nd off Rev (Veh. Code §23185); 3rd & subsequent Rev-(Veh. Code §23191(a)) See Special Note below.
Term of License Withdrawal (Days, Months, Years, etc.):	Non-Injury related DWI Off, 1st Off-6 mos; 2nd Off-18 mos; 3rd Off-3 yrs; 4th & subsequent-4 yrs; Injury Related DWI Off, 1st Off-1 yr; 2nd Off-3 yrs; 3rd & subsequent Off-5 yrs; Note: See generally Veh. Code §§13352 and 13352.5, See Special Note on p. 3-35 and Footnote No.2 below.

[1]See Footnote No. 2 on p. 3-35.
[2]Under Veh. Code §13352.3 persons, under 18, who are convicted of an alcohol driving off have their licenses revoked (1) until they are 18, (2) for 1 yr or (3) per Veh. Code §13352 whichever period is longer.

Special Note: If a person is involved in an accident and they have a BAC level or 0.10 or more and they have been convicted of a DWI related vehicle homicide (w/n 5 yrs), their license shall be either suspended or revoked as follows: 1) If the accident does not result in a DWI conviction (either injury or non-injury) - suspension for 1 year (mandatory); and, 2) If the accident results in a DWI conviction (either injury or non-injury) - revocation for 3 years (mandatory). This revocation period is concurrent with any other DWI imposed restriction, supension or revocation if this is a first DWI conviction or a second conviction w/n 5 years. This revocation period is cumulative with any other DWI imposed restrictions, suspension or revocation, if there have been two (2) or more previous DWI convictions w/n 5 yrs. Veh. Code §13954

Sanctions Following a Conviction for a DWI Offense:
(continued)

Mandatory Minimum Term of Withdrawal:	Non-Injury related DWI Off, 1st Off--[1]; 2nd off--See Footnote No. 2--[1]; 3rd Off-3 yrs; 4th & subsequent Off- 4 yrs; Injury Related DWI Off, 1st Off-1 yr; 2nd Off - 1 yr susp.[3]; 3rd & subsequent Offs - 5 yrs

Other:

Rehabilitation:

Alcohol Education:	Conditions of probation usually require a defendant to participate in an alcohol education program for any DWI off conviction. See Veh. Code §§23161, et seq. For persons convicted of a 3rd or subsequenct injury or non-injury alc. off- a 1 yr alc. rehb. program is required before their license can be reinstated; see Veh. Code §13352(a)(5). (Note: a person convicted of a first DWI offense in a juvenile court must participate in and complete either an alcohol or drug education program; see Veh. Code §23154.)
Alcohol Treatment:	None
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	None

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority:	Yes, 1st DWI off - (1) The veh may be impounded for a DWI off from 1-30 dys; 2nd and subsequent DWI offs (w/n 5 yrs) - The veh may be impounded from 1 to 90 days; Veh. Code §23195.[4] (2) However, A defendant's vehicle may be subject to forfeiture if they have been convicted of a DWI serious injury offense (Veh. Code §23153) and they have been convicted of a previous DWI offense (any type) w/n the past 5 years; see Veh. Code §23196[5].

[1]Driving privileges may be resticted (Veh. Code §§13352 & 13352.5) under certain probation conditions

[2]Restricted driving privileges may be granted 30 days after a defendant consents to participate in an alcohol rehabilitation program; see Veh. Code §13352.5(c).

[3]One (1) yr suspension and 2 yrs restricted driving privileges if the court grants probation; see Veh. Code §§13352.5(b) & 23186.

[4]No vehicle may be impounded if another person has a community property interest in the vehicle and it is the sole vehicle available to the defendant's immediate family.

[5]See Footnote No. 3 on p. 3-35.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Terms Upon Which Vehicle Will Be Released:	There are no special terms which have to be satisfied prior to releasing a vehicle. However, vehicles are impounded at the owners' expense; see Veh. Code §23195.
Other:	Note: A veh may also be impounded for a conviction of driving while license is suspended or revoked: 1st off-6 mos impoundment; 2nd and subsequent offs-12 mos impoundment; Veh. Code §14602
Miscellaneous Sanctions Not Included Elsewhere:	Youthful (18-21 year old persons) DWI offenders may as a part of probation for a 1st off participate in a visitation program of an emergency medical care facilitie, coroner's office or an alcoholism treatment center; see Veh. Code §23145.2 et seq.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes - Vehicle Manslaughter See Penal Code §§17 191.5, 192(c)(3) and 193 Note: Generally, under Penal Code §17, a crime is classified as a felony only if the defendant can be and is confined in the State prison. However, if the court can and does exercise its discretion to confine a defendant in a place other than the State prison (such as a county jail), impose just a fine, or place the person on probation without a confinement sentence, the crime is classified as a misdemeanor.
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	1. Death caused by driving a motor veh, not involving alcohol/drugs: a. with gross negligence - Either in the county jail for not more than 1 yr or 2, 4, or 6 yrs in the State prison; b. without gross negligence - Not more than 1 yr; 2. Death caused by driving a motor veh in violation of Veh. Code §§23152 and 23153: a. with gross negligence - 4, 6, or 10 yrs; b. without gross negligence - Not more than 1 yr in the county jail or 16 mos, 2 or 4 yrs in the State prison.
Mandatory Minimum Term:	None
Fine ($ Range):	None
Mandatory Minimum Fine:	None

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Administrative Licensing Action:

Licensing Authorized and Type of Action:	Note: A violation of either Penal Code §§191.5 or 192(c)(3) is considered a violation of Veh. Code §23153 (injury related DWI) for the purposes of determining the licensing sanctions to be imposed. See the section on DWI licensing sanctions above.
Length of Term of Licensing Withdrawal:	See the Note above.
Mandatory Action--Minimum Length of License Withdrawal:	
Other:	

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	1st off-10 dys-6 mos; 2nd and subsequent offs (w/n 5 yrs)-30 dys-1 yr and veh impoundment; Veh. Code §14601.2 (See Footnote No. 1 below.)
Mandatory Minimum Term of Imprisonment:	1st off-10 dys; 2nd and subsequent offs (w/n 5 yrs)-30 dys; For a 2nd or subsequent off w/n 7 but more than 5 yrs - 10 dys see Veh. Code §14601.2(g)
Fine ($ Range):	1st off-Not more than $1,000; 2nd and subsequent offs (w/n 5 yrs)-Not more than $2,000
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	None
Length of Term of License Withdrawal Action:	
Mandatory Term of License Withdrawal Action:	

[1]A vehicle may be impounded following a conviction for this offense: 1st off-6 mos impoundment; sub. off-12 mos impoundment. See Veh. Code §14602.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	Yes Govt. Code §27491.25
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	Yes
Pedestrian:	Yes

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 Bus. & Prof. Code §§25658 & 25662 (Year Eff: 1933)
Minimum Age (Years) Possession:	21 (Possession under 21 legal if minor is acting via a parent's order) Bus. & Prof. Code §§25658 & 25662
Minimum Age (Years) Consumption:	21 (This applies only to consumption on the premises of licensed establishments) Bus. & Prof. Code §§25658 & 25662

Other State Laws Related To Alcohol Use And Driving: (continued)

Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes, but limited to the serving of alcoholic beverages to obviously intoxicated minors. Bus. & Prof. Code §§25602 & 25602.1
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No (Note: See Bus. & Prof. Code §25602(c), Civil Code §1714 and Cory v. Shierloh, 629 P.2d 8, 174 Cal. Rptr. 500 (1981).)
Dram Shop Actions-Social Hosts:	No Civil Code §1714(c) and Cory v. Shierloh, 629 P.2d 8, 174 Cal. Rptr. 500 (1981))
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd (Bus. & Prof. Code §25602)
Term of Imprisonment:	Not more than 6 mos, (Bus. & Prof. Code §25617)
Fine ($ Range):	Not more than $500
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, susp or rev
Length of Term of License Withdrawal:	Length of term not fixed
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Misd (Bus. & Prof. Code §25658)
Term of Imprisonment:	Not more than 6 mos
Fine ($ Range):	Not more than $500
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, susp or rev
Length of Term License Withdrawal:	Length of term not fixed

Other State Laws Related To Alcohol Use And Driving: (continued)

Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes Veh. Code §§23222 & 23223
Anti-Consumption Law (Yes/No):	Yes driver and passengers, Veh. Code §§23220 & 23221

STATE:	COLORADO
General Comments:	See Colorado Revised Statutes

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor (§42-4-1202(1)(a))/Impaired by the consumption of alcohol (§42-4-1202(1)(b))
Illegal Per Se Law (BAC Level):	Yes 0.15 §42-4-1202(1.5)(a)
Presumption (BAC Level):	Yes >0.05 (Driving while impaired) 0.10% (Driving under the influence) §42-4-1202(1)(a) & (b)
Types of Drugs/Drugs and Alcohol:	(1) Any Drug & (2) a Controlled Substance (Applies to both driving under the influence and driving while impaired) §§42-4-1202(1)(c)(1) & 42-4-1202(1)(d)(1)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §42-4-1202(2.5)
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §42-4-1202(3)(a) Express consent law not implied.
Implied Consent Law Applies to Drugs (Yes/No):	Yes §42-4-1202(3)(a)(III)
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) §42-4-1202(3)(e)
Other Information:	N/A

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §42-4-1202
Urine:	Yes
Other:	Saliva

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	Yes[1] §42-4-1202(3.7)
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes

[1]One may not plead guilty to non-alcohol or non-drug related traffic off if charged with DWI unless the prosecuter makes good a faith allegation that he/she could not establish a prima facie case on the original charge.

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	No
Administrative Licensing Action (Susp/Rev):	No
Other:	None

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Rev 1 yr (Mandatory) §§42-4-1202(3)(d) 42-2-122.1(3)(5) & 42-2-122.1 (6)(a)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	
Term (Day, Months, Years Etc.):	Driving under the influence/illegal per se, 1st Off-5 dys to 1 yr; 1st Off[1]-70 dys to 1 yr; 2nd or subsequent off (w/n 5 yrs)-90 dys to 1 yr; Driving while impaired, 1st Off-2 dys to 180 dys; 1st Off[2]-60 dys to 1 yr; 2nd or subsequent off-45 dys to 1 yr (if a previous impaired conviction)[1] §42-4-1202
Mandatory Minimum Term:	Driving under the influence/illegal per se, 1st Off-No; 1st Off[1]-7 dys; 2nd or subsequent off (w/n 5 yrs)-7 dys; Driving while impaired 1st Off-No; 1st Off[2]-6 dys; 2nd or subsequent off-5 dys; See Alcohol Treatment
Fine:	
Amount ($ Range):	Driving under the influence/illegal per se, 1st Off-$300 to 1,000; 1st Off[1]-$450 to 1,500; 2nd or subsequent off (w/n 5 yrs)- $500 to 1,500; Driving while impaired, 1st Off- $100 to 500; 1st Off[2]-$450 to 1,200; 2nd or subsequent off-$300 to 1,000
Mandatory Minimum Fine ($):	None Note: Defendants are required to pay $65 into a law enforcement assistance fund and $15 into the county treasury; see §43-4-402.

[1]But where there has been within 5 yrs a conviction for a driving while impaired off

[2]But where there has been w/n 5 yrs a conviction for a driving while under the influence off.

Sanctions Following a Conviction for a DWI Offense: (continued)

Other Penalties:

Community Service:	Driving under the influence/illegal per se, 1st Off-48 to 96 hrs (48 hrs. mandatory); 1st Off-56 to 112 hrs (56 hrs mandatory); 2nd or subsequent off (w/n 5 yrs)-60 to 120 hrs (60 hrs mandatory), Driving While Impaired, 1st Off-24 to 48 hrs (24 hrs mandatory), 2nd or subsequent off-48 to 96 hrs (48 hrs mandatory) §42-4-1202
Restitution (eg, Victim's Fund):	Yes, A victims' compensation fund; see §24-4.1-100.1 et seq.
Other:	Special Note: Persons assigned to community service must pay fee of no more than $40; This is used to keep the community service self-supporting and to purchase insurance; See §42-4-1202(4)(g)(v)

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes 0.15 Rev for a mandatory period of 1 yr §42-2-122.1
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	Driving while under the influence and illegal per se, 1st off - Susp/Rev; Driving while impaired, Susp/Rev[1&2]
Term of License Withdrawal (Days, Months, Years, etc.):	Driving while under the influence and illegal per se, 1st off-Susp Not less than 1 yr; Driving while impaired, 1st off-1 yr[1,2,3&4]; §42-2-123(8.5)

[1] For a driving while impaired conviction, eight (8) points placed on driver's record; generally the accumulation of either 12 points in 12 mos or 18 points in 24 mos results in license susp for not more than one yr, but a probationary-restricted license may be issued; see 42-2-123(1)(a), (5) and (11).

[2] A conviction for either an impaired, under the influence, or illegal per se off where there has been a previous alcohol driving off convictions of any type within a 5-yr period -- Rev (42-2-122(1)(g) and 42-2-124(2)); A conviction for either an impaired, under the influence of illegal per se influence or illegal per se off where there has been two previous alcohol driving off convictions of any type -- Rev (§ 42-2-122(1)(1))

[3] Special Note: If the first offender is a minor, a person under 21 yrs of age (see § 2-4-402(b)), their license must be revoked for a 1 yr period. See §§ 42-2-122(i)(j) and 42-2-124(2).

[4] A conviction for either an impaired, under the influence, or illegal per se off where there has been a previous alcohol driving off convictions of any type within a 5-yr period -- Revocation for 1 yr; A conviction for either an impaired, under the influence of illegal per se influence or illegal per se off where there has been two previous alcohol driving off convictions of any type -- Revocation for an indefinite period.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Mandatory Minimum Term of Withdrawal:	Driving while under the influence and illegal per se, 1st off -None[1]; Driving while impaired, 1st off - None; See Footnotes 2 and 3 below.
Other:	
Rehabilitation:	
Alcohol Education:	1st off--Yes, court may suspend mandatory minimum sentence
Alcohol Treatment:	1st off--Yes, court may suspend mandatory minimum sentence
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	1st off--court may suspend mandatory minimum sentence if defendant completes obligation of level I or level II program.
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	
Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:	
State Has Such Law/Type of Offense:	Yes, Felony §§18-3-106 & §42-4-1201

[1]A probationary-restricted license may be issued for reasons of employment/alcohol education, et al; see § 42-2-123(11) & (13)

[2]Special Note: If the first offender is a minor, a person under 21 yrs of age (see § 2-4-402(b)), their license must be revoked for a 1 yr period. See §§42-2-122(i)(j) and 42-2-124(2).

[3]A conviction for either an impaired, under the influence, or illegal per se off where there has been a previous alcohol driving off convictions of any type w/n a 5-yr period - 1 yr; A conviction for either an impaired, under the influence of illegal per se influence or illegal per se off where there has been two previous alcohol driving off convictions of any type - 2 yrs

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Sanctions:

Criminal Sanction:

Imprisonment (Term):	2-4 yrs
Mandatory Minimum Term:	None
Fine ($ Range):	None
Mandatory Minimum Fine:	None

Administrative Licensing Action:

Licensing Authorized and Type of Action:	Rev
Length of Term of Licensing Withdrawal:	1 yr
Mandatory Action--Minimum Length of License Withdrawal:	1 yr
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	1st off-30 dys to 1 yr; 2nd and subsequent offs-90 dys to 2 yrs; 42-2-130
Mandatory Minimum Term of Imprisonment:	1st off-30 dys; 2nd and subsequent offs-90 dys
Fine ($ Range):	1st off-$500 to 1,000; 2nd and subsequent offs-$500 to 3,000
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Rev
Length of Term of License Withdrawal Action:	4 yrs
Mandatory Term of License Withdrawal Action:	4 yrs; §42-2-130

Habitual Offender Laws:

State Has Such Law (Yes/No):	Yes, 42-2-201
Grounds for Being Declared an Habitual Offender:	3 or more serious offs in 7 yrs, or 10 or more convictions for offs of 4 points or more within 5 yrs, or 18 or more convictions of 3 points or less within 5 yrs; §42-2-2-20

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Term of License Rev While Under Habitual Offender Status:	Rev for 5 yrs; §42-2-205
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Felony, §42-2-206
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	1-2 yrs
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	None
Mandatory Minimum Fine ($):	N/A
Licensing Actions (Specify):	None

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	Yes §42-4-1211
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	No
Pedestrian:	Yes (15 years of age or older)
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 §§12-46-112 & 12-47-128 (Year Eff: 1987)
Minimum Age (Years) Possession:	21 (applies to possession in public places and motor vehs) §§12-46-112 & 12-47-128
Minimum Age (Years) Consumption:	None

Other State Laws Related To Alcohol Use And Driving: (continued)

Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes, §§12-46-112.5, 12-47-128.5 & 13-21-103 (Note: Damage awards are limited to $150,000.)
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Note: Dram shop case law (e.g., Kerby v. Flamingo Club, Inc., 532 P.2d 975 (1974)) may have been abrogated by legislation; see 12-46-112.5 & 12-47-125.5.
Dram Shop Actions-Social Hosts:	Yes, 12-46-112.5 & 12-47-128.5 (Limited to the actions of those under the legal drinking ages.) (Note: Damage awards are limited to $150,000.)
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd[1]
Term of Imprisonment:	Not more than 90 days
Fine ($ Range):	$100 to 500
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or Rev[2]
Length of Term of License Withdrawal:	Susp.-Not more than 6 mos[3] Rev.-Period not specified in the statutes
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Misd[1]
Term of Imprisonment:	Not more than 90 days
Fine ($ Range):	$100 to 500

[1]For alcoholic beverages (except 3.2% beer), see §§12-47-128(1)(a) & 12-47-130(2). For 3.2% beer class 2 petty offense-a fine of not more than $100; see §§12-46-112(1)(b), 12-46-114(2) & 12-46-114(3).

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, Susp or Rev[1];
Length of Term License Withdrawal:	Susp.-not more than 6 mos.[2] Rev.-period not specified in the statutes
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	Yes - driver and passengers; §12-47-128(1)(h) (Note: The law states that "it is unlawful for any person: to consume malt, wines, or spiritous liquor in a public place"; licensed premises are excepted)

[1]For alcoholic beverages (except 3.2% beer), see §12-47-110. For 3.2% beer, see §12-46-107.
[2]Summary suspension is allowed for not more than 15 days.

STATE:	CONNECTICUT
General Comments:	See Connecticut General Statutes Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor (14-227a(a))/imparied by the consumption of intoxicating liquor (14-227a(b))
Illegal Per Se Law (BAC Level):	0.10 14-227a(a)(2); driving while impaired[1] if BAC is greater than 0.07 but less than 0.10; see 14-227a(b)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	(1) Any Drug and (2) Any Drug and Intoxicating Liquor 14-227a(a)
Other:	

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes 14-227b
Implied Consent Law Applies to Drugs (Yes/No):	Yes 14-227b(a)
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) 14-227a(f)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes 14-227(d)
Urine:	Yes 14-227(d)
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No[2]
Anti-Plea Bargaining Statute (Yes/No):	No Note: The law requires the State to give to the Court in open session the reasons why a criminal DWI charge was reduced or dismissed. 14-227a
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes (first-time DWI offenders; see sec 4 of P.A. 81-446)

[1]Driving while impaired is an infraction; see 14-227a(i)
[2]A pre-trial diversion program is available for first DWI offenders; see 54-56g

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st refusal - susp for 6 mos; 2nd refusal-Susp for 1 yr[1]; Subsequent refusal-Susp for 3 yrs[2]; (These suspensions are mandatory) 14-227b(f)
Other:	Special Note: If a driver has a BAC level 0.10 or more or refuses to submit to the chemical test, the police dept. must hold their license for 24 hrs. See 14-227a(F) & 14-227b(c)

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	1st Off-Not more than 6 mos; 2nd Off[3]-Not more than 1 yr; 3rd Off[3]-Not more than 2 yrs; 4th and sub off's[3] -Not more than 3 yrs 14-227a(h); Driving While Impaired (Infraction)-None; Veh Assault-cl D felony Not more than 5 yrs 53a-60d
Mandatory Minimum Term:	1st Off-48 con. hrs 2nd off-10 days; 3rd off-120 dys; 4th and subsequent offs -1 yr
Fine:	
Amount ($ Range):	1st Off - $500-1,000; 2nd Off[3]- $500-2,000; 3rd Off[3] - $1,000-4,000; 4th and subsequent off's[3] - $2,000-8,000 14-227a(h); Driving While Impaired (Infraction) - Fine schedule determined by the Courts (See 51-164m); Veh Assault - Cl D felony-Not more than $5,000
Mandatory Minimum Fine ($):	All offs - None
Other Penalties:	
Community Service:	1st Off - 100 hrs in lieu of the 48 con. hrs. of mandatory imprisonment

[1]This 1-yr susp would also apply to a 1st refusal where there has been a previous DWI off conviction.
[2]This 3-yr susp would also apply to a 2nd refusal where there has been a previous DWI off conviction.
[3]w/n 5 yrs

Sanctions Following a Conviction for a DWI Offense:
(continued)

Restitution (eg Victim's Fund)	Yes, Criminal injuries compensation fund; see 54-209 & 54-215
Other:	All offs - None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	None
Other:	Special Note: The police may take and hold a driver's license for 24 hrs if the driver has a BAC level of 0.10% or more; see 14-227a(b)

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	For 1st, 2nd and 3rd offs -Susp; 4th and subsequent offs - Rev 14-227a(h); Alcohol infraction - None; Veh Assault, DWI off - Susp
Term of License Withdrawal (Days, Months, Years, etc.):	1st off - 1 yr; 2nd off - 2 yrs ; 3rd off - 3 yrs; 4th and subsequent offs - Permanently; Alcohol infraction - None; Veh Assault, DWI off - 1 yr
Mandatory Minimum Term of Withdrawal:	1st off - 1 yr[1]; 2nd off - 2 yrs[1]; 3rd off - 3 yrs[1]; 4th and subsequent offs - Permanently[1]; Alcohol infraction - None; Veh Assault, DWI off - 1 yr

Other:

Rehabilitation:	
Alcohol Education:	Yes - For all DWI criminal offs 14-227a(k)
Alcohol Treatment:	Yes - For all DWI criminal offs 14-227a(k)
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	Yes - For all DWI criminal offs
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	None
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

[1]Note: The law does not specifically prohibit a court from reducing these susp periods.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes, Cl C felony (A person is guilty of manslaughter with a motor vehicle when, while operating a motor vehicle under the influence of intoxicating liquor or any drug or both, he causes the death of another person.) 53a-56b
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 10 yrs; 53a-56b
Mandatory Minimum Term:	None
Fine ($ Range):	Not more than $5,000; 53a-41
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Susp; 53a-56b
Length of Term of Licensing Withdrawal:	1 yr
Mandatory Action--Minimum Length of License Withdrawal:	None
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 1 yr; 14-215(c)
Mandatory Minimum Term of Imprisonment:	5 dys
Fine ($ Range):	$500-1,000
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	1st off - Susp; Subsequent offs - Susp; 14-111(b)
Length of Term of License Withdrawal Action:	1st off - Not less than 1 yr; Subsequent offs - Not less than 5 yrs
Mandatory Term of License Withdrawal Action:	None (Note: See 14-111(k))

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	Yes 14-227c
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	No
Pedestrian:	Yes

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 30-86 & 30-1(20) (Yr Eff: 1985)
Minimum Age (Years) Possession:	None
Minimum Age (Years) Consumption:	None

Dram Shop Laws and Related Legal Actions:

State Has a Dram Shop Law (Yes/No):	Yes, 30-102 (Note: Damages limited to $50,000)
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No
Dram Shop Actions-Social Hosts:	No (No cases)

Other State Laws Related To Alcohol Use And Driving: (continued)

Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd 30-86
Term of Imprisonment:	Not more than 1 yr 30-113
Fine ($ Range):	Not more than $1,000 30-113
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or rev 30-55
Length of Term of License Withdrawal:	Not stated in the statute
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Misd 30-86
Term of Imprisonment:	Not more than 1 yr 30-113[1]
Fine ($ Range):	Not more than $1,000 30-113
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp of rev 30-55
Length of Term License Withdrawal:	Unspecified
Anti-Happy Hour Laws/Regualtions:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	No

[1]Special Note: Any person, except a parent, guardian or physician who gives/delivers liquors to a minor, shall be fined not more than $1,500 or imprisoned not more than 18 months, or both; see 30-86.

STATE:	DELAWARE
General Comments:	See Delaware Code Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of alcohol 21 §4177(a)
Illegal Per Se Law (BAC Level):	Yes 0.10 21 §4177(b)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	(1) Any Drug & (2) a Combination of Alcohol and a Drug
Other:	A BAC of 0.10 is prima facie evidence that a person was under the influence of intoxicating liquor. 11 §3505

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes 21 §2741
Implied Consent Law:	
Arrest Required (Yes/No):	Probably not §2740 and §2742(e)
Implied Consent Law Applies to Drugs (Yes/No):	Yes
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal & Civil Cases) 21 §2749
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes 21 §2740
Urine:	Yes 21 §2740
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Refusal to Take Implied Consent Chemical Test	
Criminal Sanction (Fine/Jail):	None

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Administrative Licensing Action (Susp/Rev):	1st Refusal - Rev for 1 yr (6 mos mandatory); (Note: A conditional hardship license may be issued of certain limited conditions are met.); 2nd Refusal (w/n 5 yrs) - 18 mos (Mandatory Rev[1]); 3rd and subsequent Refusals (w/n 5 yrs) - 24 mos (Mandatory Rev[1])

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	1st Off - 60 dys-6 mos; 2nd or subsequent off (w/n 5 yrs) - 60 dys-18 mos; Veh Assault, A DWI related injury where there has been (1) Negligent driving (Cl B misd)-Not more than 6 mos; (2) Criminally negligent driving (Cl A misd)-Not more than 2 yrs
Mandatory Minimum Term:	Under 21 §4177(f) a person convicted of a second or subsequent DWI off may not receive a suspended sentence; however, there is not specific language that prohibits a Court from placing a defendant on probation after sentencing.
Fine:	
Amount ($ Range):	1st Off- $200-1,000[1]; 2nd or subsequent off (w/n 5 yrs)- $500-2,000[1]; Veh Assault, A DWI related injury where there has been (1) Negligent driving (Cl B misd)-Not more than $500; (2) Criminally negligent driving Cl A Misd) - Not more than $1,000
Mandatory Minimum Fine ($):	None
Other Penalties:	
Community Service:	None

[1]For a 2nd and 3rd refusals; the driver would probably not be eligible for a conditional hardship license. 21 §§2741, 2742, 2743, 4177E

Sanctions Following a Conviction for a DWI Offense:
(continued)

Restitution (eg Victim's Fund)	1st Off- Yes; 2nd and subsequent off (w/n 5 yrs)- Yes 11 §9001 et seq.; An additional amount equal to 15% of any fine (whether the fine is suspended or not) is assessed against the defendant; such assessments are placed in a victim's Comp. Fund
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes Based on probable cause of DWI. Note: Licensing sanctions (Rev) under the Admin Per Se law are as follows: 1st off- 3 mos; 2nd off- 1 yr; 3rd or subsequent offs- 18 mos; 2nd, 3rd, and subsequent offs include implied consent violations as well as DWI offs and are those occuring within five yrs of a first offs all admin. per se lic actions are mandatory (see 21 §§2742 and 2743).
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st Off-Rev; 2nd Off (w/n 5 yrs)-Rev; 3rd or subsequent off (w/n 5 yrs)-Rev; 21 §4177a; Veh Assault-A DWI related injury where there has been (1) negligent driving-Rev; (2) Criminally negligent driving-Rev
Term of License Withdrawal (Days, Months, Years, etc.):	1st Off-1 yr; 2nd Off (w/n 5 yrs)-1 yr; 3rd or subsequent off (w/n 5 yrs)-18 mos; Veh Assault, A DWI related injury where there has been (1) negligent driving-1 yr; (2) Criminally negligent driving-2 yrs
Mandatory Minimum Term of Withdrawal:	1st Off-90 dys (A conditional license may be issued after the first 90 dys of the rev period); 2nd and subsequent offs - 6 mos; see 21 §§4177B & 4177C (A conditional license may be issued after 6 mos of the rev period, see 21 § 4177c(b))

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other:

Rehabilitation:

Alcohol Education:	For any DWI off-Course of instruction and rehabilitation required for convicted persons prior to having their licenses/driving privileges reinstated[1]
Alcohol Treatment:	
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	Note: Impoundment of a vehicle or surrender of license plates/registration (for 90 dys for a 1st off and 1 yr for a sub off) is authorized if vehicle operator was operating his/her vehicle while they are under license susp or rev for a DWI off. See 21 §2756.

Miscellaneous Sanctions Not Included Elsewhere:	None

[1]Subsequent offs within 5 yrs of a first - "Ordered to complete a program of education or rehabilitation which may include in-patient treatment followed by such other programs as established by training facility" for a time not to exceed 15 mos and pay a fee not to exceed the maximum fine. 21 §4177 and 4177D--Persons violating either the implied consent or admin per se laws must complete an alcohol education/alcohol rehabilitation program (21 §2743(c)).

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes, 1st degree (death caused by criminally negligent driving while DWI) Cl D felony 11 §630A; 2nd degree (death caused by (1) criminally negligent driving or (2) negligent driving while DWI) Cl E felony 11 §630
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	1st degree-10 yrs; 2nd degree-7 yrs; 11 §4205
Mandatory Minimum Term:	None
Fine ($ Range):	1st degree-As the court may order; 2nd degree-As the court may order; 11 §4205
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	1st degree-Rev; 2nd degree-Rev; 21 §2732
Length of Term of Licensing Withdrawal:	1st degree-4 yrs; 2nd degree-3 yrs
Mandatory Action--Minimum Length of License Withdrawal:	1st degree-4 yrs; 2nd degree-3 yrs
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	1st off-30 dys-6 mos; 2nd and subsequent offs-60 dys-1 yr; 21 §2756[1]
Mandatory Minimum Term of Imprisonment:	1st off-30 dys*; 2nd and subsequent offs -60 dys*; 21 §2756 (*These special sanctions are mandatory where rev was based on vehicle homicide, et al. similar offenses where alcohol use was involved)
Fine ($ Range):	1st off-$200-500; 2nd and subsequent offs-$500-1,000; 21 §2756
Mandatory Minimum Fine:	1st off-$500*; 2nd and subsequent offs - $500*; 21 §2756; (*These special sanctions are mandatory where rev was based on vehicle homicide, et al.)

[1]See Vehicle Impoundment/Consication under Other on p. 3-60.

Other Criminal Actions Related To Alcohol Use And Driving: (continued)

Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	1st off-Susp or rev; 2nd and subsequent offs-Susp or rev
Length of Term of License Withdrawal Action:	Original period of susp or rev extended by an equal amount; 21 §2758
Mandatory Term of License Withdrawal Action:	Original period of susp or rev extended by an equal amount
Habitual Offender Laws:	
State Has Such Law (Yes/No):	Yes, 21 §2801 et seq.
Grounds for Being Declared an Habitual Offender:	3 serious or 10 minor moving violations within a 5-yr period
Term of License Rev While Under Habitual Offender Status:	Rev for 5 yrs if based on serious offs or for 3 yrs if based on minor moving violations
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Misd
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	1-5 yrs
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	None
Mandatory Minimum Fine ($):	None
Licensing Actions (Specify):	License denied for 5 yrs if the habitual offender status is based on serious offs. License denied for 3 yrs if the habitual offender status is based on minor offs.

Other State Laws Related to Alcohol Use and Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	

Other State Laws Related To Alcohol Use And Driving: (continued)

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 4 §904(f) (Year Eff: 1983)
Minimum Age (Years) Possession:	21 4 §904(f) (Law does not apply to alcohol use in religious services or in the home.)
Minimum Age (Years) Consumption:	21 (Law does not apply to alcohol use in religious services or in the home.)

Dram Shop Laws and Related Legal Actions:

State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No (For a case denying liability, see Wright v. Moffitt, 437 A2d 554 (1981). Note especially the statements made on p.559 by the Court on third party injury liability.)
Dram Shop Actions-Social Hosts:	No
Other:	None

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

Type of Criminal Action:	Not specified 4 §711
Term of Imprisonment:	1 mo 4 §903
Fine ($ Range):	Not more than $100 4 §903

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

License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, susp
Length of Term of License Withdrawal:	Not specified by statute

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:

Type of Criminal Action:	Misd 4 §713
Term of Imprisonment:	30 dys 4 §904
Fine ($ Range):	Not more than $100 (or imprisonment) 4 §904

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp 4 §561
Length of Term License Withdrawal:	Not specified by statute
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	No

STATE:	DISTRICT OF COLUMBIA
General Comments:	See generally D.C. Code and D.C. Municipal Regulations (DCMR)

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence/while imparied §40-716
Illegal Per Se Law (BAC Level):	0.10 §40-716(b)(1)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	(1) Any Drug & (2) a Combination of Any Drug and Alcohol §40-716(b)(1)
Other:	More than 0.05 constitutes prima facie proof of either driving while under the influence or driving while impaired §40-717.1(2)

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §40-502
Implied Consent Law Applies to Drugs (Yes/No):	Yes §40-502(a)
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal & Civil Cases) §40-505(c)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes 40-502
Urine:	Yes 40-502
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pro-Sentencing Investigation Law (PSI) (Yes/No):	Yes D.C. Code Ann. §23-103

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A
Refusal to Take Implied Consent Chemical Test	
Criminal Sanction (Fine/Jail):	None

Sanctions for Refusal to Submit to a BAC Chemical Test:

Administrative Licensing Action (Susp/Rev):	Susp for 12 mos §40-505(a) Mandatory (No occupational hardship license shall be issued; see 18 DCMR 310.7(a))
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	Illegal per se/Under the Influence:[1] 1st Off-Not more than 90 dys; 2nd Off-(w/n 15 yrs)-Not more than 1 yr; 3rd and subsequent offs (w/n 15 yrs)-Not more than 1 yr; Impaired:[1] 1st Off-Not more than 30 dys; 2nd Off (w/n 15 yrs)-Not more than 90 dys[2] [See §40-716(b)(1) & (12)]
Mandatory Minimum Term:	None
Fine:	
Amount ($ Range):	Illegal per se/Under the Influence:[1] 1st Off-Not more than $300; 2nd Off (w/n 15 yrs)-Not more than $5,000; 3rd off and subsequent offs (w/n 15 yrs)-Not more than $10,000; Impaired:[1] 1st Off-Not more than $300; 2nd Off (w/n 15 yrs)-Not more than $300[3]
Mandatory Minimum Fine ($):	None
Other Penalties:	
Community Service:	None
Restitution (eg Victim's Fund)	None
Other:	None
Administrative Licensing Actions:	
Pre-DWI Conviction Licensing Action:	
Administrative Per Se Law:	Yes[4]
Other:	None

[1]See D.C. Code §40-716(b)(1) & (2)
[2]3rd and subsequent off (w/n 5 yrs) - Not more than 1 yr (D.C. Code §40-716(b)(1) & (2))
[3]3rd and subsequent off (w/n 5 yrs) - Not more than $5,000 (D.C. Code §40-716(b)(1) & (2))
[4]Under Title 18 §302.5 of the D.C. Mun. Regs., the licensing agency may suspend/revoke a driver's license on its own without a DWI Court conviction if there is sufficient evidence to indicate that a person was operating a motor veh while under the influence of intoxicating liquor, for a 1st Admin. Action - Susp 2 to 30 dys; for subsequent Admin Actions - Susp 15 to 90 dys (See Title 18 §306.1 of the D.C. Mun. Regs.)

Sanctions Following a Conviction for a DWI Offense:
(continued)

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	Driving under the influence/illegal per se - Rev for all offs; Driving while impaired for any off - Either susp or rev at the discretion of D.C. officials (see D.C. code §40-302(a))
Term of License Withdrawal (Days, Months, Years, etc.):	Driving under the influence/illegal per se: 1st off - 6 mos; 2nd off - 1 yr; 3rd and subsequent offs - 2 yrs; see D.C. Code 40-302(a) and (b); 18 DCMR 301.1 and 306.5; Driving while impaired: 1st off - susp from 2 to 30 dys or rev for 6 mos; Subsequent offs - susp from 15 to 90 dys or rev where the time period is discretionary but must be for definitive period of time; see D.C. Code 40-302(a)
Mandatory Minimum Term of Withdrawal:	Driving under the influence/illegal per se, 1st off - 6 mos; 2nd off - 1 yr; 3rd and subsequent offs - 2 yrs (Note: No occupational hardship licenses shall be issued; see 18 DCMR 310.9(a)); Driving while impaired: None (Note: Either a limited license (see 19 DCMR 309.1 et seq.) or a limited occupational hardship license (see 18 DCMR 310.1 et seq.) may be issued.)

Other:

Rehabilitation:	
Alcohol Education:	
Alcohol Treatment:	
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes, negligent homicide, felony §40-713
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 5 yrs
Mandatory Minimum Term:	None
Fine ($ Range):	Not more than $5,000
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev §40-716(d)(12) and 18 DCMR 301.1(b) and 306.5
Length of Term of Licensing Withdrawal:	1st off - 6 mos; 2nd off - 1 yr; 3rd and subsequent offs - 2 yrs
Mandatory Action--Minimum Length of License Withdrawal:	1st off - 6 mos; 2nd off - 1 yr; 3rd ans subsequent offs - 2 yrs
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 1 yr §40-302(e)
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Not more than $5,000
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Rev/Susp
Length of Term of License Withdrawal Action:	Extend the period of susp or rev for an additional period of time which is equal to the length of the original susp or rev period; see D.C Code 40-302 and 18 DCMR 305.1 and 305.5
Mandatory Term of License Withdrawal Action:	Licensing action is mandatory; no occupational license can be granted; see 18 DCMR 310.7(c)

Other State Laws Related To Alcohol Use And Driving: (continued)

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21[1] (Year Eff: 1986) §25-121
Minimum Age (Years) Possession:	None
Minimum Age (Years) Consumption:	21[1] §25-121

Dram Shop Laws and Related Legal Actions:

State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, Rong Yao Zhou v. Jennifer Mall Restaurant, Inc., ____ A.2d ____ (D.C. 1987) (No. 86-809)

[1]Persons who were 18 years old before September 30, 1986 may continue to purchase and consume light wine and beer; see §25-121(i). Light wine is that which contains 14% or less alcohol by volume; see §25-103(3).

Other State Laws Related To Alcohol Use And Driving: (continued)

Dram Shop Actions-Social Hosts:	No (No cases)
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Unspecified but would probably be considered to be a misd
Term of Imprisonment:	Not more than 1 yr
Fine ($ Range):	Not more than $1,000 (D.C. Code §§25-118, 25-121, and 25-132)
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or rev
Length of Term of License Withdrawal:	For Rev - no new license shall be issued for 1 yr
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Unspecified but would probably be considered to be a misd §§25-121 & 25-132
Term of Imprisonment:	Not more than 1 yr
Fine ($ Range):	Not more than $1,000
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or rev
Length of Term License Withdrawal:	For Rev - no new license shall be issued for 1 yr (D.C. Code §§25-118, 25-121, and 25-132)
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	Yes - Driver and passengers §25-128(a)

STATE:	FLORIDA
General Comments:	See Florida Statutes Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of alcoholic beverages §316.193(1)(a)
Illegal Per Se Law (BAC Level):	0.10 §316.193(1)(b)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	Controlled Substance §§316.193(1)(a) & 316.1931
Other:	0.10 BAC level - prima facie evidence of driving under the influence §316.1934(2)(c)

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §316.1932(b)(1)
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §316.1932(1)(a)
Implied Consent Law Applies to Drugs (Yes/No):	Yes §316.1932(1)
Refusal to Submit to Chemcial Test Admitted into Evidence:	Yes (Criminal Cases) §§316.1932(1)(a) & 316.1932(1)(c)
Other Information:	Special Note: A blood test may be given a driver without their consent if they have been involved in an accident resulting in either death or serious bodily injury; See §316.1933

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Impled Consent Law):

Blood:	Yes (Only if incapacity renders the breath test impractical or impossible) §322.261
Urine:	No (Note: Under §316.1932(1)(a) there is an implied consent to submit to a urine test for the purpose of detecting the presence of controlled substances.)
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	Yes (Applies only to DWI manslaughter/veh homicide offs; See §316.656)
Anti-Plea Bargaining Statute (Yes/No):	Yes (Fla. Stat. Ann. §316.656 (Note: Only applies if BAC level is 0.20% or more or for DWI/ Manslaughter/Veh Homicide off.)
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	None

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st refusal-Susp for 1 yr (hardship license available); Subsequent refusals-Susp for 18 mos (Mandatory §§322.261 & 322.271(2)(a))
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	1st Off-Not more than 6 mos; 2nd Off-Not more than 9 mos; 3rd Off-Not more than 12 mos; 4th or sub. Off (3rd degree felony)-Not more than 5 yrs[1]
Mandatory Minimum Term:	2nd Off-10 dys if 2nd conviction was w/n 3 yrs of a previous DWI conviction 316.193(6); 3rd and subsequent Off-30 dys if 3rd conviction was w/n 5 yrs of a previous DWI conviction 316.193(6)
Fine:	
Amount ($ Range):	1st Off-$250-500; 2nd Off-$500-1,000; 3rd Off-$1,000-2,500; 4th or sub. Off (3rd degree felony)-Not more than $5,000[1]
Mandatory Minimum Fine ($):	None
Other Penalties:	

[1]Also under §316.193, for under the influence offenses where there has been: (1) property damage or personal injury-Misd of the 1st degree-Not more than 1 yr in jail, a fine of not more than $1,000; (2) serious bodily injury-3rd degree felony-Not more than 5 yrs in prison, a fine of not more than $5,000; (3) a BAC level of 0.20 or more: 1st Off-Not more than 9 mos in jail, a fine of $500-1,000; 2nd Off-Not more than 12 mos in jail, a fine of $1,000-2,000; 3rd Off-Not more than 12 mos in jail, a fine of not less than $2,000

Sanctions Following a Conviction for a DWI Offense:
(continued)

Community Service:	1st off-50 hrs or if the court thinks it in the best interests of the State, a $10 fine for each hour of community work otherwise required. (Required notwithstanding other sanctions) Note: This sanction for 1st offenders is part of mandatory probation which is not to exceed 1 yr.
Restitution (eg Victim's Fund)	None
Other:	Special Note: A 5% surcharge is levied on all fines; This surcharge is paid into a crimes compensation trust fund; See §960.25 Alcohol related crash victims are not eligible this fund. Also, $25 shall be added to any fine imposed; this amount shall be deposited in the Emergency Medical Services Trust Fund; see §316.193(6)

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	None
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st Off (Non injury)-Rev; 1st Off-Under the influence offs bodily injury or property damage-Rev; 2nd Off (All offs)(w/n 5 yrs)-Rev; 3rd Off (All offs)(w/n 10 yrs)-Rev; 4th off-Rev §322.28
Term of License Withdrawal (Days, Months, Years, etc.):	1st Off (Non injury)-180 dys-1 yr; 1st Off-Under the influence offs where there is any bodily injury or property damage-Not less than 3 yrs; 2nd Off (All offs)(w/n 5 yrs)-Not less than 5 yrs; 3rd off (All offs)(w/n 10 yrs)-Not less than 10 yrs.; and 4th off (all offs)-Permanently §322.28

Special Note: Rev is permanent if there is an alcohol off in connection with a veh manslaughter/homicide off; see §322.28(2)(e).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Mandatory Minimum Term of Withdrawal:	1st Off-Intoxication or under the influence offs-See Footnote No. 1 below; 1st Off-where there is any bodily injury or property damage-3 yrs; 2nd Off (All offs)(w/n 5 yrs)-5 yrs (after 12 mos a restricted license may be issued); 3rd Off (All offs)(w/n 10 yrs)-10 yrs (after 24 mos a restricted license may be issued); 4th Off (All offs)-Permanently §§322.271(2)(b) and 322.28
Other:	
Rehabilitation:	
Alcohol Education:	Yes (Under §§316.193(3) and 322.291 a substance abuse course is required for a defendant convicted of any DWI off. Such a course must be successfully completed by defendants who have been convicted of either two DWI offs w/n 5 yrs or 3 such offs w/n 10 yrs before their license can be restored; see §322.03(1)(b))
Alcohol Treatment:	
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	None
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	Special Note: Under §322.291 a defendant may be required to complete a driver training course prior to having their license reinstated.

[1]A temporary restricted use license for business/employment may be issued for 45 dys following the completion of either a driver training program or substance abuse course; the law is silent as to whether this license can be renewed for additional 45-day periods. §322.271(1) & (2)

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes, Manslaughter via Veh and DWI manslaughter[1]-Felony 2nd degree §782.07; Veh Homicide,-Felony 3rd degree §782.071
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Manslaughter via veh and DWI manslaughter-Not more than 15 yrs; Vehicle Homicide, Felony 3rd degree-Not more than 5 yrs; §775.082(c) & (d)
Mandatory Minimum Term:	None
Fine ($ Range):	Manslaughter via veh and DWI manslaughter-Not more than $10,000; Veh Homicide-Not more than $5,000; §775.083(1)(b) & (c)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Manslaughter via veh, DWI manslaughter and Veh Homicide-Rev; §322.28(5)
Length of Term of Licensing Withdrawal:	For any death related to the operation of a motor vehicle, a defendant's licnese is revoked for a mandatory min. period of 3 yrs; see §322.28(5)(a). Note: For DWI manslaughter, revocation could be permanent; see §322.28(2)(e).
Mandatory Action--Minimum Length of License Withdrawal:	3 yrs
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	1st off-Not more than 60 dys (misd 2nd degree); 2nd and subsequent offs §322.34(1)-Not more than 1 yr (misd 1st degree); §775.082
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	1st off-Not more than $500; 2nd and subsequent offs-Not more than $1,000; §775.083
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	1st off-Susp/Rev; 2nd and subsequent offs-Susp/Rev; §322.28(3)

[1] §316.193(3)(c)(3)

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Length of Term of License Withdrawal Action:	1st off-An additional 3 mos; 2nd and subsequent offs-An additional 3 mos
Mandatory Term of License Withdrawal Action:	(See §322.271 for basis to issue restricted hardship license.)
Habitual Offender Laws:	
State Has Such Law (Yes/No):	Yes §322.264
Grounds for Being Declared an Habitual Offender:	3 serious or 15 normal moving violations within a 5-yr period
Term of License Rev While Under Habitual Offender Status:	5-yr-Rev Period; (Note: After 12 mos, the offender may have his/her driving privileges restored; see §322.271(1)(b).) §322.27(5)
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Misd of the 1st degree §322.34(2)
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	Not more than 1 yr §775.082
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Not more than $1,000 §775.083
Mandatory Minimum Fine ($):	None
Licensing Actions (Specify):	Rev period extended an additional 3 mos §322.28(3)

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	

Other State Laws Related to Alcohol use and Driving:
(continued)

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 §562.11(a) (Year Eff: 1985)
Minimum Age (Years) Possession:	21 (Except for employment purposes) §562.111
Minimum Age (Years) Consumption:	21 On licensed premises §562.11(a)

Dram Shop Laws and Related Legal Actions:

State Has a Dram Shop Law (Yes/No):	Yes §768.125 Special Note: Actions under this law are limited to damages caused by selling alcoholic beverages (1) to persons under the legal drinking or (2) to persons habitually addicted to alcohol; see Barnes v. B.K. Credit Service, Inc., 461 So.2d 217 (Fla. App. 1984)
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Possible See Allen v. Babrab, Inc., 438 So.2d 356 (Fla. 1983).
Dram Shop Actions-Social Hosts:	No See United Services Auto Assn. v. Butler, 359 So.2d 498 (1978)
Other:	None

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

Type of Criminal Action:	None (Note: Fla. Stat. Ann. §562.50 makes it illegal to sell or dispose of, in any way, intoxicating liquors to an individual when the person, who is selling or disposing of such intoxicating liquor, has written notice that the person receiving such intoxicating liquor is an habitual drunkard.)
Term of Imprisonment:	None
Fine ($ Range):	None

Other State Laws Related to Alcohol Use and Driving:
(continued)

Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	No
Length of Term of License Withdrawal:	N/A
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:	
Type of Criminal Action:	Misd (2nd degree) (Fla. Stat. Ann. §562.11)
Term of Imprisonment:	Not more than 60 dys
Fine ($ Range):	Not more than $500
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcohlic Beverages Withdrawn (Yes/No):	Yes Susp or rev (Fla. Stat. Ann. §561.29(1)(a) and (w)
Length of Term License Withdrawal:	Time period is not specified in the statute.
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	No

STATE:	GEORGIA
General Comments:	See Code of Georgia Annotated (Code of 1981)

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of alcohol 40-6-391(a)(1)
Illegal Per Se Law (BAC Level):	0.12 40-6-391(a)(4) & 40-6-392(a)(4)
Presumption (BAC Level):	0.10 40-6-392(b)(3)
Types of Drugs/Drugs and Alcohol:	(1) Any Drug & (2) a Combination of Any Drug and Alcohol 40-6-391(a)(2) & (3)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes 40-5-55
Implied Consent Law Applies to Drugs (Yes/No):	Yes 40-5-55(a)
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) 40-6-392(c)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes 40-5-55
Urine:	Yes 40-5-55
Other:	Or "other bodily substance" (The code does not specify the substances but only uses general language.) 40-5-55

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No (Note: Mandatory only in felony cases.)

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test	
Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Susp for 6 mos 40-5-55 & 40-5-63(b) Mandatory
Other:	Special Note: If the refusal is in connection with a DWI- Homicide charge. The susp period is a mandatory 12 mos; see 40-5-63(b)

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	1st off (Misd)-10 dys-1 yr; 2nd off (w/n 5 yrs)-90 dys-1 yr; 3rd and subsequent offs (w/n 5 yrs) (Misd)-120 dys-1 yr; 40-6-391(c)[1]
Mandatory Minimum Term:	2nd off (Misd)-48 hrs; 3rd and subsequent offs (w/n 5 yrs) (Misd)-10 dys; (Note: See Community Service)
Fine:	
Amount ($ Range):	1st off (Misd)-$300-1,000; 2nd off (w/n 5 yrs) (Misd)-$600-1,000; 3rd and subsequent offs (all w/n 5 yrs)(Misd)-$1,000
Mandatory Minimum Fine ($):	None
Other Penalties:	
Community Service:	2nd off (Misd.)-80 hrs; 3rd and subsequent offs (all w/n 5 yrs)(Misd.)-30 dys (alternative sanction to the 48 hr/10 day minimum imprisonment terms)
Restitution (eg Victim's Fund)	None
Other:	None
Administrative Licensing Actions:	
Pre-DWI Conviction Licensing Action:	
Administrative Per Se Law:	None
Other:	None
Post DWI Conviction Licensing Action:	
Type of Licensing Action (Susp/Rev):	1st off-Susp; 2nd off -Susp; 3rd and subsequent offs (w/n 5 yrs)-Rev 40-5- 70(b)(1)(A)(B)(C), 40-5-58 & 40-5-62
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-1 yr; 2nd offs-3 yrs; 3rd and subsequent offs (all w/n 5 yrs)-5 yrs

[1]DWI where there is a serious injury is a felony - imprisonment 1-5 years; see §40-6-394.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Mandatory Minimum Term of Withdrawal:	1st off-License may be restored after 120 dys of the susp period have passed[1]; 2nd off (w/n 5 yrs) License may be restored after 120 dys have passed[2]; 3rd and subsequent offs (w/n 5 yrs)-5 yrs
Other:	
Rehabilitation:	
Alcohol Education:	Yes, for 1st and 2nd DWI offenders, the license may be restored before the end of the susp period as indicated provided the defendant completes an approved alcohol or drug program; See 40-5-70.
Alcohol Treatment:	Yes
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	None
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No (Note: Under Code of Ga. §85-203, only certain illegally parked vehs may be impounded.)
Terms Upon Which Vehicle Will Be Released:	None
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:	
State Has Such Law/Type of Offense:	Yes 1) Veh homicide where there is no "malice aforethought" but where there is a violation of §§40-6-271, 40-6-390 & 40-6-391 (veh homicide in the first degree-felony)[3]

[1]Under 40-5-71 a 1st offender may be issued a hardship license; also, under 40-6-391.1 a license susp may be avoided on a 1st DWI off if the defendant pleads nolo contendere to such off; thus, there is really no "mandatory" susp period for a 1st off.
[2]See rehabilitation section
[3]2) Veh homicide where the death is caused "without an intention to do so" and where driving while violating §§40-6-390,-391 is not involved (Veh Homicide in the Second Degree-Misd.); 3) Veh Homicide where the defendant is an habitual violator, his/her license has been revoked, and there is no "Malice Aforethought" (Veh Homicide in the First Degree-Felony) §§16-1-3(5) & 40-6-393

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Sanctions:

Criminal Sanction:

Imprisonment (Term):	1) 2-15 yrs[1] 2) Not more than 12 mos[2] 3) 3-15 yrs[3]
Mandatory Minimum Term:	3) 1 yr[3]
Fine ($ Range):	2) Not more than $1,000[2]
Mandatory Minimum Fine:	None

Administrative Licensing Action:

Licensing Authorized and Type of Action:	1) Susp[1] 2) Susp[2] 3) Susp[3]
Length of Term of Licensing Withdrawal:	1) 3 yrs[1] 2) 3 yrs[2] 3) 3 yrs[3], 40-5-64(f)
Mandatory Action--Minimum Length of License Withdrawal:	1) 3 yrs[1] 2) 3 yrs[2] 3) 3 yrs[3]
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	2 dys-6 mos (Misd)
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Not more than $500
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Susp/Rev 40-5-121(b)
Length of Term of License Withdrawal Action:	Original susp or rev period is extended 1 yr
Mandatory Term of License Withdrawal Action:	Original susp or rev period is extended 1 yr

[1]Veh homicide where there is no "malice aforethought" via a violation of §§40-6-271, 40-6-390 and 40-6-391 (alcohol offs)

[2]Veh homicide where the death is caused "without an intention to do so" and where driving while violating §§40-6-390,-391 is not involved (Veh Homicide in the Second Degree)

[3]Veh Homicide where the defendant is an habitual violator, his/her license has been revoked, and there is no "Malice Aforethought" (Veh Homicide in the First Degree) §40-6-393

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Habitual Offender Laws:	
State Has Such Law (Yes/No):	Yes §40-5-58(c) (Note: Previous code citation was §68B-308)
Grounds for Being Declared an Habitual Offender:	3 serious violations (w/n 5 yrs) alone or a combination of 15 serious/minor moving violations within a 5 yr period
Term of License Rev While Under Habitual Offender Status:	5-yr rev period §40-5-62(a)(1) (Note: A probationary restricted hardship license may be issued after two yrs of the rev period have passed; §40-5-58(c))
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Felony §40-5-58(c)
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	1-5 yrs
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Not less than $750
Mandatory Minimum Fine ($):	None
Licensing Actions (Specify):	None

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	Possible §45-16-27 (Op. Att. Gen. 079-10) (Indrect chemical test via coroner.)
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Possible
Vehicle Passengers:	Possible
Pedestrian:	Possible
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (Year Eff: 1986) §3-3-23(a)(1) & (2)
Minimum Age (Years) Possession:	21 (Exceptions: Medical purposes, religious ceremonies, and home use with parental consent)
Minimum Age (Years) Consumption:	N/A

Other State Laws Related To Alcohol Use And Driving: (continued)

Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Possible (For a case denying liability, see Nunn v. Comidas Exquisitos, Inc., 305 S.E.2d 487 (Ga. App. 1983); however, since social hosts may be held liable, this case may no longer be relevant.[1] See case under Dram Shop Actions-Social Hosts below.)
Dram Shop Actions-Social Hosts:	Yes See Sutter v. Hutchings, 327 S.E.2d 716 (1985)
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd §§3-1-2(2), 3-3-9, 3-3-22 & 17-10-3
Term of Imprisonment:	Not more than 12 mos
Fine ($ Range):	Not more than $1,000
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or cancellation §3-2-3
Length of Term of License Withdrawal:	2 yrs
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	1st off- Misd Subsequent offs- Misd of a high and aggravated nature. §§3-1-2(2), 3-3-23, 3-3-23.1, 17-10-3 & 17-10-4
Term of Imprisonment:	For 1st and subsequent off-Not more than 12 mos
Fine ($ Range):	1st off- Not more than $1,000; Subsequent off- Not more than $5,000

[1] In this regard, see Bishop v. Fair Lanes Bowling, Inc., 633 F. Supp. 1195 (1985) where a Federal District Court determined that a vender of alcoholic beverages could be held liable in a dram shop action under certain limited conditions.

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, susp or cancellation §3-2-3
Length of Term License Withdrawal:	2 yrs
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	No

STATE:	HAWAII
General Comments:	See Hawaii Revised Statutes

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor §291-4(a)(1)
Illegal Per Se Law (BAC Level):	0.10 §291-4(a)(2)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	Any Drug §291-7
Other:	0.10 or more is considered competent evidence of driving under the influence if the chemical test was taken within 3 hrs of a DWI violation. §291-5(a)

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §286-151
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit Chemical Test ADmitted into Evidence:	No (Specifically prohibited in both criminal and civil cases; see §286-159.)
Other Information:	Special Note: It appears that either a blood or breath test may be given a driver without their consent in order to obtain evidence of their intoxication if they are involved in an accident resulting in injury to or death to another person; §286-163

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes
Urine:	No
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes 2nd & 3rd DWI offs §291-4(c)

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	No
Administrative Licensing Action (Susp/Rev):	Rev 1st refusal 12 mos 2nd and sub. refusals (w/n 5 yrs) 2 to 5 years §286-155) (Mandatory)
Other:	Persons penalized under §286-155 must under go an assessment for alcohol dependence and the need for treatment §286-155(d)

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	1st alc. off-48 hrs[1]; 2nd alc. off (w/n 5 yrs of a previous conviction)-48 hrs of cons imprisonment; 3rd alc. off (w/n 5 yrs of two previous convictions)-10-180 dys §291-4 For any drug off-not more than 1 yr §291-7
Mandatory Minimum Term:	2nd Alc. off (w/5 yrs of a previous conviction)-48 cons hrs
Fine:	
Amount ($ Range):	1st alc. off-$150-1,000[1]; 2nd alc. off (w/n 5 yrs of a previous conviction)-$500-1,000[1]; 3rd alc. off (w/n 5 yrs of two previous convictions)- $500-1,000[1] §291-4 For any drug off-not more than $1,000 §291-7
Mandatory Minimum Fine ($):	None
Other Penalties:	
Community Service:	1st alc. off-72 hrs[1]; 2nd alc. off (w/n 5 yrs of a previous conviction)-10 dys (80 hrs for a drug off.) as an alternative to imprisonment
Restitution (eg Victim's Fund)	Yes Direct compensation by defendants to the victims; see §706-605(1)(e).
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	None
Other:	None

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

Sanctions Following a Conviction for a DWI Offense:
(continued)

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	For alc. offenses only: 1st off-Susp[1]; 2nd off-Susp; 3rd off-Rev §291-4 For any drug off-no licensing action is authorized.
Term of License Withdrawal (Days, Months, Years, etc.):	For alc. offenses only: 1st off-90 dys[1]; 2nd off-1 yr; 3rd off-1-5 yrs For any drug off-N/A
Mandatory Minimum Term of Withdrawal:	For alc. offenses only: 1st off-30 dys with a restricted license for 60 dys[1]; 2nd off-1 yr For any drug off-N/A

Other:

Rehabilitation:	
Alcohol Education:	1st off - A mandatory 14 hr alcohol/drug abuse education/counseling program.
Alcohol Treatment:	
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	None
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes--2 types of offs 1) Death caused by negligent veh operation (homicide in the first degree) a Cl C felony 2) Death caused by simple negligence--homicide in the second degree) a misd

[1]Note: For certain serious traffic law violations, e.g., an alcohol driving offense, a person recieves points on their driving record. A license is suspended from 1-6 months if a person accumulates 12 points on their record. For an alcohol driving offense conviction, a person receives from 4 to 8 points. Consequently, for a first conviction for an alcohol driving offense , a person could recieve up to a 6 month license suspension if they have accumulated 12 points as a result of this conviction and from other previous traffic law violations. See §286-128.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Sanctions:

Criminal Sanction:

Imprisonment (Term):	Death caused by negligent veh operation (homicide in the 1st degree) a Cl C felony-Not more than 5 yrs; Death caused by simple negligence--homicide in the 2nd degree) a misd-Not more than 1 yr (Hawaii Rev. Stat. §§707-703 and 707-704)
Mandatory Minimum Term:	To be determined by the paroling authority via special procedures (Hawaii Rev. Stat. §§707-703 and 707-704)
Fine ($ Range):	Death caused by negligent veh operation (homicide in the 1st degree) a Cl C felony Not more than $5,000 Death caused by simple negligence--homicide in the 2nd degree) a misd Not more than $1,000 (Hawaii Rev. Stat. §§707-703 and 707-704)
Mandatory Minimum Fine:	None

Administrative Licensing Action:

Licensing Authorized and Type of Action:	Death caused by negligent veh operation (homicide in the first degree) a Cl C felony-Rev[1]; Death caused by simple negligence--homicide in the second degree) a misd-Rev[1]
Length of Term of Licensing Withdrawal:	Death caused by negligent veh operation (homicide in the first degree) a Cl C felony-Not less than 1 yr; Death caused by simple negligence--homicide in the second degree) a misd-Not less than 1 yr
Mandatory Action--Minimum Length of License Withdrawal:	1 yr[1]
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	3 con days - 30 days (may be extended to 60 days for "good cause") §291-4.5
Mandatory Minimum Term of Imprisonment:	3 con days appears to be mandatory
Fine ($ Range):	$250-1,000
Mandatory Minimum Fine:	None

[1]Mandatory rev in the statute applies to a conviction of the driver for manslaughter; the statute does not state in a definitive manner whether veh homicide is manslaughter; see §§286-124 and 286-126.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Susp or rev §291-4.5
Length of Term of License Withdrawal Action:	An additional period of one (1) year[1]
Mandatory Term of License Withdrawal Action:	The above susp. or rev. appears to be mandatory

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	

Sanctions Following a Conviction of Driving While on Habitual Offender Status:

Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	Possible (Hawaii Rev. Stat. §841-3) (Indirect chemical test via coroner)
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Possible
Vehicle Passengers:	Possible
Pedestrian:	Possible

[1]The suspension or revocation period commences upon the person's release from imprisonment.

Other State Laws Related To Alcohol Use And Driving: (continued)

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (yr eff; 1986) §§281-1, 281-78 & 281-101.5
Minimum Age (Years) Possession:	21 (Employment situations, medical treatment and religious ceremonies are excluded.) §§281-1, 281-78, 281-101.5 and 712-1250.5(2(a) & (b)
Minimum Age (Years) Consumption:	N/A
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes Ono v. Applegate, 612 P.2d 533 (1980)
Dram Shop Actions-Social Hosts:	No (No cases)
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd
Term of Imprisonment:	Not more than 6 mos (Hawaii Rev. Stat., §§281-78, 281-91 and 281-102)
Fine ($ Range):	Not more than $500
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or rev
Length of Term of License Withdrawal:	Not specified in the statute (Note: A civil penalty of not more than $500 may be assessed in lieu of license susp or rev.)
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:	
Type of Criminal Action:	Misd

Other State Laws Related To Alcohol Use And Driving: (continued)

Term of Imprisonment:	Not more than 6 mos
Fine ($ Range):	Not more than $500 (Hawaii Rev. Stat. §§281-78, 281-91, and 281-102 & (Ch. 712)
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, susp or rev
Length of Term License Withdrawal:	Not specified in the statute (Note: A civil penalty of not more than $500 may be assessed in lieu of license susp or rev.) (Hawaii Rev. Stat. §§281-78, 281-91, and 281-10 & Ch. 712)
Anti-Happy Hour Laws/Regulations:	No (Note: Under S.B. 216 enacted in 1987, the liquor commission is required to promulgate regulations which prohibit practices which promote excessive consumption of alcoholic beverages.)
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes §§291-3.1(a) & 291-3.2(a)[1]
Anti-Consumption Law (Yes/No):	Yes- Driver and passengers §§291-3.1(b), 291-3.2(b) & 291-3.3[1]

[1]There is an exception in the case of motor vehicles for hire; see §291-3.4.

STATE:	IDAHO
General Comments:	See General Laws of Idaho Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of alcohol §18-8004(1)
Illegal Per Se Law (BAC Level):	0.10 §18-8004(1)
Presumption (BAC Level):	>0.08 §18-6901
Types of Drugs/Drugs and Alcohol:	(1) Any Drug, (2) Intoxicating Substance and (3) a Combination of Any Drug and Alcohol §§18-8004(1) & 18-8004(5)
Other:	No

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	(See Footnote No. 1 below.)
Arrest Required (Yes/No):	No
Implied Consent Law Applies to Drugs (Yes/No):	Yes §18-8004(1)
Refusal to Submit Chemical Test Admitted into Evidence:	Yes (Criminal Cases) State v. Bock, 328 P.2d 1065 (1958)
Other Information:	The police need only reasonable grounds of an alcohol off before the implied consent law is applicable; See §18-8002(1); However, see §18-8002(4)(b) which appears to indicate that probable cause is needed.

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes[1]
Urine:	Yes[1]
Other:	See Footnote No. 1 below.

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes §18-8005(5)

[1]The law refers to an evidentiary test for BAC levels without specifying the bodily substance to be tested; see §18-8002(1).

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	No
Administrative Licensing Action (Susp/Rev):	180 dys susp (Mandatory) §18-8002(4)(b)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	1st off-Not more than 6 mos; 2nd off (w/n 5 yrs) misdemeanor-10 dys to 1 yr; 3rd off (w/n 5 yrs) Felony-Not more than 5 years; Aggravated DWI where there is bodily harm/ disfigurement-Not more than 5 years
Mandatory Minimum Term:	1st off Misd-None; 2nd off (w/n 5 yrs) Misd- 10 dys; 3rd off (w/n 5 yrs) Felony-30 dys; Aggravated DWI off where there is bodily harm/disfigurement-30 dys[1]
Fine:	
Amount ($ Range):	1st off Misd-Not more than $1,000[2]; 2nd off (w/n 5 yrs) Misd-Not more than $2,000[2]; 3rd off (w/n 5 yrs) Felony-Not more than $5,000[2]; Aggravated DWI off where there is bodily harm/disfigurement-Not more than $5,000[2]
Mandatory Minimum Fine ($):	None
Other Penalties:	
Community Service:	None
Restitution (eg Victim's Fund)	Yes Aggravated DWI off where there is bodily harm/disfigurement; see §18-8006(1)(e). There is also a victims' compensation fund; see §72-1001 et seq.[2]
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:	
Administrative Per Se Law:	None
Other:	None

[1]See State v. McCoy, 486 P.2d 247 (1971), in which the Idaho Supreme Court voided a statute requiring mandatory sanctions.

[2]A defendant is also assessed a special fine of $10 which is paid into a crime victims' compensation account; see §72-1025.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st off-Susp[1]; 2nd off-Susp[3]; 3rd off-Susp[1]; Aggravated DWI off-Susp §§18-8005 & 18-8006
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-Not more than 180 dys; 2nd off- 6 mos-1 year after release from confinement; 3rd off- 1-5 years after release fr confinement; Aggravated DWI off - 1-5 years after release from confinement §§18-8005 & 18-8006
Mandatory Minimum Term of Withdrawal:	1st off -None[2]; 2nd off-30 dys after release from confinement[3]; 3rd off-1 year after release from confinement; Aggravated DWI off-1 year after release from confinement §§18-8005 & 18-8006

Other:

Rehabilitation:	
Alcohol Education:	
Alcohol Treatment:	A DWI offender may be referred for participation in retraining and/or rehabilitation program by a driver improvement counselor, a judge, a district court magistrate, or the hearing officer of the Department of Law Enforcement.
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	

[1] If the offender is a minor (a person under 18 years old), their license is suspended or denied for either an additional 1 year or until the person reaches 18 which ever period is longer or following the end of any period of susp or rev; See § 18-8005(7)
[2] A restricted license may be issued for reasons of employment.
[3] After the 30 day mandatory period, a restricted license may be issued for reasons of employment for the balance of the 6 mo minimum susp period.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Vehicle Impoundment/Confiscation:
Authorized by Specific Statutory Authority: No
Terms Upon Which Vehicle Will Be Released:
Other: None
Miscellaneous Sanctions Not Included Elsewhere: None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:
State Has Such Law/Type of Offense: Yes--3 types of offs for veh manslaughter--death as a result either (1) of an unlawful act not amounting to a felony where gross negligence is involved (Felony); (2) a DWI off (Felony); or, (3) death as a result of an unlawful act not amounting to a felony where there is no gross negligence (Misd.). §§18-111, 18-4006(3) & 20-201 et seq.

Sanctions:
Criminal Sanction:
Imprisonment (Term): (1) Veh manslaughter--death as a result of either gross negligence or of a DWI off-Not more than 7 years;
(2) Death as a result of an unlawful act not amounting to gross negligence - Not more than 1 year §18-4007(3)
Mandatory Minimum Term: None
Fine ($ Range): (1) Veh manslaughter--death as a result either gross negligence or of a DWI off-Not more than $7,000;
(2) Death as a result of an unlawful act not amounting to gross negligence - Not more than $2,000
Mandatory Minimum Fine: None

Administrative Licensing Action:
Licensing Authorized and Type of Action: (1) Veh manslaughter--death as a result either gross negligence or a DWI offs;
(2) Death as a result of an unlawful act not amounting to gross negligence - Rev §49-329
Length of Term of Licensing Withdrawal: (1) Veh manslaughter--death as a result either gross negligence is involved;
(2) Death as a result of an unlawful act not amounting to gross negligence - Not less than 1 yr §49-331

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Mandatory Action--Minimum Length of License Withdrawal:	(1) Veh manslaughter--death as a result either gross negligence or of a DWI offs; (2) Death as a result of an unlawful act not amounting to gross negligence - 1 year
Other:	Note: The law specifically states that a temporary restricted license cannot be issued following revs based on veh manslaughter.

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	1st off Misd-Not less than 2 dys to 6 mos; 2nd off Misd (w/n 5 years)-20 dys to 1 yr (w/n 12 mos); 3rd and subsequent offs (w/n 5 years)(felony)-Not more than 3 yrs, 18-8001
Mandatory Minimum Term of Imprisonment:	1st off Misd-2 dys; 2nd off Misd (w/n 5 years)-20 dys; 3rd and subsequent offs (w/n 5 years)(felony)-30 dys
Fine ($ Range):	1st off Misd-Not more than $500; 2nd off Misd (w/n 5 years)-Not more than $1,000; 3rd and subsequent offs (w/n 5 years)(felony)-Not more than $3,000
Mandatory Minimum Fine:	None Special Note: If a person is convicted of an alcohol driving off and such person had no driving privileges at the time of arrest, the penalties imposed under §18-8001 are in addition to any penalties imposed for an alcohol driving off conviction.

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	1st off Misd-Susp; 2nd off Misd (w/n 5 years)-Susp; 3rd and subsequent offs (w/n 5 years)(felony) 18-8001 - Rev §49-337
Length of Term of License Withdrawal Action:	1st Off Misd-License susp for an additional 6 mos[1];-2nd Off Misd (w/n 5 yrs)-License susp for an additional 1 yr; 3rd and subsequent offs (w/n 5 yrs)(felony)-License revoked for an additional 3 yrs, 18-8001
Mandatory Term of License Withdrawal Action:	2nd off Misd (w/n 5 years) additional-1 yr; 3rd and subsequent offs (w/n 5 years)(felony)-an additional 3 years, 18-8001

[1]Restricted licenses available for employment reasons or family health needs.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	Yes §49-1016
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	No
Pedestrian:	Yes

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21[1] §§23-312, 23-929 & 23-1023 (Year Eff: 1987)
Minimum Age (Years) Possession:	21[1] §23-949 (There is an employment exemption for persons who are at least 19 years old; see §§23-1013 & 23-1334.)
Minimum Age (Years) Consumption:	21[1] §23-949

[1]Note: Persons who were at least 19 years old as of 4/9/87 may continue to purchase, possess and consume alcoholic beverages; see §§15 of H.B. enacted in 1987.

Other State Laws Related To Alcohol Use And Driving: (continued)

Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes §23-808
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Note: Case law (e.g., Alegria v. Payonk, 619 P.2d 135 (1980)) may have been abrogated by legislation enacted in 1986; see §23-808.
Dram Shop Actions-Social Hosts:	Yes §23-808
Other:	No
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd §23-605
Term of Imprisonment:	3 mos-1 yr
Fine ($ Range):	$300-1,000
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, but may pay $5,000 for 1st off in lieu of susp.
Length of Term of License Withdrawal:	Statute has no stated time period.
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Misd for 1st off; Felony-2nd and subsequent §23-603
Term of Imprisonment:	Misd for 1st off - 3 mos to 1 year; Felony 2nd and subsequent 5 years
Fine ($ Range):	Misd for 1st off - $300-1,000; Felony-2nd and subsequent $5,000
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes but may pay $5,000 for 1st off in lieu of susp
Length of Term License Withdrawal:	Indeterminate (statute has no specific time period) §23-933

Other State Laws Related To Alcohol Use And Driving: (continued)

Anti-Happy Hour Laws/Regulations:	No	
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:		
Open Container Law (Yes/No):	Yes	§23-933
Anti-Consumption Law (Yes/No):	No	

STATE:	ILLINOIS
General Comments:	See Smith/Hurd Illinois Annot. Statutes

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of alcohol Ch. 95½, ¶11-501(a)(2)
Illegal Per Se Law (BAC Level):	0.10 Ch. 95½, ¶11-501(a)(1)
Presumption (BAC Level):	0.10 Ch. 95½, ¶11-501.2(b)(3)
Types of Drugs/Drugs and Alcohol:	(1) Any Drug and (2) a Combination of Any Drug and Alcohol See Ch. 95½, ¶11-501(a)(3) & (4)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes[1] Ch. 95½, ¶11-501.4
Implied Consent Law:	
Arrest Required (Yes/No):	Yes Ch. 95½, ¶11-501.1
Implied Consent Law Applies to Drugs (Yes/No):	Yes Ch. 95½, ¶11-501.1(a)
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) Ch. 95½, ¶11-501.2(c)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes Ch. 92½, ¶11-501.1
Urine:	Yes Ch. 95½, ¶11-501.1
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No[2]
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes Ch. 95½, ¶11-501(e)

[1]Before the Preliminary Breath Test can be given, a law enforcement officer must have probable cause to believe that the driver is violating the DWI law. The test is given prior to an actual DWI arrest for the purpose of assisting the officer in determining whether to require a chemical (evidentiary) test under the implied consent law.

[2]Note: A defendant cannot obtain deferred judgement and be placed on supervision if within 5 years they have either (1) been convicted of DWI, (2) pleaded guilty to or by stipulated facts supporting the conviction of a DWI off charge, or (3) have received supervision for a prior DWI off; see Ch. 38, ¶¶1005-6-1(c) and 1005-6-1(d)).

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	None

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st refusal-Susp for 6 mos (Note: A Judicial Driving Permit is available; see Footnote No. 1 (under Admin. per se) on p. 3-xxx for details.); subsequent refusals-Susp for 1 yr; (90 days mandatory; a restricted license may be issued after this 90 day period.) Ch. 95½, ¶¶6-206(c)(3), 206.1, 208.1 and 11-501.1
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	1st & 2nd offs (Class A misd)-Less than 1 yr; subsequent offs (Class 4 felony)-1-3 yrs Ch. 38, ¶¶1005-8-1(a)(7) & 1005-8-3(a)(1) and Ch. 95½, ¶11-501.
Mandatory Minimum Term:	2nd off (only) (w/n 5 yrs)-48 cons hrs (Ch. 38, ¶¶1005-5-3(c)(3) & 1005-6-1(d) (Ref: P.A. 83-204 and P.A. 83-207)
Fine:	
Amount ($ Range):	1st & 2nd offs-Not more than $1,000; subsequent offs-Not more than $10,000; Ch. 38, ¶1005-9-1(a)(1) & (2)
Mandatory Minimum Fine ($):	None
Other Penalties:	
Community Service:	2nd off (only) (w/n 5 yrs)-Yes See Ch. 38, ¶1005-5-6, a minimum of 10 dys (Alternative to the term of 48 cons hrs of mandatory imprisonment)

Special Note No. 1: Driving a school bus while DWI while the bus is occupied by school children is a Cl 4 Felony; imprisonment from 1 to 3 yrs and/or a fine of not more than $10,000; restitution may be required; see Ch. 38, ¶¶1005-8-1(a)(7), 1005-9-1(a)(1) and Ch. 95½, ¶11-501(a) & (d)(2).

Special Note No. 2: Causing a DWI related accident which results in either great bodily harm or permanent disability or disfigurement is also a Cl 4 felony; imprisonment from 1 to 3 years and/or a fine of not less than $10,000; see Ch. 38, ¶¶1005-8-1(a)(7), 1005-9-1(a)(1) and Ch. 95½, ¶11-501(a) & (d)(3).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Restitution (eg Victim's Fund)	Yes, for all offs Paid directly by a defendant to a victim; see Ch. 38, ¶¶1005-5-31(b)(7), 1005-6-3.1(c)(9) and 1005-5-6. There is also a victims' compensation fund; see Ch. 70, ¶72.
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes 0.10 1st viol.-3 mos. susp. (not mand.) subsequent viol.-1 yr. susp. (90 dys. mand.; a restricted lic. may be issued after this 90 dy. period.) Ch. 95½, ¶¶6-206, 6-206.1 & 11-501.1 (See Footnote No. 1 below.)
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	Rev. Ch. 95½, ¶¶6-205, 6-208 and 11-501
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-1 yr; 2nd off (w/n 20 yrs)-3 yrs; subsequent off-6 yrs Ch 95½, ¶6-208(b)(1), (2) & (3) (Note: A hardship license may be issued; see Ch. 95½, ¶6-205(c).)
Mandatory Minimum Term of Withdrawal:	A person, under 21 years old, who is convicted of a DWI offense, must have their license revoked for a mandatory period of 1 yr.[2] Ch. 95½, ¶6-205(d)

Other:

Rehabilitation:

Alcohol Education:

Alcohol Treatment:

Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None

[1]A judicial driving permit may be issued after the first 30 days of the susp. period have passed; however, the lic. agency, it appears, can issue a restricted lic. for any part or all of this susp. period. A judicial driving permit may be issued following either an admin. per se law violation or an implied consent law chemical test refusal.

[2]Note: After this 1 yr period, such a youthful offender must have their driving privileges restricted for at least 1 additional year; see Ch. 95½, ¶6-205(d).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Miscellaneous Sanctions Not Included Elsewhere:	Special Note: Under Ch. 38, ¶¶1005-6-1 & 1005-6-3.1 a DWI offender may be placed in a Court supervised diversion program; however, the offender cannot be placed in such a program if they have had a prev. DWI conviction or has been in such a diversion program within 5 yrs of the charged off.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes, Cl 3 felony - Reckless homicide Ch. 38, ¶9-3 (Note: Death must be the result of reckless action of the accused driver. Ch. 38, ¶9-3(b) provides that being under the influence of alcohol or drugs (in the same manner as a DWI offense) at the time of the violation is prima facie evidence of a reckless act.)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	2-5 yrs Ch. 38, ¶1005-8-1(a)(6)
Mandatory Minimum Term:	None
Fine ($ Range):	Not more than $10,000 Ch. 38, ¶1005-9-1(a)(1)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev Ch. 95½, ¶6-205(a)(1)
Length of Term of Licensing Withdrawal:	1st off-1 yr; 2nd off (w/n 20 yrs)-3 yrs; subsequent offs-6 yrs Ch. 95½, ¶6-208(b)(1), (2) & (3)
Mandatory Action--Minimum Length of License Withdrawal:	None (Note: A restricted license may be issued; see Ch. 95½, ¶6-205(c).)
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	1st off-Cl A misdemeanor-Less than 1 yr; Ch.38, ¶1005-8-3(a)(1), & Ch 95½, ¶6-303; subsequent off-Cl 4 felony-1-3 yrs Ch. 95½, ¶6-303(d) & Ch 38, ¶1005-8-1(a)(7)

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Mandatory Minimum Term of Imprisonment:	7 cons dys-All offenses (Note: Alternatively, the defendant may be sentenced to 30 dys of community service.) Ch. 38, ¶1005-5-3(c)(3) & Ch. 95½, ¶6-303(c)
Fine ($ Range):	1st off-Not more than $1,000; Sub off[1] not more than $10,000 Ch. 38, ¶1005-9-1(a)(1) & (2)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Susp or rev Ch. 95½, ¶6-303(b)
Length of Term of License	
Withdrawal Action:	If the original charge is based on a susp, the susp is extended an additional period of time equal to that if the original susp. If the original charge is based on a rev, the rev is extended 1 yr. Ch. 95½, ¶6-303(b)
Mandatory Term of License Withdrawal Action:	Same as above
Habitual Offender Laws:	
State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

[1]Provided the original rev. or susp. was a DWI off. conviction.

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	Yes Ch. 31, ¶10(e)
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	No
Pedestrian:	Yes (16 years old or older)
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 Ch. 43, ¶131 (yr eff: 1980)
Minimum Age (Years) Possession:	21 (Ch. 43, ¶134a)
Minimum Age (Years) Consumption:	21 (There are exemptions for religious ceremonies and for home use) (Ch. 43, ¶134a)
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes[1] Ch. 43, ¶135
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, Colligan v. Cousar, 38 Ill. App. 2d 392, 187 N.E. 2d 292 (1963)
Dram Shop Actions-Social Hosts:	No Zamiar v. Linderman, 478 N.E.2d 534 (App. Ct. 1st Dist., 1985) and Heldt v. Brei, 455 N.E.2d 842 (App. Ct. 1st Dist., 1983)[2]
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Cl A Misd Ch. 43, ¶131
Term of Imprisonment:	Not more than 1 yr Ch. 38, ¶1005-8-3(a)(1)
Fine ($ Range):	Not more than $1,000 Ch. 38, ¶1005-9-1(a)(2)

[1]Damages for personal injuries or to property are limited to $30,000; loss of means of support is limited to $40,000

[2]See also, Miller v. Moran, 421 N.E.2d 1046 (App. Ct. 4th Dist., 1981) and Lowe v. Rubin, 424 N.E.2d 710, (App. Ct. 5th Dist., 1981).

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, Susp/Rev Ch. 43, ¶149
Length of Term of License Withdrawal:	Not specified in the statute. (Note: In lieu of a lic. susp/rev., the licensee may be allowed to pay a fine of not more than $1,000; see Ch. 43, ¶149.)
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Cl A Misd Ch. 43, ¶149
Term of Imprisonment:	Not more than 1 yr Ch. 38, ¶1005-8-3(a)(1)
Fine ($ Range):	Not more than $1,000 Ch. 38, ¶1005-9-1(a)(2)
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, Susp/Rev Ch. 43, ¶149
Length of Term License Withdrawal:	Not specified in the statute. (Note: In lieu of a lic. susp/rev., the licensee may be allowed to pay a fine of not more than $1,000; see Ch. 43, ¶149.)
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes Ch. 95½, ¶11-502
Anti-Consumption Law (Yes/No):	No

STATE:	INDIANA
General Comments:	See Burn's Indiana Statutes Annotated

Basis for a DWI Charge:

Standard DWI Offense	Operating a vehicle while intoxicated IC9-11-2-2 (The term "intoxicated" is defined as under the influence of alcohol, drugs, etc.; see IC9-11-1-5.
Illegal Per Se Law (BAC Level)	0.10[1] IC9-11-2-1
Presumption (BAC Level):	None[1]
Types of Drugs/Drugs and Alcohol:	(1) Any Drug, (2) a Controlled Substance and (3) Any Combination of Alcohol and Drugs See IC9-11-1-5 & 9-11-2-2
Other:	0.10 BAC is also prima facie evidence of intoxication (IC9-11-1-7)

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No[2]
Implied Consent Law:	
Arrest Required (Yes/No):	No (See 9-11-4-2) (See also Clark v. State, 372 N.E.2d 185 (Ind. 1978 (where no arrest is required)
Implied Consent Law Applies to Drugs (Yes/No):	Yes IC9-11-4-1
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal & Civil Cases) IC9-11-4-3(b)
Other Information:	

Other Chemical Tests for BAC Level Which Are Authoized Under Law (Implied Consent Law):

Blood:	Yes IC9-11-1-3
Urine:	Yes IC9-11-4-1 & IC9-11-4-6
Other:	Any other bodily substance IC9-11-1-3, IC9-11-4-1 & IC9-11-4-6

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No

[1]Under IC9-11-4-15(b)(2), a chemical test indicating a BAC level of 0.10 is to be taken as presumption of such BAC level.
[2]The Preliminary Breath Test Law (IC9-4-4.5-3) has been repealed; see §9 of P.L. 143 enacted in 1983.

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	No[1]
Administrative Licensing Action (Susp/Rev):	1-yr susp (may not be mandatory in all cases[2]) 9-11-4-9(a)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):	1. Illegal per se (Cl C misd) - Not more than 60 dys IC9-11-21, IC35-50-3-4; 2. Intoxicated off (Cl A misd) - Not more than 1 yr IC9-11-2-2, IC35-50-3-2; 3. Either 1 or 2 above if there has been a previous intoxicated off, (Cl D felony) - A fixed term of 2 yrs IC9-11-23; 4. Violation of either 1 or 2 above where there has been a serious injury, (Cl D felony) - A fixed term of 2 yrs IC9-11-2-4, IC35-50-2-7; 5. Violation of either 1 or 2 above where there has been a death (Cl C felony) - A fixed term of 5 yrs (IC9-11-2-5 and IC35-50-2-6).
Mandatory Minimum Term:	1. Illegal per se off (Cl C misd) - None IC9-11-21; 2. Intoxicated off (Cl A misd) - None IC9-11-2-2; 3. Either 1 or 2 above if there has been a previous intoxicated off (Cl B felony) - 5 dys of which 48 hrs must be served consecutively IC9-11-23, IC9-11-3-4(a) and (b); 4. See Footnote No. 3; 5. See Footnote No. 4

[1]Refusal to submit to a implied consent test, where there has been an accident in which there has been a death or a serious bodily injury likely to cause death, is a class C in Fraction (a fine of not more than $500); see 9-4-1-39.1 and 34-4-32-4(c). In addition, the court may suspend a persons license for not more than 1 yr; see 9-4-1-39.1

[2]However, if a court finds in the sentence order for a DWI Conviction that it is in the best interest of society, it may terminate all or any part of this suspension; see 9-11-3-1 as amended by Sec. 8 of S.B. 146 as enacted in 1985

[3]DWI sanctions apply to anyone over 16 yrs old; see IC31-6-2-1(6)(1)

[4]There is a mandatory imprisonment term of 5 dys (of which 48 hrs must be served cons or 10 dys of community service if the defendant has been convicted of a previous DWI off within a 5 yr period; see IC9-11-3-4.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Fine:

Amount ($ Range):	1. Illegal per se off (Cl C misd) - Not more than $500 IC9-11-21; 2. Intoxicated off (Cl A misd) - Not more than $5,000 IC9-11-2-2; 3. Either 1 or 2 above if there has been a previous intoxicated off (Cl D felony) - Not more than $10,000 IC9-11-23; 4. Violation of either 1 or 2 above where ther is serious injury (Cl D felony) - Not more than $10,000 IC9-11-24; 5. Violation of either 1 or 2 above where there is a death (Cl C felony) - Not more than $10,000 IC9-11-2-5
Mandatory Min. Fine ($):	None

Other Penalties:

Community Service:	3. Either illegal per se off (Cl C misd) or intoxicated off (Cl A misd) if there has been a previous intoxicated off (Cl D felony) - 10 dys as an alternative to imprisonment IC9-11-2-3
Restitution (eg Victim's Fund)	Yes, a victims' compensation fund; see IC16-7-3.6-1 et seq.
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes (for all offs) for 0.10% (prima facie evidence) BAC susp up to 180 dys or until the DWI charges have been disposed of which ever occurs first. IC9-11-4-9(b) If DWI charges are dismissed, the court shall order the driver's license reinstated; see IC9-11-4-11(a)(1).
Other:	If DWI charges are deferred, a driver's license is to be suspended for at least 90 dys but not more than two (2) yrs. 30 dys are mandatory. IC16-13-6.1-15.1(6)

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	Susp - All off
Term of License Withdrawal (Days, Months, Years, etc.):	1. Illegal per se off (Cl C misd) - 90 dys to 2 yrs; 2. Intoxicated off (Cl A misd) - 90 dys to 2 yrs; 3. Either 1 or 2 above if there has been a previous intoxicated off (Cl B felony) - 1 to 2 yrs; 4. Violation of either 1 or 2 above where there is serious injury (Cl D felony)- 2 to 5 yrs; 5. Violation of either 1 or 2 above where there is a death (Cl C felony) - 2 to 5 yrs; IC9-11-3-1, 9-11-3-3 and 9-11-2-1, -2-2, -2-3, -2-4 & -2-5

Sanctions Following a Conviction for a DWI Offense:
(continued)

Mandatory Minimum Term of Withdrawal: 1. Illegal per se off (Cl C misd) -30 dys[1]; 2. Intoxicated off (Cl A misd) - 30 dys; 3. Either 1 or 2 above if there has been a previous intoxicated off (Cl D felony) - 1 yr; 4. Violation of either 1 or 2 above where there is serious injury (Cl D felony) - 1 yr; 5. Violation of either 1 or 2 above where there is a death (Cl C felony) - 1 yr;

Other:

Rehabilation:

Alcohol Education: Yes[2]

Alcohol Treatment: Yes[2]

Alcohol Education/ Treatment as as Alternative to Criminal/ Licensing Actions (Describe): Yes[2]

Vehicle Impoundment/Consfiscation:

Authorized by Specific Statutory Authority: No

Terms Upon Which Vehicle Will Be Released:

Other: Vehicle registration plates may also be suspended; see IC9-2-1-5(a).

Miscellaneous Sanctions Not Included Elswhere: None

Other Criminal Actions Related to Alcohol Use and Driving

Homicide by Vehicle:

State Has Such Law/Type of Offense: Note: For a death related to a DWI offense, see "Sanctions Following a Conviction for a DWI Offense" above.

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[1]A restricted license may be issued after the 30 day period. If a person does not have a previous driving while intoxicated conviction or has not refused to submit to a chemical test, they may be granted probationary restricted driving privileges for 180 days after the mandatory susp. period; see 9-110301(b), (c) & (d).

[2]For a first DWI off, the defendant may, as a condition of probation, be evaluated and treated for alcohol-realted problems. The law does not specifically extend such evaluation and treatment to subsequent DWI offenders. In addition, for any misd. in which alcohol abuse is a factor, the Court may take judicial notice that an alcohol training/rehabilitation program may reduce antisocial behavior. If a defendant satisfactorily completes such a program the charges against him/her shall be dismissed; however, licensing susps. still apply. A defendant is eligible to participate only once in this type of program.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine ($ Range):

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and Type of Action: See Footnote No. 1 below.

Length of Term of Licensing Wighdrawal:

Mandatory Action--Minimum Length of License Withdrawal:

Other:

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	Cl A Misd - Not less than 2 dys to 6 mos IC9-1-4-52
Mandatory Minimum Term of Imprisonment:	60 Dys
Fine ($ Range)	Not more than $500
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action: (Susp/Rev):	Suspension
Length of Term of License With drawal Action:	A mandatory suspension period -90dys-2 yrs. This suspension applies to convictions of driving while either suspended or revoked.
Mandatory Term of License Withdrawal Action:	See the statement above.

[1]Even though this State does not have a vehicle homicide statute, it either suspends or revokes the license (and registration plates) for not less than two (2) no more than five (5) years of any person who has been convicted of either manslaughter or reckless homicide resulting from the operation of a motor vehicle. It appears that these suspensions or revocations are mandatory; see IC9-2-1-5(b)(1), (d)(2) & IC9-4-1-54.5(c)

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Habitual Offender Laws:	
State Has Such Law (Yes/No):	Yes
Grounds for Being Declared an Habitual Offender:	2 convictions (w/n 10 yrs) for very severe offs as in IC9-12-1-4(b); 3 convictions (w/n 10 yrs) for major offs as listed in IC9-12-1-4(c); 10 convictions for any moving violations (w/n 10 yrs) (however, one of these must have been a conviction for an off listed in either IC9-12-1-4(b), IC9-12-1-4(c) or IC9-12-1-4(d).)
Term of License Rev While Under Habitual Offender Status:	2 convictions - 10 yr Susp; 3 convictions - 10 yr susp[1]; 10 convictions (moving violations) - 5 yr susp (A restricted license may be issued under certain limited conditions, see IC9-11-2-2-5.)
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status:	2 convictions - Cl D Felony; 3 convictions - Cl D Felony; 10 convictions - Cl D Felony
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	Not less than 1 yr nor more than 5 yrs; Court may suspend up to 180 dys of the sentence.
Mandatory Minimum Term of Imprisonment:	180 dys
Fine ($ Range):	None
Mandatory Minimum Fine:	N/A
Licensing Actions (Specify):	Forfeiture of license for life

Other State Laws Related to Alcohol Use and Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Taffic Accidents:	
State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedertrian:	

[1]A probationary license may be issued after five (5) yrs of the susp. period have passed.

Other State Laws Related to Alcohol Use and Driving: (continued)

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (year Eff: 1934) IC7.7-5-7-7
Minimum Age (Years) Possession:	21
Minimum Age (Years) Consumption:	21
Dram Shop Laws and Related Legal Actions:	
State has a Dram Shop Law (Yes/No):	Yes IC7.1-5-10-15.5[1] (Comment: This statute may have abrogated, at least in part, the case law noted below.)
"Dram Shop Law" Cocept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, Elder v. Fisher, 217 N.E.2d 847 (1966) and Parrett v. Lebamoff, Inc. 408 N.E.2d 1344 (Inc. App. 1980)
Dram Shop Actions-Social Hosts:	Yes Ashlock v. Norris, 475 N.E.2d 1167 (Ind. App. 3 Dist., 1985) and IC7.1-5-10-15.5[1]
Other:	None
Criminal Action Against Owners or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Cl B Misd IC7.1-5-1-8, 7.1-5-10-15 and 35-50-3-3
Term of Imprisonment:	Not more than 180 dys
Fine ($ Range):	Not more than $1,000 (Note: An administrative fine of not more than $500 may also be imposed; see IC7.1-3-23-3)
Administrative Actions Against Owners or Establishements that Serve Alcoholic Beverages to Intoxicate Patrons:	
License of Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, IC7.1-3-23-2 and 7.1-3-23-5
Length of Term of License Withdrawal:	No period specified in the statute

[1]A commercial server or social host is not liable for the actions of intoxicated patrons or guests unless (1) the patron/guest was visibly intoxicated at the time alcoholic beverages were furnished and (2) the intoxicated person was the proximate cause of the injury or damage alleged.

Other State Laws Related To Alcohol Use and Driving: (continued)

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Drinking Age:	
Type of Criminal Action:	Cl C Misd IC7.1-5-7-8- and 35-50-3-4
Term of Imprisonment:	Not more than 60 dys
Fine ($ Range):	Not more than $500 (Note: An administrative fine of not more than $500 may also be imposed; see IC7.1-3-23-3)
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, IC7.1-3-23-2 and 7.1-3-23-5
Length of Term License Withdrawn:	For revs, no period is specified in the statute; see IC7.1-3-23-6. For susps, not more than 30 dys; see IC7.1-3-23-7.
Anti-Happy Hour Laws/Regulations:	Yes IC7.1-5-10-20
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	No

STATE:	IOWA
General Comments:	Iowa Code Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Operating while intoxicated[1] §321J.2
Illegal Per Se Law (BAC Level):	0.10 §321J.2(1)(b)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	(1) Any Drug and (2) Any Combination of Drugs Including Alcohol See §321J.2(1)(a)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §321J.5
Implied Consent Law:	
Arrest Required (Yes/No):	No (Note: A law enforcement officer only needs "reasonable grounds" and any one of the following: (1) A DWI arrest; (2) an accident resulting in injury or death; (3) a PBT refusal; (4) a PBT reading of 0.10 or (5) a PBT reading of less than 0.10 but the officer has reasonable grounds that the driver was under the influence of drugs or a combination of drugs and alcohol. §321J.6(1)
Implied Consent Law Applies to Drugs (Yes/No):	Yes §321J.6
Refusal to Submit a Chemical Test Admitted into Evidence:	Yes (Criminal & Civil Cases) §321J.16
Other Information:	A person may be req'd to submit to a chem. test via a search warrant issued pursuant to an invest. of invol. manslaughter (§707.5) where a traffic accident has resulted in a death or in a personal injury likely to cause death and there is evidence of a DWI off; see §321J.10

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §321J.6(2)
Urine:	Yes §321J.6(2)
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes If BAC level is 0.20 or more; see §321J.3.

[1] Includes driving while under the influence as well as 0.10 illegal per se.

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	None
Refusal to Take Implied Consent Chemical Test	
Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Rev, 1st refusal - 240 dys; 2nd and subsequent refusals (w/n 6 yrs) - 540 dys (360 dys are mandatory) For both 1st and sub. refusals and a defendant is subject to license rev under the implied consent law but pleads guilty to a DUI charge, they may be issued a restricted lic. for the implied consent law rev.; the restricted lic. may only be used for treatment/employment purposes. §§321J.9 & 321J.20

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	1st off (Serious misd) - Not more than 1 yr,; 2nd off w/n 6 yrs (aggravated misd) - Not more than 2 yrs, ; 3rd and sub off w/n 6 yrs (Cl D felony) - Not more than 5 yrs §§321J.2, 902.9 & 903.1
Mandatory Minimum Term:	1st off (Serious misd) None[1]; 2nd off w/n 6 yrs (aggravated misd) - 7 dys[2] §321J.2(2); 3rd and sub offs w/n 6 yrs (Cl D felony)-30 dys
Fine:	
Amount ($ Range):	1st off (Serious misd) - $500 to 1,000; 2nd off w/n 6 yrs (Aggravated misd) - $750 to 5,000; 3rd and sub offs w/n 6 yrs (Cl D felony) - Not more than $7,500[3]

[1]There is a minimum 48-hr sentence which may be suspended.
[2]This sentence may not be suspended. However, the statute is silent as to probation.
[3]There is also a civil penalty of $100 that is imposed on any person who has had their license revoked under any section of the DWI law; see §321J.17.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Mandatory Min. Fine ($):	1st off (serious misd) - $500; 2nd off w/n 6 yrs (Aggravated misd) - $750; 3rd and sub offs w/n 6 yrs (Cl D felony) - $750
Other Penalties:	
Community Service:	1st off (serious misd) - Not more than 200 hrs in lieu of the fine.
Restitution (eg Victim's Fund)	A separate additional civil penalty of $100 is assessed against a defendant who has their license revoked as a result of a DWI conviction; money from these penalties is placed in a victim reparation fund. §321J.17 For any DWI off, the court may order the defendant to make restitution for any damages resulting from the off.[1]; see §321J.2(8)
Other:	Special Note: Deferred judgment is allowed for any DWI off; if a defendant is allowed such deferment their license is to be revoked from 30-90 dys; however, a restricted hardship license may be issued. See §§321J.4(2) & 907.3

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes, Admin. Per Se at 0.10 with license revs as follows: 1st off - 180 dys (or until the person reaches the age of 18 whichever period is longer; see §321J.4(6); 2nd and sub offs (w/n 6 yrs of any other DWI rev) - 1 yr (mandatory) (Note: A restricted hardship license may be issued for a 1st Admin. Per Se rev.) §§321J.12 & 321J.20
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st off - Rev; 2nd off - Rev; 3rd and subsequent offs - Rev; Any DWI off conviction where there has been a serious injury - Rev; Any DWI off conviction where there has been a death - Rev §321J.4

[1]The maximum amount of restitution damages that can be assessed is $2,000.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Term of License Withdrawal (Days, Months, Years, etc.):	1st off-180 dys; 2nd off (w/n 6 yrs)[2]-1 yr; 3rd and sub. off (w/n 6 yrs)-6 yrs DWI off involving serious injury-1 yr[3] DWI off where death is invloved-6 yrs See Footnote No. 1 below. §321J.4
Mandatory Minimum Term of Withdrawal:	2nd off-1 yr; 3rd and sub. offs-2 yrs DWI death related-6 yrs §§321J.4 & 321J.20[4]
Other:	
Rehabilitation:	
Alcohol Education:	Yes §§321J.3 & 321J.22
Alcohol Treatment:	Yes if BAC is .20 or more §§321J.3 & 321J.30
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:	
State Has Such Law/Type of Offense:	Yes Cl D Felony if a DWI related death (Note: For vehicle homicide offenses, except those that are related either to DWI or to reckless driving which are Cl. D felonies, the defendant has committed an aggravated misd; see §707.6A(2).)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 5 yrs[5]
Mandatory Minimum Term:	None
Fine ($ Range):	Not more than $7,500
Mandatory Minimum Fine:	None

[1]If a defendant is under 18 years old, the period of revocation shall be either as indicated or until the person reaches 18 whichever is the longer revocation period; see §321J.4(6).
[2]A previous off includes either an admin. per se action or an implied consent law violation.
[3]In addition to any other revocation or suspension.
[4]Except as indicated, a person may obtain a temparory restricted license under §321J.20.
[5]Penalties for a Cl. D Felony; see §902.9.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Administrative Licensing Action:

Licensing Authorized and Type of Action:	None
Length of Term of Licensing Withdrawal:	
Mandatory Action--Minimum Length of License Withdrawal:	
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	Serious misd - Not more than 1 yr §§321J.21 and 903.1
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Not more than $1,000
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Susp or rev
Length of Term of License Withdrawal Action:	Original period of Susp or Rev extended an additional like period
Mandatory Term of License Withdrawal Action:	Original period of Susp or Rev extended an additional like period

Habitual Offender Laws:

State Has Such Law (Yes/No):	Yes 321.55 and 321.560
Grounds for Being Declared an Habitual Offender:	3 serious offs (w/n 6-yr period or 6 minor offs in a 2-yr period)
Term of License Rev While Under Habitual Offender Status:	If based on serious offs - 2 to 6 yrs; if based on minor offs - 1 yr

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Aggravated misd
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	Not more than 2 yrs
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Not more than $5,000
Mandatory Minimum Fine ($):	None
Licensing Actions (Specify):	Same as for driving while revoked.

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (Year Eff: 1986)
Minimum Age (Years) Possession:	21 (There are exemptions for medical reasons, employment and home use with parental consent) §§123.33, 123.47 & 123.47A
Minimum Age (Years) Consumption:	None
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes §123.92
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, Lewis v. State, 256 N.W. 2d 181 (Iowa 1977) and Haafke v. Mitchell, 347 N.W.2d 381 (Iowa 1984)
Dram Shop Actions-Social Hosts:	No[1] See §123.49(1)
Other:	None

[1]§§11 & 12 of S.F. 2265 enacted in 1986. Note: Social host liability has been abolished via statute; i.e., case law, Clark v. Mincks, 364 N.W.2d 226 (1985), establishing such liability has been specifically aborgated by §123.49(1).

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Simple misd §§123.49(1) & 123.50(1)
Term of Imprisonment:	Not more than 30 dys §123.50
Fine ($ Range):	Not more than $150
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, Susp or rev §123.50
Length of Term of License Withdrawal:	Term of susp not specified; if the license is revoked, term of rev is 2 yrs
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Simple misd §§123.49(2)(h) & 123.50
Term of Imprisonment:	Not more than 30 dys
Fine ($ Range):	Not more than $100
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, 1st off - Susp; 2nd off w/n 2 yrs - Susp; 3rd off w/n 5 yrs - Susp; 4th off w/n 5 yrs - Rev; §123.50
Length of Term License Withdrawal:	1st off - 14 dys; 2nd off w/n 2 yrs - 30 dys; 3rd off w/n 5 yrs - 60 dys; 4th off w/n 5 yrs - 2 yrs

Other State Laws Related To Alcohol Use And Driving: (continued)

Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes §123.28 (The law states that "a person driving a motor veh. shall not knowingly possess in a motor veh. upon a public street or highway an open or unsealed bottle, can, jar or other receptacle containing an alc. bev., wine, or beer w/the intent to consume...."
Anti-Consumption Law (Yes/No):	Yes - Driver and passengers §123.46 (The law states that "it is unlawful for any person to use or consume alcoholic liquors or beer upon the public streets or highways....")

STATE:	KANSAS
General Comments:	See Kansas Statutes Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of alcohol §8-1567(a)(2)
Illegal Per Se Law (BAC Level):	0.10 (§8-1567(a)(1))
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	Any Drug §8-1567(b)
Other:	0.10 is prima facie evidence that the defendant was under the influence of alcohol (§8-1005(a)(2))

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §8-1012
Implied Consent Law:	
Arrest Required (Yes/No):	Yes[2]
Implied Consent Law Applies to Drugs (Yes/No):	Yes
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) §8-1001(f)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes[3]
Urine:	Yes[3]
Other:	Yes, other bodily substance[3]

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	Yes §8-1567(o) (certain diversion programs are excepted[1])
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes §§8-1008 and 8-1567(c)

[1]A defendant is not eligible to enter a diversion program if: (1) They have previously participate in such a program; (2) they have been convicted of an alcohol related driving offense; (3) their BAC level at the time of arrest was 0.20 or more; or (4) they were involved in an accident which has resulted in either a death or a bodily injury. See §§12-4415(b) & 22-2908(2)(a). For a description of the diversion program, see §§12-4416 & 22-2909.
[2]No arrest is required if the person has been involved in a motor vehicle accident resulting in property damage, personal injury or death.
[3]See §8-1001(a).

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	Yes,-infraction-a fine of not more than $500; see §§21-3105(2) & 21-4503(4) ($30 if a person pleads guilty or no contest under the uniform fine schedule; see §8-2118(c).)
Administrative Licensing Action (Susp/Rev):	None
Other:	None

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	No
Administrative Licensing Action (Susp/Rev):	Susp for 6 mos-1 yr (May not be mandatory; see §8-255(b) KSA §§8-256(a) & 8-1002(a)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	1st off -48 con. hrs-6 mos[1]; 2nd off (w/n 5 yrs)-90 dys-1 yr; 3rd and subsequent offs (w/n 5 yrs) - 90 dys-1 yr §8-1567(d), (e), (f), & (j)
Mandatory Minimum Term:	1st off (w/n 5 yrs)-48 con. hrs[1]; 2nd off (w/n 5 yrs)-5 con. dys; 3rd and subsequent offs (w/n 5 yrs)-90 dys
Fine:	
Amount ($ Range):	1st off - $200-500; 2nd off (w/n 5 yrs)-$500-1,000; 3rd and subsequent offs (w/n 5 yrs)-$1,000-2,500
Mandatory Minimum Fine ($):	None
Other Penalties:	
Community Service:	1st off - 100 hrs (in lieu of imprisonment); 2nd off (w/n 5 yrs)-Yes (May be ordered in lieu of fine; 3rd and subsequent offs (w/n 5 yrs)-Yes (May be ordered in lieu of fine; see §8-1567(g))
Restitution (eg Victim's Fund)	Yes - All offs - Direct compensation by defendants to victims; see §§21-4603(2)(c), (d) & (e), 21-4610(4)(a) and 22-3717(1).
Other:	None

[1]Under §§12-4415, 12-4416 or 22-2906 et seq. a defendant may enter a diversion program for 1st off and have the DWI criminal charges dismissed after the program has been successfully completed.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	None
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st off-Susp.; 2nd off-Susp; 3rd and subsequent offs-Rev; Note: Under §8-1567(k), the court has the discretionary power to revoke a person's license for 1 yr for a 1st or 2nd DWI conviction.
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-21 dys - 1 yr[1]; 2nd off-120dys-1 yr[2]; 3rd and subsequent offs-1 yr
Mandatory Minimum Term of Withdrawal:	1st off-21 dys; 2nd off-120 dys, ; 3rd and subsequent offs - 1 yr (may not be mandatory; see §8-255(b))

Other:

Rehabilitation:	
Alcohol Education:	1st off-Defendant must complete either an alcohol education or treatment program; see §8-1567(c), (d), & (e).
Alcohol Treatment:	
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	Note: Attendance at an alcohol education or treatment program could be a condition for issuing a restricted license.
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

[1](1) The license is suspended for 1 year or (2), in lieu of the full 1 year susp., the license is suspended for 21 days or until the person completes an alcohol education/treatment program whichever is the longer susp. period and thereafter restricted driving privileges are granted for the remainder of the one (1) year period. §8-1567(d)

[2](1) The license is suspended for 1 year or (2), in lieu of the full 1 year susp., the license is susp. for 120 days or until the person completes an alcohol treatment program whichever is the longer susp. period and thereafter driving privileges are granted for the remainder of the one (1) year period. §8-1567(e)

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes--Cl A misd; Death caused by operation of a veh in a manner which causes unreasonable risk. (KSA §§21-3405, 21-4502, and 21-4503)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 1 yr
Mandatory Minimum Term:	None
Fine ($ Range):	Not more than $2,500
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev
Length of Term of Licensing Withdrawal:	Not less than 1 yr
Mandatory Action--Minimum Length of License Withdrawal:	None (A restricted license may be issued.)
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	1st off Cl B misd-Not more than 6 mos; 2nd off Cl A misd-Not more than 1 yr; 3rd and subsequent off Cl E felony - 1-5 yrs §8-262
Mandatory Minimum Term of Imprisonment:	90 dys For all offenses (KSA §8-262(a)(4))
Fine ($ Range):	1st off-Not more than $1,000; 2nd off-Not more than $2,500; 3rd and subsequent off - Not more than $5,000;
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	All offs - If convicted of driving while license suspended, a susp; If convicted of driving while license revoked, a rev
Length of Term of License Withdrawal Action:	Susp period extends and equals that of original susp period; Rev period is 6 mos and is added onto the original rev period
Mandatory Term of License Withdrawal Action:	Susp period extends and quals that of original susp period; Rev period is 6 mos and is added onto original rev period

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Habitual Offender Laws:	
State Has Such Law (Yes/No):	Yes §8-285 (KSA §§8-284 et seq.)
Grounds for Being Declared an Habitual Offender:	Three serious offs within 5 yrs
Term of License Rev While Under Habitual Offender Status:	3 yrs
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Cl E felony
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	1-5 yrs
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Not more than $5,000
Mandatory Minimum Fine ($):	None
Licensing Actions (Specify):	No specific licensing action in the statute for this off

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	

Other State Laws Related To Alcohol Use And Driving: (continued)

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (Yr. eff: 1985) §§21-3610, 21-3610a, 41-102(k) & 41-2701(g)
Minimum Age (Years) Possession:	21[1] §§2 & 3 of S.B. 126 as enacted in 1985
Minimum Age (Years) Consumption:	21[1] §§2 & 3 of S.B. 126 as enacted in 1985
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No (For a case denying liability, see Ling v. Jan's Liquors, 703 P.2d 731 (1985).)
Dram Shop Actions-Social Hosts:	No (No Cases)
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd (KSA §§21-4502, 41-320, 41-328, 41-715, 41-2708, and 77-201)[2]
Term of Imprisonment:	Not more than 30 dys[2]
Fine ($ Range):	$100-250[2] Note: A civil penalty of up to $1,000 may also be imposed.

[1]Except for licensed establishments, persons under the legal drinking age for alcoholic beverages, containing 3.2% or less alcohol, may possess and consume such beverages if they have the consent of and are supervised by a parent or guardian; see §§41-2704(e) & 41-2721.
[2]These sanctions, it appears, only apply to the service of alcoholic beverages containing more than 3.2% alcohol to intoxicated persons. See §§41-102(b) & 41-715.

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or rev
Length of Term of License Withdrawal:	Not specified in the statute
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:	
Type of Criminal Action:	Cl B misd (furnishing alcoholic beverages to any person under 21 yrs of age) (KSA §§21-3610 & 21-3610a)
Term of Imprisonment:	Not more than 6 mos
Fine ($ Range):	Not more than $1,000
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or rev KSA §§41-2611(e) and 41-2708(k)
Length of Term License Withdrawal:	Not specified §§41-715 and 41-2615 §41-2708
Anti-Happy Hour Laws/Regulations:	Yes §§41-2640(a)(3) & 41-2722(a)(4)
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes §§41-804 & 41-2719
Anti-Consumption Law (Yes/No):	Yes Driver and passengers §§41-719(a) & 41-2720(a)

STATE:	KENTUCKY
General Comments:	See: Kentucky Revised Statutes Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the Influence of Alcohol which may impair one's driving ability §189A.0.10(1)
Illegal Per Se Law (BAC Level):	No
Presumption (BAC Level):	0.10 §189.520(3)(c)
Types of Drugs/Drugs and Alcohol:	Any Substance See §189A.010(1)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §189.100
Implied Consent Law:	
Arrest Required (Yes/No):	Yes
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) Commonwealth v. Hager, 702 S.W.2d 431 (1986)
Other Information:	Special Note: After a DWI arrest, if a defendant shows a BAC level of 0.15%, They must be detained in custody at least 4 hrs following their arrest; see §189.110.

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes
Urine:	Yes
Other:	Yes- saliva

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	Yes If a defendant's BAC is 0.15 or more; see §189A.120(2). Note: If a defendant's BAC level is between 0.10 and 0.15, a DWI charge may be changed provided the prosecutor gives reasons for such action to the court and the court records the reasons for such change, if granted, in the record of the case; see §189A.120(1).
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	None

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Rev- Not more than 6 mos (Not mandatory) §§186.520(5) & 186.565(4)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	1st off-48 hrs-30 dys; 2nd off (w/n 5 years)-7 dys-6 mos; 3rd and subsequent offs (w/n 5 years)-30 dys-12 mos §189.010(2)
Mandatory Minimum Term:	1st off - 48 hrs[1]; 2nd off (w/n 5 years)- 7 dys; 3rd and subsequent offs-30 dys §189A.101(3)
Fine:	
Amount ($ Range):	1st off-$200-500; 2nd off (w/n 5 years)- $350-500; 3rd and subsequent offs- $500-1,000 §189.010(2); A convicted DWI defendant must pay an $150 service fee in addition to any other fine; see §189A.050.
Mandatory Minimum Fine ($):	None
Other Penalties:	
Community Service:	1st off - 2-30 dys[2]; 2nd off (w/n 5 years) - 10 dys-6 mos[3]; 3rd and subsequent offs (w/n 5 years) - 10 dys-12 mos[3]
Restitution (eg Victim's Fund)	Yes; see §348.020-a victim's compensation board. (See also §346.010 et seq.)

[1]Mandatory only if defendant has caused physical injury as a result of the DWI, off in which case a defendant cannot receive community service in lieu of this prison term; see §189A.010(4).
[2]In lieu of fine or imprisonment except for injury related DWI offs; see §189A,010(2)
[3]A defendant may be sentenced to community service in addition to any other sanctions imposed; if the court imposes community service, the minimum term noted must be served; see §189A.010(3).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other:	Note: (1) For a first DWI offs conviction, at least one of the penalties (prison, fine, community service) must be assessed against defendant; see §189A.010(4) (2) For 1st and 2nd offenders, the imprisonment may be served on weekends provided that the period of incarceration be less than 24 hrs; see §189A.030.
Administrative Licensing Actions:	
Pre-DWI Conviction Licensing Action:	
Administrative Per Se Law:	None
Other:	A court may suspend a driver's license following a DWI arrest but prior to adjudication of the DWI charges if there is probable cause that the defendant committed such off and any one of the following circumstances is present: (1)Prior traffic violations (including DWI offs) which demonstrate a lack of regard for the safety of others; or (2) where the DWI charge involves physical injury the Court may suspend a license from 14 to 60 dys. If the defendant is convicted of the DWI charge, any susp time is credited towards their license rev following such conviction. See §189A.060.
Post DWI Conviction Licensing Action:	
Type of Licensing Action (Susp/Rev):	1st off-Rev or Susp; 2nd & 3rd off - Rev §189A.070 For persons under 18 years old, see Footnote No. 1 below.
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-6 mos Rev or a 30 dy (Mandatory) susp and an alcohol education/treatment program; (§189A.040(1)[2]); 2nd off-12 mo license Rev; 3rd off-24 mo license Rev; see §189A.070.
Mandatory Minimum Term of Withdrawal:	1st off-6 mos license Rev or a 30 dy (Mandatory) susp and an alcohol education/ treatment program ; 2nd off-12 mo license Rev (Mandatory); 3rd off-24 mo license Rev (Mandatory) §189A.070.
Other:	
Rehabilitation:	
Alcohol Education:	Yes (See alternatives below)
Alcohol Treatment:	For 2nd, 3rd and subsequent DWI off convictions, the defendant must be sentenced to an alcohol or substance abuse program; see §189A.040(2) & (3)

[1]Under §189A.070(2), a person under 18 years old has their license revoked until they are 18 or as otherwise provided under §189A.070 whichever sanction will result in the longer revocation period.
[2]See also §§186.560(5) & 189A.070(1)(a).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe): For a first DWI off conviction, a defendant may have their license rev reduced from 6 mos to a 30 dy susp if they attend an alcohol of substance abuse education or treatment program; see §189A.040(1).

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority: No

Terms Upon Which Vehicle Will Be Released:

Other: None

Miscellaneous Sanctions Not Included Elsewhere: None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense: No (Special Note: "A person is guilty of manslaughter in the second degree when, including, but not limited to, the operation of a motor vehicle, he wantonly causes the death of another person (See § 507.040(1)); manslaughter in the second degree is a Cl C felony" (See §507.040(2).)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine ($ Range):

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and Type of Action: (Note: Even though this state does not have vehicle homicide statute, it, nevertheless provides for mandatory license rev for at least 6 mos for a conviction of manslaughter resulting from operation of a motor vehicle; the rev period could be 1 or 2 yrs if there have been previous mandatory lic rev actions. §186.560(1)(a) & (4))

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Length of Term of Licensing Withdrawal:

Mandatory Action--Minimum Length of License Withdrawal:

Other:

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	1st off (Cl B misd)-Not more than 90 dys; 2nd off (Cl A misd)-Not more than 12 mos; 3rd and subsequent offs (Cl D felony)-1-5 yrs; §§189A.090(2), 532.060 & 532.090
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	1st off-Not more than $250; 2nd off-Not more than $500; 3rd and subsequent offs-Not more than $10,000[1]; §§534.030 & 534.040
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	1st off-Rev; 2nd off-Rev; 3rd and subsequent offs-Rev §189A.090
Length of Term of License Withdrawal Action:	The driver's license shall be revoked for twice the original period of rev §189A.090(3)
Mandatory Term of License Withdrawal Action:	Yes, as indicated immediately above

Habitual Offender Laws:

State Has Such Law (Yes/No):	Yes §186.642
Grounds for Being Declared an Habitual Offender:	3 or more serious offs (including DWI offs) within 5 years
Term of License Rev While Under Habitual Offender Status:	Rev of license for a period of 5 yrs if habitual offender status is based on three or more convictions for DWI
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Misd

[1]This fine is imposed only if the defendant is granted either a sentence of probation or conditional discharge.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	Not to exceed 12 mos
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	None
Mandatory Minimum Fine ($):	N/A
Licensing Actions (Specify):	See section on suspended or revoked license

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	Possible[1]
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Possible
Vehicle Passengers:	Possible
Pedestrian:	Possible
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (Year Eff: 1938)
Minimum Age (Years) Possession:	21 §244-085
Minimum Age (Years) Consumption:	None
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, Pike v. George, 434 SW 2d 626 (Ky. 1968)
Dram Shop Actions-Social Hosts:	No (No cases)
Other:	None

[1]Language in Ky. Rev. Stat. Ann. §189.590 requiring coroners to report on the circumstances surrounding fatal accidents may impliedly require such tests. Woosley v. Central Uniform Rental, 463 S.W. 2d 345 (1971). An investigative officer or a coroner may direct taking of blood samples of dead if necessary. OAG 73-170 and OAG 73-196.

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	1st off-Misd; 2nd and subsequent off-Misd §§241.010(2), 244.080(2) & 244.990(1)
Term of Imprisonment:	1st off-Not more than 6 mos; 2nd off-Not more than 6 mos
Fine ($ Range):	1st off-$100-200; 2nd off-$200-500
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or Rev §§243.480, 243.490 & 243.500[1]
Length of Term of License Withdrawal:	2 yrs §243.100(5)
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	1st off-Misd; 2nd off-Misd §§241.010(2), 244.080(1) & 244.990(1)
Term of Imprisonment:	1st off-Not more than 6 mos; 2nd off-Not more than 6 mos
Fine ($ Range):	1st off - $100-200; 2nd off-$200-500
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or Rev §§243.480, 243.490 & 243.500[1]
Length of Term License Withdrawal:	2 yrs §243.100(5)

[1]Note: For a first violation, in leiu of revocation, the State may suspend a license. The licensee, however, as an alternative to this suspension, may at their discretion pay a fine. For retail "by the drink "and package liquor licensees, the fine is $25 per day the license would have been suspended; for reatil been licensees such fine is $10 per day; see §243.480(1). For a second violation (w/n 2 yrs), the license must be revoked or suspended; see §243.500(4).

Other State Laws Related To Alcohol Use And Driving: (continued)

Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	Yes Driver & passengers §244.020 The law states that "no person shall drink any alcoholic beverage in any public place in or upon any passenger coach,street car or other vehicle commonly used for the transportation of passengers"

STATE:	LOUISIANA
General Comments:	See West's Louisiana Statutes Annotated: Revised Statutes

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of alcohol[1] §14:98(A)(1)
Illegal Per Se Law (BAC Level):	0.10 §14:98(A)(2)[1]
Presumption (BAC Level):	0.10 §32:662(A) (1) (c)
Types of Drugs/Drugs and Alcohol:	Any Controlled Dangerous Substance See §14:98(A)(3)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §32:661
Implied Consent Law Applies to Drugs (Yes/No):	Yes §32:661(A)
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal cases only; prohibited in civil cases except administrative licensing actions) §32:666A(3)
Other Information:	Special Note: Under §32:666 a driver may not refuse to submit to a chemical test if they have been involved in a traffic fatality or accident resulting in a serious bodily injury

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §32:661
Urine:	Yes §32:661
Other:	Other bodily substance §32:661

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Optional; see §14:98(G)

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

[1] All DWI offenses are classified as the crime of operating a vehicle while intoxicated; this offense, therefore, includes operating a vehicle (1) with a BAC level of 0.10 or more and (2) while under the influence of alcohol.

Sanction for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st refusal- Susp for 180 dys, the first 90 dys are mandatory; 2nd and subsequent refusals- Susp for 545 dys (Mandatory); 32:667(B)(2) & 32:668(B)(1), (2), & (3)
Other:	Special Note: A hardship license is only available to drivers for a 1st refusal after the first 90 dys of the susp period have passed.

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	
Term (Day, Month, Years, Etc.):	1st off-10 dys-6 mos; 2nd off (w/n 5 yrs)-30 dys-6 mos; 3rd off-felony (w/n 5 yrs)-1-5 yrs (w/or w/o hard labor)[3]; 4th off felony (w/n 5 yrs)-10-30 yrs (w/hard labor) §14:98; DWI related injury-Not more than 6 mos (§§14:2(4) and 14:39.1)
Mandatory Minimum Term:	1st off-[1]; 2nd off (w/n 5 yrs)-[2]; 3rd off-felony (w/n 5 yrs)-6 mos[3]
Fine:	
Amount ($ Range):	1st off-$125-500; 2nd off (w/n 5 yrs)-$300-500; 3rd off felony-Not more than $1,000; 4th off felony - None; DWI related injury (veh. negligent injury)-Not more than $500 Note: In the parishes of Caldwell, Catahoula, Concordia, Franklin, LaSalle and Temsas, an additional fine of $25 is assessed against DWI offenders; see §14:98(J). (See Footnote No. 4.)
Mandatory Min. Fine ($):	None

[1]Alternatives to the imposition of sentence. The imposition of sentence is mandatory unless one of these alternatives is taken: (1) Serve a minimum of 2 dys in jail and participate in substance abuse and driver improvement programs or (2) perform at least four eight-hr dys of community service and participate in substance abuse and driver improvement programs.

[2]Alternatives to the imposition of sentence. The imposition of sentence is mandatory unless one of these alternatives is taken: (a) Serve a minimum of 15 dys in jail and participate in substance abuse and driver improvement programs of (b) perform at least 30 eight-hr dys of community service and participate in substance abuse and driver improvement programs.

[3]If probation is granted for part of the sentence, the defendant must participate in substance abuse and driver improvement programs; however, 6 mos of the sentence is mandatory.

[4]Defendants must also pay a fee of not less than $50 for felony convictions or one of $7.50 for misdemeanor convictions, this fee is deposited in the State Treasury for the purpose of funding the crime victims reparations fund. See §46:1816(D)(1)(a)

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other Penalties:

Community Service:	None
Restitution (e.g. Victim's Fund)	None[1]
Other:	A DWI offender must pay a fee of $50 for the purpose of covering the costs of administering a BAC chemical test. They also must pay a fee of $50 to defray the expenses of admistering any conditions of probation or incarceration. See Code of Criminal Procedure §887(C) & (D).

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes BAC level of 0.10; 1st Off-Susp for 90 dys; The 1st 30 dys are mandatory; A restricted license may be issued a for the remaining 60 dys of the susp period; 2nd and subsequent offs (w/n 5 yrs)-Susp for 365 dys (mandatory); §§32:667(B)(1) and 32:668(B)(3)
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st off-Susp; 2nd and subsequent offs (w/n 5 yrs)-Rev §32:414
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-60 dys (Hardship provision (to earn a livelihood) for 1st off only); 2nd and subsequent offs (w/n 5 yrs)-12 mos §32:414 & §32:415.
Mandatory Minimum Term of Withdrawal:	1st off-No; 2nd and subsequent offs (w/n 5 yrs)-12 mos

Other:

Rehabilitation:

Alcohol Education:	Yes Note: §32-415.1(A)(2). Judges are given the authority to refer first time offenders for education or rehabilitation. Restricted licenses are issued to facilitate attendance in driver improvement schools. Courts grant based on medical evaluation and on recommendations that the convicted DWI offender will benefit from such treatment. §14:98 (c) authorizes the court to order a DWI offender to undergo substance abuse treatment program in lieu of imprisonment.

[1]A victim of a motor vehicle accident is not eligible for State compensation unless there was a crime which caused the injury or death and such was intentional. See §46:1805(B)

Sanctions Following a Conviction for a DWI Offense:
(continued)

Alcohol Treatment:	Yes
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	Yes
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:	
State Has Such Law/Type of Offense:	Yes Restricted to death caused by a driver while DWI, or under the influence of certain drugs. §14:32.1
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	2-5 yrs[1]
Mandatory Minimum Term:	None
Fine ($ Range):	$2,000-5,000
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev §32:414
Length of Term of Licensing Withdrawal:	12 mos
Mandatory Action--Minimum Length of License Withdrawal:	12 mos
Other:	None
Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:	
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 6 mos; 7 dys-6 mos if such violation was simultaneous with a second or subsequent DWI conviction §32:415

[1] If the defendant is imprisoned with hard labor, the conviction is considered a felony; otherwise it is misdemeanor. See §§14:2(4) & (6) and 14:32.1(B).

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Mandatory Minimum Term of Imprisonment:	7 dys if such violation was simultaneous with a second or subsequent DWI conviction
Fine ($ Range):	Not more than $500; $300-500 if such violation was simultaneous with a second or subsequent DWI conviction §32:415
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Susp/Rev
Length of Term of License Withdrawal Action:	Original susp/rev period extended for 1 yr
Mandatory Term of License Withdrawal Action:	For 2nd and sub. offenses, original susp/rev period extended for 1 yr (mandatory) (Note: A hardship license is available for first offenders; see §32:451.1)
Habitual Offender Laws:	
State Has Such Law (Yes/No):	Yes
Grounds for Being Declared an Habitual Offender:	Convictions for 3 or more serious traffic law offs w/n a 5 yr period or convictions for 10 or more minor and serious offs w/n a 3-yr period §32:1472
Term of License Rev While Under Habitual Offender Status:	3 yrs (Also, certain financial responsibility requirements must be met and petition must be made to court which may, upon showing of good cause, restore the license; Note: A 1st time habitual offender may apply for a hardship license under §32:1477(B).)
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Misd §14:2(4) & (6)
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	1-5 yrs §32:1480
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	None
Mandatory Minimum Fine ($):	N/A
Licensing Actions (Specify):	None

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	Yes §32:398(E) & (F) (A report is made by the cornor.)
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	Yes
Pedestrian:	Yes
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21[1] §26:88(1) (See also R.S. §§14:91, 14:91.1, 14:91.2 & 14:91.5) (Year Eff: 1987)
Minimum Age (Years) Possession:	21 §14:91.5
Minimum Age (Years) Consumption:	None
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	No (Under §9:2800.1, neither a commercial server nor a social host can be held liable for the actions of an intoxicated patron or guest who is over the legal drinking age. Note: This statute does not address the liability of commercial servers or social hosts with regards to the actions of intoxicated minors who have been served alcoholic beverages.)
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No Note: Possible liability under Pence v. Ketchum, 326 So. 2d 831 (La. 1976), Chausee v. Southland, 400 So.2d 1199 (La. App., 1981) and Farrington v. Houston's Inc., 750 F.2d 492 (1985).
Dram Shop Actions-Social Hosts:	Possible See Garcia v. Jennings, 427 So.2d 1329 (1983). Note: This case applied to the actions of intoxicated minors who were given alcoholic beverages in violation of a statute that prohibits adults from purchasing such beverages for minors.
Other:	None

[1]It is illegal for a person under 21 years old to purchase alcoholic beverages. Commercial dispensers of alcoholic beverages, however, are not criminally liable for selling such beverages to minors unless they are less than 18 years old.

Other State Laws Related To Alcohol Use And Driving: (continued)

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

Type of Criminal Action:	A. For alcoholic beverages with an alcohol content of 6% or above-Misd §§ 26:2(1) & 26:88(2) B For alcoholic beverages with an alcohol content of 1/2 of 1% to 6%-Misd §§ 26:241(1) & 26:285(2)
Term of Imprisonment:	A. For alcoholic beverages with an alcohol content of 6% or above-30 dys-6 mos §26:191 B. For alcoholic beverages with an alcohol content of 1/2 of 1% to 6%, 1st off-30 dys-6 mos; 2nd or subsequent off-60 dys-12 mos; §26:521
Fine ($ Range):	A. For alcoholic beverages with an alcohol content of 6% or above-$100-500 (and/or the following administrative fines: 1st off-$50-500; 2nd off-(w/n 3 yrs)-$250-1,000 3rd off-(w/n 3 yrs)-$500-2,500 §26:94) B. For alcoholic beverages with an alcohol content of 1/2 of 1% to 6% 1st off $100-500; 2nd or sub offs-$200-1,000 §26:521 (and/or the following administrative fines: 1st off-$50-500; 2nd off (w/n 3 yrs) - $250 - 500; 3rd off-(w/n 3 yrs) - $500 - 2,500 §26:290)

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

License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, Rev or Susp Not mandatory §§26:88(B) & 26:285(B)
Length of Term of License Withdrawal:	Not specified

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:

(Note: See Footnote No. 1 on p. 3-148.)

Type of Criminal Action:	A. For alcoholic beverages with an alcoholic content of 6% or above - Misd §§ 26:2(1) & 26:886(1) B. For alcoholic beverages with an alcoholic content of 1/2 of 1% to 6% - Misd §§26:241(1) & 26:286(1)
Term of Imprisonment:	Same as for serving alcoholic beverages to an intoxicated person above.
Fine ($ Range):	Same as for serving alcoholic beverages to an intoxicated person above.

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	(Note: See Footnote No. 1 on p. 3-xxx.)
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, but not mandatory §§26:88(B) & 26:285(B)
Length of Term License Withdrawal:	Not specified
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	No

STATE:	MAINE
General Comments:	See Maine Revised Statutes Annotated.

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor 29 MRSA §1312-B(1)(A)
Illegal Per Se Law (BAC Level):	Yes 0.10 29 MRSA §1312-B
Presumption (BAC Level):	Note: For purposes of evidence in proceedings other than those arising under §1312-B, it shall be presumed that a person was under the influence of intoxicating liquor when he has a blood-alochol level of 0.10 or more by wieght; see 29 MRSA §1312(5)(C).
Types of Drugs/Drugs and Alcohol:	(1) Intoxicating Drugs or (2) a Combination of Liquor and Drugs 29 MRSA §1312-B(1)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	No
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit Chemical Test Admitted into Evidence:	Yes (Criminal Cases) 29 MRSA §1312(8)
Other Information:	The officer does not have to arrest a driver, they nevertheless, must have "probable cause" before a suspected drunk driver has to submit to a chemical test. 29 MRSA §1312

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes 29 MRSA §1312
Urine:	No
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pro-Sentencing Investigation Law (PSI) (Yes/No):	No

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st refusal- Susp for 180 dys[1] (A restricted license may be issued after the first 90 dys which are mandatory; see 29 MRSA §1312-D(5)); 2nd refusal (w/n 6 yrs)- Susp for 1 yr (mandatory) 29 MRSA §1312(2)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	
Term (Day, Month, Years, Etc.):	Cl D crime less than 1 yr; 29 MRSA §1312-B
Mandatory Minimum Term:	1st off A DWI conv. where the defendant (1) had a BAC level of 0.15 or more, (2) was driving 30 MPH over the speed limit with a BAC level of 0.10 or more or (3) was eluding a police officer and had a BAC level 0.10 or more-Not less than 48 hrs.; 2nd off. (w/n 6 yrs)-7 days; sub. offs. (w/n 6 yrs)-30 dys. 29 MRSA §1312-B, sub. 2
Fine:	
Amount ($ Range):	Not more than $1,000
Mandatory Min. Fine ($):	1st off-$300; 2nd off (w/n 6 yrs.)-$500; 3rd off (w/n 6 yrs.)-$750 29 MRSA §1312-B
Other Penalties:	
Community Service:	None
Restitution (eg Victim's Fund)	Yes, 17-A MRSA §§1204(2-A)(B) & 1321 et seq. Direct compensation by the defendant to a victim usually as a condition of probation.
Other:	None

[1]For a first refusal for a person under 21 years old where there is probable cause that they were driving with a BAC level of 0.02 or more, suspension for 1 year; see 29 MRSA § 2241-G(c).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes-0.10 BAC level. The periods of license susp for 1st and subsequent offs are the same as Post DWI Conviction Licensing Actions (below); however, a work restricted license may be issued; see 29 MRSA §1311-A[1].
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	For all offs - Susp
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-90 dys; 2nd off (w/n 6 yrs.)-1 yr; Subsequent offs (w/n 6 yrs)-2 yrs.; 29 MRSA §§1312-B & 1312-D(1) Note: The licensing agency may increase the above susp. periods up to 275 dys; see 29 MRSA §1312-D(1-A).
Mandatory Minimum Term of Withdrawal:	1st off-60 dys; 2nd off-8 mos (243 dys); sub. off-16 mos (487 dys) These are not mandatory in all cituations; see the Special Note below.

Other:

Rehabilitation:	
Alcohol Education:	
Alcohol Treatment:	
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	Special Note: After 2/3 of license susp period have passed, the DWI offender may be issued a license if they have completed an alcohol education/treatment program. If the actual license susp period which has expired is less than 90 dys, the license issued must be restricted to going either to employment or to an alcohol education/treatment program; the time period the license was actually suspended plus the time period for the restricted license must equal at least 90 dys. In addition, a temporary restricted license may be issued to a driver for the purpose of allowing them to attend an alcohol education/treatment program notwithstanding any other provision of law; see 29 MRSA §1312-D(2), (3) and (4).

[1]Maine has a special statute concerning the administrative susp of licenses for 1 yr of persons under 21 yrs of age who operate a veh while having a BAC level of 0.02%; hardship and provisional licenses are available; this statute is not reported in detail here; see 29 MRSA §2241-G(B).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Vehicle Impoundment/Confiscation:
Authorized by Specific Statutory Authority: No
Terms Upon Which Vehicle Will Be Released:
Other: None
Miscellaneous Sanctions Not Included Elsewhere: None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:
State Has Such Law/Type of Offense: Yes, (Class C Crime) applies only if death is caused by the reckless operation of a veh. 17-A MRSA §203(3) and 29 MRSA §1313 See Note on page 3-xxx.
Sanctions:
Criminal Sanction:
Imprisonment (Term): Not more than 5 yrs 17-A MRSA §1252
Mandatory Minimum Term: None
Fine ($ Range): Not more than $2,500 17-A MRSA §1301
Mandatory Minimum Fine: None
Administrative Licensing Action:
Licensing Authorized and Type of Action: Rev
Length of Term of Licensing Withdrawal: 5 yrs
Mandatory Action--Minimum Length of License Withdrawal: 5 yrs
Other: Special Note: If alcohol or drugs are involved in a criminal homicide caused by the operation of a motor vehicle, a defendant must complete a driver education program and, if needed, a substance abuse and/or a 2 yr. after care program prior to license restoration. See 29 MRSA §1313-A, para. 3.

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:
Sanction:
Criminal:
Imprisonment (Term): Less than 1 yr (Cl D crime) 29 MRSA §2184
Mandatory Minimum Term of Imprisonment: 7 dys
Fine ($ Range): Not more than $2,500 29 MRSA §2184
Mandatory Minimum Fine: $350

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Susp
Length of Term of License Withdrawal Action:	1-3 yrs added to the original susp or rev
Mandatory Term of License Withdrawal Action:	1 yr added to the original susp or rev
Habitual Offender Laws:	
State Has Such Law (Yes/No):	Yes 29 MRSA §2292
Grounds for Being Declared an Habitual Offender:	Convictions for 3 serious offs. (e.g. DWI)
Term of License Rev While Under Habitual Offender Status:	The rev period is indefinite but relief from such rev may be granted after 1 yr[1].
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Cl C crime 29 MRSA §§2292 and 2299
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	Not more than 5 yrs
Mandatory Minimum Term of Imprisonment:	60 dys
Fine ($ Range):	Not more than $5,000 29 MRSA §2298
Mandatory Minimum Fine ($):	None
Licensing Actions (Specify):	Relief from habitual offender status shall not be granted for at least 3 yrs from the date the offender would have been eligible.

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	

[1]A work-restricted license is available (see 29 MRSA §2296-B, sub. §1). However, a person is not eligible for this type of license, if they have been convicted of alcohol driving offenses, until they (1) complete the required license suspension periods under 29 MRSA §§1311-A & 1312-B and (2) complete any mandatory driver education and/or drug abuse treatment programs. See 29 MRSA §2296-B, sub. 4.

Other State Laws Related To Alcohol Use And Driving: (continued)

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (yr eff 1985) 28-A MRSA §§2051(1)(A) and citations listed under criminal actions for selling alcohol to minors below.
Minimum Age (Years) Possession:	21 (Home and employment exemption) 28-A MRSA §2501(1)(E)
Minimum Age (Years) Consumption:	21 (Except at home in the presence of parents or legal guardians etc.) 28-A MRSA §§2051(1)(B)
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes 28-A MRSA §2501 et seq. (Note: Except for medical expenses, recovery under the dram shop act is limited to $250,000 per single accident or occurance; see 28-A MRSA §2509.)
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No
Dram Shop Actions-Social Hosts:	Yes Liability is limited to situations where the social host served alcoholic beverages (1) to a minor or (2) to a minor or a visibly intoxicated person in a "reckless manner; see 28-A MRSA §§2503(5), 2505(2), 2506(1) & 2507
Other:	N/A
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Class E Crime 28-A MRSA §§1, 62(8), 354,705(2)(A) & 705(3)(A)
Term of Imprisonment:	Mot more than 6 mos 17-A MRSA §1252(2)(E)
Fine ($ Range):	For a person, not more than $500; for an organization, not more than $5,000 17-A MRSA §1301(1)(C) & (3)(E)
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or rev 28-A MRSA §§801 & 803(5)
Length of Term of License Withdrawal:	For susp.-not specified in the statute; for rev.-1-5 yrs.[1]

[1]See Footnote No. 1 on page 3-157.

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Class E Crime 28-a MRSA §§1, 2(20), 62(8), 354, 705(2)(E), 705(3)(E), 1901 & 1902
Term of Imprisonment:	Not more than 6 mos. 17-A MRSA §1252(2)(E)
Fine ($ Range):	For a person, not more than $500; for an organization, not more than $5,000 17-A MRSA §1301(1)(C) & (3)(E)
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or Rev 28-A MRSA §§801 & 803(5)
Length of Term License Withdrawal:	For susp.-not specified in the statute; for rev.-1-5 yr[1&2]
Anti-Happy Hour Laws/Regulations:	Yes 28-A MRSA §709
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	No

Note: The Maine Criminal Code (17-A MRSA) does not use the terms "Misdemeanor" or "felony " to describe/define crimes. The law describes an offense such a vehicle homicide as a Class C crime without further identifing it as a misdemeanor or a felony. It appears, however, that a Class C crime would be considered a felony in most States

[1]An administrative fine of $50-$1,500 may be imposed instead of or in addition to any license suspension or revocation; see 28-A MRSA §803(8).

[2]An agent of a licnesee is subject to a civil forfeiture of not more than $500 if they sell liquor to a minor; see 28-A MRSA §2084.

STATE:	MARYLAND
General Comments:	See Annotated Code of Maryland.

Basis for a DWI Charge:

Standard DWI Offense:	While intoxicated (Tran. §21-902(a)) and under the influence (Tran. §21-902(b))
Illegal Per Se Law (BAC Level):	No
Presumption (BAC Level):	No
Types of Drugs/Drugs and Alcohol:	(1) Any Drug, (2) Any Combination of Drugs, (3) a Combination of One or More Drugs and Alcohol and (4) Any Controlled Dangerous Substance See §21-902(c)(1) & (d)
Other:	A BAC of 0.08 is prima facie evidence of driving while under the influence. A BAC of 0.13 is prima facie evidence of intoxication. (Code of Maryland, Courts and Judicial Proceedings §§10-309 and 10-307 and Transportation §21-902

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes Tran. §16-205.2
Implied Consent Law:	
Arrest Required (Yes/No):	Yes
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) C&JP §10-309(a)
Other Information:	Special Note: If a driver is involved in a DWI related accident which resulted in the death of another person, the driver shall be required to submit to a chemical test of their blood or breath Tran. §16-205.1(c)

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes (Trans §16-205.1)
Urine:	No
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No (Note: PSI required only for convictions of felony offs.)

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	None

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st refusal-Susp for 60 dys-6 mos; 2nd and subsequent refusals-Susp for 120 dys-1 yr; (Restricted license available; Tran. §16-205.1(f)(5)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	
Term (Day, Month, Years, Etc.):	1.) Driving while under the influence (Misd), 1st off-Not more than 2 mos; Subsequent off-Not more than 1 yr; 2.) Driving while intoxicated (Misd), 1st off-Not more than 1 yr; 2nd off-Not more than 2 yrs; 3rd & sub. off-not more than 3 yrs (Trans. §§21-902 and 27-101)
Mandatory Minimum Jerm;	For a subsequent Intoxicated Off. conviction (w/n 3 yrs.)-48[1] con. hrs.[2]
Fine:	
Amount ($ Range):	1.) Driving while under the influence, 1st off-Not more than $500; Subsequent off-Not more than $500; 2.) Driving while intoxicated, 1st off-Not more than $1,000, 2nd off-Not more than $1,000; 3rd & sub. off-not more than $2,000
Mandatory Min. Fine ($):	None
Other Penalties:	
Community Service:	For a subsequent Intoxicated Off. conviction (w/n 3 yrs.) in lieu of the mand. jail sentence-80 hrs. of community service.[2]

[1]Imprisonment includes confinement in an inpatient rehabilitation or treatment center; see Tran. §27-101(j).
[2]Tran. §27-101(j)

Sanctions Following a Conviction for a DWI Offense:
(continued)

Restitution (eg Victim's Fund)	Optional when judgement's entrance is stayed and individual is placed on probation. Art. 27 §641
Other:	And person placed on probation for any alcohol driving offense must participate in either an alcohol education or treatment program; see Art 27, §639(b).

Administrative Licensing Actions

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	None
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1.) Tran. §§16-205 amd 16-208. Driving while under the influence (DUI), 1st off-Susp; 2nd off (w/n 3 yrs)-Susp; 3rd & sub. off (w/n 3 yrs)-Rev; 2.) Driving while intoxicated (DWI)-Rev: See Note at end of the criminal sanctions section.
Term of License Withdrawal (Days, Months, Years, etc.):	1.) For DUI, 1st off-Not more than 60 dys; 2nd off (w/n 3 yrs)-Not more than 120 dys; For DUI 3rd & sub. off (w/n 3 yrs) and for all DWI offs., the period of rev. is based on the number of previous revs. a person has regardless of the basis[1]; the periods are as follows: 6 mos for a 1st rev; 1 yr for a 2nd rev; and, 18 mos for 3rd and subsequent revs. See Special Note in Footnote No. 2 below.
Mandatory Minimum Term of Withdrawal:	None

Other:

Rehabilitation:	
Alcohol Education:	Yes--Health-General §8-404, Tran. §16-212 & Art. 27, §639(b)
Alcohol Treatment:	Yes--Health-General §8-404, Tran. §16-212 & Art. 27, §639(b)

[1] i.e., the previous revocations do not have to be DUI/DWI related.

[2] Special Note: The licensing agency may when issuing a license and shall when directed to do so by a court, place a restriction on a person's license which prohibits them from operating a motor vehicle with alcohol in their blood. If at the time of an implied consent test, the person has a BAC level of 0.01 or more, such BAC level is prima facie evidence that the person was operating a motor vehicle with alcohol in their body. See Tran. §16-113(a)(2) & (f) and C&JP §10-307(f).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe): Yes--Under Trans. §16-212, a person convicted of either DUI or DWI may be required to attend a driver improvement or alcohol education program as a condition or reinstatement of their driving privilege.

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority: No

Terms Upon Which Vehicle Will Be Released:

Other: If a person drives a motor veh while his or her license is suspended or revoked for an alcohol off, the registration of the motor veh he or she was driving may be suspended for not more than 120 dys Tran: §13-705.1

Miscellaneous Sanctions Not Included Elsewhere: Special Note: (1) A person who had been convicted of an alcohol driving off can have their license suspended/revoked either directly under Tran. §16-205 or via the point system under Tran. §16-401 et. seq. Under the point system, a driver is assessed the following points for alcohol driving offs convictions:
Driving While Under the Influence (DUI) - 8 points
Driving While Intoxicated (DWI) - 12 points

(1) Points assessed for <u>any</u> traffic law violation remain on a driver's record for two (2) yrs. A person who accumulates either eight (8) or 12 points at any time may have their license either suspended or revoked. (2) Under certain circumstances a person could have their license <u>revoked</u> via the point system for a second DUI off conviction instead of suspended as described for this State. Under Tran. §16-205(b), a person convicted of a second DUI off within three (3) yrs may have their license

Sanctions Following a Conviction for a DWI Offense:
(continued)

suspended for no more than 120 dys. However, if such a DUI conviction occurred within two (2) years of a prior one, the driver would have accumulated 16 points on their driver's record (8 points assessed for each DUI conviction) and would, be subject to license rev under the point system. Thus, the 120 dy susp period may only apply if the second DUI off conviction is more than two (2) but less than three (3) years after a prior off. (3) And, license susp periods for first and second DUI off convictions appear to be limited to 60 and 120 dys respectively via the provisions of Tran. §16-205(b). This is despite the fact that under Tran. §16-208(a), if a person who accumulates eight (8) points, they can have their license suspended for up to one (1) yr.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes 1) Death caused by the operation of a veh "In a grossly negligent manner"- Misd 2) Death caused by operation of a motor veh while intoxicated-Misd Art. 27, §388
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	1) Operating "in a grossly negligent manner"-Not more than 5 yrs 2) Operating while intoxicated - Not more than 3 yrs
Mandatory Minimum Term:	None
Fine ($ Range):	1) Death caused by the operation of a veh "in a grossly negligent manner"-Not more than $1,000 2) Death caused by operation of a motor veh while intoxicated-Not more than $1,000
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev via the point system
Length of Term of Licensing Withdrawal:	6 mos if this is a first rev; 1 yr if this is a 2nd rev; and 18 mos if this is a 3rd rev
Mandatory Action--Minimum Length of License Withdrawal:	None Note: A restricted license may be issued
Other:	None

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	1st off (Misd) - Not more than 1 yr; 2nd and subsequent offs-Not more than 2 yrs; §§16-303 & 27-101
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	1st off-Not more than $1,000; 2nd and subsequent offs-Not more than $1,000
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	1st off-Rev; 2nd and subsequent offs- Rev (via point system; rev under Tran; §16-303 results in 12 points being assessed against a driver; see Tran. §§16-402 & 16-404) See Other column under Vehicle Impoundment/Confiscation; Trans. §§16-303 and 27-101.
Length of Term of License Withdrawal Action:	6 mos if a first rev; 1 yr if a second rev; 18 mos if this is a third rev
Mandatory Term of License Withdrawal Action:	Note: Under Tran. §16-405, a rev may be canceled or modified if a person's employment or opportunity for employment would be adversely affected.

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 Art. 2B, §118(a) (yr eff: 1982)
Minimum Age (Years) Possession:	21 Art. 2B, §118(b) & Art. 21, §400A
Minimum Age (Years) Consumption:	21 Art. 2B, §118(d) which provides that no one under 21 years old shall consume alcoholic beverages in a licensed establishment.
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No Special Note: For a recent Maryland case denying liability in this area, see Felder v. Butler, 438 A.2d 494 (1981)
Dram Shop Actions-Social Hosts:	No (No cases)
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd (Art. 2B, §§69, 69A, 118, and 200) See Footnote No. 1 on page 3-166.
Term of Imprisonment:	Not more than 2 yrs
Fine ($ Range):	Not more than $1,000
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or rev (Note: For licenses issued by the Comptroller a monetary compromise of not more than $2,000 may be paid in lieu of susp or rev.; see Art. 2B, §69A.)
Length of Term of License Withdrawal:	Generally 6 mos, but for certain counties it may be longer

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Misd (Art. 2B §§69, 69A, 118, and 200) See Footnote No. 1 below.
Term of Imprisonment:	Not more than 2 yrs
Fine ($ Range):	Not more than $1,000
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or rev (Note: For licenses issued by the Comptroller, a monetary compromise of not more than $2,000 may be paid in lieu of susp or rev.; see Art. 2B, §69A.)
Length of Term License Withdrawal:	Generally 6 mos but for certain counties it may be longer
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes- However, this law is limited to certain public parking areas Art. 2B §§207-214
Anti-Consumption Law (Yes/No):	Yes-Tran. §21-903; applies to drivers only.

[1] In addition to these sanctions, Maryland law also provides for additional sanctions (jail terms, fines or administrative actions) in certain local jurisdictions; see Art. 2B, §203 for details.

STATE:	MASSACHUSETTS
General Comments:	See Massachusetts General Laws Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor Ch. 90 §24(1)(a)(1)
Illegal Per Se Law (BAC Level):	None
Presumption (BAC Level):	Yes 0.10 Ch. 90 §24(1)(e)
Types of Drugs/Drugs and Alcohol:	(1) Controlled Substance (such as marihuana, narcutic drugs and certain prohibited stimulantsubstances) & (2) Vapors of Glue See Ch. 90 §24(1)(a)(1)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes Ch. 90 §24(f)
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	No (Specifically prohibited in both criminal and civil cases; see Ch. 90 §24(1)(e).)
Other Information:	If person refuses to submit to a chemical test after being arrested, the police officer immediately prepares a written report which is forwarded to the register who then suspends the person's license for 120 dys. Ch. 90 §24(1)(f)

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	None (Unless brought in for treatment. Ch. 90 §24(1)(f))
Urine:	No
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	Yes Ch. 90 §24(g)
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes Ch. 90 §24(1)(a)(4)

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Susp of license for 120 dys Ch. 90 §24(1)(f) (Mandatory)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	
Term (Day, Month, Years, Etc.):	1st off-Not more than 2 yrs; 2nd off (w/n 6 yrs)-14 dys-2 yrs; 3rd off - 90 dys-2 yrs; 4th and subsequent offs (w/n 6 yrs) - 6 mos-2 yrs Ch. 90 §24(1)(a)(1) See Footnote No. 2.
Mandatory Minimum Term:	1st off-No; 2nd off-14 dys[1]; 3rd-60 dys[1]; 4th and subsequent offs-6 mos[1]
Fine:	
Amount ($ Range):	1st off-$100-1,000; 2nd off -$300-1,000; 3rd off-$500-1,000; 4th and subsequent offs-$500-1,000 Ch. 90 §24(1)(a)(1) See Footnote No. 2.
Mandatory Min. Fine ($):	None
Other Penalties:	
Community Service:	For any off a minimum of 30 hrs may be ordered by the Court as a condition of probation See Ch. 90 §24D
Restitution (eg Victim's Fund)	None
Other:	None

[1]Work release is available for this period; see also the rehabilitation section (Ch. 90 §24(1)(a)(1)).

[2]DWI serious bodily offs (Ch. 90 §24L): Imprisonment-not more than 2½ yrs; fine-not less than $3,000 (Ch. 90 §24L(2)). If recklessness is involved in the off: Imprisonment-2½-10 yrs or 6 mos-2½ yrs in a house of correction; fine-not more than $5,000 (Ch. 90 §24L(1)).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	No
Other:	At the time of arraignment, the court shall suspend a defendant's license until the case is disposed of (but in no case more than 90 dys), provided the State establishes a prima facie showing that the defendant was operating a motor vehicle with a BAC level of 0.10 or more. See Ch. 90 §24N.

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	Rev for all offs Ch. 90 §24(1)(b) & (1)(c)
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-1 yr; 2nd off (w/n 6 yrs)-2 yrs; 3rd off (w/n 6 yrs)-5 yrs; 4th and subsequent offs (w/n 6 yrs)-10 yrs
Mandatory Minimum Term of Withdrawal:	1st off-45 dys susp[1] (If defendant is placed on probation and agrees to participate in an alcohol education program; otherwise the license is revoked a mandatory 1 yr period; see Ch. 90 §24D); 2nd Off (w/6 yrs)-1 yr rev; 3rd off (w/6 yrs)-2 yrs rev; 4th and subsequent offs (w/n 6 yrs)-5 yrs rev

Other:

Rehabilitation:

Alcohol Education:	Yes, 1st off-If the defendent consents, he may be placed on 1-yr probation conditioned on attending an alcohol education treatment or rehabilitation program. At the court's discretion such persons must pay $400 in fees for placement in the program. Ch. 90 §24D; 2nd off - In lieu of imprisonment, defendant may serve at least 14 dys in a residential alcohol treatment program and be placed on 2 yrs probation. Ch. 90 §24
Alcohol Treatment:	Yes see above
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	Yes see above

[1] If the person is under 21 years old, the mandatory license suspension period is 180 dys provided they participate in a specifically designed program for the education and treatment of underage DWI offenders. Ch. 90 §24D

Sanctions Following a Conviction for a DWI Offense:
(continued)

Vehicle Impoundment/Confiscation:
Authorized by Specific Statutory Authority: No
Terms Upon Which Vehicle Will Be Released:
Other: None
Miscellaneous Sanctions Not Included Elsewhere: None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:
State Has Such Law/Type of Offense: Yes Misd. (Homicide by motor veh) Ch. 90 §24G See Footnote No.1 below.
Sanctions:
Criminal Sanction:
Imprisonment (Term): 30 dys to 2½ yrs Ch. 90 §24G(b)
Mandatory Minimum Term: None
Fine ($ Range): $300 to 3,000 Ch. 90 §24G(b)
Mandatory Minimum Fine: None

Administrative Licensing Action:
Licensing Authorized and Type of Action: Rev Ch. 90 §24G(c)
Length of Term of Licensing Withdrawal: 1st off-10 yrs; subsequent off-life
Mandatory Action--Minimum Length of License Withdrawal: 1st off-10 yrs; subsequent off-life
Other: None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:
Sanction:
Criminal:
Imprisonment (Term): 60 dys to 2½ yrs Ch. 90 §23
Mandatory Minimum Term of Imprisonment: 60 dys (However, a work release program is available.)
Fine ($ Range): $1,000-10,000
Mandatory Minimum Fine: None

[1]Homicide by motor vehicle while under the influence of an intoxicating substance and where there is recklessness-Felony (See Ch. 274 §1): Imprisonment-2½-15 yrs (Mandatory imprisonment of 1 yr; however, work release is available); fine-not more than $5,000. Ch. 90 §24G(a)

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	None
Length of Term of License Withdrawal Action:	
Mandatory Term of License Withdrawal Action:	

Habitual Offender Laws:

State Has Such Law (Yes/No):	Yes Ch. 90 §22F
Grounds for Being Declared an Habitual Offender:	Any combination of three or more serious traffic offenses (e.g., DWI, reckless driving, ect.) (w/n 5 yrs)
Term of License Rev While Under Habitual Offender Status:	4 yrs (If the defendant has a proven hardship, a license may be issued after 1 yr) Ch. 90 §22F
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Felony Ch. 274 §1

Sanctions Following a Conviction of Driving While on Habitual Offender Status:

Imprisonment (Term):	Imprisonment for not more than 2 yrs Ch. 90 §23
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	$200-1,000
Mandatory Minimum Fine ($):	None
Licensing Actions (Specify):	Rev

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	Yes Ch. 38 §6(A)
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes The law requires medical examiners to submit to the police lab blood samples of drivers who die of injuries received in auto accidents within 4 hrs of the accident.
Vehicle Passengers:	No
Pedestrian:	Yes (Same rule for drivers who die (Ch. 38 §6(A)) Applies for pedestrians 16 yrs or older

Other State Laws Related To Alcohol Use And Driving: (continued)

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 Ch. 138 §34 (yr eff: 1985)
Minimum Age (Years) Possession:	21 (Applies to the transportation of alcoholic beverages by an unattended person under 21; there is an exemption for persons 18 and 19 for employment purposes) Ch. 138 §34C
Minimum Age (Years) Consumption:	None
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, Adamain v. Three Sons, 353 Mass. 498, 233 N.E. 2d 18 (Mass. 1967) and Cimino v. The Milford Keg, Inc., 431 N.E. 2d 920 (Mass.1982)
Dram Shop Actions-Social Hosts:	Yes Mc Guiggan v. New England Telephone Co., 496 N.E.2d 141 (1986) and Langemann v. Davis, 495 N.E.2d 847 (1986)
Other:	Note: An intoxicated patron may bring an action for personal injury damages against a licensee, if the damages were the result of the patron's having become intoxicated by the licensee; see O'Hanley v. Ninety-Nine, Inc., 421 N.E. 2d 920 (1981) as modified by Ch. 231 §85T
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd. (See Ch. 138 §§62 and 69)
Term of Imprisonment:	Not less than 1 mo and not more than 1 yr
Fine ($ Range):	Not less than $50 and not more than $500
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp, rev or cancellation Ch. 138 §64
Length of Term of License Withdrawal:	If revocation is imposed, a licensee is disqualified from receiving a license for 1 year after the expiration of the term of the revoked license. Note: There is no established period for either a suspension or cancellation.

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Misd (See Ch. 138 §34)
Term of Imprisonment:	Not more than 6 mos
Fine ($ Range):	Not more than $1,000
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcohlic Beverages Withdrawn (Yes/No):	Yes Susp, rev or cancellation Ch. 138 §64
Length of Term License Withdrawal:	If revocation is imposed, a licensee is disqualified from receiving a license for 1 year after the expiration of the term of the revoked license. Note: There is no established period for either a suspension or cancellation.
Anti-Happy Hour Laws/Regulations:	Yes 204 CMR 4.00 (regulation)
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	Yes (Applies to drivers only) Ch. 90 §24I

STATE:	MICHIGAN
General Comments:	See Michigan Compiled Laws Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor (§257.625(1))/impaired (§257.625b(1))
Illegal Per Se Law (BAC Level):	0.10 §257.625(2)
Presumption (BAC Level):	A BAC of greater than 0.07 but less than 0.10 is a presumption of impairment. A BAC of 0.10 or more is a presumption of driving while under the influence §257.625a(3)(b) & (c)
Types of Drugs/Drugs and Alcohol:	(1) A Controlled Substance and (2) a Combination of Liquor and a Controlled Substance. This applies to both under the influence and impaired offenses. See §§257.625(1) & 257.625b(1)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §257.625h
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §257.625c(1)(a)
Implied Consent Law Applies to Drugs (Yes/No):	Yes 257.625c(1)
Refusal to Submit to Chemical Test Admitted into Evidence:	No Prohibited via case law; see People v. Hayes, 235 N.W.2d 182 (CA, 1975)
Other Information:	Special Note: It appears that a test could be required via a court order; i.e. Consent by the driver is not required; see §257.625a(b)

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §257.625c(1)
Urine:	Yes §257.625c(1)
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes[1] §§257.625(8) & 257.625b(6)

[1]A victim has a right to submit a statement and have it made a part of the pre-sentence investigation report; see §13 of Act No 87 of the Public Acts of 1985.

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	Civil infraction §257.625h(5)

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st refusal- 6 mo susp (Note: A restricted/hardship license may be issued.); 2nd and subsequent refusals (w/n 7 yrs)-1 yr (mandatory susp) §257.323c and §257.625f(1)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	
Term (Day, Month, Years, Etc.):	1.) Driving while impaired (§257.625b) 1st off Misd-Not more than 90 dys; 2nd off (w/n 7 yrs.) Misd-Not more than 1 yr; 3rd and subsequent offs (w/n 10 yrs) -Not more than 1 yr; Driving while under the influence[1], 1st off Misd - Not more than 90 dys; 2nd off Misd - Not more than 1 yr; 3rd and Subsequent offs (w/n 10 yrs) Felony - 1 to 5 yrs
Mandatory Minimum Term:	None
Fine:	
Amount ($ Range):	1.) Driving while impaired (§257.625b) 1st off-Not more than $300; 2nd off (w/n 7 yrs)-Not more than $1,000; 3rd and subsequent offs (w/n 10 yrs)-Not more than $1,000; 2.) Driving while under the influence[1] (§257.625), 1st off-$100 to 500; 2nd off w/n 7 yrs-Not more than $1,000; 3rd and subsequent off w/n a 10-yr period - Not more than $1,000
Mandatory Min. Fine ($):	None

[1] Includes the illegal per se offense.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other Penalties:	
Community Service:	All offs - up to 12 dys §§257.625(7) & 257.625b(5)
Restitution (eg Victim's Fund)	Yes[1]
Other:	None
Administrative Licensing Actions:	
Pre-DWI Conviction Licensing Action:	
Administrative Per Se Law:	None
Other:	None
Post DWI Conviction Licensing Action:	
Type of Licensing Action (Susp/Rev):	1.) Driving while impaired 1st off-Susp; 2nd off (w/n 7 yrs)-Susp; 3rd and subsequent off (w/n 10 yrs)-Rev §257.625b(2), (3) & (4); 2.) Driving while under the influence[3] 1st off-Susp; 2nd off-Revoked; 3rd and subsequent offs (felony)-Revoked; §257.625(5) and (6)
Term of License Withdrawal (Days, Months, Years, etc.):	1.) Driving while impaired 1st off-90 dys-1 yr; 2nd off (w/n 7 yrs)-6-18 mos; 3rd and subsequent off (w/n 10 yrs)-1 yr (5 yrs[2]); 2.) Driving while under the influence 1st off-6 mos-2 yrs; 2nd off-1 yr; 3rd and subsequent offs (felony)-5 yrs
Mandatory Minimum Term of Withdrawal:	1.) Driving while impaired 1st off-(A restricted/hardship license may be issued; see §257.625b(2)); 2nd off (w/n 7 yrs)-60 dys (A restricted license may be issued after the 60 dy period; see §257.625b(3); 3rd and subsequent off (w/10 yrs)-1 yr (5 yrs) §257.303(1)(d) and (e)(ii); 2.) Driving while under the influence[3], 1st off-A restricted hardship license may be issued §257.625(4); 2nd off-1 yr §257.303(1)(d)(i); 3rd and subsequent off (felony)-5 yrs §257.303(1)(d)(ii)

[1]The State has a victims' compensation fund and, in addition, provides for direct compensation to victims by the defendant via court oredered restitution. The defendant's compensation offsets any compensation a victim may receive via a civil action, insurance payment, or the State compensation fund; see §§18.351 et seq. and Act No. 89 of the Public Acts of 1985 (§771.3 of the Michigan Complied Laws).
[2]If there has been a previous rev of any type within 7 yrs, the rev period is 5 yrs.
[3]Includes the illegal per se offense.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other:

Rehabilitation:

Alcohol Education:	Yes §§257.625(8) & 257.625b(6)
Alcohol Treatment:	Yes
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None

Miscellaneous Sanctions Not Included Elsewhere: For any 1st alcohol driving offense conviction, the court may order that a BAC breath ignition interlock device be installed on a defendant's vehicle; see §§257.625(4) & 257.625b(2).

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense: Yes Misd Death caused by the operation of a vehicle at an immoderate rate of speed or in a careless, reckless, or negligent manner but not wilfully or wantonly. §750.324

Sanctions:

Criminal Sanction:

Imprisonment (Term):	Not more than 2 yrs
Mandatory Minimum Term:	None
Fine ($ Range):	Not more than $2,000
Mandatory Minimum Fine:	None

Administrative Licensing Action:

Licensing Authorized and Type of Action:	Susp (6 points are also accumulated for each off) §257.319(1)(a)
Length of Term of Licensing Withdrawal:	90 dys-2 yrs §257.319(1)(a)
Mandatory Action--Minimum Length of License Withdrawal:	None
Other:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	1st off Misd-3 to 90 dys; 2nd and subsequent offs Misd-5 dys to 1 yr...$257.904
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	1st off-Not more than $100; 2nd and subsequent offs-Not more than $500
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Susp or rev
Length of Term of License Withdrawal Action:	The original license susp or rev is extended for a like period.
Mandatory Term of License Withdrawal Action:	The original license susp or rev is extended a like period.

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (yr eff: 1978) §436.33
Minimum Age (Years) Possession:	21 (Employment exemption) §436.33b(4)
Minimum Age (Years) Consumption:	21 (Applies to licensed premises) §436.33b(1)
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes §436.22(4)
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes Jones v. Bourrie, 120 N.W.2d 236 (1963) and Longstreth v. Fitzgibbon, 335 N.W.2d 677 (Mich. App. 1983)
Dram Shop Actions-Social Hosts:	Yes See Longstreth v. Gensel, 377 N.W.2d 804 (Mich. 1985).
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd §§436.22(3) & 436.50
Term of Imprisonment:	Not more than 6 mos
Fine ($ Range):	Not more than $500
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, susp or rev §436.20(1)
Length of Term of License Withdrawal:	Period of license susp or rev not specified in the statute (Note: A civil fine is of not more than $1,000 may be assessed in addition to or in lieu of a susp or rev.)

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Misd §§436.22(1), 436.22(3) & §436.33
Term of Imprisonment:	Not more than 6 mos §436.50
Fine ($ Range):	Not more than $500
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, susp or rev §436.20(1)
Length of Term License Withdrawal:	Period of license susp or rev not specified in the statute (Note: A civil fine is of not more than $1,000 may be assessed in addition to or in lieu of a susp or rev.)
Anti-Happy Hour Laws/Regulations:	Yes R 436.1438 (regulation)
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes §436.34a
Anti-Consumption Law (Yes/No):	Yes-Driver and passengers §436.34 (The law states that "No alcoholic liquor shall be consumed on the public highways")

STATE:	MINNESOTA
General Comments:	See Minnesota Stat. Annotated

Basis for a DWI Charge:

Standard DWI Offense;	Under the influence of alcohol §169.121, subd. 1(a)
Illegal Per Se Law (BAC Level):	Yes 0.10 §§169.01. subd. 61 & 169.121, subd. 1(d)
Presumption (BAC Level):	N/A
Types of Drugs/Drugs and Alcohol:	(1) A Controlled Substance and (2) a Combination of Alcohol and a Controlled Substance See §169.121, subd. 1
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes (§169.121, subd. 6)
Implied Consent Law:	
Arrest Required (Yes/No):	See Special Note under Other Information
Applied Consent Law Applies to Drugs (Yes/No):	Yes §169.123 subd. 2
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) §169.123 subd. 2(b)(5)
Other Information:	Special Note: A test can be given if: 1) A person has been lawfully placed under arrest under §169.121 2) If a person has refused to take preliminary screening test; 3) If PBT is refused or shows BAC of 0.10 or more; 4) If a person is involved in an accident resulting in property damage, personal injury, or death.

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes
Urine:	Yes
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	Yes
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes §§169.124, 169.126 and 260.193, subd. 8(h)

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Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	License rev periods are the same as for implied consent law violations §§169.121 subd 6 & 169.123 subd 2
Other:	None

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Rev for not less than 1 yr (A limited license may be issued; see §§169.123 subd 9, & 171.30 subd 1 and §169.123 subd 4)
Other:	Special Note: If the person who refused to submit to the chemical test is under 18, their license is revoked for 1 yr or until they are 18 whichever is the greater period of time. (A limited license may be issued.)

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	
Term (Day, Month, Years, Etc.):	1st off (Misd)-Up to 90 dys; 2nd off (w/n 5 yrs) and subsequent offs (w/n 10 yrs)(Gross Misd)-Up to 1 yr §§169.121 & 609.03; A DWI off causing injury where there is negligence (Felony) §609.21 subd-2 Not more than 3 yrs; §609.21 subd. 2
Mandatory Minimum Term:	None
Fine:	
Amount ($ Range):	1st off (Misd)-Not more than $700; 2nd off (w/n 5 yrs.) and subsequent offs (w/n 10yrs.)(Gross Misd)-Not more than $3,000; A DWI off causing injury where there is negligence (Felony)-Not more than $5,000
Mandatory Min. Fine ($):	None
Other Penalties:	
Community Service:	None
Restitution (eg Victim's Fund)	Yes Victim's Fund (see §§611A.01 et seq.)[1] and also direct payment by the defendant to a victim (see §§609.10 & 609.125(4))
Other:	None

[1]Special Note: Payments to all claimants shall not exceed $50,000 per victim; see §611A.54

Sanctions Following a Conviction for a DWI Offense:
(continued)

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes 0.10 BAC Rev for 90 dys; however, a limited license is available §169.123 subd 4[1]
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	All offs-Rev
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-Not less than 30 dys; 2nd off (w/n 5 yrs.)-Not less than 90 dys; 3rd off (w/n 5 yrs.)-Not less than 1 yr; 4th and subsequent offs-Not less than 2 yrs[1&2] For persons under 18 years old, see Footnote No. 3.
Mandatory Minimum Term of Withdrawal:	None (Special Note: Under §171.30 a limited license may be issued (1) for employment purposes or (2) for attendance at an alcohol treatment program.)

Other:

Rehabilitation:

Alcohol Education:	Yes 169.124 and 169.126
Alcohol Treatment:	Yes 169.121(5) 169.124 and 169.126
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	No (Note: The court may stay imposition of fine or jail sentence but not license rev if defendant submits to treatment at an authorized dependency facility, as provided by §§169.121 Subd.5 and 609.135 Subd. 1.)

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None (See Special Note on p. 3-186)

Miscellaneous Sanctions Not Included Elsewhere: None

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[1] If the person is under 18, the rev period is six (6) mos or until they reach 18 whichever is the longer period of time.

[2] Note: 90 additional dys are added to the above rev base periods if the DWI off involved either; a death or an injury.

[3] If the defendant is under 18 yrs of age and they are convicted of a DWI off, their license is revoked (1) until they reach 18; (2) for 6 mos; or (3) for the normal period of time for DWI offenders whichever is the greater period of time.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes (Felony) (Gross negligence causing death while under the influence of alcohol) §609.21 sub. 1
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 5 yrs
Mandatory Minimum Term:	None
Fine ($ Range):	Not more than $10,000
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev 169.11
Length of Term of Licensing Withdrawal:	Not specified by statute (Note: See Footnote No. 2 in the Post-DWI Conviction Licensing Section p. 3-185.)
Mandatory Action--Minimum Length of License Withdrawal:	60 dys §171.30
Other:	Note: A limited license may be issued after the 60 dy minimum license rev period §171.30 Subd. 2

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	Misd up to 90 dys[1] §171.24 §609.03
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Up to $700
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Special Note: A violation of §171.24 shall result in a person having their motor veh registration plates and certificate impounded under §168.041.
Length of Term of License Withdrawal Action:	None
Mandatory Term of License Withdrawal Action:	N/A

[1]A person who commits a DWI offense while their license is still suspended or revoked is guilty of a gross misdemeanor. Imprisonment-not more than 1 yr; fine-not more than $3,000 §§169.129 & 609.03(2)

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	Yes §169.09, subd. 11
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	No
Pedestrian:	Yes, age 16 or older

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 (yr eff: 1986) §340A.503
Minimum Age (Years) Possession:	21[1] (There is an exemption for the possession of alcoholic beverages in the home)
Minimum Age (Years) Consumption:	21[1] (There is an exemption for the consumption of alcoholic beverages in the home)

[1]A person, born on or before September 1, 1967, may continue to purchase and consume alcoholic beverages; see §8 of S.F. 5 enacted in 1986.

Other State Laws Related To Alcohol Use And Driving: (continued)

Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes §340A.801
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes Trail v. Christian, 298 Minn. 101, 213 N.W.2d 618 (1973) and Holmquist v. Miller, 352 N.W.2d 47 (1984)
Dram Shop Actions-Social Hosts:	No See Cady v. Coleman, 315 N.W. 2d 593 (1982) and Hoffman v. Wiltscheck, 379 N.W.2d 145 (Ct. App. 1985)
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Gross Misd. §§340A.502 and 340A.702(7) and 609.03
Term of Imprisonment:	Up to 1 yr
Fine ($ Range):	Not more than $3,000 (An admin. fine of up to $500 may also be impossed; see §340A.415)
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes §340A.415
Length of Term of License Withdrawal:	Suspended for up to 60 days or revoked for an unspecified period of time
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Gross. Misd §§340A.503, & 340A.702(8), & 609.03
Term of Imprisonment:	Up to 1 yr[1]
Fine ($ Range):	Not more than $3,000 (An admin. fine of up to $500 may also be imposed; see §340A.415)[1]

[1]Note: The Minnesota Supreme Court has held that criminal sanctions cannot be imposed on employers for the illegal actions of employees who sell/serve alcoholic beverages to persons under the legal drinking age; see State v. Guminga, 395 N.W.2d 344 (1986). See §340A.501 as amended by §2 of Ch. 152 of the law of 1987 which eliminates the possibility of such vicarious criminal liability.

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes §340A.415
Length of Term License Withdrawal:	Suspended for up to 60 days or revoked for an unspecified period of time
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes §169.122(2) & (3)
Anti-Consumption Law (Yes/No):	Yes-Driver and passengers §169.122(1)

STATE:	MISSISSIPPI
General Comments:	See: Mississippi Code Annotated.

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor §63-11-30(1)(a)
Illegal Per Se Law (BAC Level):	0.10 §63-11-30(1)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	Any Substance §63-11-30(1)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §63-11-5
Implied Consent Law:	
Arrest Required (Yes/No):	No
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) §63-11-41
Other Information:	Chemical test required on reasonable grounds and probable cause of DWI §63-11-5

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §63-11-5
Urine:	Yes §63-11-5
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	Yes, a DWI charge may not be reduced of the BAC level of the defendent was 0.10% or more §63-11-39(3)
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes - Limited Sec. 63-11-30(2)(d)

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	None

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Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test	
Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Susp for 90 dys if there has been no previous conviction for a DWI off (§63-11-30). Susp for 1 yr if there has been a previous conviction for a DWI off (§63-11-30) (These susps are mandatory) §63-11-5 & 63-11-23
Other:	Special Note: A de novo Court trial may be held following administrative hearings on these susps; see §63-11-25.

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	1st Off-Not more than 24 hrs[2]; 2nd Off (w/5 yrs)-48 cons hrs[2]-1 yr[1]; 3rd Off (w/n 5 yrs)-30 dys[2]-1 yr; Conviction for a DWI off as above where there has been a chemical test refusal (§63-11-30(3))-Not more than 1 yr; Conviction for a DWI off where there has been negligence resulting in disfigurement, disability, etc., (felony) - Not more than 5 yrs See generally §63-11-30.
Mandatory Minimum Term:	No[1]
Fine:	
Amount ($ Range):	1st Off-$200-500; 2nd Off (w/n 5 yrs)-$400-1,000; 3rd Off (w/n 5 yrs)-$500-1,000; Conviction for a DWI off as above where there has been a chemical test refusal (§63-11-30(3)) $500-1,000
Mandatory Min. Fine ($):	1st off - $200; 2nd off (w/n 5 yrs) - $400; 3rd off (w/n 5 yrs) - $500; Conviction for a DWI off as above where there has been a chemical test refusal (§63-11-30(3)) - $500 §99-19-25

[1]The law does not specifically prohibit suspending or placing persons on probation for the minimum imprisonment term; see also §99-19-23 which allows suspended sentences for misdeameanor offenses.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other Penalties:

Community Service:	Yes Community service from 10 dys to 1 yr as an alternative to imprisonment.
Restitution (eg Victim's Fund)	None[1]
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes, limited to encouraging the speedy trial of DWI cases; where the offender has a BAC level of 0.10 if no trial is requested the license susp periods for implied consent violations apply; an accused offender is issued a temporary license by the police for up to 90 dys following license seizure after arrest; the temporary license if first issued by the arresting officer who takes the original license; the temporary license is initially valid for 30 dys but may be extended for two additional 30 dy periods by the Court. §63-11-23(2)
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	Susp - all offs §63-11-30
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-90 dys-1 yr; 2nd off (w/n 5 yrs)-2 yrs; 3rd and subsequent offs (w/n 5 yrs)-3 yrs

[1]Some victims of crimial activity may receive compensation from a special crime victims' escrow account. Funds for this account are provided via monies received by accused or convicted persons from the news, publicity or entertainment media for the purpose of reenacting the criminal event. A victim, however, must first have a money judgment against a defendant for the injury caused by a criminal action before they can receive funds from the escrow account. See S.B. 2381 as enacted in 1984.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Mandatory Minimum Term of Withdrawal:	1st off-90 dys (not less than 45 dys)[1]; 2nd off (w/n 5 yrs)-1 yr[1]; 3rd and subsequent offs (w/n 5 yrs)-1 yr[1]; DWI off where there has been a chemical test refusal - Same provided above depending upon whether the off is a 1st, 2nd or 3rd off; such susp is in addition to that imposed for chemical test refusal under the implied consent law.[1]
Other:	
Rehabilitation:	
Alcohol Education:	1st off - Yes[1] required; See also §63-11-32
Alcohol Treatment:	2nd and 3rd offs - Yes[1]
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	See Footnote No. 1 below.
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	None
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:	
State Has Such Law/Type of Offense:	Yes, (Felony) where death is a result of a DWI violation and negligent action by the driver. §63-11-30(4)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 5 yrs §63-11-30(4)
Mandatory Minimum Term:	None
Fine ($ Range):	None
Mandatory Minimum Fine:	N/A

[1]Judicial review is not allowed for these susp actions by the licensing agency; see §63-11-26, as they are based on a final DWI adjudication. 1st Off - On completion of the alcohol education program whichever is longer; reduced to not less than 45 dys; restricted hardship license may be issued for the remaining 45 dys; 2nd and Subsequent Offs - License may be reinstated after the completion of an alcohol diagnostic and treatment program; the license cannot be reinstated until after one yr after susp or completion of the program whichever is longer (63-11-30(d)).

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Administrative Licensing Action:

Licensing Authorized and Type of Action:	Rev §63-1-51
Length of Term of Licensing Withdrawal:	1 yr
Mandatory Action--Minimum Length of License Withdrawal:	None
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Off:

Sanction:

Criminal:

Imprisonment (Term):	Misd - 48 hrs-6 mos
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	$200 to 500
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Susp
Length of Term of License Withdrawal Action:	6-mo susp added to the original susp period
Mandatory Term of License Withdrawal Action:	6-mo susp added to the original susp period

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	Yes §63-11-7
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	No
Pedestrian:	No
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (Year eff: 1986) §§67-1-81 & 67-3-53(b)
Minimum Age (Years) Possession:	21 - (Applies to possession of alcoholic beverages, which contain more than 4% alcohol by weight, in a public place; see §§67-1-81)
Minimum Age (Years) Consumption:	None
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes §67-3-73(2) & (4) (Note: Licensees are liable only for the actions of minors and visibly intoxicated persons.)
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, Munford, Inc. v. Peterson, 368 So. 2d 213 (Miss. 1979)[1]
Dram Shop Actions-Social Hosts:	No §67-3-73(3) See also,Boutwell v. Sullivan, 469 So.2d 526 (Miss., 1985)
Other:	None

[1]This case appears to have been abrogated by §67-3-73.

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd §§67-1-71, 67-3-53, & 67-3-69
Term of Imprisonment:	Not more than 6 mos §§67-1-71, 67-3-53, & 67-3-69
Fine ($ Range):	Not more than $500 §§67-1-71, 67-3-53, & 67-3-69
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Rev (A limited susp may be imposed in lieu of rev)
Length of Term of License Withdrawal:	2 yrs (Void for at least 1 yr-mandatory if beer or wine is given to an intoxicated person)
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Selling alcoholic beverages to those under 21, 1st off-Misd; 2nd and subsequent offs- Misd; Selling to a person under 21 beer and wine under 4% or less alcoholic content by weight-Misd; Miss. Code Ann. §§67-1-71, 67-1-81, and 67-3-53.
Term of Imprisonment:	Selling alcoholic beverages to those under 21, 2nd and subsequent offs-Not more than 1 yr; Selling to a person under 21 beer and wine under 4% alcoholic content by weight-Not more than 6 mos; Miss. Code Ann. §§67-1-71, 67-1-81, and 67-3-53.
Fine ($ Range):	Selling alcoholic beverages to those under 21, 1st off- $500-1,000; 2nd and subsequent offs- $1,000-2,000; Selling to a person under 21 beer and wine 4% or less alcoholic content by weight-Not more than $500[1]; Miss. Code Ann. §§67-1-71, 67-1-81, and 67-3-53.

[1]The following additional sanctions also apply to selling beer and light wine (4% or less alcoholic content by weight) to persons under 21: 1st Off-A fine of not more than $500 and lic. rev. for 3 months; 2nd Off-(w/n 12 mos)-A fine of not more than $1,000 and lic. rev. for 6 mos; and 3rd & Subsequent Off-(w/n 12 mos)-A fine of not more than $500 and a lic. rev. for 1 yr. See §67-3-69(3); Eff 1/10/86.

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Selling alcoholic beverages to those under 21, 1st Off-Rev[1]; 2nd and subsequent Off- Automatic Rev; Selling to a person under 21 beer and wine 4% or less alcoholic content by weight-Rev[1]
Length of Term License Withdrawal:	Selling alcoholic beverages to those under 21, 1st off-2 yrs; 2nd and subsequent offs-Permanently; Selling to a person under 21 beer and wine 4% or less alcoholic content by weight-2 yrs (void for at least 1 yr--Mandatory)[2]
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	No

[1]A limited susp may be imposed in lieu of rev.
[2]See footnote on p. 3-197.

STATE:	MISSOURI
General Comments:	See Vernon's Annotated Missouri Statutes

Basis for a DWI Charge:

Standard DWI Offense:	Driving while intoxicated (This includes driving while under the influence of alcohol) §§577.001 & 577.010
Illegal Per Se Law (BAC Level):	0.10 §577.012
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	Drugged Condition See §577.010
Other:	A BAC of 0.10 or more is prima facie evidence of intoxication §577.037

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §577.020(1)
Implied Consent Law Applies to Drugs (Yes/No):	Yes §577.020(1)
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes §577.04
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes
Urine:	Yes
Other:	Saliva

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st Refusal- Rev 1 yr (A restricted hardship license may be issued); 2nd Refusal (w/n 5 yrs)-Rev, 1 yr (Mandatory); §§302.309(5)(d) & 577.041
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):	Intoxicated off, 1st off Cl B Misd-not more than 6 mos; Per se off, 1st off Cl C Misd-not more than 15 dys; Intoxicated/illegal per se offs, 2nd off (w/n 5 yrs) Cl A Misd-not more than 1 yr; and subsequent off (w/n 10 yrs) - Cl D Felony - Not more than 5 yrs
Mandatory Minimum Term:	Intoxicated/illegal per se offs, 2nd off (w/n 5 yrs)-48 cons hrs §§577.010 et seq: 577.011: 558.011: 560.011: and 560.016.

Fine:

Amount ($ Range):	Intoxicated off, 1st off-Not more than $500; Per se off, 1st off-Not more than $300; Intoxicated/illegal per se off, 2nd off (w/n 5 yrs)-Not more than $1,000; 3rd and subsequent offs (w/n 10 yrs)-Not more than $5,000
Mandatory Min. Fine ($):	None

Other Penalties:

Community Service:	2nd off-in lieu of imprisonment, the defendant performs at least 10 dys (involving at least 40 hrs) of community service
Restitution (eg Victim's Fund)	Victim's compensation fund Defendants pay $36 to the Court; $35 is remitted to the State for the fund and $1 is retained by the Court for admin. expenses. §§595.010 and 595.045 The court may also order direct compensation by defendants to victims; see §§595.200 & 595.203

Sanctions following a Conviction for a DWI Offense:
(continued)

Other:	For a first off, the sentence may be suspended provided the defendant is placed on probation for a minimum of two (2) yrs; see §577.010(2)
Administrative Licensing Actions:	
Pre-DWI Conviction Licensing Action:	
Administrative Per Se Law:	Yes-0.13% BAC (1) If there has been no prior alcohol related enforcement conviction w/5 yrs, susp for 30 dys with a restricted license for an additional 60 dys[1];(2) If there has been such prior contact (w/5 yrs), Rev for 1 yr[2]. However, if the defendant has accumulated sufficient points together with an illegal per se conviction, their license is suspended by the licensing agency for a mandatory 30 dy period which may be followed by restricted hardship driving privileges for 60 dys. See §302.304 sub. 4; exception: A court may still grant restricted hardship driving privileges for the entire susp period; see §302.309 sub. 3(5).
Other:	None
Post DWI Conviction Licensing Action:	
Type of Licensing Action (Susp/Rev):	Intoxicated off, 1st off-Point system 8 points; Per se off, 1st off-6 points[3]; Intoxicated/illegal Per se offs, 2nd off-12 points; 3rd and subsequent offs (w/n 5 yrs)-12 points. For persons under 21 who are convicted of any DWI offense-Rev. (see §§1 through 3 of S.B. 230 enacted in 1987.)
Term of License Withdrawal (Days, Months, Years, etc.):	Intoxicated off, 1st off-30-90 dys[1]; Per se off, 1st off-30-90 dys[1]; Intoxicated/illegal per se offs, 2nd off-1 yr; 3rd and subsequent offs (w/n 5 yrs)-1 yr. For persons under 21 who are convicted of any DWI offense-1 yr.

[1]A court may grant restricted driving privileges for employment reasons; see §302.309 sub sec. 3. If the Court doesn't grant such privileges, the licensing agency must suspend the driver's license for a 30 dy mandatory period followed by restricted licensing/privileges for 60 dys.
[2]For second or subsequent (1) illegal per se offs under §577.012 (Not intoxicated offs under §577.010) or (2) admin. per se actions under §302.505 (read carefully §302.309 sub sec. 3), a court may grant restricted driving privileges for employment purposes provided the defendant has not received such privileges within the past 5 yrs.
[3]License susp action would occur only if the defendant had at least 2 more points on his/her record from some other driving off: i.e., a first illegal per se off conviction alone would not result in a license susp action. §§302.302, 302 and 302.304(4) and 302.304(b).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Mandatory Minimum Term of Withdrawal: Intoxicated off 1st off - None; Per se off 1st off - None; Intoxicated/illegal per se offs 2nd off 1 yr[2]; 3rd and subsequent offs (w/5 yrs.) 1 yr[2]. (Note: A person under 21 who is convicted of a DWI offense has their driver's license revoked for 1 year. However, a hardship license is available under certain conditions. See §§1-3 of S.B. 230 enacted in 1987.)
Note: Under the point system 8 points equals a susp. For a first suspension the time period is 30 dys; for a 2nd it is 60 dys, and for a 3rd and it is 90 dys -- 12 points in 12 mos or 18 points in 24 mos or 24 points in 36 mos equals rev for 1 yr.

Other:

Rehabilitation:

Alcohol Education: Intoxicated off, 1st off-Yes[1]; Per se off-1st off-Yes[1]

Alcohol Treatment: Intoxicated off, 1st off-Yes[1]; Per se off, 1st off-Yes[1]

Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority: No

Terms Upon Which Vehicle Will Be Released:

Other: None

Miscellaneous Sanctions Not Included Elsewhere: None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense: Yes (Cl C felony) Veh homicide where death is caused by operating a motor vehicle while in an intoxicated condition or under the influence of controlled substances or drugs. §577.005

[1]For a 1st intoxicated/per se off-Alternative to criminal sanctions; Ann. Mo. Stat. §§577.049
[2]For second or subsequent (1) illegal per se offs under §577.012 (Not intoxicated offs under §577.010) or (2) admin. per se actions under §302.505 (read carefully §302.309 sec. 3), a court may grant restricted driving privileges for employment purposes provided the defendant has not received such privileges within the past 5 yrs.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Sanctions:

Criminal Sanction:

Imprisonment (Term):	Not more than 7 yrs; §577.005
Mandatory Minimum Term:	None
Fine ($ Range):	Not more than $5,000
Mandatory Minimum Fine:	None

Administrative Licensing Action:

Licensing Authorized and Type of Action:	Rev - (12 points)
Length of Term of Licensing Withdrawal:	1 yr
Mandatory Action--Minimum Length of License Withdrawal:	1 yr
Other:	Victim's compensation fund; see §§595.010 et seq.

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	Not more than 1 yr (Cl A misd) 302.302 and 302.321
Mandatory Minimum Term of Imprisonment:	48 cons hrs (In lieu of imprisonment, the defendant performs at least 10 dys (involving at least 48 hrs of community service.)
Fine ($ Range):	Not more than $1,000
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Rev (12 points)
Length of Term of License Withdrawal Action:	1 yr
Mandatory Term of License Withdrawal Action:	1 yr

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Sanctions Following a Conviction of Driving While on Habitual Offender Status:

Imprisonment (Term):

Mandatory Minimum Term of Imprisonment:

Fine ($ Range):

Mandatory Minimum Fine ($):

Licensing Actions (Specify):

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	Yes; Ann. Mo. Stat. §§58.445, 58.447 and 58.449
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	Yes
Pedestrian:	Yes

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 - Ann. Mo. Stat. §311.325 (Year Eff: 1945)
Minimum Age (Years) Possession:	21 - §312.407
Minimum Age (Years) Consumption:	None

Dram Shop Laws and Related Legal Actions:

State Has a Dram Shop Law (Yes/No):	Yes-A cause of action for personal injuries or death may only be brought against a licensee who has been convicted of selling alcoholic beverages either to a person under 21 years old or to an intoxicated individual provided such sale was the proximate cause of the injury or death. See §537.053.
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No (Prior case law abrogated via statute; see §537.053.)
Dram Shop Actions-Social Hosts:	No See §537.053
Other:	None

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd - §§311.310, 311.720, 311.880, 312.400 and 312.500.
Term of Imprisonment:	Not more than 1 yr
Fine ($ Range):	$50-1,000
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Rev
Length of Term of License Withdrawal:	Not specified in the statute
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Misd §§311.310, 311.880, 312.400 & 312.500.
Term of Imprisonment:	Not more than 1 yr
Fine ($ Range):	$50-1,000
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Rev
Length of Term License Withdrawal:	Not specified in the statute
Anti-Happy Hour Law/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	No

STATE:	MONTANA
General Comments:	See Montana Revised Codes Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of alcohol §61-8-401(1)(a)
Illegal Per Se Law (BAC Level):	0.10 §§61-8-406 & 61-8-407
Presumption (BAC Level):	0.10 §61-8-401(3)(c)
Types of Drugs/Drugs and Alcohol:	(1) Any Drug, (2) a Narcotic Drug and (3) alcohol and any drug See §61-8-401(b), (c) & (d)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §61-8-402
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes §61-8-404(2) (Note: This statute may not be constitutional.)
Other information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §61-8-402(1)
Urine:	Yes §61-8-402(1)
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No (Note: PSI given if crime carries a prison sentence of 1 yr or more) §46-18-111

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st Refusal - Mandatory susp for 90 dys; 2nd or subsequent refusals w/n 5 yrs of a previous one; mandatory rev for 1 yr. The peace officer shall immediately seize the defendant's drivers license and it shall be forwarded to the driver licensing division; §61-8-402
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):	DWI Off[1], 1st Off-24 cons hrs-60 dys; 2nd Off (w/n 5 yrs)-7 dys-6 mos; 3rd or sub. off (w/5 yrs)-30 dys-1 yr; §§61-8-401 & 61-8-714; Illegal Per Se Offs, 1st Off - Not more than 10 dys; 2nd Off (w/n 5 yrs) - 48 cons hrs to 30 dys; 3rd and subsequent offs (w/n 5 yrs) - 48 cons hrs to 6 mos; 61-8-722. Neg. Veh. Assult[2]-Not more than 1 yr; see §45-5-205. See Special Note below.
Mandatory Minimum Term:	DWI Offs[3], 1st Off-24 cons hrs (may only be suspended for the defendant's physical and mental well-being); 2nd Off (w/n 5 yrs)-3 dys, 48 hrs of which must be served cons (may not be suspended except for the defendant's physical or mental well-being); 3rd or subsequent offs (w/n 5 yrs) - 10 dys, 48 hrs of which must be served cons (may not be suspended if the 3rd off occurred w/n 5 yrs of the first off); §61-8-714
Fine:	
Amount ($ Range):	DWI Off[1], 1st Off-$100-500; 2nd Off-(w/n 5 yrs)-$300-500; 3rd and subsequent Off-(w/n 5 yrs)-$500-1,000; Illegal Per Se Off, 1st Off-$100-500; 2nd Off (w/n 5 yrs)- $300-500; 3rd and subsequent Off- (w/n 5 yrs)-$500-1,000 Neg. Veh. Assult-Not more then $1,000
Mandatory Min. Fine ($):	None

Special Note: For persons under 18: (1) no incarceration; (2) standard fine; (3) license susp/rev for a period set by the court; and (4) possible vehicle impoundment not to exceed 60 days; see §61-8-723.

[1]DWI offenses except illegal per se.

[2]Negligent Vehicle Assult-Driving while under the influence of alcohol that results in a serious bodily injury accident.

[3]These mandatory sanctions do not apply to illegal per offenses.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other Penalties:

Community Service:	None
Restitution (eg Victim's Fund)	No[1]
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	None
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	DWI offs[3], 1st Off-Susp; 2nd off (w/n 5 yrs)-Rev; 3rd and subsequent off (w/n 5 yrs)-Rev; §§61-5-205(2) & 61-5-208; Illegal Per Se offs, 1st Off-Susp; 2nd Off (w/n 5 yrs)-Rev; 3rd and subsequent off (w/n 5 yrs)-Rev; §§61-5-205(2) & 61-8-722(4)[2] See Special Note on p. 3-208.
Term of License Withdrawal (Days, Months, Years, etc.):	DWI Offs[3], 1st Off-6 mos; 2nd off (w/n 5 yrs)-1 yr; 3rd and subsequent off (w/n 5 yrs)-1 yr 61-5-208; Illegal Per Se Offs, 1st off-6 mos; 2nd off (w/n 5 yrs)-1 yr; 3rd and subsequent off (w/n 5 yrs)-1 yr §§61-5-205 and 61-5-208
Mandatory Minimum Term of Withdrawal:	DWI Offs, 1st Off-None (Under §61-11-101, a restricted probationary license may be issued in lieu of a susp on the condition that the person attends an alcohol treatment program if available[4]); 2nd off (w/n 5 yrs)-3 mos; 3rd and subsequent off (w/n 5 yrs)-3 mos; §61-5-208(2), 61-2-302(2) & (9)[5]; Illegal Per Se Offs - Same as for DWI offs

[1]Note: Montana has a victims' compensation fund but it does not apply to injuries resulting from violations of the motor vehicle laws such as DWI; see §53-9-101 et seq.
[2]Special Note: Under §61-11-203(2)(d) a person receives 10 points on their driving record for either a regular DWI or an illegal per se off conviction.
[3]DWI offs except illegal per se.
[4]Note: The original licensing action could also be stayed; see §61-2-302.
[5]After the mandatory periods provided and the driver participates in a rehabilitation and improvement program, either the original licensing action may be stayed or a probationary license may be issued.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other:

Rehabilitation:

Alcohol Education:	Yes all offs; (Either an alcohol education or alcohol treatment program is required. 61-8-714(4)); Illegal Per Se offs - For any illegal Per Se off there is a mandatory requirement for the defendant to participate in either an alcohol education or treatment program. See §61-8-722(5)
Alcohol Treatment:	Yes
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	1st DWI Off-Yes (see §61-11-101)

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None. See Special Note on p. 3-208.

Miscellaneous Sanctions Not Included Elsewhere: None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Off: No

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine ($ Range):

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and Type of Action:

Length of Term of Licensing Withdrawal:

Mandatory Action--Minimum Length of License Withdrawal:

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Other:	Special Note: Even though this State does not have a vehicle homicide statute, it nevertheless, provides for a 1 yr license rev following a conviction for manslaughter resulting from the operation of a motor vehicle; only 3 mos of this action is mandatory a probationary restricted license may be issued for the remaining portion of the revoication period if a person complies with the terms of a driver improvement program. See §61-2-302(9)
Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:	
Sanction:	
Criminal:	
Imprisonment (Term):	Misd - 2 dys to 6 mos; §61-5-212
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Not more than $500; §61-5-212
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Susp or rev; §61-5-212
Length of Term of License Withdrawal Action:	The period of such susp or rev is extended for an additional like period; §61-5-212
Mandatory Term of License Withdrawal Action:	(Note: There may be no mandatory licensing action; see §61-2-302(9)
Habitual Offender Laws:	
State Has Such Law (Yes/No):	Yes
Grounds for Being Declared an Habitual Offender:	Accumulation of 30 points in a 5 yr period
Term of License Rev While Under Habitual Offender Status:	3 yrs If a driver participates in a driver rehabilitation and improvement program after 1 yr of the revocation period has passed, a restricted probationary license may be issued; see §61-2-302(9)
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Misd; §§61-11-201 and 61-11-215
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	Not more than 1 yr

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Not more than $1,000
Mandatory Minimum Fine ($):	None
Licensing Actions (Specify):	None

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21[1] (Year Eff: 1987); §§16-3-301-(2)(a) & 16-6-305
Minimum Age (Years) Possession:	21[1] §45-5-624 (There is an employment exemption.)
Minimum Age (Years) Consumption:	21[1] Exemptions for medical purposes and for parents giving alcoholic beverages to their children who are under 21 §§16-3-301-(2)(a) & 16-6-305
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes §27-1-170 (Note: Recent case law indicated below may have been abrogated by this law which was enacted in 1986.)
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes The following cases established common law dram shop liability. However, these cases may have been abrogated by the State legislature via §27-1-170 as noted above. See Hehring v. La Counte, 712 P.2d 1329 (Mont. 1986) and Bissett v. DMI, Inc., 717 P.2d 545 (Mont. 1986).
Dram Shop Actions-Social Hosts:	Yes §27-1-170
Other:	None

[1]Note: Under §8 of H.B. 21 enacted in 1987, persons who are under 21 and who were born on or between April 1, 1966 and April 1, 1968 may continue to purchase, possess and consume alcoholic beverages.

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd (Note: See Mont. Code Ann. §§16-3-301, 16-6-304, 16-6-305, 16-6-314, and 46-18-212.)
Term of Imprisonment:	Not more than 6 mos
Fine ($ Range):	Not more than $500 (Note: A civil fine may be assessed by the licensing agency and such fine is not to exceed $1,500.)
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or rev (Note: See Mont. Code Ann. §16-4-406.)
Length of Term of License Withdrawal:	Not be more than 3 mos, the period of rev is not specified in the statute
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Misd 16-6-304, 16-6-314, and 16-18-212
Term of Imprisonment:	Not more than 6 mos
Fine ($ Range):	Not more than $500 (Note: A civil fine may be assessed by the licensing agency and such fine is not to exceed $1,500.)
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or rev
Length of Term License Withdrawal:	The period of susp may not be more than 3 mos; The period of rev. is not be specified in the statute

Other State Laws Related To Alcohol Use And Driving: (continued)

Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes[1]; §16-3-106(2)
Anti-Consumption Law (Yes/No):	Yes - Driver and passengers §16-3-106(2)

[1]The law states that "no common carrier or any other person shall open, break, or allow to be opened or broken any package or vessel containing liquor or drink or allow to be drunk or used any liquor there from while being carried or conveyed."

STATE:	NEBRASKA
General Comments:	See Revised Statutes of Nebraska

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of alcoholic liquor §39-699.07(1)
Illegal Per Se Law (BAC Level):	0.10 §39-669.07(2)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	Any Drug §39-669.07(1)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §39-669.08(3)
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §39-669.08(2)
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) State v. Romell, 204 N.W.2d 573 (1973)
Other Information:	Note: A surviving driver (or pedestrian under 16 years old), who is involved in an accident where there has been a fatality, shall be required to submit to a BAC chemical test. The results of such test, however, can only be used for statistical purposes. §§39-6,104.08 & 39-6,104.09

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes
Urine:	Yes
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	Class V misd. $100 fine; No imprisonment §§28-106 & 39-669.08(3)
Administrative Licensing Action (Susp/Rev):	None
Other:	None

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	Cl W misd, 1st off-30 dys & $500 (Maximum); 2nd off-30 dys (48 hrs Minimum); 3rd and subsequent-3 mos-6 mos (maximum) (7 dys minimum) (Cl W misds); §§28-106 & 39-669.08; Note: The court must impose the minimum sanction even if it suspends sentence or places a person on probation.
Administrative Licensing Action (Susp/Rev):	1st off-Rev 6 mos (60 dy minimum); 2nd off-Rev 1 yr (6 mos minimum); 3rd off-Rev 15 yrs (1 yr minimum) 28-106 and 39.669.08 Note: The Court must impose the minimum license revocation periods even if it suspends sentence or places a person on probation.[1]
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	Cl W misd 1st off-30 dys; 2nd off-30 dys; 3rd and subsequent offs - 3 to 6 mos §28-106; §39-669.07 DWI w/serious bodily injury-Cl. II Misd-Not more than 6 mos; see §39-669.39.
Mandatory Minimum Term:	1st off- None; 2nd off-48 hrs; 3rd and subsequent offs - 7 dys; (Cl W misds) (The court must impose these minimum criminal sanctions even if it suspends sentence or places a person on probation.)
Fine:	
Amount ($ Range):	1st off- $500; 2nd off-$500; 3rd and subsequent offs- $500; DWI w/serious bodily injury-Cl. II Misd.-Not more than $1,000; see §39-669.39.
Mandatory Min. Fine ($):	None

[1]These revocations are based upon a conviction under §39-669.08. If there is no conviction, the licensing agency can still impose a mandatory 6 mo license revocation for any chemical test refusal under §39-669.16.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other Penalties:	
Community Service:	None
Restitution (eg Victim's Fund)	Yes Victims' compensation fund §81-1801 et seq.
Other:	Persons must attend and successfully complete a driver's education program of at least 8 hrs duration. §39-669.27
Administrative Licensing Actions:	
Pre-DWI Conviction Licensing Action:	
Administrative Per Se Law:	None
Other:	None
Post DWI Conviction Licensing Action:	
Type of Licensing Action (Susp/Rev):	Rev (A conviction automatically accumulates sufficient points to have license revoked administratively) §39-669.07 (see also §60-424)
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-6 mos; 2nd off-1 yr; 3rd off- 15 yrs §39-669.07
Mandatory Minimum Term of Withdrawal:	1st off-60 dys; 2nd off-6 mos; 3rd off - 1 yr; §39-669.07 (The court must impose these minimum license revocation periods even if it suspends sentence or places a person on probation.)
Other:	
Rehabilitation:	
Alcohol Education:	Yes Convicted persons may be required to attend an alcoholism treatment program as a term of probation. §39-669.07
Alcohol Treatment:	Yes see above
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes[1] Veh. Code Sec. 39-669.20 & Crim. Code §§28-306, 28-105, & 28-106 which provided respectively for a Cl I Misd (unintentional death caused while operating a motor veh in violation of law except as noted) or a Cl IV Felony (if homicide was the result of DWI, reckless driving or willful reckless driving)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	6 mos - §39-669.20 (Veh. Code); (Crim. Code) Cl I Misd-1 yr; Cl IV Felony-5 yrs Secs. 28-306, 28-105 and 28-106
Mandatory Minimum Term:	None
Fine ($ Range):	$500 - Sec. 39-669.20 (Veh. Code); Cl I Misd-$1,000; Cl IV Felony-$10,000
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev - §39-669.20 (Veh. Code); Cl I Misd-Rev; Cl IV Felony-Rev; (A person must also attend and successfully complete a driver's education course of at least 8 hrs duration.)
Length of Term of Licensing Withdrawal:	For all offenses - court discretion (but at least the mandatory period of time)
Mandatory Action--Minimum Length of License Withdrawal:	For all offenses - 6 mos
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	1st off Cl III Misd-3 mos; 2nd off Cl III Misd-3 mos; If license permanently revoked, i.e., a 3rd or subsequent DWI off or 3rd or subsequent refusal to submit to a chemical test--A class IV felony-5 yrs
Mandatory Minimum Term of Imprisonment:	None

[1]Special Note: There are two veh homicide laws; one in the rules of road sec. of the Veh. Code and the other in the Criminal Code.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Fine ($ Range):	1st off, Cl III Misd-$500; 2nd off, Cl III Misd-$500; if license permanently revoked, i.e., a 3rd or subsequent DWI off or 3rd or subsequent refusal to submit to a chemical test, a Cl IV felony-$10,000
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	1st & sub offs-Driver ordered not to operate any motor veh. Special Note: Under §60-430.06, a motor veh, operated by any person whose license has either been revoked or suspended, may be impounded for a period of time not exceeding 30 dys)
Length of Term of License Withdrawal Action:	1st off-1 yr; sub. off-2 yrs
Mandatory Term of License Withdrawal Action:	1st off-1 yr; sub. off-2 yrs

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	Yes §39-6,104.07
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes, if dead within 4 hrs of the accident.
Vehicle Passengers:	No
Pedestrian:	Yes, if at least 16 yrs old and died within 4 hrs of the accident.
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21; (Year Eff: 1985) §§53-103(23) & 53-180
Minimum Age (Years) Possession:	21; Exemptions for possession in minor's "permanent place of residence" and for certain employment purposes by those 19 yrs old or older; §§53-102, 53-103(2), 53-103(23), & 53-180.2
Minimum Age (Years) Consumption:	None
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No (Note: For a case denying liability, see Holmes v. Circo, 244 N.W.2d 65 (1976))
Dram Shop Actions-Social Hosts:	No (No Cases)
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Cl I Misd; §53-180 §53-180.05 §28-106
Term of Imprisonment:	Not more than 1 yr
Fine ($ Range):	Not more than $1,000
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes; §53-128 §53-1,104
Length of Term of License Withdrawal:	Indeterminate

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Cl I Misd; §53-180 §53-180.05 §28-106
Term of Imprisonment:	Not more than 1 yr
Fine ($ Range):	Not more than $1,000
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes; §53-128, §53-1,104
Length of Term License Withdrawal:	Indeterminate
Anti-Happy Hour Laws/Regulations:	Yes (regulation) (Note: This regulation does not regulate the price of "single" drinks. It does, however, prohibit the selling of an unlimited quantity of drinks at one price or two or more drinks at the same price.)
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	Yes - Driver and passengers; §53-186 (The consumption of alcoholic liquors inside vehs on public roadways is unlawful "unless authorized" by the State or local government having jurisdiction over the particular public roadway where the consumption is to take place.)

STATE:	NEVADA
General Comments:	See Nevada Revised Statutes

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor §484.379(1)(a)
Illegal Per Se Law (BAC Level):	Yes, 0.10 §484.379(1)(b)
Presumption (BAC Level):	Yes, 0.10 §484.381(2)(c)
Types of Drugs/Drugs and Alcohol:	(1) A Controlled Substance or a Combination of Intoxicating Liquor and a Controlled Substance and (2) Any Chemical, Poision, Organic Solvent and Any Compound or a Combination of These. See §484.379(2)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §484.382
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §484.383(1)
Implied Consent Law Applies to Drugs (Yes/No):	Yes §484.383(1)
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) §484.389
Other Information:	Note: A BAC chemical test may be given without consent if (1) there was a death or substantial bodily harm to another person or (2) the driver to be tested was convicted of a previous DWI offense w/n 7 yrs; see §484.383(8).

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §484.383(1)
Urine:	Yes §484.383(1)[1]
Other:	Or other unspecified bodily substances §484.383(1)

[1]A urine test can only be requested under two conditions. (1) A driver has been arrested for an alcohol driving offense and it is determined that they have hemophilia or a heart condition which would exempt them from a blood test or (2) a driver has been arrested for a drug driving offense.

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Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	Yes (Note: A DWI charge cannot be exchanged for a lesser charge unless there is no evidence to support such a DWI charge. §484.3792(3))
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes For 1st DWI offs. (§484.3792(1)) and for felony offs (§176.135.)

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Rev-90 dys §484.384(3)
Other:	None
Refusal to Take Implied Consent Chemical Test	
Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st Refusal - Rev 1 yr mandatory; 2nd or subsequent Refusals (w/n 7 yrs) - Rev 3 yrs mandatory; §§484.384(1) & (2) and 484.385.
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	All DWI offs are misds[2]
Term (Day, Month, Years, Etc.):	1st off-2 dys-6 mos; 2nd off (w/n 7 yrs) - 10 dys-6 mos; 3rd and subsequent off (w/n 7 yrs)-1-6 yrs; §§484.379 and 484.3792.
Mandatory Minimum Term:	1st off- 2 dys (1 dy if rehabilitation is taken[3]); 2nd off (w/n 7 yrs) - 10-dys[1] (5 dys if rehabilitation is taken[3]); 3rd and subsequent off (w/n 7 yrs)-1 yr[1]

[1]At least 48 hrs. must be served cons; see §484.3792(4).
[2]If there is bodily harm related to a DWI offense, the sanctions imposed are the same as for DWI vehicle homicide (§484.3795); see pp. 3-226 & 3-227.
[3]See §484/3794.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Fine:

Amount ($ Range):	1st off-$200-1,000; 2nd off (w/n 7 yrs)-$500-1,000; 3rd and subsequent off (w/n 7 yrs)-$2,000-5,000; Special Note: 1st off and 2nd off (w/n 7 yrs)-If rehabilitation is taken, the fine can be no more than the minimum fine indicated.
Mandatory Min. Fine ($):	None

Other Penalties:

Community Service:	1st off-48 hrs (alternative to imprisonment) or, if rehabilitation is taken, 24 hrs
Restitution (eg Victim's Fund)	Yes (1) As a condition for a suspended sentence, the court may order a defendant to pay compensation to a victim (§§1 & 2 of A.B. 808 enacted in 1987[1]) and (2) Via a victims' compensation fund (§217.010 et seq.).
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes -- 0.10 BAC Level; License rev 90 dys; §§484.383, 484.384 & 484.385.
Other:	None
	Note: If a license rev for a DWI off conviction follows one for an admin. per se action, the admin. per se rev is cancelled. The driver shall be given credit towards any DWI off conviction rev period for any time he/she was not eligible for a license under the admin. per se rev. Also, following the cancellation of the administrative per se rev, the legal provisions, concerning min. mandatory terms of license withdrawal and issuance of restricted licenses after a DWI off conviction, would apply.

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st off-Rev; 2nd off (w/n 7 yrs)-Rev; 3rd and subsequent offs (w/n 7 yrs)-Rev; §483.460.

[1]New sections added to Nevada Revised Statutes Chapters 4 and 5.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Term of License Withdrawal (Days, Months, Years, etc.):	1st off-90 dys[1] (restricted license allowed); 2nd off (w/n 7 yrs)-1 yr; 3rd and subsequent off (w/n 7 yrs.)-3 yr[1] §483.460
Mandatory Minimum Term of Withdrawal:	1st off-45 dys[1]; 2nd off (w/n 7 yrs)-1 yr (§§483.460(1)(b)(5) & 483.490(2)); 3rd and subsequent offs (w/n 7 yrs)-1 1/2 yrs (483.490(2))
Other:	
Rehabilitation:	
Alcohol Education:	Yes A temporary alcohol education program may be established; see §5 of A.B. 461 enacted in 1987.
Alcohol Treatment:	Yes For 1st & 2nd offs §484.3794
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	Yes[1] for all offs except death or bodily injury offs
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	None
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:	
State Has Such Law/Type of Offense:	Yes, (1) Death caused by reckless driving where there is wanton disregard for the safety of others-felony (§193.120) §484.377 and (2) death caused by a DWI off-felony (§193.120) §484.3795 (See Special Note under "Sanctions: Other" below.)

[1]1st off-After half of the rev period has passed and the DWI offender has completed treatment a treatment program, a restricted license may be issued; see §§483.460(3) & 483.490(2).

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Sanctions:

Criminal Sanction:

Imprisonment (Term):	1 to 6 yrs-Reckless driving; 1 to 20 yrs-DWI related offs. §§484.377 & 484.3795
Mandatory Minimum Term:	For a DWI related death, 1 yr (This sentence may not be suspended nor may probation be granted.)
Fine ($ Range):	Not more than $5,000-reckless driving; $2,000-5,000-DWI related offs.
Mandatory Minimum Fine:	For a DWI related death, $2,000 (This sentence may not be suspended nor may probation be granted.)

Administrative Licensing Action:

Licensing Authorized and Type of Action:	Rev 483.460 (Applies to either reckless driving or DWI related deaths.)
Length of Term of Licensing Withdrawal:	For a DWI related death, 3 yrs (Note: For any non-alcohol related death or other manslaughter off. not noted above caused by veh operations, the driver's license is revoked for 1 yr; see §483.460(1)(b)(1))
Mandatory Action—Minimum Length of License Withdrawal:	1½ yrs (Death related DWI offs.); 6 mos (Non-alcohol related death offs.) §§483.460(1) & 483.490(2)
Other:	Special Note: §484.3795 also applies to substantial bodily harm, as well as death, caused as a result of a DWI off.

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	Misd - 30 dys-6 mos §483.560
Mandatory Minimum Term of Imprisonment:	30 dys
Fine ($ Range):	$500-1,000
Mandatory Minimum Fine:	$500

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	For driving on a suspended license--a susp; For driving on a revoked license--Rev; §483.560
Length of Term of License Withdrawal Action:	The original susp period extended a like period The original rev extended 1 yr §483.560

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Mandatory Term of License Withdrawal Action:	The original susp period extended a like period; The original rev extended 1 yr; §483.560; (Note: The restricted license provisions of §483.490(2), as noted in the Sanction After DWI/Pre-Sentencing - DWI Term of License Withdrawal heading may apply.)
Habitual Offender Laws:	
State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	Yes, see §484.394
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	Yes
Pedestrian:	Yes
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (Year Eff: 1933) §§202.020 & 202.055
Minimum Age (Years) Possession:	21 §§202.020 & 202.055
Minimum Age (Years) Consumption:	21 Applies to any place where alcoholic beverages are sold. §§202.020 & 202.055

Other State Laws Related To Alcohol Use And Driving: (continued)

Dram Shop Laws and Related Legal Actions:

State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No (Note: For a cases denying liability, see Hamm v. Carson City Nugget, 450 P.2d 358 (Nev. 1969) and Yoscovitch v. Wasson, 645 P.2d 975 (Nev. 1982))
Dram Shop Actions-Social Hosts:	No (No Cases)
Other:	None

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

Type of Criminal Action:	No (Note: The State allows local governments broad power to license and regulate liquor retail establishments. Therefore, local laws may have been enacted to control the sale of alcoholic beverages to intoxicated persons.)
Term of Imprisonment:	N/A
Fine ($ Range):	N/A

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

License to Serve Alcoholic Beverages Withdrawn (Yes/No):	N/A
Length of Term of License Withdrawal:	N/A

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:

Type of Criminal Action:	Misd §§193.150 & 202.055
Term of Imprisonment:	Not more than 6 mos
Fine ($ Range):	Not more than $1,000

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:

License to Serve Alcoholic Beverages Withdrawn (Yes/No):	(Note: Controlled by local law.)
Length of Term License Withdrawal:	(Note: Controlled by local law.)

Other State Laws Related To Alcohol Use And Driving: (continued)

Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	Yes, driver only §484.448 (The law states that "it is unlawful for any person to drink any intoxicating liquor in a motor veh while such person is driving such motor veh upon a highway.")

STATE:	NEW HAMPSHIRE
General Comments:	See New Hampshire Revised Statutes Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor §§265:82(I)(a) & 265:82a(I)(a)
Illegal Per Se Law (BAC Level):	0.10 265:82(I)(b) & 265:82-a(II)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	(1) Any Controlled Drug and (2) any Combination of Intoxicating Liquor and Controlled Drugs See §§265:82(I)(a) & 265:82-a(I)
Other:	A BAC level of 0.10 is prima facie evidence of intoxication. §265:89

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §265:92-a
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §265:84
Implied Consent Law Applies to Drugs (Yes/No):	Yes §265:84
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal & Civil Cases) §265:88-a
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §265:84
Urine:	Yes §265:84
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No (Note: The law requires to the filing of reports on plea bargaining agreements; these reports are public records and are available for public inspection, 265:82-c)
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No, see §651:4

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	None

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test	
Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st refusal where there has been no previous DWI off-Rev for 90 dys; 2nd refusal or a 1st refusal where there has been a previous DWI off-Rev for 1 yr; 265:92
Other:	Special Note: These Revs are mandatory. See the Footnote No. 1 below.

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	1st off-Violation; No term of imprisonment 2nd and subsequent offs (w/n 7 yrs.) Misd-Not more than 1 yr; 265:82 & 265:82-b, 1(b) & 651:2; Aggravated DWI[2]-Misd.-Not more than 1 yr; 265:82a, 265:82-b(11) & 651:2
Mandatory Minimum Term:	2nd and subsequent off (w/n 7 yrs)-Misd, 10 cons dys[3]
Fine:	
Amount ($ Range):	1st off-Not more than $1,000; 2nd and subsequent offs (w/n 7 yrs) Misd-Not more than $1,000; Aggravated DWI[2]-Misd- $350-1,000
Mandatory Min. Fine ($):	Aggravated DWI[2]-Misd-$350; 265:82-b(111)
Other Penalties:	
Community Service:	None
Restitution (eg Victim's Fund)	None
Other:	None

[1]A person holding an "at risk" probationary license whom police have reasonable cause to believe is driving with a BAC level of 0.03% and who refuses to take a BAC test, shall have their license suspended for 90 days. See 262:14-a111. See also, miscellaneous sanctions not included elsewhere on p. 3-234 below.

[2]Aggravated DWI (265:82a): A DWI offense where there is either serious bodily injury, speed in excess of 30 MPH over the speed limit or a 0.20 BAC level.

[3]The 10 con. dys are to be served as follows: 3 con. 24 hour periods in the county house of corrections and 7 con. 24 hour periods in a State operated multiple DWI offender intervention detention center. See §265:82-b, 1(b).

Special Note: Any person who has completed a multiple DWI offender intervention program and who is subsequently convicted of a DWI offense shall be imprisoned for 30 con. 24 hour periods. In addition, they must complete, at their own expense, a 28 day treatment program before their license may be restored. See §265:82-b, 11-a.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	None
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st off-Rev; 2nd off (w/n 7 yrs.)-Rev; 3rd and subsequent offs (w/n 10 yrs)-Rev; Aggravated DWI[1]-Rev; (Note: See rehabilitation section for this State.)
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-90 dys-2 yrs; 2nd off (w/n 7 yrs)-3 yrs; 3rd and subsequent offs (w/n 10 yrs)-Indefinitely; Aggravated DWI[1]-1 yr
Mandatory Minimum Term of Withdrawal:	1st off-90 dys; 2nd off (w/n 7 yrs)-3 yrs; 3rd and subsequent offs (w/n 10 yrs)-3 yrs; Aggravated DWI[1]-1 yr; 265:82-b(III)

Other:

Rehabilitation:

Alcohol Education:	Yes (Must be completed before license can be restored for any alcohol related driving off; 263:65a)
Alcohol Treatment:	
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	

[1]Aggravated DWI (265:82a): A DWI offense where there is either serious bodily injury, speed in excess of 30 MPH over the speed limit or a 0.20 BAC level.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	None
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	Any person who shall apply for reissuance of their license following an alcohol offense conviction is an "at risk" driver and their license shall be probationary for 3 yrs. Such probationary license may be suspended from 90 to 180 days if the driver operates a motor vehicle with BAC level of 0.03%. See 263:14a I & II. Note: This suspension may not be mandatory.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:	
State Has Such Law/Type of Off:	Yes - Cl B felony applies only if death results from the reckless operation of a motor veh; 262-A:61 & 265:79
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 7 yrs; 262-A:61
Mandatory Minimum Term:	None
Fine ($ Range):	Not more than $2,000; 262-A:61
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev
Length of Term of Licensing Withdrawal:	Up to 7 yrs
Mandatory Action—Minimum Length of License Withdrawal:	None
Other:	None

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	Misd - Not more than 1 yr; 263:64
Mandatory Minimum Term of Imprisonment:	7 cons 24 hrs periods
Fine ($ Range):	Not more than $1,000
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Rev
Length of Term of License Withdrawal Action:	An additional 1 yr
Mandatory Term of License Withdrawal Action:	An additional 1 yr

Habitual Offender Laws:

State Has Such Law (Yes/No):	Yes §259:39
Grounds for Being Declared an Habitual Offender:	3 serious offs. (w/n 5 yrs), 12 moving violations (w/n 5 yrs) or 1 serious off. and 8 moving violations (w/n 5 yrs)
Term of License Rev While Under Habitual Offender Status:	Rev. 4 yrs 262.19, III
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Note: Type of off is not specified in the statute. It is probably a Cl B felony with modifications in the penalty as provided in the habitual offender law. See §625:9, III(a)(2)
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	1-5 yrs §262:23
Mandatory Minimum Term of Imprisonment:	1 yr
Fine ($ Range):	No fine stated in the statute
Mandatory Minimum Fine ($):	N/A
Licensing Actions (Specify):	No specific licensing action provided for this off

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	Yes, see §262-A:69-1. Required, see §265:93
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	No
Pedestrian:	Yes
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21; (Year Eff: 1985) §§175:6 & 175:8-a
Minimum Age (Years) Possession:	21; There are employment exemptions; see §175-8 for details[1]. §§175:6 & 175:8-a
Minimum Age (Years) Consumption:	None
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes §507-F:1 et seq.[1] (Note: This statute appears to have abrogated previous case law concerning dram shop liability; see §507-F:8.)
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No (The following case law appears to have been abrogated by §507-F:1 et seq. (the dram shop statute). Burns v. Bradley, 419 A.2d 1069 (1980) which held that New Hampshire permits a plaintiff to maintain a common-law action against a liquor licensee for injuries received as a result of being served additional liquor while in an intoxicated state, 419 A.2d 1069, 1071 and Ramsey v. Anctil, 211 A.2d 900 (1965).)
Dram Shop Actions-Social Hosts:	No (No Cases)
Other:	None

[1]New Hampshire's Dram Shop Law is similar to the Model Alcoholic Beverage Retail Licensee Liability Act of 1985. This model law was developed via a grant for the National Institute on Alcohol Abuse and Alcoholism.

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd §175.6
Term of Imprisonment:	Not more than 1 yr
Fine ($ Range):	Not more than $1,000
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes
Length of Term of License Withdrawal:	Susp, time period is not specified in the statute
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Misd, 175:6
Term of Imprisonment:	Not more than 1 yr
Fine ($ Range):	Not more than $1,000
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes
Length of Term License Withdrawal:	Susp; time period is not specified in the statute
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No Note: A person under 20 years of age, except when accompanied by a parent or legal guardian, shall not have an open container of an alcoholic beverage in a motor vehicle. See §265:81
Anti-Consumption Law (Yes/No):	Possible - driver and passengers; §177:4 (The law states that "...liquor sold in a state store shall not be consumed in a public place." Note: The state is the only seller of sealed packaged alcoholic beverages; however, this would, it appears, not apply to packages purchased outside of the state.)

STATE:	NEW JERSEY
General Comments:	See New Jersey Statutes Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor §39:4-50(a)
Illegal Per Se Law (BAC Level):	0.10 §39:4-50(a)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	(1) Narcotic, (2) Hallucinogenic or (3) Habit-Producing Drug See §39:4-50(a)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Probably Yes However, see §39:4-50.2(a) where only "reasonable grounds" seem to be required. Under §39:4-50.4a, a driver's license can only be revoked when the refusal is based on an arrest.
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) See State v. Tabisz, 322 A.2d 453 (Super., 1974)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	No
Urine:	No
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test	
Criminal Sanction (Fine/Jail):	Fine: $250-500 §39:4-50.4a
Administrative Licensing Action (Susp/Rev):	Rev for 6 mos (Mandatory); Rev period is two (2) yrs (mandatory) if the driver has had a prior refusal; §§39:4-50.2 and 39:4-50.4a
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	1st off-Not more than 30 dys; 2nd off (w/n 10 yrs)-48 cons hrs-90 dys; 3rd and subsequent offs (w/n 10 yrs)-Not less than 180 dys; 39:4-50
Mandatory Minimum Term:	1st off-(See section on rehabilitation.);2nd off (w/n 10 yrs)-48 cons hrs (see section on rehabilitation); 3rd and subsequent offs (w/n 10 yrs)-90 dys[3]See section on rehabilitation
Fine:	
Amount ($ Range):	1st off-$250-400[2]; 2nd off (w/n 10 yrs) -$500-1,000[2]; 3rd and subsequent offs (w/n 10 yrs)-$1,000[2]; 39:4-50
Mandatory Min. Fine ($):	None
Other Penalties:	
Community Service:	2nd off-30 dys[1]; 3rd and subsequent off (w/n 10 yrs)-Not more than 90 dys as an alternative to imprisonment; i.e. not more than 90 dys of the 180 dy sentence may be served performing community service.
Restitution (eg Victim's Fund)	Yes[4] §§2C:1-5(b), 2C:43-2 & 2C:44-2 (Paid by the defendant to a victim)
Other:	None
Administrative Licensing Actions:	
Pre-DWI Conviction Licensing Action:	
Administrative Per Se Law:	None
Other:	None

[1]May be mandatory and in addition to the minimum term of imprisonment.
[2]In addition, defendants are charged a $100 surcharge which goes into a drunk driving enforcement fund; ch. 4 laws of N.J. 1984
[3]Statute not specific; suspended sentence/probation may still be possible under various provisions of the criminal justice code.
[4]A victim might also be able to recieve compensation from the Violent Crimes Compensation Board. The Board is authorized to make payments to persons who suffer injuries as a result of "any ... crime of violence" (§52:4B-11(b)); see generally §52:4B-1 et seq.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	Rev (probably) The statute uses the terminology "forfeit his right to operate a motor veh." 39:4-50
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-6 mos-1 yr; 2nd off-2 yrs; 3rd and subsequent offs-10 yrs
Mandatory Minimum Term of Withdrawal:	1st off-6 mos; 2nd off-2 yrs; 3rd and subsequent offs-10 yrs
	Note: A person convicted under DWI must satisfy the requirements of a program of alcohol education and rehabilitation approved by the Director of the Division of Motor Vehicles. Failure to satisfy such requirements shall result in a driver license rev or susp and continuation of rev or susp 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 §39:5-22. See §39:4-50(b).

Other:

Rehabilitation:	
Alcohol Education:	Yes
Alcohol Treatment:	1st Off-Yes[1]; 2nd Off-Yes[2]; 3rd and subsequent offs-Yes[3] §39:4-50
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	See note above
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

[1]There appears to be a mandatory treatment of not less than 48 hrs which is to be spent in an intoxicated driver resource center.
[2]The imprisonment term may be served in an intoxicated driver resource center.
[3]The imprisonment term may be served in an inpatient rehabilitation facility but not an intoxicated driver resource center.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of off:	Yes Crime of the third degree.[1] Death must have resulted from the reckless operation of the veh. "Death by auto" §2C:11-5
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	3 to 5 yrs §2C:43-6(a)(3)
Mandatory Minimum Term:	270 dys of imprisonment is mandatory[2] if defendant was under the influence of alcohol, drugs, etc. at the time of the incident causing death
Fine ($ Range):	Not more than $7,500 §2C:43-3(b)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	None
Length of Term of Licensing Withdrawal:	
Mandatory Action—Minimum Length of License Withdrawal:	
Other:	Restitution; §2C:43-3

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 90 dys §39:3-40
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	$500
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Susp; §39:3-40
Length of Term of License Withdrawal Action:	An additional period of not less than 1 yr nor more than 2 yrs; §39:3-40
Mandatory Term of License Withdrawal Action:	1 yr

[1]Although not specifically set forth, a crime of the third degree would probably be considered a high misdemeanor; see §2C:43-1(b).

[2]In lieu of the 270 days of mandatory imprisonment, the court may order a defendant to participate in a community service program for a minimum of 270 days; see §26:11-5.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	

Sanctions Following a Conviction of Driving While on Habitual Offender Status:

Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	Yes §26:2B-24
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes (Note: Tests for alcohol may also be made on automobile drivers who survive traffic accidents fatal to others; see §26:2B-24.
Vehicle Passengers:	No
Pedestrian:	Yes

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 §§33:1-77 & 9:17B-1 (yr eff: 1983)
Minimum Age (Years) Possession:	21 §2C:33-15
Minimum Age (Years) Consumption:	21 §§9:17B-1 & 2C:33-15

Other State Laws Related To Alcohol Use And Driving: (continued)

Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes[1] §2A:22A-1 et seq. (Ch. 152 of the laws of 1987)
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No (Note: Previous case law (e.g., Rappaport v. Nichols, 156 A.2d 1 (1959)) has been abrogated by above dram shop statute.)
Dram Shop Actions-Social Hosts:	Yes[2] Linn v. Rand, 356 A.2d 15 (1976) and Kelly v. Gwinnell et al., 476 A.2d 564 (1982)
Other:	See Footnote No. 1 below.
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	No specific State statute on this subject. Local law may make such action an off.
Term of Imprisonment:	
Fine ($ Range):	
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	No specific State statute on this subject. However, there may be local law on this matter.
Length of Term of License Withdrawal:	

[1]Under a New Jersey regulation, NJAC 13:2-23-1, a bartender can be held liable for the injuries of either an intoxicated patron or a person the patron injuried if the bartender continued to serve alcoholic beverages to the patron when it should have been known that such person was intoxicated. Note: This regulation may have been abrogated by the dram shop statute.
[2]Note: Combined S.B.s 545 and 1152, passed by the legislature in 1987 but vetoed by the governor, would have revised the State's law on social host "dram shop" liability. In brief, this legislation would have limited a social host's liability for a guest's actions to situations (1) where the social host served alcoholic beverages to a "visibly intoxicated" guest and (2) where the guest, as a result of their intoxication, injured another person while operating a motor vehicle. The legislature will re-consider this vetoed legislation in January 1988.

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Disorderly Person Off[1] §§2C:43-3(c), 2C:43-8, and 33:1-77
Term of Imprisonment:	Not more than 6 mos
Fine ($ Range):	Not more than $1,000
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes - Susp or Rev (Note: A compromise sum of money may be paid in lieu of susp.)
Length of Term License Withdrawal:	1st off - 2 yrs §33:1-31
Anti-Happy Hour Laws/Regulations:	Yes (regulation - NJAC 13:2-23.16) (Note: This regulation does not regulated the price of "single" drinks. It does, however, prohibit the selling of an unlimited quantity of drinks at one price or charging one price for two or more drinks.)
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	Yes - Drivers and passengers; prohibits the consumption of alcoholic beverages by either a driver or passenger while the veh is being operated; there are exceptions for certain vehs for hire. §39:4-51a

[1]See S.B. 2312 enacted in 1985.

STATE:	NEW MEXICO
General Comments:	See New Mexico statutes 1978 Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor §66-8-102(A)
Illegal Per Se Law (BAC Level):	0.10 §66-8-102(C)
Presumption (BAC Level):	0.10 §66-8-110B(3)
Types of Drugs/Drugs and Alcohol:	Any Drug §66-8-102(B)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §66-8-107
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal & Civil (Possible) Cases) See McKay v. Davis, 653 P.2d 860 (1982)
Other Information:	Special Note: A driver may be required to submit to a chemical test based on a search warrant issued by a court upon probable cause that the driver has killed or greatly injured another person while operating a motor veh under the influence of alcohol; §66-8-111A

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §66-8-107
Urine:	No
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No (Special Note: The police officer must charge a driver with committing a DWI off if the driver's BAC level is 0.10 or more; see §66-8-110(C)
Anti-Plea Bargaining Statute (Yes/No):	Yes §§66-8-102.1 if a guilty plea is entered it must be to one of subsections of the DWI statute if BAC=0.15
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes Note: DWI-PSI screening is discretionary; see §66-8-102G.

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1 yr rev mandatory; §66-8-111B
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	
Term (Day, Month, Years, Etc.):	1st off-30-90 dys; 2nd and subsequent offs-90 dys - 1 yr 66-8-102; Great bodily injury where driver was intoxicated, 3rd degree felony - 3 yrs; §§66-8-101 & 31-18-15 (Could be 4 yrs if §31-18-15.1 is applied)
Mandatory Minimum Term:	1st off-No; 2nd and subsequent offs-48 cons hrs[1] 66-8-102 and 66-8-102; Great bodily injury where driver was intoxicated, 3rd degree felony 1 yr (See §31-18-15.1)
Fine:	
Amount ($ Range):	1st off-$300-500; 2nd and subsequent offs-Not more than $1,000 66-8-102; Great bodily injury where driver was intoxicated, 3rd degree felony-Not more than $5,000
Mandatory Min. Fine ($):	1st off-No; 2nd and subsequent offs-No

[1]This mandatory sanction applies only if the second or subsequent off occurred within five (5) yrs of a first or prior offense.

Note: A person who, while operating a vehicle while under the influence of alcohol/drugs or while violation §66-8-113, injuries to a pregnant woman is guilty of a third degree felony; see §§66-8-101.1 & 31-18-15.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other Penalties:	
Community Service:	None
Restitution (eg Victim's Fund)	Yes, 31-17-1 (Restitution is to be paid by the defendant[1])
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	1. For persons 18 yrs old and above who have a BAC level of 0.10 or more; 1st Admin per se off - 90 dys mandatory license rev (§66-8-111C(1)); 2nd and subsequent admin. per se offs where a person has also been convicted of a second or subsequent DWI off - 1 yr mandatory license rev (66-5-29C); 2. For persons under 18 yrs of age who have a BAC level of 0.05 or more: 1st Admin. Per Se off - 6 mos mandatory license rev §§66-8-111C(2); 2nd Admin Per Se off - 1 yr mandatory license rev §§66-8-111(B)
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st off-Rev; 2nd off-Rev §§66-5-29 & 66-5-32(B); 3rd off-Rev §66-5-5(D)
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-1 yr; 2nd off-1 yr; 3rd off-5 yrs
Mandatory Minimum Term of Withdrawal:	1st off-(See Special Note); 2nd off-1 yr; 3rd off-5 yrs Special Note: If a person has been convicted of a 1st DWI off but not subject to the mandatory license provisions of the admin per se law, they may obtain a restricted license. Such a license, however, is not available where there has been a consent decree based on a filing of any DWI charge. §66-5-35A.

[1]Restitution appears to be required if a sentence is either suspended or deferred; see §§31-17-1B & 31-20-6

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other:

Rehabilitation:

Alcohol Education: 1) Yes §66-5-29, §43-2-1 et seq. After presentence investigation, a trial court, in its discretion, may order a first offender to attend a "driving-while-intoxicated school," also called the driver rehabilitation program, approved by both the Court and the Division of Motor Vehicles. 2) 1st offender may be allowed to attend driver rehabilitation program and if successfully completed Court may dismiss DWI charge and it is not a conviction, but does not constitute a first off.

Alcohol Treatment:

Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority: No

Terms Upon Which Vehicle Will Be Released:

Other: None

Miscellaneous Sanctions Not Included Elsewhere: None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of off: Yes-Misd or Death where the driver was intoxicated-3rd degree felony §66-8-101

Sanctions:

Criminal Sanction:

Imprisonment (Term): Misd-Not more than 90 dys; 3rd degree felony-3 yrs (Could be 4 yrs if §31-18-15.1 is applied) §§31-18-15 & 66-8-7B

Mandatory Minimum Term: 3rd degree felony-1 yr (See §31-18-15.1)

Fine ($ Range): Misd-Not more than $100; 3rd degree felony-Not more than $5,000

Mandatory Minimum Fine: None

Administrative Licensing Action:

Licensing Authorized and Type of Action: Misd-Susp; 3rd degree felony-Susp §§66-5-29 & 66-5-20

Length of Term of Licensing Withdrawal: Misd-1 yr; 3rd degree felony-1 yr

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Mandatory Action--Minimum Length of License Withdrawal:	3rd degree felony-1 yr
Other:	Misd - Restitution; 3rd degree felony-Restitution (Victim restitution is either via the offender or via a State reparations fund; see §§31-17-1 & 31-22-1 et seq.

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	2 dys-6 mos §66-5-39
Mandatory Minimum Term of Imprisonment:	No
Fine ($ Range):	$0-500 §66-5-39
Mandatory Minimum Fine:	$150 §66-5-39(A)

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Rev §66-5-39
Length of Term of License Withdrawal Action:	For driving while suspended - an additional suspension period equal to the original period. For driving while revoked - an additional revocation period of one (1) year.
Mandatory Term of License Withdrawal Action:	The above additional suspension/revocation periods appear to be mandatory.

Habitual Offender Laws:

State Has Such Law (Yes/No):	No, but §66-5-5 does, prevent anyone who has been convicted of DWI 3 or more times since 1955 from having or applying for a drivers license for 5 yrs.
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of	

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Driving While on Habitual Offender Status:
Imprisonment (Term):
Mandatory Minimum Term of Imprisonment:
Fine ($ Range):
Mandatory Minimum Fine ($):
Licensing Actions (Specify):

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	Yes §24-11-6(B)
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	Yes
Pedestrian:	Yes

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 (Year Eff: 1934) §§60-3A-3(0), 60-7B-1 & 60-7B-1.1
Minimum Age (Years) Possession:	21 (Exemption when the minor is accompanied by a parent or guardian.) §§60-3-A-(30), 60-7B-1 & 60-7B-1.

Other State Laws Related To Alcohol Use And Driving: (continued)

Minimum Age (Years) Consumption:	21 (Apply to allowing a minor accompanied by either a parent or legal guardian, to consume alcoholic beverages in a licensed establishment.) §§60-3A-(30), 60-7B-1 & 60-7B-1.1
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes[1] §41-11-1[1&3]
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, Lopez v. Maze, 651 P.2d 1269 (N.M. 1982)[2]
Dram Shop Actions-Social Hosts:	Yes §41-11-1(E) Liability is based upon the host providing alcoholic beverages to the guest in reckless disregard of the rights of others, including the guest.[3] MRC Prop. v. Gries, 652 P.2d 732 (N.M. 1982)[2]
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd §§60-7A-16 & 60-7A-25
Term of Imprisonment:	0-7 mos
Fine ($ Range):	$0-300 (If corporation, $0-1,000)
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes §§60-7A-25 & 60-7B-1
Length of Term of License Withdrawal:	2 yrs

[1]Law limits liability for social hosts to cases involving serving alcoholic beverages in reckless disregard of the rights of others and increases the burden of evidence needed to hold liquor license establishments liable for serving alcoholic beverages to intoxicated persons.
[2]Note: §41-11-1(H) may have abrogated the holding in this case.
[3]Note: For each transaction or occurance, damage awards are subject to the following limits: (1) For one person, $50,000 for injuries/death and $20,000 for property damage; and, (2) for two or more persons, $100,000 for injuries/death and $20,000 for property damage. See §41-11-1(I).

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Misd §§60-7A-25, 60-7B-1 & 60-7B-1.1
Term of Imprisonment:	0-7 mos
Fine ($ Range):	$0-300 (If corporation, $0-1,000)
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes 60-6C-1
Length of Term License Withdrawal:	2 yrs 60-6C-8
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	No

STATE:	NEW YORK
General Comments:	See McKinney's Consolidated laws of New York Citations are to the Vehicle and Traffic Law unless otherwise stated.

Basis for a DWI Charge:

Standard DWI Offense:	(1) Ability to operate a vehicle is impaired by the consumption of alcohol (§1192(1)); (2) operate a motor vehicle while in an intoxicated condition (§1192(3))
Illegal Per Se Law (BAC Level):	Yes, 0.10 §1192(2)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	A Controlled Substance See §§114-a and 1192(4) of the V&T Law and §3306 of the Public Health Law.
Other:	A BAC of 0.05-0.07 is relevant evidence of being impaired; and a BAC of 0.08-0.10 is prima facie evidence of impairment; §1195(c) and (b)

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes (Note: This test is mandatory and applies to drivers involved in accidents and traffic law violations. §1193(a))
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §1194
Implied Consent Law Applies to Drugs (Yes/No):	Yes §1194 sub. 1
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal and Civil Cases) §1194(4)
Other Information:	Special Note: Under §1194-a, a driver may be compelled to submit to a chemical test of their blood for alcoholic content if they have been involved in an accident in which there has been a fatality or serious physical injury related to a DWI off

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §1194(1)
Urine:	Yes §1194(1)
Other:	Yes, Saliva §1194(1)

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	Yes (Note: Plea bargaining allowed to one of the two alcohol offs) §1196.2
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes (Required for felony convictions) Criminal Procedure Law §390.20

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	Infraction - fine up to $50 and imprisonment up to 15 dys; §1800(b)
Administrative Licensing Action (Susp/Rev):	None
Other:	None

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Rev for at least 6 mos; Rev for at least 1 yr for a 2nd or subsequent refusal (w/n 5 yrs) or a 1st refusal where there has been a previous DWI off conviction (w/n 5 yrs)[1]; Special Note: These revs are mandatory. See §§510(6), 521(1)(d), 1194(2) & 1194(5). See Special Note at the bottom of p. 3-257.
Other:	Civil penalty of $100; Civil Penalty of $250 for a 2nd or subsequent refusal (w/n 5 yrs) or for a 1st refusal where there has been a previous DWI off conviction (w/n 5 yrs); §1194(3)(b)

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):	"Impaired" status offs See 510 and 1192 (1 and 5); 1st off-Not more than 15 dys; 2nd off (w/n 5 yrs)-Not more than 30 dys; 3rd and any subsequent off (w/n 10 yrs)-Not more than 90 dys; Per Se and Intoxicated status offs, 1st off (Misd)-Not more than 1 yr; 2nd and any subsequent offs (w/n 10 yrs) Cl E Felony-Not more than 4 yrs[1] §§510 & 1192 See Footnote No. 2 below for DWI offenses realted to the operation of certain commercial vehicles.
Mandatory Minimum Term:	None

[1]See N.Y. Penal Law §§66.10, 70.00 and 80.00.

[2]Under §1192(5-a), a person who is operating certain commercial vehicles (e.g., a taxicab, a bus, a truck over 18,000 pounds or a school bus) while "impaired," intoxicated or illegal per se is subject to the following sanctions: 1st off (Misd)-Imprisonment-Not more than 1 yr, Fine-$500-1,500, Lic. Action-Rev. 1 yr; subsequent off (w/n 10 yrs) (Felony)-Imprisonment-Not more than 4 yrs, Fine-$1,000-5,000; Lic. Action-Rev. 1 yr and the person is disqualified from operating commercial vehicles for 5 years. See also Vehicle And Traffic Law §510(c)(1)(IV) & (V) and Penal Law §§55.10(1)(b), 55.10(2)(b), 70.00(2)(c) & 70.15(1)(a).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Fine:

Amount ($ Range):	"Impaired" status offs, 1st off-$250; 2nd off (w/n 5 yrs)-$350-500; 3rd and any subsequent offs (w/n 10 yrs)-$500-1,500; Per se and intoxicated status off, 1st off (Misd)-$350-500; 2nd and subsequent offs (w/n 10 yrs) Cl E Felony-$500 to 5,000
Mandatory Min. Fine ($):	"Impaired" status offs, 1st off-$250; 2nd off (w/n 5 yrs)-$350; 3rd and any subsequent offs (w/n 10 yrs)-$500; Per se and intoxicated off, 1st off (Misd)-$350; 2nd and any subsequent offs (w/n 10 yrs) Cl E felony-$500 §1192(6)

Other Penalties:

Community Service:	None
Restitution (eg Victim's Fund)	Yes The court may require restitution by a defendant to a victim; see §60.27 of the Penal Law. There is also a Victims' compensation fund; see §620 et seq. of the Executive Law.
Other:	Special Note: NY has an off known as "Vehicle Assault;" a person is guilty of such an off if they injure another in a criminally negligent manner while in violation of the DWI law; such an off is a Cl E felony; see N.Y. Penal Law §120.03.

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	None
Other:	Temporary susp is mandatory for repeat offenders w/n 5 yrs; see §510(2)(b)(vi)

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	"Impaired" status offs, 1st off-Susp (Rev if person is under 21 years old); 2nd off (w/n 5 yrs of any alcohol driving off)-Rev; Per se and intoxicated offs, 1st off-Rev §510; 2nd and any subsequent offs (w/n 10 yrs)-Rev §510; See footnote on p. 3-258 and the Special Note below.

Special Note: A person under 21 yrs old, who is convicted of any alcohol driving off or has refused to submit to a chemical test, shall have their license suspended/revoked for one (1) year or until they reach 21 which ever is the greater period of time (see §510(e)). A conditional license is not available for a subsequent alcohol offense (see §521(1)(f)).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Term of License Withdrawal (Days, Months, Years, etc.):	"Impaired" status offs, 1st off-90 dys; 2nd off (w/n 5 yrs of any alcohol driving off)-6 mos; Per se and intoxicated offs, 1st off-At least 6 mos; 2nd and any subsequent offs (w/n 10 yrs)-At least 1 yr
Mandatory Minimum Term of Withdrawal:	For "permissive" revocations, no new license can be issued for 30 dys from the date of the start of the revocation period; see §510(6)(f). See Footnote No. 1 below.
Other:	
Rehabilitation:	
Alcohol Education:	Yes for all offs, §523(a)
Alcohol Treatment:	Yes for all offs, §521
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	Yes (with the Court's permission)[1]
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	Special Note: A Certificate of Registration may be suspended or revoked for DWI convictions; see §510.
Miscellaneous Sanctions Not Included Elsewhere:	None

[1]Under §521(1)(f) a person may be issued a conditional license while participating in a rehabilitation program; however, under §521(1)(c) a person is not permitted to take part in such a program if they have participated in one (1) within a five (5) yr period; in addition, successful completion of the program shall satisfy any sentence of imprisonment and allow an offender to apply for reinstatement of his/her driver's license. §§521(c) and (d)

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes, Cl D felony - death of another based on criminally negligent action while in violation of the DWI laws; see N.Y. Penal Law §215.12
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 7 yrs; Penal Law §70.00(2)(d)
Mandatory Minimum Term:	See Penal Code §70.00(3) on minimum sentences
Fine ($ Range):	Not more than $5,000; Penal Law §80.00(1)(a)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev; Veh. & Traffic Law §510(2)(i)
Length of Term of Licensing Withdrawal:	Not specified--but see Veh. & Traffic Law §510(b)
Mandatory Action--Minimum Length of License Withdrawal:	4 yrs Special Note: Under §530(2), a restricted use license may be issued after 4 yrs.
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	Misd[1], 7 to 180 dys; §511
Mandatory Minimum Term of Imprisonment:	None
	Fine ($ Range): $500-1,000[1]
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Susp or Rev
Length of Term of License Withdrawal Action:	Not specified in the statute
Mandatory Term of License Withdrawal Action:	None

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	

[1]If a person is operating a motor vehicle while DWI and while their license has either been suspended or revoked for a previous DWI offense, they have committed a Class E felony and are subject to the following sanctions: Imprisonment-Not more than 4 yrs; fine-$500-5,000 ($500 is mandatory).

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status

Sanctions Following a Conviction of Driving While on Habitual Offender Status:

Imprisonment (Term):

Mandatory Minimum Term of Imprisonment:

Fine ($ Range):

Mandatory Minimum Fine ($):

Licensing Actions (Specify):

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	Yes N.Y. County Law §674(3)(b)[1]
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	No
Pedestrian:	Yes (if 16 yrs or older)

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 (Year Eff: 1985); Alcoholic Beverages Control Law §§65 & 65b and Penal Law §260.20(4)
Minimum Age (Years) Possession:	None
Minimum Age (Years) Consumption:	None

[1]The test shall not be made if there is reason to believe that the decedent is of a religious faith which is opposed to such test on religious or moral grounds; see N.Y. County Law §674(3)(b).

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes, N.Y. Gen. Oblig. Law §§11-100 & 11-101
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Berkeley v. Park, 262 N.Y.S. 2d 290 (1965)
Dram Shop Actions-Social Hosts:	Yes §11-100 of the Gen. Oblig. Law Applies only to actions of persons who under 21 years old; see also, Montgomery v. Orr, 498 N.Y.S.2d 968.
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Class A Misd; §130 of the Alcoholic Beverage Control Law and §§55.10(2)(b), 70.15(1) and 80.05(1) of the Penal Law
Term of Imprisonment:	Not more than 1 yr
Fine ($ Range):	Not more than $1,000 (For corporations, the fine is not more than $5,000; see §80.10(1)(b) of the Penal Law.
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, suspended, cancelled, or revoked Alcoholic Beverage Control Law §17(3)
Length of Term of License Withdrawal:	Not specified in the statute
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Class B Misd, Alcoholic Beverage Control Law §§17(3), 65 and 130; Penal Law §§70.15(2), 80.05(2) and 260.20(4)[1] & (5)
Term of Imprisonment:	Not more than 3 mos
Fine ($ Range):	Not more than $500 (For corporations, the fine is not more than $2,000; see §80.10(1)(c) of the Penal Law.)

[1]Penal Law §260.20(4), concerning the selling or giving of alcoholic beverages to a person under 21 years old, does not apply to the parent or guardian of such a person.

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, suspended, cancelled, or revoked
Length of Term License Withdrawal:	Not specified in the statute
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	Yes - Driver and passengers; §1227

STATE:	NORTH CAROLINA
General Comments:	See Gen. Stat. of North Carolina

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of an impairing substance §20-138.1(a)(1)
Illegal Per Se Law (BAC Level):	0.10[1] §§20-4.01(0.2) & 20-138.1(a)(2)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	Any Impairing Substance §20-138.1(a)(1)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes; §20-16.3
Implied Consent Law:	
Arrest Required (Yes/No):	Yes (Implied); §20-16.2(a)
Implied Consent Law Applies to Drugs (Yes/No):	Yes §§20-16.2 & 20-139.1
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) §20-16.2(a)(3)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes
Urine:	No
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No However, the law does require the prosecutor to explain a reduction or dismissal of a DWI charge; §20-138.4
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes §§20-179(m) & 20-179.1

[1]Special Note: It is illegal for a provisional licensee, a person between the ages of 16 and 18, to operate a motor veh with any alcohol in their body; see §20-138-3.

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	No
Administrative Licensing Action (Susp/Rev):	No
Other:	None
Refusal to Take Implied Consent Chemical Test	
Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Rev of driving privileges for 12 mos (10 dy immediate rev) (Mandatory) §§20-16.2(c) & 20-16.5[1]
Other:	Special Note: A limited driving privilege license may be issued after 6 mos of the rev period have passed provided the driver has not had either a previous chemical test refusal or a DWI conviction within the past seven (7) yrs or the charge did not involve death or critical injury to another person. §20-16.2(e)

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	See Special Note on p. 3-265.
Imprisonment:	
Term (Day, Month, Years, Etc.):	Level 1 Punishment - 14 dys-24 mos; Level 2 Punishment -7 dys-12 mos; Level 3 Punishment -72 hrs-6 mos[2]; Level 4 Punishment - 48 hrs-120 dys[2]; Level 5 Punishment - 24 hrs to 60 dys[2] §20-179
Mandatory Minimum Term:	Level 1 Punishment - 14 dys; Level 2 Punishment - 7 dys

[1]For persons 16-18, provisional licensees, a rev of 45 dys or until the person reaches 18 whichever is the longer period (mandatory); this rev is in addition to and runs concurrently with any other licensing action authorized by law for an implied consent law violation; see §20-13.2.

[2]The term of imprisonment may be suspended on the condition that the defendant either (1) serve the minimum term of imprisonment as a special condition of probation, or (2) perform the indicated community service, or (3) have their license withdrawn for the period of time shown under Post-DWI Conviction Licensing Action or (4) any combination of the above.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Fine:

Amount ($ Range):	Level 1 Punishment -Not more than $2,000; Level 2 Punishment -Not more than $1,000; Level 3 Punishment -Not more than $500; Level 4 Punishment -Not more than $250; Level 5 Punishment -Not more than $100 §20-179
Mandatory Min. Fine ($):	None

Other Penalties:

Community Service:	Level 3 Punishment -72 hrs; Level 4 Punishment -48 hrs; Level 5 Punishment - 24 hrs See Footnote No. 1 below. §20-179
Restitution (eg Victim's Fund)	Yes, Direct compensation by the defendant to a victim; see §15B-24.[2]
Other:	None Special Note: The level of punishment to be given a DWI defendant is determined by weighing the aggravating and mitigating factors as specified in §20-179; however, (1) the Court must impose level 2 punishment if there has been a previous DWI conviction w/n a 7 yr period; (2) the Court must impose level 2 punishment if there has been an injury related to a DWI off; and (3) the Court must impose level 1 punishment if there has been a previous DWI conviction w/n a 7 yr period and either the previous conviction or the present offense were injury related.

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes, 0.10 BAC-Rev for 10 dys (No limited license following a rev under this section; see §20-16.5(1)) Note: If the driver is late is surrendering or does not surrender their license to the court when ordered to do so, the rev period is 30 dys.
Other:	None

[1]Community service is imposed as a condition of probation.
[2]Note: The State's victims compensation statute does not apply to victims of a traffic accident (Ch. 20); see §15B-1 et seq. and especially §15B-2(5).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st DWI off-Rev; 2nd DWI off (w/n 3 yrs)- Rev; 3rd DWI off (where the 2nd DWI off was w/n 5 yrs of the 3rd)-Rev; §§20-17, 20-19 & 20-179[1]
Term of License Withdrawal (Days, Months, Years, etc.):	1st DWI off-1 yr (See levels of punishment)[2]; 2nd DWI off-4 yrs; 3rd DWI off (where the 2nd DWI off was w/n 5 yrs of the 3rd) Permanent; Levels 1 & 2 Punishment-See the revs above for multiple DWI convictions and the special note under Other Penalties; Level 3 Punishment-90 dys; Level 4 Punishment-60 dys; Level 5 Punishment-30 dys
Mandatory Minimum Term of Withdrawal:	2nd DWI off-2 yrs (After 2 yrs., a conditional license may be issued); 3rd DWI off- 3 yrs (After 3 yrs., a conditional license may be issued) (Note: For Levels 3, 4, & 5 Punishment: Temporary license withdrawal as a condition of probation.)

Other:

Rehabilitation:	
Alcohol Education:	Yes See §20-179.2.
Alcohol Treatment:	Yes Under §20-179.1, treatment may be order by the court as a condition of probation. Also, under §29-179(k1), the court may order that a term of imprisonment imposed as a condition of probation be served in an inpatient alcohol treatment facility.
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	

[1]For persons who have provisional licenses, persons 16-18 yrs old, the following sanctions apply:

1) For the offs of driving with any alcohol in their body but where such amount would not result in a normal DWI charge and conviction (see §20-138.3) - a rev for 45 dys or until the person reaches 18 whichever is the longer rev period; this revocation period is mandatory.

2) For a DWI conviction - a rev for 45 dys or until the person reaches 18 whichever is the longer rev period (this revocation period is mandatory) plus a regular DWI rev. These revs, however, are to run concurrently; see §20-13.2.

[2]Special Note: Under §20-179.3, a limited driving privilege may be granted for essential purposes as specified in the section (e.g., employment) provided a driver has not had either a previous conviction w/n 7 yrs or a previous DWI injury related conviction; the privilege is not effective until after the Court ordered license withdrawal period, if any, has been completed as a part of probation requirements.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority:	None
Terms Upon Which Vehicle Will Be Released:	
Other:	A driver's veh may be subject to forfeiture if the driver is convicted of driving while his/or her license is revoked where the basis of the rev was a DWI conviction. §20-28.2
Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes, Death by Vehicle (Cl I felony if death is DWI related) Misd (If death is not DWI related) §20-141.4
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Cl I felony-Not more than 5 yrs (§14-1.1); Misd-Not more than 2 yrs (§20-141.4(b))
Mandatory Minimum Term:	None
Fine ($ Range):	Cl I felony-Fines authorized but not specified in the statue; see §14-1.1; Misd-Not more than $500 (§20-141.4(b))
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev
Length of Term of Licensing Withdrawal:	1 yr unless the trial judge issues a limited driving privilege to the person convicted containing a condition that the defendant successfully completes a course of instruction at an Alcohol Drug. Ed. Traffic School. If the defendant complies with these provisions, the Division must restore his/her license within 6 mos. §§20-17(1) and 29-19(c)
Mandatory Action--Minimum Length of License Withdrawal:	None
Other:	None

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense: (See "Other" under Vehicle Impoundment/ Confiscation.)

Sanction:

Criminal:

Imprisonment (Term): 1st off-Not to exceed 2 yrs; 2nd off-Not to exceed 2 yrs; 3rd off-Not to exceed 2 yrs 20-28(a); If a person's license has been permanently revoked and they thereafter drive they commit a misd-30 dys to 2 yrs

Mandatory Minimum Term of Imprisonment: If a person's license has been permanently revoked and they thereafter drive they commit a misd - 30 dys

Fine ($ Range): 1st off-Not less than $200; 2nd off-Not less than $200; 3rd off-Not less than $200, 20-28(a); If a person's license has been permanently revoked and they thereafter drive they commit a misd-Not more than $1,000

Mandatory Minimum Fine: None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev): 1st off-Susp or Rev; 2nd off-Susp or Rev; 3rd off-Rev

Length of Term of License Withdrawal Action: 1st off-1 yr (additional to original term); 2nd off-2 yrs (additional to original term); 3rd off-Permanently

Mandatory Term of License Withdrawal Action: 1st off-90 dys; 2nd off-12 mos; 3rd off-3 yrs; (The licensing agency may issue a new license with or without conditions after these terms of license withdrawal.)

Special Note: If a person is convicted of a DWI off and they were at the time of such off driving while their license was revoked for a previous DWI off conviction (w/n 7 yrs), the Court must impose Level I punishment as set out under Other Penalties. See §20-179(c)

Habitual Offender Laws:

State Has Such Law (Yes/No): No (Note: The habitual offender law (§§20-220 to 20-231) was repealed by Session Laws 1977, Ch. 243, §1.)

Grounds for Being Declared an Habitual Offender:

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Term of License Rev While Under Habitual Offender Status:

Type of Criminal off if Convicted on Charges of Driving While on Habitual Offender Status

Sanctions Following a Conviction of Driving While on Habitual Offender Status:

Imprisonment (Term):

Mandatory Minimum Term of Imprisonment:

Fine ($ Range):

Mandatory Minimum Fine ($):

Licensing Actions (Specify):

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No): No

BAC Chemical Test Is Given to the the Following Persons:

Driver:

Vehicle Passengers:

Pedestrian:

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase: 21 (Year Eff: 1986) §§18B-300, 18B-301 & 18B-302

Minimum Age (Years) Possession: 21

Minimum Age (Years) Consumption: 21

Dram Shop Laws and Related Legal Actions:

State Has a Dram Shop Law (Yes/No): Yes, §§18B-120 et seq.[1] (Law limits recovery to $500,000)

[1]These statutory provisions create a Dram Shop type of liability to situations involving minors (those persons under 19 yrs old) who cause damages while DWI and places limitations on damage amounts which can be awarded in such actions under such statuary provisions. However, the law specifically does not limit or prohibit other types of Dram Shop civil actions which are based either on other statutes or on case law.

Other State Laws Related To Alcohol Use And Driving: (continued)

"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, Hutchens v. Hankins, 303 S.E.2d 584 (N.C. App. 1983) and Chastain v. Litton Systems, Inc., 694 F.2d 957 (CA4, 1982)[1].
Dram Shop Actions-Social Hosts:	No (Note: There are no State cases directly on this issue; however, see Chastain v. Litton, Systems, Inc., 694 F.2d 957 (CA 4th Cir., 1982)[1]
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	None
Term of Imprisonment:	N/A
Fine ($ Range):	1st off—up to $500[2] ; 2nd off—up to 750[2]; 3rd off--up to $1,000[2]; 18B-104 §18B-305
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, (left to Board's discretion whether to suspended or revoked.) §18B-104 18B-305
Length of Term of License Withdrawal:	For a specified time up to 3 yrs if suspended and permanently if revoked §18B-104 §18B-305
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	None
Term of Imprisonment:	N/A
Fine ($ Range):	1st off-up to $500[2]; 2nd off-up to $750[2]; 3rd off-up to $1,000[2]); §18B-104 and §18B-302

[1]Cert. den., 462 U.S. 1106 (1983).
[2]Administrative penalty

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes (Left to Board's discretion whether suspended or revoked.) §18b-104 §18B-302
Length of Term License Withdrawal:	For a specific time up to 3 yrs if suspended and permanently if revoked. §18B-104 and §18B-302
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes[1] §18B-401(a)
Anti-Consumption Law (Yes/No):	Yes[1] driver only §18B-401(a)

[1]The law states that "it shall be unlawful for a person to transport fortified wine or spiritous liquor in the passenger area of a motor veh in other than the manufacturer's unopened original container. It shall be unlawful for a person who is driving a motor veh on a highway or public veh area to consume in the passenger area of that veh any malt beverage or unfortified wine."

STATE:	NORTH DAKOTA
General Comments:	See: North Dakota Century Code Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor §39-08-01(1) & (2)
Illegal Per Se Law (BAC Level):	0.10 §§39-08-01(1) & (2) and 39-20-07(3)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	(1) Any Drug or Substance, (2) Any Combination of Drugs or Substances and (3) a Combination of Intoxicating Liquor and Any Drug or Substance §39-08-01(1) & (2)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §39-20-14
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §39-20-01
Implied Consent Law Applies to Drugs (Yes/No):	Yes §39-20-01
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) §39-20-08 Admissible provided the defendant testifies.
Other Information:	In any accident in which there is either a death or a serious bodily injury and there is probable cause showing that a driver is DWI, such driver may be compelled to submit to a chemical test; see §39-20-01.1.

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes
Urine:	Yes
Other:	Saliva

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes §39-08-01

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Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	No
Administrative Licensing Action (Susp/Rev):	Same as for Implied Consent Refusal §§39-20-04 & 39-20-14
Other:	None

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st refusal Rev.-1 yr ;2nd refusal (w/n 5 yrs.) Rev.-2 yrs; 3rd or sub. refusal (w/n 5 yrs.) Rev.-3 yrs. These license revocations are mandatory; i.e., no temporary restricted license may be issued. See 39-06.1-11(2) & 39-20-04.[1]
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):	1st off (Cl B Misd)-Not more than 30 dys; 2nd off (w/n 5 yrs) (Cl B Misd)-Not more than 30 dys; 3rd (w/n 5 yrs) (Cl A Misd)-Not more than 1 yr; 4th and subsequent offs (w/n 7 yrs) (Cl A Misd)-Not more than 1 yr
Mandatory Minimum Term:	1st off-No; 2nd off (w/n 5 yrs)-4 dys of which 48 hrs must be served cons; 3rd off (w/n 5 yrs)-60 dys of which 48 hrs must served cons; 4th and subsequent off (w/n 7 yrs)-180 dys of which 48 hrs must be served cons. See note on p. 3-276.
Fine:	
Amount ($ Range):	1st off-Not more than $500; 2nd off (w/n 5 yrs)-Not more than $500; 3rd offs (w/n 5 yrs)-Not more than $1,000; 4th and subsequent off-Not more than $1,000
Mandatory Min. Fine ($):	1st off-$250; 2nd off (w/n 5 yrs)-$500; 3rd and subsequent offs (w/n 5 yrs) $1,000
Other Penalties:	
Community Service:	1st off-No; 2nd and subsequent off (w/n 5 yrs)-10 dys as an alternative to imprisonment

[1]Special Note: Previous DWI convictions are considered as previous refusals for the purpose of determining license enhancement sanctions under the Implied Consent Law.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Restitution (eg Victim's Fund)	Yes By the defendant for all offs (§§5-01-06, 12.1-32-02 & 12.1-32.08) and via a victims' compensation fund (§65-13-01 et seq.).
Other:	Special Note: North Dakota has two alcohol-driving offs, §§39-08-01(1) & 39-08-01(2). The provisions are identical except that under §39-08-01(1) "A person may not drive any veh" whereas, under §39-08-01(2), "A person may not be in actual physical control of any veh." The penalties for both offs are the same. However, the imposition of mandatory sanctions is not required following a conviction under §39-08-01(2) whereas it is required following a conviction under §39-08-01(1); see also §39-08-01(5)(e)(1).

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes-0.10 BAC and the person was arrested for violating §39-08-01[1]; 1st off-91 dy susp (30 dys are mandatory); 2nd off (w/n 5 yrs)-364 dy susp (mandatory); and 3rd and sub. off (w/n 5 yrs.)-2 yrs. susp. (mandatory)
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st off-Susp; 2nd off (w/n 5 yrs)- Susp; 3rd off (w/n 5 yrs)-Susp; Note: 4th off (w/n 7 yrs)-Susp, treated as a 1st off §§39-06-35 & 39-06.1-10
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-91 dys; 2nd off (w/n 5 yrs)-364 dys; 3rd off (w/5 yrs)-728 dys
Mandatory Minimum Term of Withdrawal:	1st off-30 dys (A temporary license may be issued after the 30 dy mandatory period; see §39-06.1-11.); 2nd off (w/5 yrs)- 364 dys; 3rd off (w/n 5 yrs)-728 dys

Other:

Rehabilitation:

Alcohol Education:	Yes

[1]See §§39-20-03.1, 39-06.1-11(2) & 39-20-04.1.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Alcohol Treatment: **Yes** For 1st, 2nd and 3rd alcohol-driving off convictions, the sentence must include referral to a treatment program; see §39-08-01(5) Note: Under Section 16 of Senate Bill 2373 as enacted in 1983 a person's license may be suspended for failure to participate in and complete a Court ordered alcohol treatment program; see the cited section for details on susp periods.

Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority: No

Terms Upon Which Vehicle Will Be Released:

Other: License plates may be impounded following a conviction for an alcohol driving off; see §39-08-01(4)

Miscellaneous Sanctions Not Included Elsewhere: Note: Special mandatory sanctions apply if either death or injury is caused by a DWI. If a person is convicted of DWI and either manslaughter (§12.1-16-02) or negligent homicide (§12.1-16-03), there is a mandatory penalty of 1 yr. imprisonment. If a person is convicted of both DWI and reckless driving where there is a personal injury caused by the convicted driver, there is a mandatory penalty of 90 dys imprisonment. See §§39-06-31(1) & 39-08-01.2.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of off: No See note above.

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine ($ Range):

Mandatory Minimum Fine:

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Administrative Licensing Action:

Licensing Authorized and Type of Action:	Special Note: Even though this State does not have a veh homicide statute, it, nevertheless, provides for mandatory license rev from 30 dys to 1 yr for a conviction of manslaughter resulting from the operation of a motor veh. §39-06-31-(1)
Length of Term of Licensing Withdrawal:	
Mandatory Action—Minimum Length of License Withdrawal:	
Other:	

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	Cl B Misd Not more than 30 dys; §39-06-42; Note: Under §39-06-42(3), license plates may also be impounded for the duration of the driver's license susp/rev.
Mandatory Minimum Term of Imprisonment:	4 con. dys See §§39-06-42(2) & 37-08-01
Fine ($ Range):	Not more than $500
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Additional mandatory susp for a like period[1], a person driving while his license is revoked would incur a mandatory 1-yr extension of the period of Rev. Note: Special licensing actions apply for a violation of the conditions of a restricted license; see 39-06.1-11, 39-06-43 and 39-08-01.
Length of Term of License Withdrawal Action:	See above
Mandatory Term of License Withdrawal Action:	Same as above; see §39-06.1-11(2)N/A

[1] If the actual suspension was for an indefinite or unstated period of time, the additional suspension shall be for a period of six (6) months.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	Yes §39-20-13
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	Yes
Pedestrian:	Yes

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 (yr eff: 1936) §§5-01-08 & 5-02-06
Minimum Age (Years) Possession:	21
Minimum Age (Years) Consumption:	None

Other State Laws Related To Alcohol Use And Driving: (continued)

Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes §5-01-06.1 Special Note: The law prohibits an adult passenger, who is injuried while riding with an intoxicated driver, from bringing a dram shop cause of action.
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No
Dram Shop Actions-Social Hosts:	Possible statutory liability See §5-01-06
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Cl A Misd §5-01-09
Term of Imprisonment:	Not more than 1 yr §12.1-32-01
Fine ($ Range):	Not more than $1,000 §12.1-32-01
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, rev or susp §§5-02-10 and 25-02-11
Length of Term of License Withdrawal:	Time period not specified in the statute §5-02-11
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Cl A Misd §§5-01-09 & 5-02-06
Term of Imprisonment:	Not more than 1 yr §12.1-32-01
Fine ($ Range):	Not more than $1,000 §12.1-32-01
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, rev or susp §§5-02-10 and 25-02-11
Length of Term License Withdrawal:	Time period not specified in the statute §5-02-11

Other State Laws Related To Alcohol Use And Driving: (continued)

Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes §39-08-18
Anti-Consumption Law (Yes/No):	Yes Driver and passengers §37-08-18 (The law states that "no person shall drink or consume alcoholic beverages ... in or on any motor veh when such veh is upon a public highway or in an area used principally for public parking.")

STATE:	OHIO
General Comments:	See Ohio Revised Code Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of alcohol §4511.19(A)(1)
Illegal Per Se Law (BAC Level):	0.10[1] §4511.19(A)(2) & (3)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	(1) Any Drug or (2) Combination of These and Alcohol §4511.19(A)(1)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §4511.191(A)
Implied Consent Law Applies to Drugs (Yes/No):	Yes 4511.191(A)
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes City of Westerville v. Cunningham, 239 N.E.2d 40 (1968)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §4511.191(A)
Urine:	Yes §4511.191(A)
Other:	Probably no ("Other bodily substance applicable to 4511.19 but not mentioned in §4511.191 which is the Implied Consent Statute) §4511.191(A), and §4511.19

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

[1]Note: The illegal per se levels for blood and breath are 0.10; however, the illegal per se level of urine is 0.14 (§4511.19(A)(4)).

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test	
Criminal Sanction (Fine/Jail):	1st Refusal--Not more than $100; 2nd refusal (w/n 1 yr)--30 dys and not more than $250; 3rd and subsequent refusals (w/1 yr. of 1st)--not more than 60 dys and not more than $500; §§4511.99(E) and 2929.21
Administrative Licensing Action (Susp/Rev):	For any Refusal Susp-1 yr §4511.191(D) (Occupational driving privileges may be granted; see §4511.191(G)(5))
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	Misd of the first degree, 1st Off - Not more than 6 mos; 2nd Off (w/n 5 yrs) - Not more than 6 mos; Subsequent offs (w/n 5 yrs) - 30-dys-1 yr §§2929.21 & 4511.99(A)
Mandatory Minimum Term:	1st Off - 3 dys*; 2nd off (w/n 5 yrs) - 10 dys; Subsequent offs (w/n 5 yrs) - 30 dys; These dys are to be served consecutively
Fine:	
Amount ($ Range):	1st Off -$150-1,000; 2nd off (w/5 yrs) - $150-1,000; Subsequent offs (w/5 yrs)- $150-1,000
Mandatory Min. Fine ($):	$150 for all offenses
Other Penalties:	
Community Service:	None
Restitution (eg Victim's Fund)	Yes (Compensation by the defendant for property damage to a victim; see §2929.21(E).)
Other:	Driver's intervention program; see §3720.66.

*In lieu of this 3 day jail sanction, the court may place a defendant on probation and order them to attend a driver's intervention program for 3 consecutive days; see §§4511.99(A)(1) and 3720.66.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	None
Other:	At the initial court appearance, following a DWI arrest, the court shall immediately suspend a driver's license if the driver, at the time of arrest, either refused to submit to a chemical test or, having submitted to such a test, was found to have a BAC level of 0.10 or more and one of the following: 1) The driver has had a previous DWI conviction; 2) The driver's license is either revoked or suspended; 3) The driver has caused either death or serious harm to another person; 4) The driver fails to appear for the hearing; or 5) The court determines that the driver's continued operation of a motor veh will be a threat to the public safety. This susp continues until the DWI charge is adjudicated; this usually takes 90 dys after the DWI arrest. It appears that occupational driving privileges may be granted during this susp period. Note: A law enforcement officer may sieze a driver's license after a DWI arrest if the driver refuses to submit to a chemical test or if the driver's BAC level is 0.10 or more. See §§4511.191(E), (G), (J), and (K).

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st Off-Susp; 2nd off (w/n 5 yrs) Susp; Subsequent offs (w/n 5 yrs) - Susp; §4507.16(B) See Special Note below.
Term of License Withdrawal (Days, Months, Years, etc.):	1st Off -60 dys-3 yrs; 2nd off (w/n 5 yrs)-120 dys-5 yrs; Occupational driving privileges may be granted for 1st and 2nd offs; see §4507.16(D); Subsequent off (w/n 5 yrs)-180 dys-10 yrs
Mandatory Minimum Term of Withdrawal:	3rd & Subsequent Off (w/n 5 yrs)-180 dys §4507.16(F); After the mandatory minimum term, occupational driving privileges may be granted §4507.16(D)

Special Note: A driver's license can also be revoked for any DWI offense conviction under §4507.16(B). This section does not provide for a specific period of time for such revocation. However, §4507.34 provides that revocation periods shall not exceed 1 year for the operation of a vehicle relating to "recklessness." In City of Columbus v. Tyson, 484 N.E.2d 155 (Ohio App. 1983), the court held that the term "recklessness" in this particular section included other offenses not just strictly the offense of operating a vehicle in a reckless manner. As a result, DWI might be included in this term. Further court decisions, no doubt, will be necessary in order to resolve this issue.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other:

Rehabilitation:

Alcohol Education:

Alcohol Treatment: Yes

Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe): May be imposed if defendant is an alcoholic or suffering from acute alcohol intoxication. This treatment may be imposed in place of a jail term. Confinement shall be for at least 3 dys and no more than length of maximum prison sentence. §2935.33

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority: No

Terms Upon Which Vehicle Will Be Released:

Other: (Special Note: A vehicle's registration certificate and license plates may be impounded if the owner thereof has had their driver's license either suspended or revoked; see §4507.164. Note: This applies not only to DWI susps/revs but also to susps/revs for other types of traffic law offenses.

Miscellaneous Sanctions Not Included Elsewhere: Special Note: A license may be suspended via a point system under §4507.40. In brief, under this section a DWI conviction results in as assessment of 6 points; if a driver accumulates 12 or more points from traffic violations within a 2 yr period, their license may be suspended for 6 mos.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Off: Yes Aggrevated Vehicle Homicide-felony (§2903.06) and Negligent vehicle homicide-1st off -misd; sub. off-felony (§2903.07)

Sanctions:

Criminal Sanction:

Imprisonment (Term): Aggrevated Vehicle Homicide: 1st off (felony 4th degree)-18 mos-5 yrs; sub. off (felony 3rd degree)-2-10 yrs Vehicle Homicide: 1st off (misd. 1st degree)-not more than 6 mos; sub. off (felony 4th degree)-18 mos-5 yrs §§2929.11 & 2929.21 See Footnote No. 1 on p. 3-285.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Mandatory Minimum Term:	See Footnote No. 2.
Fine ($ Range):	Aggrevated Vehicle Homicide: 1st off (felony 4th degree)-not more than $2,500; sub. off[1] (felony 3rd degree)-not more than $5,000 Vehicle Homicide: 1st off (misd. 1st degree)-not more than $1,000; sub. off[1] (felony 4th degree)-not more than $2,500 §§2929.11 & 2929.21
Mandatory Minimum Fine:	See Footnote No. 2.

Administrative Licensing Action:

Licensing Authorized and Type of Action:	For either Aggrevated Vehicle Homicide or Vehicle Homicide-Susp or rev See §§2903.06(B), 2903.07(B), 4507.16(A), 4507.16(C) & 4507.34 and City of Columbus v. Tyson, 484 N.E.2d 155 (Ohio App. 1983).
Length of Term of Licensing Withdrawal:	For either Aggrevated Vehicle Homicide or Vehicle Homicide-susp-30 dys-3 yrs or rev-not more than 1 yr For either offense, if alcohol or drugs were involved, the driver's license is permanently revoked.
Mandatory Action--Minimum Length of License Withdrawal:	For either Aggrevated Vehicle Homicide or Vehicle Homicide-susp-30 dys-3 yrs or rev-not more than 1 yr For either offense, if alcohol or drugs were involved, the driver's license is permanently revoked.
Other:	For either offense, 6 points are assessed against a driver's record; see §4507.021(G)(3). A driver's license may be suspended for 6 mos if a person has accumulated 12 points w/n a 2 year period.

[1]A previous offense includes either either a §2903.06 or §2903.07 offense.
[2]For either type of offense, either a second offender or a 1st offender who has had a previous DWI conviction is not eligible for probation; see §§2903.06(C) & 2903.07(C).

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	Not more than 6 mos (Misd of the first degree)[1] §§4507.02 & 4507.99
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Not more than $1,000 §4507.99
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Susp points gained (certificate of registration and license plates in defendant's name shall be impounded for duration of license susp time.) §4507.02(F)
Length of Term of License Withdrawal Action:	Discretionary susp for not more than 1 yr or; mandatory 6 points on 12-point susp system §§4507.99 and 4507.021
Mandatory Term of License Withdrawal Action:	None

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

[1]Driving while suspended for an implied consent law violation (refusal)-Misd. of the first degree: Imprisonment-not more than 6 mos (§2929.21(B)(1)); fine-not more than $1,000 (§2929.(C)(1)); and license revocation-not more than 1 year (§4511.99(B)); see generally §§4511.192 & 4511.99.

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 §§4301.63 & 4301.69 (Year Eff: 1987)
Minimum Age (Years) Possession:	21 §4301.632
Minimum Age (Years) Consumption:	21 §§4301.631, 4301.632 & 4301.69
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes §§4399.01, 4399.02 & 4399.18
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, Mason v. Roberts, 244 N.E. 2d 844 (1973)
Dram Shop Actions-Social Hosts:	No Settlemyer v. Wilmington Veterans Post No. 49, American Legion, Inc., 464 N.E.2d 521 (1984)
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	3rd Degree - Misd §§4301.22(B), 4301.991(E)
Term of Imprisonment:	Not more than 60 days; §2929.21(B)(3)
Fine ($ Range):	Not more than $500; §2929.21(c)(3)
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes §§4301.25 and 4301.27
Length of Term of License Withdrawal:	Indeterminate

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Misd[1]
Term of Imprisonment:	Misd. 1st Degree: Not more than 6 mos; §2929.21(B)(1) Misd. 3rd Degree: Not more than 60 days; §2929.21(B)(3)
Fine ($ Range):	Misd. 1st Degree: Not more than $1,000; §2929.21(c)(1) Misd. 3rd Degree: Not more than $5,000; §2929.21(c)(3)
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcohlic Beverages Withdrawn (Yes/No):	Yes §§4301.25 and 4301.27
Length of Term License Withdrawal:	Indeterminate
Anti-Happy Hour Laws/Regulations:	Yes 4301:1-1-50 (regulation)
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	Yes Drivers and passengers §4301.64 (The law states that "No person shall consume any beer or intoxicating liquor in a motor veh")

[1]A person may be charged with a misd. of either the 1st or 3rd degree; see §§4301.22(A), 4301.69, 4301.99(C) & §4301.99(E).

STATE:	OKLAHOMA
General Comments:	See Oklahoma Statutes Annotated

Basis for a DWI Charge:

Standard DWI Offense:	(1) Under the influence of alcohol (see 47 §110902(A)(2)) and (2) Impaired by the consumption of alcohol (see 47 §761(A))
Illegal Per Se Law (BAC Level):	0.10 Title 47 §11-902(A)(1)
Presumption (BAC Level):	>0.05 and <0.10 is evidence of Driving While Impaired Title 47 §756(b)
Types of Drugs/Drugs and Alcohol:	(1) Intoxicating Substances or (2) a Combination of These and Alcohol 47 §11-902(A)(3) & (4)
Other:	0.10 BAC level is also prima facie evidence that a person was under the influence of alcohol Title 47 §756(c)

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes 47 §751
Implied Consent Law Applies to Drugs (Yes/No):	Yes 47 §751(A)
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) 47 §756
Other Information:	Note: The law authorizes a mandatory chemical test in situations where there is probable cause that a person has been operating a motor vehicle while DWI and such operation has caused either death or serious physical injury to another person. See 47 §753.

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes 47 §751
Urine:	No
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes, (2nd and subsequent offs) 22 §982

STATE - Oklahoma

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Rev 6 mos (Note: Hardship driving privileges are available) 47 §§753, 754.1 & 755
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):	Driving While Under the Influence/Illegal Per Se 1st Off (Misd)-10 dys-1 yr; 2nd & subsequent offs (w/n 10 yrs-felony)-1 yr-5 yrs 47 §11-902; Personal Injury Accident w/BAC of 0.10-1st Off (Misd)-90 dys-1 yr; 2nd Off (felony)-1-5 yrs 47 §11-904
Mandatory Minimum Term:	For all offs - None (Note: A Court has the power the suspend a sentence and/or place a defendant on probation; see 22 §991a)
Fine:	
Amount ($ Range):	Driving While Impaired, 1st off-$100-300; 2nd & subsequent offs-$100-300 47 §761; Driving While Under the Influence/Illegal Per Se, 1st Off (Misd)- Not more than $1,000; 2nd & subsequent offs (w/n 10 yrs-felony)-Not more than $2,500 47 §11-902; Personal injury Accident w/BAC of 0.10, 1st off (Misd)-Not more than $2,000; 2nd off (Felony)-Not more than $5,000; 47 §11-904
Mandatory Min. Fine ($):	None
Other Penalties:	
Community Service:	For all offs - Yes; see 22 §991a
Restitution (eg Victim's Fund)	For all offs - Yes; see 22 §991a
Other:	None

Sanctions Following a Conviction for a DWI Offense:
(continued)

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes - 0.10 BAC level; Rev for 90 dys (The rev may be modified by a District Court in cases of unusual hardship related to employment) 47 §§754 & 755
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	For driving while impaired (47 §761)- 1st Off- No licensing action is taken for a 1st off; 2nd and subsequent offs-Susp 47 §761; For Driving While Under the Influence/Illegal Per Se (47 §11-902)[1]; 1st Off-Rev; 1st Off (where there has a previous driving while impaired off w/n 3 yrs)-Rev[1]; Sub. off.-Rev.
Term of License Withdrawal (Days, Months, Years, etc.):	For driving while impaired, 2nd and subsequent offs-6 mos; For driving While Under the influence/illegal Per Se, 1st Off-6 mos; 1st Off (where there has been a previous driving while impaired off w/3 yrs)-1 yr; 2nd Off- Rev 2 yrs; 3rd off w/n 3 yrs - Rev 3 yrs; 47 §§6-205 and 6-208
Mandatory Minimum Term of Withdrawal:	For driving while impaired 2nd and subsequent offs-6 mos; For Driving While Under the Influence/Illegal Per Se, 1st Off-6 mos; 1st Off (where there has been a previous driving while impaired Off w/n 3 yrs.)-1 yr; 2nd Off-2 yrs; 3rd Off-3 yrs

[1]The revs 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.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other:

Rehabilitation:

Alcohol Education: Yes

Alcohol Treatment: Yes Nonprofit educational institutions of higher learning, governmental or nonprofit organizations offer courses for drinking driver retraining; a court may (with defendant's consent), upon DWI defendant's plea of guilty or nolo contendere, but before judgement is entered, commit defendant to undertake these courses. Further judicial proceedings are deferred only upon conditions that defendant attend and successfully complete courses at their own expense. A defendant could be assigned to an alcohol treatment program while they are serving their imprisonment sanctions; see 47 §§11-902(c), (d), & (e), 11-902.1, 11-902.2 and 11-902.3. In addition, under 47 §6-212.2, a DWI defendant must complete an alcohol and substance abuse course before their license can be reinstated.

Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority: No

Terms Upon Which Vehicle Will Be Released:

Other: None

Miscellaneous Sanctions Not Included Elsewhere: None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes Misd. 21 §§5 & 6 and 47 §11-903
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 1 yr in the county jail
Mandatory Minimum Term:	None
Fine ($ Range):	$100-1,000
Mandatory Minimum Fine:	None
	Special Note: The Oklahoma Courts have decided that if a veh homicide is proximately caused by an alcohol driving law offender, for a first off the charge may be Manslaughter I and for a second off the charge may be Murder II. See respectively para. 1 of sec. 711 of Title 31 (Mc Connell v. State, 485 P.2d.764 (1971) and White v. State 483 P.2d 751 (1971) and para 2 sec. 701.8 of Title 21 (Isom v. State, 646 P.2d 1288 (1982)).
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev
Length of Term of Licensing Withdrawal:	1st off-6 mos; 2nd off-2 yrs 47 §§6-205(1), 6-208(b)(1) & (3) and 11-903(c)
Mandatory Action--Minimum Length of License Withdrawal:	6 Mos
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	Where the original licensing action was a 1st or 2nd driving off of either under the influence Illegal Per Se or Admin. Pe Se - 10 dys to 12 mos; Where the original licensing action was a 3rd off of either driving under the influence, Illegal Per Se or Admin Per Se action (w/n 3 yrs) - 60 dys to 1 yr; 47 §6-303(c)
Mandatory Minimum Term of Imprisonment:	None

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Fine ($ Range):	Where the original licensing action was a 1st or 2nd off of either driving under the influence, Illegal Per Se or Admin Per Se - $250-600; Where the original licensing action was a 3rd off of either driving under the influence, Illegal Per Se or Admin Per Se (w/n 3 yrs) - $500-2,000
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Susp or rev; 47 §6-303(d)
Length of Term of License Withdrawal Action:	Period of susp/rev extended not more than 12 mos; 47 §6-303(d)
Mandatory Term of License Withdrawal Action:	Period of susp/rev extended not more than 12 mos; 47 §6-303(d)

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 37 §241 & 37 §537 (a)(1) (Year Eff: 1983)
Minimum Age (Years) Possession:	21 (Applies to possession of alcoholic beverages of not more than 3.2% alcohol in a public places 21 §1215, 37 §163.11, 37 §537(a)(1), & (5) and 37 §538(e) see the special note below.
Minimum Age (Years) Consumption:	Special Note: Under 37 §537(a)(8) No one may consume (or possess with the intent to consume) alcoholic beverages containing more than 3.2% alcohol in public. Under 37 §246 alcoholic beverages containing less than 3.2% alcohol may not be consumed in public by a person under 21 yrs old unless the person is being directly supervised by either a parent or guardian.

Dram Shop Laws and Related Legal Actions:

State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes Brigance v. The Velvet Dove Restaurant, et al., 725 P.2d 300 (Okl. 1986)
Dram Shop Actions-Social Hosts:	No (No Cases)
Other:	None

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

Type of Criminal Action:	For alcoholic beverages except nonintoxicating beverages[1] Felony 37 §506(3), §537(A)(2) & §538(G)
Term of Imprisonment:	Not more than 1 yr 37 §538(G)
Fine ($ Range):	$500-1,000 37 §538(G)

[1]A person who serves a nonintoxicating alcoholic beverage (alcoholic beverages with an alcoholic content of ½ of 1% to 3.2% alcohol) to an intoxicated person may not have committed an offense under 37 §§537(A)(2) & 538(G); see 37 §§506(3) and 506(13). This matter is not addressed in the laws covering nonintoxicating beverages; see 37 §§163.1 et seq.

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Rev 37 §528(C)(1)
Length of Term of License Withdrawal:	At the discretion of the Alcoholic Beverage Control Board
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:	
Type of Criminal Action:	For alcoholic beverage 3.2% and above - Felony 37 §§537(A)(1) & 538(F); for alcoholic beverages ½ of 1% to 3.2% Misd 37 §§163.1, 163.20, 217 & 241
Term of Imprisonment:	For felony off - Not more than 5 yrs(37 §538(F)) For misd off - Not more than 6 mos (37 §217)
Fine ($ Range):	For felony off - $2,500 - $5,000 (37 §538(F)) For misd off - Not more than $500 (37 §217)
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Rev 37 §§163.11(3), 217, 528(C)(1) & 538(F)
Length of Term License Withdrawal:	For alcoholic beverages 3.2% or more - in the discretion of the alcoholic beverage control board; for nonintoxicating alcoholic beverages of ½ of 1% to 3.2% - 12 mos
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes 37 §537(a)(7)
Anti-Consumption Law (Yes/No):	Yes, driver and passengers 37 §537(a)(8) (The law states that "It shall be unlawful to drink intoxicating liquor ... in a public place.")

STATE:	OREGON
General Comments:	See Oregon Revised Statutes

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor §813.010(1)(b)
Illegal Per Se Law (BAC Level):	Yes, 0.08 §813.010(1)(a)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	(1) A Controlled Substance or (2) a Controlled Substance and Intoxicating Liquor §813.010(1)(b) & (c)
Other:	A BAC level of not less than 0.08 constitutes being under the influence of intoxicating liquor; see §813.300(2).

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §813.100
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal and Civil Cases) §813.310
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	No
Urine:	No
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	Yes §813.170 Special Note: There is a diversion program for DWI offenders who have not been convicted of a DWI off w/n a 10-yr period; see §813.200 et seq.
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes §813.020(1)(b)

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1. Susp for 1 yr if there have been no previous susps for either a test refusal or a DWI off (90 dys are mandatory)[1] 2. Susp for 3 yrs if there has been either a previous test refusal or a previous DWI off based license susp w/n 5 yrs (1 yr is mandatory)[1] §§813.100, 813.420, 813.430 & 813.520 Important: See Special Note below.
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	
Term (Day, Month, Years, Etc.):	A DWI off is a Cl A Misd - Not more than 1 yr §§813.010(3) & 161.615(1)
Mandatory Minimum Term:	48 hrs §813.020(2)
Fine:	
Amount ($ Range):	Not more than $2,500 ORS §161.635(1)(a)[2]
Mandatory Min. Fine ($):	None
Other Penalties:	
Community Service:	80-250 hrs (As an alternative to imprisonment) §§813.020(2) & 137.129(4)
Restitution (eg Victim's Fund)	Yes Direct compensation to victims by the defendant (§§137.102 to 137.109) and also via a victims' compensation fund (§147.005 et seq.)
Other:	A $175 fee is charged in addition to any fine imposed; the fee is used to pay for intoxicated driver programs and for police training; see §§813.020(1)(a) & 813.030.

[1]A restricted hardship license may be issued after this mandatory period; see §813.520(1) & (3).
[2]There is also a special assessment of $40 which must be imposed by the court not withstanding other fines, however, (indigent persons are not required to pay this assessment); see ORS §147.259(1).

Special Note: Under §807.220, a person may be issued an emergency driver's license if they are at least 14 years old. Except for restrictions that may placed on the emergency license such as when and where a vehicle may be operated, it appears that such license can be issued for any emergency situation regardless of whether the person being issued this license has had their regular one either suspended or revoked for either (1) an implied consent law refusal, (2) an administrative per se law violation, or (3) a conviction for either a DWI or other traffic law offense(s). This section further provides that for persons 17 years old or younger, an emergency includes the situation where the person has to use a vehicle to travel to and from school.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes - BAC Level of 0.08 1. A 90 dy susp (30 dys are mandatory[1]) if there has been no previous susp for either a chemical test refusal, or an admin. per se violation, or a DWI off 2. A 1 yr susp (mandatory) if there has been (w/n 5 yrs.) a previous susp for either a chemical test refusal, an Admin. Per Se off or a DWI off §§813.100, 813.420, 813.430 & 813.520 Important: See Special Note on p. 3-298.
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st Off-Susp; 2nd and subsequent offs (w/n 5 yrs)-Susp; Special Note: The State issues special licenses to persons 14-17 yrs old for the purpose of attending educational institutions; the State, it appears, issues such licenses notwithstanding a DWI conviction and the mandatory licensing sanctions provided for such an off if veh transportation is needed by the minor to attend such institutions; see §§807.230, 809.420 & 813.400
Term of License Withdrawal (Days, Months, Years, etc.):	1st Off-1 yr; 2nd and subsequent offs (w/n 5 yrs)-3 yrs. Under §§809.260 & 809.280(7), a person under 17 but not younger than 13 who is convicted of a DWI offense is subject to the following licensing action: 1st off.-a susp. for 1 yr or until the person reaches 17 whichever is the longer susp. period; 2nd or sub. off.-a susp. for 1 yr or until the person reaches 18 whichever is the longer susp. period.

[1]A restricted hardship license may be issued after this mandatory period; see §813.520(2).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Mandatory Minimum Term of Withdrawal:	1st Off-see Footnote No. 1; 2nd Off (w/n 5 yrs)-90 dys[2]; 3rd and subsequent offs (w/n 5 yrs)-1 yr[2] For persons under 17 but not younger than 13: 1st off-90 dys; 2nd and sub. off-1 yr For persons under 17 but not younger than 13, 1st off-90 dys; 2nd or sub off-1 yr Important: See Special Note on p. 3-298.
Other:	
Rehabilitation:	
Alcohol Education:	Note: For second or subsequent DWI offense convictions, a restricted hardship license can be issued only following an examination of the DWI offender by the mental health division to determine if the offender is a problem drinker. If he or she is determined to be a non-problem drinker, the offender must enroll in an alcohol education program. However, if the offender is determined to be a problem drinker, he or she must enroll in a rehabilitation program. The offender must enroll in either of these programs before such a license may be issued. See §813.500.
Alcohol Treatment:	Yes, See Note above.
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	Yes
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	Yes, Impoundment for 2nd or subsequent DWI offs §809.700
Terms Upon Which Vehicle Will Be Released:	After a period of impoundment of not more than 120 dys and after paying the costs of the veh's removal and storage. See ORS §809.700(2)
Other:	Special Note: This sanction also applies where a person has been driving while their driver's license is either suspended or revoked; see §809.700(1)(a). Under §809.010(1)(b), a peron's vehicle registration may be suspended a for 2nd or subsequent DWI conviction.

[1]A 30 dy susp is mandatory if the defendant within the previous yr has been convicted of a major trafffic off. See §813.520(8).
[2]A restricted hardship license may be issued after this mandatory period; see §813.520(4) & (5).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Miscellaneous Sanctions Not Included Elsewhere: Under a pilot program to conducted by the State Traffic Safety Commission, a number of counties will be selected to participate in an evaluation of the use of ignition interlock devices. In the counties selected to participate in this program, persons convicted of DWI offenses shall have this device installed in their vehicles prior to being issued a hardship license. This program terminates on June 30, 1989. See H.B. 2449 as enacted in 1987.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:
- State Has Such Law/Type of Offense: No
- Sanctions:
  - Criminal Sanction:
    - Imprisonment (Term):
    - Mandatory Minimum Term:
    - Fine ($ Range):
    - Mandatory Minimum Fine:
  - Administrative Licensing Action:
    - Licensing Authorized and Type of Action: Note: Even though this State does not have a veh homicide statute, it, nevertheless, provides for mandatory license rev for 5 yrs for manslaughter etc. resulting from the operation of a motor veh (§809.410(1)). Important: See Special Note on p. 3-298. Note: §807.240 on hardship occupational licenses applies only to persons who have had their licenses suspended not revoked; see especially §807.240(1).
    - Length of Term of Licensing Withdrawal:
    - Mandatory Action—Minimum Length of License Withdrawal:
    - Other:

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	Not more than 5 yrs (Cl C felony) §§811.175 & 161.605
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Not more than $100,000 §161.625
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Rev Note: For a violation of §811.175, a defendant's veh may be impounded for not more than 120 dys under §809.700; the vehicle's registration can also be suspended under §809.010(1)(a).
Length of Term of License Withdrawal Action:	None
Mandatory Term of License Withdrawal Action:	N/A

Habitual Offender Laws:

State Has Such Law (Yes/No):	Yes §809.600 et seq.
Grounds for Being Declared an Habitual Offender:	(1) Three serious traffic offs (w/n 5 yr period) or (2) A combination of 20 minor and serious traffic offs w/n a 5-yr period)
Term of License Rev While Under Habitual Offender Status:	5 yrs (1 yr probationary and renewable license is available if certain conditions are met) §§807.270 and 809.650 Important: See Special Note on p. 3-298.
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Cl C felony See §811.185(3).

Sanctions Following a Conviction of Driving While on Habitual Offender Status:

Imprisonment (Term):	5 yrs §161.605
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	$100,000 §161.625
Mandatory Minimum Fine ($):	No
Licensing Actions (Specify):	None

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	Yes
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes (If over 13 yrs of age and within 5 hrs of accident) §146.113
Vehicle Passengers:	Yes (If over 13 yrs of age and within 5 hrs of accident) §146.113
Pedestrian:	Yes (If over 13 yrs of age and within 5 hrs of accident) §146.113
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (Year Eff: 1933) §§471.410 & 471.430
Minimum Age (Years) Possession:	21 Exemption for either the possession or the consumption of an alcoholic beverage in a private residence accompanied by or with the consent of a parent. §§471.410 & 471.430
Minimum Age (Years) Consumption:	See above under "Minimum Age (Years) Possession"
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes §§30.950 & 30.960
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, Cambell v. Carpenter, 279 Or, 566 P.2d 893 (1979)[1]
Dram Shop Actions-Social Hosts:	Yes §§30.955 & 30.960 Note: In order to be liable, the social host must have served alcoholic beverages to a guest who was visibly intoxicated.
Other:	None

[1]See also Chartrand v. Coos Bay Tavern, Inc., 696 P.2d 513 (1985).

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	1.) Cl A Misd - applies to the sale of alcoholic beverages by non-licensed persons[1&2]; see §471.410; 2.) Misd - applies to individuals and liquor (includes beer and wine) "by the drink" licensed establishments; §§472.310 & 472.990
Term of Imprisonment:	1.) Cl A Misd - Not more than 1 yr[1] Misd 1st off- Not more than 6 mos; 2nd or subsequent offs - Not more than 1 yr
Fine ($ Range):	1.) Cl A Misd - Not more than $2,500[2]; Misd 1st off - Not more than $500; 2nd or subsequent offs - Not more than $1,000
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes
Length of Term of License Withdrawal:	Any licensed establishment that either sells liquor by the drink, or packaged alcoholic beverages, that violates the liquor laws concerning intoxicated persons may have their license revoked/suspended for an indeterminate period of the time and/or be fined via administrative action; see §471.385
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	1.) Cl A Misd - applies to the sale of alcoholic beverages by non-licensed persons[1&2]; see §471.410; 2.) Misd - applies to individuals and liquor (includes beer and wine) "by the drink" licensed establishments; §§472.310 & 472.990
Term of Imprisonment:	1.) Cl A Misd - Not more than 1 yr[1] Misd 1st off- Not more than 6 mos; 2nd or subsequent offs - Not more than 1 yr
Fine ($ Range):	1.) Cl A Misd - Not more than $2,500[2]; Misd 1st off - Not more than $500; 2nd or subsequent offs - Not more than $1,000

[1]For a 3rd off - There is a mandatory imprisonment term of 30 days; see §471.410(3)(c) and (4).
[2]The following mandatory fines apply: 1st off - $350; 2nd and subsequent off - $1,000; see §471.410(3)(a), (b), & (c) and (4).

Other State Laws Related To Alcohol Use And Driving: (continued)

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:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes
Length of Term of License Withdrawal:	Any licensed establishment that either sells liquor by the drink, or packaged alcoholic beverages, that violates the liquor laws concerning minimum legal drinking ages may have their license revoked/suspended for an indeterminate period of the time and/or be fined via admin. action; see §472.385.
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes §811.170(1)(b) & (c)
Anti-Consumption Law (Yes/No):	Yes, driver and passengers §811.170(1)(a) (Excludes passengers riding in a veh used to carry persons for hire.)

STATE	PENNSYLVANIA
General Comments:	See Pennsylvania Statutes Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of alcohol 75 §3731(a)(1)
Illegal Per Se Law (BAC Level):	None
Presumption (BAC Level):	0.10 75 §1547(d)(3)
Type of Drugs/Drugs and Alcohol:	(1) A Controlled Substance or (2) a Controlled Substance and Alcohol 75 §3731(a)(2) & (3)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes 75 §1547(k)
Implied Consent Law:	
Arrest Required (Yes/No):	No
Implied Consent Law Applies to Drugs (Yes/No):	Yes 75 1547(a)
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) 75 §1547(e)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes 75 §1547
Urine:	Yes 75 §1547
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No[1]
Anti-Plea Bargaining Statute (Yes/No):	No, but see footnote below
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes 75 §1548

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	None

[1]Accelerated Rehabilitation Disposition (A.R.D.) may not be allowed if: (1) defendant was convicted or accepted A.R.D., because of DWI charge within last 7 yrs; (2) present off violated habitual offender statute; (3) if any person other than defendant was seriously injured or killed. Also a judge may not lessen the charge at preliminary hearing.

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test	
Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Susp (12 mos) 75 §1547(b)(1) (Mandatory)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	Any DWI off is a 2nd degree misd
Term (Day, Month, Years, Etc.):	All offs - not more than 2 yrs; 18 §1104
Mandatory Minimum Term:	1st off-48 con hrs[1]; 2nd off (w/n 7 yrs)-30 dys; 3rd off (w/n 7 yrs)-90 dys; 4th off (w/n 7 yrs)-1 yr 42 §9721, 75 §3731(e) & 204 §303.5
Fine:	
Amount ($ Range):	Not more than $5,000; 18 §1101
Mandatory Min. Fine ($):	1st off[2] - $300; 2nd off (w/n 7 yrs.)[3] - $300; 3rd off (w/n 7 yrs.)[3] - $300; 4th off (w/n 7 yrs)[3] - $300 75 §3731(e)
Other Penalties:	
Community Service:	1st off[2] - Possible under A.R.D.
Restitution (eg Victim's Fund)	Required under A.R.D. 75 §3731(e)(6) (Restitution is to be paid by the defendant.)

[1]Work release allowed for the purpose of litter collection from either public or private property; see 75 §3731(h).

[2]Accelerated Rehabilitation Disposition (A.R.D.). (75 §1552 & Pa. Cr. Pro. Rule 175 et seq.) 1) Acceptance into and satisfactory completion of program may lead to dismissal of DWI charge. 2) Acceptance determined by judge after hearing relevant facts of prosecutor, defendant and any victims. Judge also announces terms of A.R.D. 3) "Conditions of program may be such as may be imposed w/respect to probation after conviction ..., including restitution and costs, and may include other conditions agreed to by parties, except that a fine may not be imposed." 4) Programs duration shall not exceed 2 yrs. 5) If defendant is found by Judge, at a hearing, to have violated A.R.D. terms the program will be terminated and the prosecutor may proceed w/the DWI charge(s). 6) When defendant enters A.R.D. program b/c of a DWI charge the Pa. D.O.T. shall keep a record for 7 yrs.

[3]Acceptance of A.R.D. shall be considered a 1st conviction for purposes of computing any subsequent violations. A.R.D. applies only to first offs.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other:	If a person is in A.R.D. court supervision for at least 6 mos if counseling/treatment not necessary and for not less than 12 mos if counseling or treatment is necessary. 75 §3731
Administrative Licensing Actions	
Pre-DWI Conviction Licensing Action:	
Administrative Per Se Law:	None
Other:	None
Post DWI Conviction Licensing Action:	
Type of Licensing Action (Susp/Rev):	Susp 75 §1532(b)(3)
Term of License Withdrawal (Days, Months, Years, etc.):	12 mos or if accepted into A.R.D. program - 1 mo to 12 mos
Mandatory Minimum Term of Withdrawal:	12 mos or if accepted into A.R.D. program - 1 mo
Other:	
Rehabilitation:	
Alcohol Education:	Yes[1]
Alcohol Treatment:	Yes[1]
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	Yes[1]
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

[1] 1) Every convicted person must take and pass an approved alcohol highway safety class. 2) A Court may order participation (successful) in an individual or group outpatient intervention program to treat substance abuse. Participation may be ordered for up to 2 yrs. 3) If a convicted person is found to be a "chronic" abuser, who represents a "demonstrated and serious" threat, he may be ordered (committed) into treatment at a D.O.H. approved facility. 75 §1548 Required counseling or treatment under A.R.D.; see 75 §3731(e)(6).

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense: Yes See the following provisions of Pa. law: 18 §§1101, 18 §§1103, 18 §§1104, 75 sec. 3732, and 75 §§3735.

Sanctions:

Criminal Sanction:

Imprisonment (Term): Misd 1st degree (non-alcohol related death - 75 §3732) - Not more than 5 yrs; Felony 3rd degree (alcohol related death - 75 §3735) - Not more than 7 yrs

Mandatory Minimum Term: Misd 1st Degree (non-alcohol related death) - None; Felony 3rd Degree (Alcohol related death) - 3 yrs (75 sec. 3735(b))

Fine ($ Range): Misd 1st Degree (Non-alcohol Related Death) - not more than $10,000; Felony 3rd Degree (Alcohol related death) - Not more than $15,000

Mandatory Minimum Fine: None

Administrative Licensing Action:

Licensing Authorized and Type of Action: Misd 1st Degree (Non-Alcohol Related Death) -Rev; Felony 3rd Degree (Alcohol Related Death) - Rev

Length of Term of Licensing Withdrawal: Misd 1st Degree (Non-Alcohol Related Death) - 1 yr; Felony 3rd Degree (Alcohol Related Death) - 1 yr 75 §1532

Mandatory Action--Minimum Length of License Withdrawal: Misd 1st Degree (Non-Alcohol Related Death) - 1 yr; Felony 3rd Degree (Alcohol Related Death) - 1 yr

Other: None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term): 1st off - None; 2nd and subsequent offs - Not more than 1 yr 75 §1543 and 6503[1]

Mandatory Minimum Term of Imprisonment: None

Fine ($ Range): 1st off - $200; 2nd and subsequent offs - $200 to 1,000

[1] If a person drives on violation of a susp or rev issued as a condition of A.R.D., the following sanctions apply: imprisonment of not less than 90 dys and a fine of $1,000; see 75 §1543(b). Note: This is a summary off.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	1st off - Rev; 2nd off - Rev 75 §1543
Length of Term of License Withdrawal Action:	If based on a susp - 6 mos (additional); If based on a rev - 1 yr (additional) 75 §1543(c)[1]
Mandatory Term of License Withdrawal Action:	Same as above
Habitual Offender Laws:	
State Has Such Law (Yes/No):	Yes
Grounds for Being Declared an Habitual Offender:	3 convictions of any one or more of the following w/in a 5-yr period: 1) veh homicide when DUI; 2) DWI; 3) other offs listed in 75 §1532; 4) operation following registration's susp; 5) using a veh w/out knowledge or consent of owner; 6) using veh for unlawful sale of alcohol or controlled substance; 7) any felony in which veh was essentially involved. 75 §1542
Term of License Rev While Under Habitual Offender Status:	5 yrs 75 §1542
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Summary off 75 §1543
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	1 yr 75 §6503
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	$200 to 1,000 75 §6503
Mandatory Minimum Fine ($):	None
Licensing Actions (Specify):	2 yrs additional Rev period 75 §6503

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	Yes 75 §3749

[1]Applies also to A.R.D. susp/rev violations.

Other State Laws Related To Alcohol Use And Driving: (continued)

BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes (if driver 15 yrs old and died within 4 hrs of the accident)
Vehicle Passengers:	Yes, but only if the driver of the veh cannot be determined
Pedestrian:	Yes (if over 15 yrs old and died within 4 hrs of the accident)
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (Yr eff. 1935) 1 §1991, 18 §6308 and 47 §4-493(1)
Minimum Age (Years) Possession:	21
Minimum Age (Years) Consumption:	21
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes 47 §4-497
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, Jardine v. Upper Darby Lodge No. 1973 Inc., 413 Pa. 626, 198 A.2d 550 (1964)
Dram Shop Actions-Social Hosts:	Yes (Limited) Congini v. Porterville Valve Co., 470 A.2d 515 (1983); this case limited liability of social hosts to the actions of intoxicated minor guests.[1] See also, Klein v. Raysinger, 470 A.2d 507 (1983); where the court found no social host liability for the actions of adult guests.
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd 47 §§4-493(1) and 4-494(a)
Term of Imprisonment:	1st off - 1 to 3 mos (for failure to pay fine); 2nd and subsequent offs - 3 mos to 1 yr
Fine ($ Range):	1st off - $100 to 500; 2nd and subsequent offs - $300 to 500 (Note: There is also a possible civil fine of from $50 to 1,000, see 47 §4-471)

[1]See also Macleary v. Hines, 817 F.2d 1081 (3rd Cir. 1987) and Orner v. Mallick, 527 A.2d 521 (1987).

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	**Yes** or liquor control board may impose a fine of $50 to 1,000. (1 yr for location unless ownership changes hands, including immediate family members.)
Length of Term of License Withdrawal:	**3 yrs** if revoked (1 yr for location unless ownership changes hands, including immediate family members.) If suspended: indeterminate 47 §4-471
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	**Misd** 47 §§4-493(1) and 4-494(a)
Term of Imprisonment:	1st off - **1 to 3 mos** (for failure to pay fine); 2nd and subsequent offs - **3 mos to 1 yr**
Fine ($ Range):	1st off - **$100 to 500**; 2nd and subsequent offs - **$300 to 500** (Note: There is also a possible civil fine of from $50 to 1,000; see 47 §4-471)
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	**Yes** 47 §4-471
Length of Term License Withdrawal:	**3 yrs** if revoked (1 yr for structure unless ownership changes hands, including immediate family); if Susp: indeterminate or Liquor Control Board may impose a fine; see fine range on previous page of $50 to 1,000.
Anti-Happy Hour Laws/Regulations:	**No**
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	**No**
Anti-Consumption Law (Yes/No):	**Yes** - driver only 75 §3715

STATE:	PUERTO RICO
General Comments:	See Laws of Puerto Rico Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating drinks 9 §1041(a)
Illegal Per Se Law (BAC Level):	None
Presumption (BAC Level):	0.10 9 §1041(b)(2)
Types of Drugs/Drugs and Alcohol:	(1) Any Narcotic Drug, (2) Marihuana and (3) Depressing or Stimulating Substance 9 §1045
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes 9 §1043
Implied Consent Law:	
Arrest Required (Yes/No):	Yes 9 §1043
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	n.a.
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes 9 §1043
Urine:	No[1]
Other:	"Any other substance of his body" 9 §1043

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes 9 §1042

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	None

[1]The law states that for "any substance of his body except urine;" see 9 §1043.

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Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Susp - Not more than 2 yrs 9 §1044
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):	1st off - 15 dys; 2nd off - 30 dys; 3rd off - 60 dys; 4th or subsequent off - 60 dys to 6 mos; If injury related: 1st off - 30 dys; 2nd off - 60 dys; 3rd and subsequent off - 30 dys to 6 mos; 9 §1042
Mandatory Minimum Term:	All offs - None
Fine:	
Amount ($ Range):	1st off - $100-300; 2nd off - $200-400; 3rd off - $300-500; 4th and subsequent offs - $300-500; If injury caused: 1st off - $200-500; 2nd off - $300-500; 3rd and subsequent off - $300-500; 9 §1042
Mandatory Min. Fine ($):	All offs - None
Other Penalties:	
Community Service:	None
Restitution (eg Victim's Fund)	None
Other:	May be ordered to take and pass a driver improvement course

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	None
Other:	None

Sanctions Following a Conviction for a DWI Offense:
(continued)

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	Susp (Hardship provision; see 9 §§1042(h) and 1042(i)[1]
Term of License Withdrawal (Days, Months, Years, etc.):	Until defendant participates in and passes a driver improvement course or until the agency in charge of rehabilitation certifies that the defendant is qualified to drive (probably not more than 1 yr). 9 §1042(h)
Mandatory Minimum Term of Withdrawal:	None

Other:

Rehabilitation:	
Alcohol Education:	A court may suspend the effects of a 1st conviction if a presenting report indicates rehabilatation ("any kind of treatment, orientation, guidance or advice...") would be effective and defendant voluntarily agrees to undergo rehabilitation. For all other off, if a court determines the defendant would benefit from rehabilitation, court shall suspend the jail penalty if the defendant agrees to undergo rehabilitation. Hospitalization, for up to 3 cons mos, may be ordered if the Court deems such treatment is necessary. 9 §1042
Alcohol Treatment:	
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

[1]There are no specific licensing actions for a persons who are convicted of driving while under the influence of "drugs" (9 §1045).

Ither Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes Misd. 33 §4005 (Involuntary manslaughter) or Felony-33 §3044 (Death caused by gross or willful negligence in driving a motor vehicle)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Misd. off-1 yr or 3 yrs (if there are aggravating circumstances); felony off-6 yrs or 10 yrs (if there are aggravating circumstances) See Footnote No. 1 below.
Mandatory Minimum Term:	None
Fine ($ Range):	Misd. off-$3,000; felony off-none
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev
Length of Term of Licensing Withdrawal:	1 yr
Mandatory Action--Minimum Length of License Withdrawal:	1 yr
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	1st off-1 to 3 mos; sub. off-3 to 6 mos Misd. 9 §§721(13) & 722(d)
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	1st off-$200; sub. off-none
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	None
Length of Term of License Withdrawal Action:	
Mandatory Term of License Withdrawal Action:	

[1]Restitution may be imposed.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	Yes 9 §1043
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	No
Pedestrian:	Yes

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	18 13 §6083 (Year Eff: 1969)
Minimum Age (Years) Possession:	None
Minimum Age (Years) Consumption:	None

Other State Laws Related To Alcohol Use And Driving: (continued)

Dram Shop Laws and Related Legal Actions:

State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No
Dram Shop Actions-Social Hosts:	No
Other:	None

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

Type of Criminal Action:	None
Term of Imprisonment:	
Fine ($ Range):	

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

License to Serve Alcoholic Beverages Withdrawn (Yes/No):	None
Length of Term of License Withdrawal:	

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:

Type of Criminal Action:	Misd 13 §6107
Term of Imprisonment:	30 dys to 6 mos
Fine ($ Range):	$100 to 500

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:

License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes 13 §6093
Length of Term License Withdrawal:	Indeterminate

Anti-Happy Hour Laws/Regulations: No

Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:

Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	No

STATE:	RHODE ISLAND
General Comments:	See General Laws of Rhode Island

Basis for a DWI Charge:

Standard DWI Offince:	Under the influence of intoxicating liquor §31-27-2(a)
Illegal Per Se Law (BAC Level):	Yes, 0.10 §31-27-2(b) Persons under 18 who have a BAC level of between 0.04 and 0.10 are considered to have been driving while impaired which is not a criminal offense; see §31-27-2.5(d) & (g).
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol"	(1) Any Drug, (2) Toluene, (3) any Controlled Substance and (4) Any Combination of These substances and intoxicating liquor §31-27-2(a)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §31-27-2.3
Implied Consent Law:	
Arrest Required (Yes/No):	Yes (Implied) §31-27-2.1
Implied Consent Law Applies to Drugs (Yes/No):	Yes §31-27-2.1
Refusal to Submit to Chemical Test Admitted into Evidence:	n.a.
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes (exception on religious grounds.) §31-27-2 and §31-27-2.1
Urine:	Yes §§31-27.2 and 31-27.2.1
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes, Alcohol assessment §31-27-2(d)(7)

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	Administrative fine-$15; see §§31-27-2.3(B) & 31-41-4.

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	1st refusal-$200-500 and 10-60 hrs of public service; 2nd refusal (w/n a 5 yr period)-$300-500; 3rd and subsequent refusal (w/n a 5 yr period)- $400-500 (Special Note: In addition to the above fines, an assessment fee of $250 is charged to the defendant.) The imposition of these fines, assessments and/or public community service is mandatory.) §31-27-2.1
Administrative Licensing Action (Susp/Rev):	1st Refusal- 3-6 mos susp (For persons under 18 years old-mandatory susp for 6 mos; see §31-27-2.5a); 2nd refusal (w/n 5 yr period)- 1-2 yrs Susp; 3rd and subsequent refusal (w/n 5 yr period)- 2-3 yrs Susp; (These susps are mandatory) §31-27-2.1
Other:	1st Refusal-Attendance at a DWI class or alcohol/drug treatment program; 2nd refusal (w/n 5 yr period)-Attendance at an alcohol/drug treatment program; 3rd and subsequent refusal (w/n 5 yr period)-Attendance at an alcohol/drug treatment program (Attendance at these classes or programs is required.)

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):	1st off-Not more than 1 yr; 2nd off (w/n 5 yrs)-10 dys-1 yr; 3rd and subsequent offs (w/n 5 yrs)-6 mos-1 yr; §31-27-2(d) (Note: A DWI off is a misd) DWI serious bodily injury offs: 1st off-not more than 5 yrs; 2nd and sub. off (w/n 5 yrs)-1-10 yrs §31-27-2.6 For persons under 18 see Misc. Sanctions on p. 3-xxx.
Mandatory Minimum Term:	1st off-None; 2nd off (w/n 5 yrs)-48 cons hrs; 3rd and subsequent offs (w/n 5 yrs)-48 cons hrs For DWI serious injury offs-none

Sanctions Following a Conviction for a DWI Offense:
(continued)

Fine:	
Amount ($ Range):	1st off-$100; 2nd off (w/n 5 yrs)-$400; 3rd and subsequent offs (w/n 5 yrs)- $400[1] DWI serious injury offs: 1st off-$250-2,500; 2nd and sub. off (w/n 5 yrs)-$500,5,000 §31-27-2.6
Mandatory Min. Fine ($):	1st off-$100; 2nd off (w/n 5 yrs)-$400; 3rd and subsequent offs (w/n 5 yrs)-$400; (In addition to the above fines, an assessment fee of $250 is charged to the defendant.) §31-27-2(d) For DWI serious injury off-none
Other Penalties:	
Community Service:	1st off - 10-60 hrs
Restitution (eg Victim's Fund)	Yes, Victim's compensation fund; see §12-25-1 et seq.[2]
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	None
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	Susp all non-injury DWI offs For DWI serious injury offs-Rev. For persons under 18, see Misc. Sanctions on p. 3-xxx.
Term of License Withdrawal (Days, Months, Years, etc.):	DWI non-injury offs: 1st off - 3-6 mos; 2nd off - 1-2 yrs; 3rd off - 2-3 yrs; §31-27-2(d) DWI serious injury offs: 1st off-2 yrs; 2nd and sub. off (w/n 5 yrs)-4 yrs §31-27-2.6
Mandatory Minimum Term of Withdrawal:	DWI non-injury offs: 1st off - 3 mos; 2nd off - 1 yr; 3rd off - 2 yrs; §31-27-2(d) DWI serious injury offs: none

Other:

Rehabilitation:	
Alcohol Education:	1st off - Alcohol (DWI)/drug education course and/or treatment program (Required)

[1]The defendant must also pay a fee of either $20 or 10% of the fine imposed which ever is the greater amount. This fee is for the purpose of supporting the fund which compensates victims of violent crimes such as DWI related deaths or injuries; see §12-25-12(c).
[2]Award limited to $25,000 plus attorney's fees; see §12-25-6(b).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Alcohol Treatment: 2nd off-Yes (Required); 3rd off-Yes (Required)

Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority: No

Terms Upon Which Vehicle Will Be Released:

Other: None

Miscellaneous Sanctions Not Included Elsewhere: For persons under 18 years old who have been found to have been driving while impaired (BAC level between 0.04 and 0.10), an assessment fee of $150 or community service (§31-27-2.5(d)(1)) and the following licensing sanctions: 1st violation-6 mos susp; 2nd violation-susp until the person is 21 years old; 3rd and subsequent violations-suspension until the person is 21 years old plus an additional 2 yr susp (§31-27-2.5(d)(2), (3) & (4). These license suspensions are mandatory. In addition, the following sanctions apply to persons convicted of DWI who are under 18 years old: 1st off.-a highway assessment fine of not more than $250, 10-60 hrs. of community service & a 6 mon. lic. susp. (mandatory); 2nd and sub. off.-confinement in a training school for not more than one (1) yr., a fine of not more than $500 & a one (1) yr lic. susp. (mandatory). See §31-27-1(d)(a) & (b).

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of off: Yes

Criminal Sanction:

Imprisonment (Term): 1) Death related DWI offs-felony-1st off - 6 mos-10 yrs; 2nd and subsequent (w/n 5 yrs) - 5-20 yrs §§31-27-2.2 & 11-1-2; 2) Non-DWI related driving causing death-felony-Not more than 10 yrs s§31-27-1 & 11-1-2

Mandatory Minimum Term: None

Fine ($ Range): Death related DWI offs, 1st off - $500-5,000; 2nd and subsequent (w/n 5 yrs) - $800-5,000

Mandatory Minimum Fine: None

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Administrative Licensing Action:

Licensing Authorized and Type of Action:	Death related DWI offs, 1st off - Rev; 2nd and subsequent (w/n 5 yrs) - Rev; Non-DWI related driving causing death - Rev; 31-11-6
Length of Term of Licensing Withdrawal:	Death related DWI offs, 1st off - 3 yrs; 2nd and subsequent offs (w/n 5 yrs) - 5 yrs; Non-DWI related driving causing death - 3 yrs
Mandatory Action--Minimum Length of License Withdrawal:	Death related DWI offs, 1st off - 3 yrs; 2nd and subsequent offs (w/n 5 yrs) - 5 yrs; Non-DWI related driving causing death - 3 yrs
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	1st off (Misd)-10 dys; 2nd off (w/n 5 yrs) (Misd)-6 mos-1 yr; 3rd and subsequent offs (w/n 5 yrs) (felony)-1 yr §31-11-18.1; (Rev, etc. due to DWI conviction, refusal to submit to chemical test, reckless driving, motor veh manslaughter, or 3 moving violations in one yr.)
Mandatory Minimum Term of Imprisonment:	1st off-10 dys; 2nd off (w/n 5 yrs)-6 mos; 3rd and subsequent offs (w/n 5 yrs)-1 yr; §31-11-18.1(d)
Fine ($ Range):	1st off - $500; 2nd off (w/n 5 yrs)- $500; 3rd and subsequent offs (w/n 5 yrs) $1,000; §31-11-18.1
Mandatory Minimum Fine:	1st off-$500; 2nd off (w/n 5 yrs)-$500; 3rd and subsequent offs (w/n 5 yrs)- $1,000; §31-11-18.1(d)

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	1st off-Susp; 2nd off (w/n 5 yrs)-Susp; 3rd and subsequent offs (w/n 5 yrs)-Rev; §31-11-18.1

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Length of Term of License Withdrawal Action:	1st off-"Time deemed proper" (additional susp period); 2nd off (w/n 5 yrs)-Dept. of Motor Vehicles' discretion (additional susp period) 1 yr; 3rd and subsequent offs (w/n 5 yrs)-1 yr (additional rev period); §31-11-18.1
Mandatory Term of License Withdrawal Action:	1st off-3 mos; 2nd off (w/n 5 yrs)-6 mos; 3rd and subsequent offs (w/n 5 yrs)-1 yr; §31-11-18.1

Habitual Offender Laws:

State Has Such Law (Yes/No):	Yes
Grounds for Being Declared an Habitual Offender:	Three or more convictions within 3 yrs for any of the following: 1) Motor veh manslaughter; 2) DWI (alcohol or drugs); 3) Driving while license suspended or revoked; 4) Willfully operating a motor veh without a license; 5) any felony off using a motor veh; 6) failure to stop and report death/injury after accident driver was involved in; 7) failure of driver to stop and report accident where damages = $150 or more. §31-40-1 to 31-4-13
Term of License Rev While Under Habitual Offender Status:	1-5 yrs
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Felony
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	5 yrs (maximum)
Mandatory Minimum Term of Imprisonment:	None, but if an imprisonment sentence is given it may not be suspended or deferred except to save a life
Fine ($ Range):	None
Mandatory Minimum Fine ($):	None
Licensing Actions (Specify):	No apparent specific provision: but see 31-11-18: driving after denial, generally a 1 yr extension of rev

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (Year Eff: 1984)
Minimum Age (Years) Possession:	21, Applies to the possession of alcoholic beverages containing more than 3.2% alcohol §§3-8-5,-6, & -10
Minimum Age (Years) Consumption:	21, Applies to licensed premises
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes; §3-14-1 et seq.[1]
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No
Dram Shop Actions-Social Hosts:	Possible statutory liability under §3-14-10(g)[2]
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	1st off-Petty Misd; 2nd off-Petty Misd; 3rd and Subsequent offs-Misd; §§ 3-8-1, 3-11-5 & 11-1-2
Term of Imprisonment:	1st off-3 mos; 2nd off-6 mos; 3rd and subsequent offs-Not more than 1 yr
Fine ($ Range):	1st off-Not more than $200; 2nd off-Not more than $300; 3rd and subsequent offs-Not more than $500

[1]Rhode Island's Dram Shop Law is similar to the Model Alcoholic Beverage Retail Licensee Liability Act of 1985. This model law was developed via a grant for the National Institute on Alcohol Abuse and Alcoholism.

[2]At first appearance it would seem that only commercial servers could be defendants in a dram shop action; see §3-14-5. However, §3-14-10(g) seems to imply that social hosts are liable under the dram shop act if they serve alcoholic beverages in a reckless manner as provided under §3-14-7.

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes §3-3-21.
Length of Term of License Withdrawal:	1 yr §3-5-22
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:	
Type of Criminal Action:	1st off-Petty Misd; 2nd off-Misd; 3rd and subsequent offs-Felony; §§3-8-1, 3-8-5 & 11-1-2
Term of Imprisonment:	N/A
Fine ($ Range):	1st off-$250; 2nd off-$500; 3rd and subsequent offs-$750 (If no offs in 3 successive yrs, next off shall be treated as 1st.)
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcohlic Beverages Withdrawn (Yes/No):	Yes; §3-5-22
Length of Term License Withdrawal:	1 yr; §3-5-22
Anti-Happy Hour Laws/Regulations:	Yes P.L. 85-345
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	Yes - Driver §31-22-21

STATE:	SOUTH CAROLINA
General Comments:	See Code of Laws of South Carolina Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquors §56-5-2930
Illegal Per Se Law (BAC Level):	None
Presumption (BAC Level):	0.10[1] §56-5-2950(b)(3)
Types of Drugs/Drugs and Alcohol:	(1) Narcotic Drugs, (2) Barbiturates, (3)Paraldehydes and (4) Drugs, Herbs et al. Note: The term "drug" is defined as an "illicit or licit drug, a combination of alcohol and an illicit drug or a combination of alcohol and a licit drug" §56-5-2930
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) State v. Miller, 185 S.E.2d 359 (1971)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes[2] Only required if a breath sample cannot be obtained §56-5-2950(a)
Urine:	Yes[2] Only required if drugs other than alcohol are involved §56-5-2950(a)
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes §56-5-2990

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

[1]South Carolina law uses the term "inferred" instead of "presumed."
[2]These tests are not authorizied if the driver has registered a BAC level of 0.10 or more on a breath test device; see §56-5-2950(a).

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	90-dy susp of license (Mandatory) §56-5-2950(d)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	
Term (Day, Month, Years, Etc.):	1st off-48 hrs-30 dys; 2nd off (w/n 5 yrs)-48 hrs-1 yr; 3rd off (w/n 5 yrs)-60 dys-3 yrs; 4th off (w/n 5 yrs)-90 dys-4 yrs; 5th and subsequent off (w/n 5 yrs)- 1-5 yrs §56-5-2940; DWI where there is great bodily injury-felony, 30 dys-10 yrs; §56-5-2945
Mandatory Minimum Term:	1st off-48 hrs; 2nd off-48 hrs; 3rd off-60 dys; 4th off-90 dys; 5th and subsequent offs-1 yr; DWI where there is great bodily injury-30 dys[1]
Fine:	
Amount ($ Range):	1st off-$200; 2nd off-Not less than $1,000; 3rd off-Not less than $2,000; 4th off-Not less than $3,000; DWI where there is great bodily injury-$5,000-10,000
Mandatory Min. Fine ($):	1st off-$200[1]; 2nd off-No; 3rd off-No; 4th off-No; DWI where is great bodily injury-$5,000[1]
Other Penalties:	
Community Service:	1st off-A minimum of 48 hrs in lieu of imprisonment; 2nd off-Not less than 10 dys in lieu of imprisonment
Restitution (eg Victim's Fund)	Yes, Victims' Compensation Fund §16-3-1110 et seq.
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:	
Administrative Per Se Law:	No
Other:	None

[1]These minimum sanctions are mandatory and, therefore, cannot be either suspened or probated; see §56-5-2945(A)(2).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st off[1]-Susp; 2nd off[1] (w/n 5 yrs)-Susp; 3rd off[1] (w/n 5 yrs)-Susp; 4th off[1] (w/n 5 yrs)-Susp; 5th and subsequent offs[1] (w/n 5 yrs)-Rev; DWI off where there is great bodily injury-Susp (§56-5-2945)
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-6 mos; 2nd off (w/n 5 yrs)-1 yr; 3rd off (w/n 5 yrs)-2 yrs; 4th off (w/n 5 yrs)-3 yrs; 5th and subsequent offs (w/n 5 yrs)-Permanent; DWI off where there is great bodily injury-Term of imprisonment plus 3 yrs (§56-5-2945)
Mandatory Minimum Term of Withdrawal:	1st off - For a 1st DWI off, a provisional license may be issued for the 6-mo susp period provided the defendant participates in an alcohol/drug education/treatment program (see §§56-1-1320 and 56-1-1330); 2nd off (w/n 5 yrs)-1 yr; 3rd off (w/n 5 yrs)-2 yrs; 4th off (w/n 5 yrs)-3 yrs; 5th and subsequent offs (w/n 5 yrs)-5 yrs; DWI off where there is great bodily injury-Term of imprisonment plus 3 yrs

Other:

Rehabilitation:

Alcohol Education:	(1) For suspended licensed drivers, a successful completion of an Alcohol and Drug Safety Action Program prior to license reinstatement (or a special recommendation by the Medical Advisory Board before the license is restored; and (2) For revoked licensed drivers, the license may be reinstated after 5 yrs provided such drivers have been rehabilitated. See §56-5-2990.
Alcohol Treatment:	Yes see above
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	Yes 1st off only §§56-1-1320 & 56-1-1330

[1]Note: An off is considered either a §56-5-2930, §56-5-2945 or other alcohol use and driving related law violation. §§56-1-1320 & 56-5-2990.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	Note: Veh impoundment used only to protect a veh from danger.

Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of offense:	Yes, There are two offenses: (1) Felony if based on a DWI off that results in death §§16-1-10 & 56-5-2945; and, (2) Misd if caused by the operation of a vehicle in a reckless manner (non-DWI related) §§16-1-10, 16-1-20 & 56-5-2910.

Sanctions:

Criminal Sanction:

Imprisonment (Term):	Felony off-1-25 yrs; misd off-not more than 5 yrs
Mandatory Minimum Term:	Felony off-1 yr[1]
Fine ($ Range):	Felony off-$10,000 to $25,000; misd off-$1,000-5000
Mandatory Minimum Fine:	$10,000[1]

Administrative Licensing Action:

Licensing Authorized and Type of Action:	Felony off-Susp §56-5-2945; misd off-Rev §56-5-2910
Length of Term of Licensing Withdrawal:	Felony off-Term of imprisonment plus 3 yrs; misd off-5 yrs
Mandatory Action--Minimum Length of License Withdrawal:	Felony off-Term of imprisonment plus 3 yrs; misd off-5 yrs §56-5-2910
Other:	None

[1] §56-5-2945(A)(2)

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	1st off-10-30 dys; 2nd off (w/n 5 yrs)-60 dys-6 mos; 3rd and subsequent off (w/n 5 yrs)-6 mos-3 yrs; §56-1-460
Mandatory Minimum Term of Imprisonment:	1st off-10 dys; 2nd off-60 dys; 3rd and sub off-6 mos
Fine ($ Range):	1st off-$200; 2nd off-$500; §56-1-460[1]
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Susp/Rev
Length of Term of License Withdrawal Action:	Susp for a like period of time if the original susp was for a definite period of time. If not, then a susp for 3 mos. If license was revoked, a new license shall not be issued for an additional 1 yr from the date such person would have otherwise been entitled to apply for a new license. §56-1-460.
Mandatory Term of License Withdrawal Action:	None

Habitual Offender Laws:

State Has Such Law (Yes/No):	Yes §56-1-1010 et seq.
Grounds for Being Declared an Habitual Offender:	3 or more serious off convictions or 10 or more convictions for violations rated at 4 points or more under the point system within a period of 3 yrs §56-1-1020(a) & (b)
Term of License Rev While Under Habitual Offender Status:	5 yrs and until the court thereafter restores the driving privilege; this period may be reduced to 2 yrs upon a showing of "good cause." §56-1-1090(a) & (c)
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Misd §56-1-1100

[1] It is not clear whether a fine sanction can be imposed on a person who has been convicted of driving while suspended or revoked where the license suspension or revocation was based on a DWI offense conviction.

Other State Laws Related To Alcohol Use And Driving:

Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	1 yr to 5 yrs §56-1-1100
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	None
Mandatory Minimum Fine ($):	N/A
Licensing Actions (Specify):	None
Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	Yes §17-7-80
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	No
Pedestrian:	Yes (16 years old or older)
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (Year Eff. 1986) §§20-7-380, 61-3-990(3) & 61-9-410(1)
Minimum Age (Years) Possession:	21 (Exemptions for home use and for religious ceremonies and employment (the employment exemption applies only to persons over 18 years old).) §§20-7-320,-317,-370,-380, and §§61-9-40, and 61-13-290
Minimum Age (Years) Consumption:	None
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Possible case law; see Chritiansen v. Cambell, 328 S.E.2d 351 (CA 1985)
Dram Shop Actions-Social Hosts:	No See Garren v. Cummings & McCrady, Inc., 345 S.E.2d 508 (CA 1986).
Other:	None

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	For alcoholic liquors-(Misd), See §§66-3-990, 61-5-30 & 61-5-110; For nonintoxicating beverages[1], see §61-9-410
Term of Imprisonment:	For alcoholic liquors-Not more than 30 dys; For nonintoxicating beverages-Not less than 3 mos §61-13-870
Fine ($ Range):	1.) For alcoholic liquors-Not more than $100; 2.) If the person is a licensee, 1st off-$200-500; 2nd off (w/n 3 yrs)-$200-500; 3rd off (w/n 3 yrs)-Not less than $500; 3.) For nonintoxicating beverages[1]-Not less than $100 §61-13-870
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	For Liquor - Yes; For Beer and Wine - Yes
Length of Term of License Withdrawal:	For Alcoholic Liquors, 1st off - 30 dys; 2nd off (w/n 3 yrs) - 180 dys; 3rd off (w/n 3 yrs) - Permanently; For nonintoxicating beverages - License rev or administrative monetary penalty of $25 to 1,000; §61-13-510
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:	
Type of Criminal Action:	Alcoholic Liquors-(Misd) (Note: The seller must have knowingly sold alcoholic beverages to a minor.); See §61-13-290 nonintoxicating beverages[2] See §61-90-40

[1]Applies to beer not in excess of 5% alcohol and wine not in excess of 21% alcohol; see 61-9-10. Note: The term "Alcoholic Liquors" applies to all other alcoholic beverages; see 61-3-20(1).

[2]Applies to beer, ale, porter, wine or other similar malt or fermented beverages. Note: The term "Alcoholic Liquors" applies to all other alcoholic beverages.

Other State Laws Related To Alcohol Use And Driving: (continued)

Term of Imprisonment:	Alcoholic Liquors-30-60 dys; Nonintoxicating beverages-30-60 dys; §§61-9-40 & 61-13-290
Fine ($ Range):	Alcoholic Liquors-$100-200; Nonintoxicating beverages-$100-200
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes
Length of Term License Withdrawal:	Alcoholic Liquors, 1st off-1 yr or a $250 administrative monetary penalty (Special Note: Liquor licensees may have to pay from $100 to $1,500 as an alternative to license rev; see §61-13-510), §61-15-500, §61-13-510; Subsequent offs-2 yrs or $500 administrative monetary penalty; Nonintoxicating beverages license withdrawal or administrative monetary penalty or from $25 to $1,000
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes §§61-5-20 & 61-9-87
Anti-Consumption Law (Yes/No):	Possible, Driver and passengers §61-13-360; The law states that "Any person who drinks alc.liquors in any public conveyance shall be deemed guilty of a misd." This provision does not apply to railroad dining or club cars or to commercial aircraft.

STATE:	SOUTH DAKOTA
General Comments:	See South Dakota Codified Laws

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of an alcoholic beverage §32-23-1(2)
Illegal Per Se Law (BAC Level):	0.10 §32-23-1(1)
Presumption (BAC Level):	0.10 §32-23-7 (Note: §32-23-7 applies this presumption to the veh homicide off.)
Types of Drugs/Drugs and Alcohol:	(1) Any Substance, (2) Any Controlled Drug, (3) Marijuana or (4) a Combination of These Substances and an Alcoholic Beverage §32-23-1(3) & (4)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §32-23-1.2
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §32-23-10
Implied Consent Law Applies to Drugs (Yes/No):	Yes 32-23-10
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes 32-23-10
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §32-23-10
Urine:	No §32-23-10
Other:	"Other bodily substances" §32-23-10

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No (Note: A DWI charge may be reduced or dismissed only when written reasons for such have been file with the Court)
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes (discretionary)

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	None

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Rev 1 yr[1] (A restricted hardship license is available.) §32-23-11
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	
Term (Day, Month, Years, Etc.):	1st off Cl 1 Misd-1 yr (county jail); 2nd off (w/n 5 yrs) Cl 1 Misd-1 yr (county jail); 3rd and subsequent off Cl 6 Felony (w/n 5 yrs) - 2 yrs state penitentiary §22-6-1, 22-6-2, 32-23-2, 32-23-3, 32-23-4
Mandatory Minimum Term:	None
Fine:	
Amount ($ Range):	1st off-$1,000; 2nd off (w/n 5 yrs)- $1,000; 3rd and subsequent off (w/n 5 yrs)- $2,000
Mandatory Min. Fine ($):	None
Other Penalties:	
Community Service:	None
Restitution (eg Victim's Fund)	Yes §§23A-28-1 et seq. (Restitution is to be paid by defendants to the victims.)
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:	
Administrative Per Se Law:	None
Other:	None

[1]Under §32-23-11.1, a driver's license is not subject to revocation for refusal to submit to a chemical test under the implied consent law if they plead guilty to a DWI offense and such plea occurs either (1) prior to a licensing agency hearing on the refusal issue, or (2), if a hearing is not requested, prior to a revocation order being issued.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st off-Prohibit driving or rev; 2nd off- Rev (no hardship license); 3rd and sub off[2]-Rev (no hardship license) (Special Note: Susp-If 15 points accumulated in 12 cons mos or 22 points in 24 cons mos; DWI=10 points)
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-30 dys-1 yr; 2nd off-1 yr; 3rd and sub off-1+ yr (Under the point system susp 1 yr) §32-23-2, §32-23-3 and §32-23-4
Mandatory Minimum Term of Withdrawal:	1st off-None[1]; 2nd off-1 yr; 3rd and sub off -1 yr[2]; (Under the point system susp - No) §§32-23-2, 32-23-3, and 32-23-4

Other:

Rehabilitation:	
Alcohol Education:	
Alcohol Treatment:	
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	None
Terms Upon Which Vehicle Will Be Released:	
Other:	For any offense conviction, where a driver's license can be revoked or suspended, the registration of all vehicles owned by the driver shall also be suspended; see §32-35-44.
Miscellaneous Sanctions Not Included Elsewhere:	None

[1]A restricted hardship license is available. See §§32-23-2, 32-23-3 and 32-23-4
[2]The defendant's license is to be revoked not less than one (1) year from the date of final discharge; see §32-23-4.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes, Cl 4 felony where death is caused by veh operation while under the influence of alcohol or drugs. §22-16-41
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 10 yrs
Mandatory Minimum Term:	None
Fine ($ Range):	Not more than $10,000
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev §§32-12-44 and 32-12-52[1]
Length of Term of Licensing Withdrawal:	1 yr
Mandatory Action--Minimum Length of License Withdrawal:	1 yr
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	Cl 1 Misd - Not more than 1 yr §§32-6-2(1) & 32-23-5
Mandatory Minimum Term of Imprisonment:	3 days if the original licensing action was for a 2nd DWI offense (§32-23-3) and 10 days if the original licensing action was for a 3rd DWI offense (§32-23-4).
Fine ($ Range):	Not more than $1,000
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Susp-if the conviction was based on driving while suspended; Rev-if the conviction was based on driving while revoked §32-12-66
Length of Term of License Withdrawal Action:	An additional susp period equal to the original period. The original rev period extended for 1 yr. §32-12-66

[1]§32-12-52 applies the license rev provisions specifically to manslaughter from the operation of a motor veh; it is, therefore, unclear whether these provisions apply to the crime of veh homicide which is a separate off (not manslaughter).

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Mandatory Term of License Withdrawal Action:	An additional susp period equal to the original period.[1] §32-12-66

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	Yes §34-25-22.1
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	Yes
Pedestrian:	Yes

[1]Mandatory licensing withdrawal actions apply only to the offense of driving while suspended. There is no additional mandatory licensing action (e.g., 1 yr. additional revocation period) for driving while revoked.

Other State Laws Related To Alcohol Use And Driving: (continued)

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 for all alcoholic beverages (eff. 4/1/88)[2] 19 for 3.2% beer; 21 for all other alcoholic beverages. (Yr Eff: 1984) §§35-4-78 & 35-9-1,-2,-4
Minimum Age (Years) Possession:	21 for all alcoholic beverages (eff. 4/1/88)[2] 19 for 3.2% beer; 21 for all other alcoholic beverages. There is an exemption for the possession alcoholic beverages greater than 3.2% alcohol by persons under 21 yrs of age for religious ceremonies §§35-4-78, 34-9-1, 35-9-2 & 35-9-4
Minimum Age (Years) Consumption:	21 for all alcoholic beverages (eff. 4/1/88)[2] 19 for 3.2% beer; 21 for all other alcoholic beverages. (Exemption for the consumption of alcoholic beverages greater than 3.2% alcohol by persons under 21 yrs of age for religious ceremonies.) §§35-4-78, 35-9-1, 35-9-2, and 35-9-4[3]
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	No[1] §§35-4-78 & 35-11-1
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No[1]
Dram Shop Actions-Social Hosts:	No §35-11-2
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Cl 1 Misd §35-4-78
Term of Imprisonment:	1 yr (County jail)
Fine ($ Range):	$1,000

[1]Case law establishing civil liability, Walz v. City of Hudson, 327. N.W.2d 12 (S.D. 1982), was specifically abrogated by statute.
[2]See §57 of H.B. 1345 enacted in 1987 for effective date.
[3]Repealed as of 4/1/85; see §13 of H.B. 1345 enacted ing 1987.

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes §35-2-10
Length of Term of License Withdrawal:	1 yr §35-2-20
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:	
Type of Criminal Action:	Cl 2 Misd (generally); Cl 1 Misd (for licensees); §§22-6-2, 35-4-78 & 35-9-1
Term of Imprisonment:	Cl 2 Misd-30 dys (county jail); Cl 1 Misd-1 yr (county jail)
Fine ($ Range):	Cl 2 Misd-$100; Cl 1-Misd $1,000
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes §35-2-10
Length of Term License Withdrawal:	1 yr §35-2-20
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes §35-1-9.1
Anti-Consumption Law (Yes/No):	No

STATE:	TENNESSEE
General Comments:	See Tennessee Code Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of any intoxicant §55-10-401(a)
Illegal Per Se Law (BAC Level):	None
Presumption (BAC Level):	0.10 §55-10-408(b)
Types of Drugs/Drugs and Alcohol:	(1) Any Intoxicant, (2) Marijuana, (3) Narcotic Drug and (4) Stimulating Drugs (listed in §55-10-401(b)) §55-10-401(a)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	No (The officer may request a test based on reasonable grounds; see §55-10-406(a).)
Implied Consent Law Applies to Drugs (Yes/No):	Yes 55-10-405(5)
Refusal to Submit to Chemical Test Admitted into Evidence:	No Crawley v. State, 413 S.W. 2d 370 (1967)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes 55-10-405(5)
Urine:	Yes 55-10-405(5)
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	Yes §§55-10-403(b)(1) and 55-7-116
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Susp - Not more than 6 mos §55-10-406(a)(3) A restricted license may be issued; see §55-10-406(d)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	
Term (Day, Month, Years, Etc.):	1st off-48 hrs-11 mos 29 dys; 2nd off (w/n 10 yrs)-45 dys-11 mos 29 dys; 3rd and subsequent off (w/n 10 yrs) - 120 dys-11 mos 29 dys §55-10-403
Mandatory Minimum Term:	1st off-48 hrs; 2nd off (w/n 10 yrs)-45 dys; 3rd and subsequent off (w/n 10 dys)-120 dys
Fine:	
Amount ($ Range):	1st off-$250-1,000; 2nd off (w/n 10 yrs)-$500-2,500; 3rd and subsequent off (w/n 10 dys)-$1,000-5,000; §55-10-403
Mandatory Min. Fine ($):	1st off-$250; 2nd off (w/n 10 yrs)-$500; 3rd and subsequent off (w/n 10 yrs)-$1,000 (unless judge determines defendant is indigent)
Other Penalties:	
Community Service:	After serving the minimum sentence, a judge may order the defendant to remove litter from various public areas or work in a recycling center or "other appropriate location" for any period of time in lieu of or in additional to other penalities. The community service work may be done at non-working hrs. §55-10-104
Restitution (eg Victim's Fund):	Yes - A victim's compensation fund; see §§29-13 101 et seq. and 40-24-107(a)(3). Also, the defendant shall be ordered to pay restitution as a condition of probation (probation may commence only after minimum jail sentence has been serve) if defendant can afford it; §55-10-403
Other:	Upon conviction all defendants in counties with 600,000 or more people and in counties with a metropolitan form of government, must pay a BAC test fee of $10. This fee is paid to the county. §55-10-403

Sanctions Following a Conviction for a DWI Offense:
(continued)

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	None
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	Rev §55-10-403, §55-7-113
Term of License Withdrawal (Days, Months, Years, etc.):	1st off - 1 yr; 2nd off (w/n 10 yrs) - 2 yrs; 3rd and subsequent offs (w/n 10 yrs) - 3 to 10 yrs; §§55-10-403 & 55-7-112
Mandatory Minimum Term of Withdrawal:	1st off - 1 yr[1]; 2nd off - 2 yrs; 3rd and subsequent offs - 3 yrs

Other:

Rehabilitation:	
Alcohol Education:	Yes see below
Alcohol Treatment:	Yes, participation in an alcohol safety DWI prog. is required as part of probation (probation can begin only after serving the min. imprisonment term). For 2nd and subsequent convictions, a condition of probation is participation in a rehab prog. treatment facility.[2]
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No (Note: See State v. Bouldin, 717 S.W.2d 584 (Tenn. 1986), where a temporary vehicle forfeiture provision of a DWI plea bargaining/probation agreement was voided by the Tennessee Supreme Court.)
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

[1]Hardship license for employment available after 1st conviction if no one was killed or seriously injured as a result of the DWI off. See §§55-10-403 and 55-7-113.
[2]For 2nd and subsequent convictions rev will be lifted only upon showing that defendant has participated in a program of rehabilitation at an alcohol treatment facility. See §55-10-403.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Off:	Yes Felony §§39-1-103 & 39-2-231
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 5 yrs; if DWI related, 1 to 21 yrs §39-2-232
Mandatory Minimum Term:	None
Fine ($ Range):	None
Mandatory Minimum Fine:	N/A
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev §55-7-112(1)
Length of Term of Licensing Withdrawal:	(1) If DWI related, 3-10 yrs or (2) equals term of sentence received (§§39-2-232 & 55-7-112(1)). If paroled, the defendant may have their license reissued upon satisfactory completion of licensing exam and on petition of defendant's parole officer. §55-7-112(1)
Mandatory Action--Minimum Length of License Withdrawal:	3 yrs if DWI related (§39-2-232); 1 yr (§55-7-113(g))
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Off:

Sanction:	
Criminal:	
Imprisonment (Term):	1st off - 2 dys to 6 mos; 2nd off - 45 dys to 11 mos 29 dys; §55-7-116
Mandatory Minimum Term of Imprisonment:	1st off - 2 dys; 2nd off - 45 dys
Fine ($ Range):	1st off - $0 - 500; 2nd off - $500 to 1,000; §55-7-116
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Susp - if the conviction was based on driving while suspended; Rev - if the conviction was based on driving while revoked.
Length of Term of License Withdrawal Action:	An additional susp period which is equal to the original period; The original rev period extended 1 yr.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Mandatory Term of License Withdrawal Action:	An additional susp period which is equal to the original period; The original rev period extended 1 yr.
Habitual Offender Laws:	
State Has Such Law (Yes/No):	Yes §§55-10-601 to 55-10-617
Grounds for Being Declared an Habitual Offender:	3 convictions of any of the following offs w/n 3 yrs: 1) voluntary or involuntary motor veh homicide; 2) DWI; 3) failure to stop at scene of an accident; 4) violation of statute on meeting and overtaking school buses.
Term of License Rev While Under Habitual Offender Status:	3 yrs
Type of Criminal Off if Convicted on Charges of Driving While on Habitual Offender Status	Felony
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	1 to 10 yrs §39-1-201
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	None
Mandatory Minimum Fine ($):	N/A
Licensing Actions (Specify):	1 yr rev (additional)

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	Discretionary See §38-7-109
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Discretionary
Vehicle Passengers:	Discretionary
Pedestrian:	Discretionary

Other State Laws Related To Alcohol Use And Driving: (continued)

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 §57-4-203(b) (Year Eff. 1984)
Minimum Age (Years) Possession:	21 There is an employment exemption
Minimum Age (Years) Consumption:	21 §§1-33-113, 57-4-203(b)(1) and (2) and 57-5-301
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes-57-10-101 et seq.[1] (Comment: This law enacted in 1986 may have abrogated, at least in part, the case law noted below.)
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, Mitchell v. Ketner: 54 Tenn. App. 656, 393 S.W.2d 755 (CA 1964)
Dram Shop Actions-Social Hosts:	No (No Cases)
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd §57-4-203
Term of Imprisonment:	30 dys to 6 mos
Fine ($ Range):	$500 to 1,000
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes
Length of Term of License Withdrawal:	1st off - Time period not specified in the statute; 2nd off - Permanently

[1]Before a commercial server can be held liable for the actions of their intoxicated patrons actions, the following must be proven. The court must determine "beyond a reasonable doubt" that the sale of alcoholic beverages was the proximate cause of the injury sustained and that such beverages were sold either to a person under 21 years old or to an obviously intoxicated person whose consumption thereof was the direct cause of the injury.

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	1st off - Misd; 2nd and subsequent offs - Felony; §§57-4-203 and 57-5-303
Term of Imprisonment:	1st off - 30 dys to 6 mos; 2nd and subsequent offs - 1 to 3 yrs
Fine ($ Range):	1st off - $25 to 500; 2nd and subsequent offs - $500 to 3,000
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes §57-5-303
Length of Term License Withdrawal:	1st off - Time period not specified in the statute[1]; 2nd and subsequent offs - Permanent; §57-5-109, §57-5-303
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	No

[1]For alcoholic beverages of less than 5%, 1st off - License susp for not to exceed ten (10) dys; see §57-5-109(b).

STATE:	TEXAS
General Comments:	All citations are to Vernon's Texas Civil Statutes unless otherwise indicated.

Basis for a DWI Charge:

Standard DWI Offense:	Intoxicated while driving[1] Art. 6701l-1
Illegal Per Se Law (BAC Level):	0.10[1] Art. 6701l-1(a)(2)(B)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	(1) Any Drug, (2) a Controlled Substance or (3) a Combination of These and Alcohol Arts. 6701l-1-(a)(2)(A) & 6701l-1-(b)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes Art. 6701l-5
Implied Consent Law Applies to Drugs (Yes/No):	Yes Art. 6701l-5, §1
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) Art. 6701l-5, §3(g)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes Art. 6701l-5
Urine:	No
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes, Required only for a 1st DWI (non-injury) off See §4(h), Article 42.12 and §4, Article 42.13, Code of Criminal Procedure.

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A

[1]The term "intoxicated" means not having normal use of mental or physical facilities by reason of the introduction of alcohol into the body or having a BAC level of 0.10 or more; see Art. 6701l-1.

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Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Susp - 90 dys Art. 6701l-5, §2(f) (Hardship licenses may be issued; see Art. 6687b, §23A)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	
Term (Day, Month, Years, Etc.):	1st off - 72 hrs to 2 yrs; 2nd off (w/n 10 yrs) - 15 dys to 2 yrs 6701l-1; Subsequent offs (w/n 10 yrs) - Not less than 30 dys nor more than 2 yrs in county jail or not less than 60 dys nor more than 5 yrs in the State penitentiary. See Footnote No. 2 below.
Mandatory Minimum Term:	1st off - None; 2nd off (w/n 10 yrs) - 72 hrs[1]; Subsequent offs (w/n 10 yrs) - 10 dys[1] Art. 6701l-1(c), (d) & (e)
Fine:	
Amount ($ Range):	1st off - $100 to 2,000; 2nd off (w/n 10 yrs) - $300 to 2,000; Subsequent offs (w/n 10 yrs) - $500 to 2,000 Art. 6701l-1(c), (d) & (e)
Mandatory Min. Fine ($):	None
Other Penalties:	
Community Service:	Yes 1st and Subsequent offs Art. 42.12, §56(c) & 10A Code of Criminal Criminal Procedure
Restituaion (eg Victim's Fund)	None Note: A victim of a DWI offense can receive payments from a State victims' compensation fund only if the defendant's actions were intended to cause personal injury or death. Art. 8309-1 (See especially §3(4)(D) if this article.)

[1]As a part of probation; see §6b, Article 42.12 and §6b, Article 42.13 of the Code of Criminal Procedure.

[2]Under Art. 6701l-1, §f, a person convicted of a DWI offense may be subject to special enhanced sanctions, if at the time of the offense they had in their immediate possession an open container of an alcoholic beverage. 1st DWI off.-min. term of confinement increased 3 dys; min and maximum fines increased $100. 2nd DWI off.-min term of confinement increased 6 dys; min and maximum fines increased $200. Sub. off.-min term of confinement increased 12 dys; min and maximum fines increased $400.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other:	Special Note - If there as been bodily injury of another person as a result of the defendant's actions for each of these offs the min. term of imprisonment is increased by 60 dys (30 dys are mandatory[1]) and min. and max. fines are increased by $500. Art. 6701l-1(f) For second or sub. DWI or DWI related homicide offs, the court may require that a defendant install an alcohol breath sensitive ingnition interlock device on their vehicle. Art. 6687b, §§23A(f) & 25(a) and Art. 42.12, §6f(b) (Note: It is a Class B Misd. to tamper with such a device; see §38.15 of the Penal Code.)

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	None
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	Susp
Term of License Withdrawal (Days, Months, Years, etc.):	1st off-90 to 365 dys; subsequent off-180 dys to 2 yrs (See Footnote No. 1 below.) Art. 6687b, §24
Mandatory Minimum Term of Withdrawal:	None (An occupational or restricted license may be issued; see Art. 6687b, §§23A and 25.) 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 susp. Art. 6687, §24 (g)(1) and §3a(b), Art. 42.12 Code of Criminal Procedure.

[1]For persons under 17: 1st off.-susp. until the person reaches 17 or for 365 dys whichever is the longer susp. period; sub. off.-a susp. until the person reaches 19 or for 365 dys whichever is the longer susp. period. An occupation license is available if the person is eligible for a provisional license under §23A of Art. 6687b.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Mandatory Minimum Term of Withdrawal: (continued) However, there are exceptions. The above license suspensions cannot be suspended by the court if (1) a defendant has previously attended an alcohol education program as a part of probation for a DWI conviction and (2) they are required to attended such a program again of a sub. DWI offense conviction. For the purposes of this prohibition upon the court, a previous DWI off is any previous DWI off not just those committed w/n a 10 year period. Art. 42.12, §6d(b), (c) & (d) Code of Criminal Procedure

Other:

Rehabilitation:

Alcohol Education: Yes-1st DWI off. Art 42.12, §6d Code of Criminal Procedure (Required as a part of probation[1].)

Alcohol Treatment: Yes Art. 5561(C), §12

Alcohol Education/Treatment as an Alternative to Criminal Licensing Actions (Describe): A restricted license may be issued for either occupational reasons or for participation in an alcohol/drug treatment/rehabilitation program see Art. 6687b.

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority: Yes - A defendant's veh may be subject to forfeiture by the State following three or more DWI convictions. Art. 6701l-7

Terms Upon Which Vehicle Will Be Released:

Other: None.

Miscellaneous Sanctions Not Included Elsewhere: None

[1]For 2nd or sub. off., the court may order alcohol education as a condition of probation even though the defendant may have already received such education as part of probation for a first offense. Art. 42.12, §6d(b) Code of Criminal Procedure

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes DWI related 3rd degree felony. §19.05(a)(2) Penal Code
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	2 to 10 yrs §12.34 Penal Code
Mandatory Minimum Term:	120 dys if probation is granted; see Art. 42.12, §6b(c) Code of Criminal Procedure
Fine ($ Range):	$5,000
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Susp Art. 6687(b), §§22(b)(2) and 24(a)
Length of Term of Licensing Withdrawal:	Not more than 1 yr Art. 6687(b), §23
Mandatory Action--Minimum Length of License Withdrawal:	None
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:	
Criminal:	
Imprisonment (Term):	1st off-not less than 72 hrs nor more than 6 mos.; 2nd & sub. off (Class A Misd.)-not more than 1 yr Art. 6687b, §34; Art. 6701h, §32(c); and §12.21 of the Penal Code
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	1st off-not less than $100 nor more than $500; 2nd and sub. off.-not more than $2,000
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Susp Art. 6687(b), §24(c)
Length of Term of License Withdrawal Action:	12 mos
Mandatory Term of License Withdrawal Action:	12 mos

Other State Laws Related To Alcohol Use And Driving:

Habitual Offender Laws:	
State Has Such Law (Yes/No):	Yes Art. 6687(b), §22(b)(4)
Grounds for Being Declared an Habitual Offender:	"Any person with 4 or more convictions arising out of different transactions in a cons period of 12 mos or 7 or more convictions arising out of different transactions w/in a period of 24 mos..." Art. 6687(b), §22(b)(4)
Term of License Rev While Under Habitual Offender Status:	Susp for not more than 1 yr 6687(b) §22(a)
Offender Status:	An occasional license may be issued on a showing of "essential need"; see Art. 6687b, §23A.
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	
Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (Year Eff: 1986) Alcoholic Beverage Code §106.01 et. al.
Minimum Age (Years) Possession:	21, exemptions for employment or while in the presence of a parent or guardian.
Minimum Age (Years) Consumption:	21, (Exemption for a minor's consumption of alcoholic beverages when they are in the "visible presence" of a parent or guardian.)

Other State Laws Related To Alcohol Use And Driving: (continued)

Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	No Note: Recent amendments to the Alcoholic Beverage Code may have limited liability only to the actions of intoxicated persons below the age of 18; see Alcoholic Beverage Code §2.01 et seq. and Footnote No. 1 below.
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes Note: The following case law may have been aborgated in part by the above provisions of the Alcoholic Beverage Code. See Poole v. El Chico Corporation, 713 S.W.2d 955 (Tex. App. - Hous. 14 Dist. 1986).
Dram Shop Actions-Social Hosts:	No (No Cases)
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	Misd; §101.63[2]
Type of Criminal Action:	
Term of Imprisonment:	1st off - Not more than 1 yr 101.63(b)[2]; 2nd off - Not more than 1 yr 101.63(c)[2]
Fine ($ Range):	1st off - Not less than $100 nor more than $500; Subsequent off - Not less than $500 nor more than $1,000
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes
Length of Term of License Withdrawal:	Suspended for not more than 60 dys, revoked or cancelled §§6.01 and 61.71[2]

[1]Note: Under §106.14 of the Alcoholic Beverage Code, actions of employees in serving alcoholic beverages to either minors or intoxicated persons are not attributable to employers if (1) the employer has required its empolyees to take alcoholic beverage seller training, (2) the employees have completed this training and (3) the employer has not encouraged employees to sell alcoholic beverages to such persons. This section, plus the fact that service to minors under §106.03 must be criminally negligent may have also abrogated at least in part the case law in Poole v. El Chico Corporation.
[2]Alcoholic Beverage Code

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Misd[1]
Term of Imprisonment:	Not more than 1 yr[2]; see §§106.01 and 106.03[3]
Fine ($ Range):	Not less than $100 nor more than $500; Subsequent offense - $500-1,000; see §106.03[3]
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes §106.13(a)[3]
Length of Term License Withdrawal:	1st off - suspended for not more than 60 dys or cancelled; 2nd off - suspended for not more than 3 mos or cancelled; 3rd off (within 36 mos) - suspended for not more than 12 mos or cancelled
Anti-Happy Hour Laws/Regulations:	Yes (regulation - Rule 060.09.04.001)
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No[4]
Anti-Consumption Law (Yes/No):	Yes Applies only to drivers Art. 6701d, §107E

[1]The sale to a minor must be with criminal negligence; see §106.03(a) of the Alcoholic Beverage Code.

[2]Applies to both a 1st and sub off.

[3]Alcoholic Beverage Code

[4]Under Art. 6701l-1, §f, a person convicted of a DWI offense may be subject to special enhanced sanctions, if, at the time of the offense, they had in their immediate possession an open container of an alcoholic beverage; see Footnote No. 2 on p. 3-354.

STATE:	UTAH
General Comments:	See Utah Code Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of alcohol §41-6-44(1)(a)
Illegal Per Se Law (BAC Level):	Yes, 0.08 §41-6-44(1)
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	(1) Any Drug and (2) a Combination of Any Drug and Alcohol §41-6-44(1)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §41-6-44.10(2)
Implied Consent Law Applies to Drugs (Yes/No):	Yes §41-6-44.10(1)
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal and Civil Cases) §41-6-44.10(8)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §41-6-44.10
Urine:	Yes §41-6-44.10
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No (Note: A Magistrate may not grant diversion in a DWI case; see §77-2-9)
Anti-Plea Bargaining Statute (Yes/No):	No (Note: If the defendant pleads guilty or nolo contendere to reckless driving as a substitute for a DWI charge, the prosecution must state for the record whether alcohol or drugs were related to the pleaded off.) §41-6-44(7)
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes §41-6-44(4) & (5)

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Rev for 1 yr Mandatory; §41-6-44.10(2) (Note: No hardship license may be issued for revs based on a test refusal; see §41-2-19(d).)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):	1st off and sub off-non-injury related-Class B misd.- not more than 6 mos; 1st and sub off-where there is an injury related to negligent action-Class A misd.- not more than 1 yr §§41-6-44 & 76-3-204
Mandatory Minimum Term:	1st off, non-injury related/injury related (negligence)-48 cons hrs; 2nd off (w/n 5 yrs)-non-injury related/injury related (negligence)-240 cons hrs; subsequent off (w/n 5 yrs)-non-injury related/ injury related (negligence)-720 hrs

Fine:

Amount ($ Range):	1st off and sub off-non-injury related-Class B misd.-not more than $1,000[1]; Not more than $1,000[1]; 1st and sub off-where there is an injury related to negligent action-Class A misd.-not more than $2,500[1] §§41-6-44 & 76-3-301
Mandatory Min. Fine ($):	See footnote 1 below.

[1]Under §63-43-10(1), the Court is required to impose, in addition to the above fines, a special fine of $150 for 1st offenders, $299 for 2nd and subsequent offenders; this special fine is for the purpose of funding alcohol education and treatment programs under §63-43-11; in addition, under §63-43-10(2), the Court is also required to impose other assessments that fully compensate agencies for the costs of treating DWI defendants. Defendants are also required to pay a fee of $100 into a "Crime Victims' Reparations Trust Fund;" see §41-25-1.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other Penalties:

Community Service:	1st off, non-injury/injury related - 24 to 50 hrs in lieu of imprisonment (24 hrs mandatory); 2nd off (w/n 5 yrs), Non-injury/injury related - 80 to 240 hrs in lieu of imprisonment (80 hrs are mandatory); Subsequent offs (w/n 5 yrs), Non-injury/injury related - 240 to 720 hrs in lieu of imprisonment (240 hrs are mandatory)
Restitution (eg Victim's Fund):	Yes Via a Victims' Compensation Fund (§63-63-1 et. seq.) or via direct payment by the defendant to the victim (§76-3-201(3)(a)(i))
Other:	N/A

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes - A BAC level of 0.08 (or reasonable grounds that a DWI violation has occured) - 1st admin action - Susp for 90 dys; 2nd and subsequent admin actions - Susp for 120 dys (The susp pd. begins on the 31st dy after the arrest.) Note: These license susps appear to be mandatory; however, see Footnote No. 1 below. §§41-2-127(1)(c), 41-2-129 & 41-2-130
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st DWI off (for either injury or non-injury related offs)-Susp; 2nd and subsequent DWI offs (for either injury or non-injury related offs)-Rev §§41-2-127, 41-2-128 & 41-6-44(9)
Term of License Withdrawal (Days, Months, Years, etc.):	1st DWI off (for either injury or non-injury related offs) - 90 dys; 2nd or subsequent offs (for either injury or non-injury related offs) - 1 yr; §41-6-44-(9)
Mandatory Minimum Term of Withdrawal:	1st DWI off (for either injury or non-injury related offs) - 90 dys; 2nd or subsequent offs (either injury or non-injury related offs) - 1 yr; §41-6-44(9) These license susps appear to be mandatory; however, see Footnote No. 1 below.

[1]Under §41-2-127(4), limited driving privileges may be granted to a person for the purpose of going to and from employment or for other specified purposes. These privileges are for limited situtions where a hardship would result. Such privileges may be granted only once during any single suspension or revocation period or extension thereof.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other:

Rehabilitation:

Alcohol Education:	Yes, A judge must order a convicted DWI defendant to attend either an education or treatment program. §41-6-44(4) & (5)
Alcohol Treatment:	See above.
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None

Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes Note: There are two different types of veh or automobile homicide. 1) "Simple" Negligent Homicide: Death caused by operating a motor vehicle in a negligent manner while DWI or with a BAC level of 0.08 or more - 3rd degree felony §76-5-207(1) and 2) "Criminal" Negligent Homicide: Death caused by operating a motor vehicle in a criminally negligent manner (as defined by §76-2-103(4)) while DWI or with a BAC level of 0.08 or more - 2nd degree felony §76-5-207(2).

Sanctions:

Criminal Sanction:

Imprisonment (Term):	Simple Negligent Homicide - Not more than 5 yrs; §76-3-203(3) Criminally Negligent Homicide - 1-15 yrs §76-3-203(2)
Mandatory Minimum Term:	None
Fine ($ Range):	1) Simple Negligent Homicide - Not more than $5,000; 2) Criminal Negligent Homicide - Not more than $10,000; §76-3-301(1) & (2)
Mandatory Minimum Fine:	None

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Administrative Licensing Action:

Licensing Authorized and Type of Action:	For both offs - Rev §41-2-127(1)(a)
Length of Term of Licensing Withdrawal:	For both offs - 1 yr; §41-2-21(1) and (4)
Mandatory Action--Minimum Length of License Withdrawal:	For both offs - 1 yr (No hardship license may be issued; see §41-2-127.)
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	Cl A Misd not more than 1 yr; §§41-2-136(3)(a), 41-2-30(2), 41-6-44 and 76-3-204(1)
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Not more than $2,500 §76-3-301(3)
Mandatory Minimum Fine:	$1,000[1]

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	For driving while suspended - Susp; For driving while revoked - Rev; §41-2-127(2)(a)
Length of Term of License Withdrawal Action:	For driving while suspended - an additional like period of susp for driving while revoked; For driving while revoked 1 yr additional period rev ; §41-2-18(b)
Mandatory Term of License Withdrawal Action:	Licensing action may not be mandatory; see Footnote No. 1 on p.3-xxx.

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	

[1]The fine shall be in an amount not less than the maximum fine for a Class B misdemeanor; see §§41-2-136(3)(b) and 76-3-301(4).

Other State Laws Related To Alcohol Use And Driving:

Sanctions Following a Conviction of Driving While on Habitual Offender Status:
- Imprisonment (Term):
- Mandatory Minimum Term of Imprisonment:
- Fine ($ Range):
- Mandatory Minimum Fine ($):
- Licensing Actions (Specify):

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	Yes §26-1-30(17)
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	No
Pedestrian:	Yes (adults only)

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 §§32A-12-8(1) & 32A-12-13.4 (Year Eff: 1935)
Minimum Age (Years) Possession:	21 §32A-12-13
Minimum Age (Years) Consumption:	21 §32A-12-13

Dram Shop Laws and Related Legal Actions:

State Has a Dram Shop Law (Yes/No):	Yes §32A-14-1 (Note: Damages are limited to $100,000 per person and $300,000 per occurance.)
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No
Dram Shop Actions-Social Hosts:	Possible statutory liability §32A-14-1
Other:	None

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

Type of Criminal Action:	Class B Misd §§32A-12-4, 32A-12-9, 76-3-204(2), 76-3-301(4), & 76-3-302(3)
Term of Imprisonment:	Not more than 6 mos
Fine ($ Range):	Not more than $1,000 for individuals and not more than $5,000 for corporations, associations, partnerships, or Governmental instrumentalities

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes[1] Suspension or Revocation; §32A-1-19
Length of Term of License Withdrawal:	Suspension: Time period not specified in the statute Revocation: At least 3 yrs; §32A-1-19(9)
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:	
Type of Criminal Action:	Class A Misd §§32A-12-8, 76-3-204(1), 76-3-301(3), & 76-3-302(2)
Term of Imprisonment:	Not more than 1 yr
Fine ($ Range):	Not more than $2,500 for individuals and not more than $10,000 for corporations, associations, partnerships, or Governmental instrumentalities.
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcohlic Beverages Withdrawn (Yes/No):	Yes[1]: Suspension or Revocation §32A-1-19
Length of Term License Withdrawal:	Suspension: Time period not specified in the statute; Revocation: At least 3 yrs §32A-1-19(9)
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes §41-6-44.20(2)
Anti-Consumption Law (Yes/No):	Yes - driver and passengers §41-6-44.20(1)

[1]Special Note: Under §32a-1-19(10), employees in violation of this law may be prohibited, via a suspension action from serving alcoholic beverages for a period of up to one (1) month. However, any employee who has had three (3) suspensions within a 36 month period may be prohibited from handling liquor, in the course of employment, for one (1) year.

STATE:	VERMONT
General Comments:	See Vermont Statutes Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of intoxicating liquor[1] 23 §1201(a)(2)
Illegal Per Se Law (BAC Level):	Yes, 0.10 23 §1201(a)(1)
Presumption (BAC Level):	Yes, 0.10 23 §1204
Types or Drugs/Drugs and Alcohol:	(1) Any Drug[2] and (2) a Combination of Any Drug and Alcohol 23 §1201(a)(3)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes 23 §1202(b)
Implied Consent Law:	
Arrest Required (Yes/No):	Unclear, but probably not 23 §1202(b)
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) 23 §1205(a)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes
Urine:	No
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes, the court may require a defendant to undergo an alcohol assessment screening 23 §§4(49) and 1210(a)

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	None

[1] Includes all alcoholic beverages; see 23 §1201(b).
[2] "Drug" means regulated drugs as defined in 18 §4201; see 23 §1201(e).

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st off - Susp 6 mos (mand.); 2nd off (after 5 yrs) - 6 mos susp (mand.); 2nd off (w/n 5 yrs) - 18 mos susp (mand.); 3rd off - 3 yr rev (2 yrs mand.); 4th and subsequent offs (after 15 yrs from 1st) - Rev 6 yrs (2 yrs mand.); 4th and subsequent offs (w/n 15 yrs of 1st) - Rev for life (2 yrs mandatory); 23 §1205
Other:	Special Note: 1) A previous DWI conviction is also considered a previous refusal for the purpose of computing subsequent chemical test refusals. (2) If a person, who has had their license revoked for three (3) or more yrs, has abstained from the consumption of alcohol for two (2) yrs, they may have their license reinstated. (3) Before a license can be reinstated following a susp/rev for any chemical test refusal, a person must complete an alcohol and driver education program; for 2nd (w/n 5 yrs) and 3rd refusals, the driver must also complete a therapy program at their own expense before their license is reinstated.

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:	
Term (Day, Month, Years, Etc.):	DWI Offs: 1st off - Not more than 1 yr; 2nd off (w/n 5 yrs) - Not more than 1 yr; 3rd off (w/n 15 yrs) - Not more than 1 yr; Serious injury related DWI off - 1 to 15 yrs; 23 §1210
Mandatory Minimum Term:	2nd DWI off (w/n 5 yrs) - 48 cons hrs (Community service in lieu of imprisonment); 3rd DWI off (w/n 15 yrs) - 48 cons hrs
Fine:	
Amount ($ Range):	1st off - $200 to 750; 2nd off (w/n 5 yrs) - $250 to 1,000; 3rd off (w/n 15 yrs) - $500 to 1,500; Serious injury related DWI off - Not more than $3,000
Mandatory Min. Fine ($):	None

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other Penalties:	
Community Service:	2nd off (w/n 5 yrs) - Not less than 10 dys; 3rd DWI off (w/n 15 yrs) - Not less than 10 dys (Community service in lieu of imprisonment)
Restitution (eg Victim's Fund):	None
Other:	None
Administrative Licensing Actions:	
Pre-DWI Conviction Licensing Action:	
Administrative Per Se Law:	None
Other:	None
Post DWI Conviction Licensing Action:	
Type of Licensing Action (Susp/Rev):	1st off - Susp; 2nd off (after 5 yrs of 1st) - Susp; 2nd off (w/n 5 yrs) - Susp; 3rd off - Rev; 4th and subsequent offs (after 15 yrs of 1st) - Rev; 4th and subsequent offs (w/n 15 yrs) - Rev; 23 §§1206 and 1208[1]
Term of License Withdrawal (Days, Months, Years, etc.):	1st off - 90 dys; 2nd off (after 5 yrs of 1st) - 90 dys; 2nd off (w/n 5 yrs) - 18 mos; 3rd off - 3 yrs; 4th and subsequent offs (after 15 yrs of 1st) - 6 yrs; 4th and subsequent off (w/n 15 yrs of 1st) - Life
Mandatory Minimum Term of Withdrawal:	1st off-90 dys; 2nd off (after 5 yrs of 1st)-90 dys; 2nd off (w/n 5 yrs)-18 mos; 3rd off-2 yrs; 4th and sub offs (after 15 yrs of 1st)-2 yrs; 4th and sub offs (w/n 15 yrs)-2 yrs; See Rehabilitation
Other:	
Rehabilitation:	
Alcohol Education:	Yes Special Note No. 1: For any DWI off conviction, a defendant must complete an alcohol and driver education program prior to having their license reinstated. Special Note No. 2: For 2nd (w/n 5 yrs) and 3rd DWI off convictions, a defendant must also complete a therapy program at their own expense. Special Note No. 3: If a person has had their license revoked for 3 or more yrs as a result of a DWI conviction, they may have their license reinstated provided they have abstained from the consumption of alcohol for 2 yrs; 23 §§1206, 1208 and 1209a.

[1]Note: Vermont has a point system, but such a system does not apply to DWI cases; see 23 §2502.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Alcohol Treatment:	Yes, see Special Notes above
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:	
State Has Such Law/Type of Offense:	Yes (There are two veh homicide laws, 23 §1091(c) applies to death caused by motor veh operation in violation of law and 23 §1210(e) applies to death caused by DWI. Both of these offenses are felonies and the criminal sanctions for a conviction under either section are the same.)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	1 to 15 yrs Special Note: These penalties do not foreclose the option of tougher penalties for manslaughter (homicide) convictions. 13 §1, and 23 §§1091(c) and 1210(e)
Mandatory Minimum Term:	None
Fine ($ Range):	$3,000
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	If death is DWI related, ie. a 23 §1210(e) conviction - Susp[1]; If death is not DWI related, a 23 §1091(c) conviction - Susp; 23 §§1206(b), 23 1210(e), 23 1091(c)

[1]Before a defendant's license is reinstated, they must complete an alcohol and driver education program; see 23 §§1206(b) and 1209(a)

Other Criminal Actions Related to Alcohol Use and Driving:

Length of Term of Licensing Withdrawal:	If death is DWI related - 1 yr; If death is not DWI related - 1 yr plus any other susp period required under the point system; see 23 §§2505 and 2506
Mandatory Action--Minimum Length of License Withdrawal:	If death is DWI related - 1 yr; If death is not DWI related - 1 yr plus any other susp period required under the point system; see 23 §§2505 and 2506
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	1st off - 30 dys; 2nd off - 90 dys; 3rd off - 6 mos; 4th off - 2 yrs; 23 §674
Mandatory Minimum Term of Imprisonment:	None (Note: In certain cases there are mandatory minimum sanctions; see 23 §674(c))
Fine ($ Range):	1st off - $500; 2nd off - $500; 3rd off - $1,000; 4th off - $1,000; 23 §674
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	All offs - Susp
Length of Term of License Withdrawal Action:	1st off - 30 dys (additional); 2nd off - 90 dys; 3rd and 4th offs - 6 mos or susp under the point system whichever is greater; 23 §2506 Note: If more than one license susp/rev results from the same incident, the susp/rev periods are cons.
Mandatory Term of License Withdrawal Action:	None

Habitual Offender Laws:

State Has Such Law (Yes/No):	Yes, 23 §673
Grounds for Being Declared an Habitual Offender:	8 or more convictions based on moving violations (with 6 points or more assessed) and DWI offs within 5-yr period

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Term of License Rev While Under Habitual Offender Status:	2 yrs
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Mlsd
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	1st off - 30 dys; 2nd off - 90 dys; 3rd off - 6 mos; 4th and subsequent offs - 2 yrs
Mandatory Minimum Term of Imprisonment:	Note: Mandatory minimum sanctions in certain cases; 23 §674(c)
Fine ($ Range):	1st off - $500; 2nd off - $500; 3rd off - $1,000; 4th and subsequent offs - $1,000
Mandatory Minimum Fine ($):	None
Licensing Actions (Specify):	1st off Susp - 30 dys (additional); 2nd off Susp - 90 dys; 3rd off Susp - 6 mos; 4th and subsequent offs Susp -6 mos or susp under point system whichever is greater.

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21[1] (Year Eff: 1986) 7 §§173, 657 and 658
Minimum Age (Years) Possession:	21[1] (employment exemption) Special Note: The law does not specifically prohibit possession or consumption per se but makes illegal the possession on alcoholic beverages by minors for the purpose of consumption.
Minimum Age (Years) Consumption:	21[1] see special note above
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes 7 §501

[1]Persons who have attained the age of 18 by June 30, 1986, shall be allowed to continue to purchase, possess and consume alcoholic beverages; see §4 of H.B. 6 enacted in 1986.

Other State Laws Related To Alcohol Use And Driving: (continued)

"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No
Dram Shop Actions-Social Hosts:	Yes Langle v. Kurkul, 510 A.2d 1301 (1986) A common law legal duty may be imposed in situations where a social host has furnished alcoholic beverages either to a visibly intoxicated person, who may operate a motor vehicle, or to a minor (510 A.2d 1301, 1306)[1].
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	None
Term of Imprisonment:	
Fine ($ Range):	
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	No
Length of Term of License Withdrawal:	
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:	
Type of Criminal Action:	Misd
Term of Imprisonment:	2 yrs 7 §658
Fine ($ Range):	$200 - $1,000
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcohlic Beverages Withdrawn (Yes/No):	Yes 7 §236
Length of Term License Withdrawal:	Indeterminate 7 §236

[1]Title 7, §501(g) provides that nothing in the dram shop law shall create a "statutory" cause of action against a social host. This subsection, however, states that it "shall not be construed to limit or otherwise affect the liability of a social host for negligence at common law."

Other State Laws Related To Alcohol Use And Driving: (continued)

Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	Yes, driver only; 23 §1134

STATE:	VIRGINIA
General Comments:	See Code of Virginia Annotated

Basis for a DWI Charge:

Standard DWI Offense	Under the influence of alcohol §18.2-266
Illegal Per Se Law (BAC Level):	Yes, 0.10 §18.2-266
Presumption (BAC Level):	Yes, 0.10 §18.2-269(3)
Types of Drugs/Drugs and Alcohol:	(1) Any Drug, (2) Any Narotic or Drug, (3) any Self-Administered Intoxicant or Drug of Whatsoever Nature and (4) Combined Influence of Alcohol and any Drug or Drugs §18.2-266
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §18.2-267(c)
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §18.2-268
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes But only for rebuttal purposes §18.2-268(i)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes
Urine:	No
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	None
Refusal to Take Implied Consent Chemical Test	
Criminal Sanction (Fine/Jail):	None

Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Administrative Licensing Action (Susp/Rev):	Susp for 6 mos to 1 yr; for a second or subsequent refusal w/n 1 yr - susp for 1 yr (Mandatory) §18.2-268(n)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	1st off -12 mos; 2nd off (w/n 5 yrs)-1 mo-1 yr; 2nd off (5-10 yrs from 1st)-1 mo-1 yr; 3rd and sub off (w/n 5 yrs)-2 mos-1 yr; 3rd and subsequent offs (5-10 yrs from 1st)-2 mos-1 yr; §18.2-270 Cl 1 misd for all offs
Mandatory Minimum Term:	2nd off (w/n 5 yrs)-48 hrs; 3rd and sub off w/n 5 yrs-30 dys; 3rd and subsequent off w/n 5-10 yrs from 1st off - 10 dys
Fine:	
Amount ($ Range):	1st off-Not more than $1,000; 2nd off (w/n 5 yrs)-$200-1,000; 2nd off (5-10 yrs from 1st)-$200-1,000[2]; 3rd and sub off (w/n 5 yrs) -$500-1,000; 3rd and subsequent off (5-10 yrs from 1st) - $500-1,000
Mandatory Min. Fine ($):	None
Other Penalties:	
Community Service:	None
Restitution (eg Victim's Fund):	None[1]
Other:	None
Administrative Licensing Actions:	
Pre-DWI Conviction Licensing Action:	
Administrative Per Se Law:	None
Other:	None
Post DWI Conviction Licensing Action:	
Type of Licensing Action (Susp/Rev):	1st off-Privilege to operate any motor veh is deprived (Either susp. or rev.); 2nd off (w/n 5 yrs)-Rev; 2nd off (5-10 yrs from 1st)-Rev; 3rd and sub off (w/n 10 yrs) Rev §18.2-271

[1]Note: The State's victims' compensation law does not cover injuries caused by persons driving in violation of the motor vehicles except when the injuries were intentionally inflicted; see §19.2-368.1 et seq.

[2]If a person is required to enter a driver alcohol rehabilitation program under §18.2-271.1, they must pay a fee of not less than $250 but not more than $300; see §18.2-271.1(a1).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Term of License Withdrawal (Days, Months, Years, etc.):	1st off-6 mos; 2nd off (w/n 5 yrs)-3 yrs; 2nd off (5-10 yrs from 1st)-3 yrs; 3rd and sub off (w/n 10 yrs)- 10 yrs (See special note at the end of the Sanctions section)
Mandatory Minimum Term of Withdrawal:	1st off - See footnote 1; 2nd off (w/n 5 yrs) 2 yrs[2]; 2nd off (5-10 yrs from 1st)-1 yr[2]; 3rd and sub off (w/n 10 yrs)-5 yrs (See Special Note at end of Sanctions section); (See special note under Miscellaneous Sanctions.)
Other:	
Rehabilitation:	
Alcohol Education:	1st off-Yes; 2nd off (w/n 5 yrs)-Yes; 2nd off (5-10 yrs from 1st)-Yes; 3rd and sub off - See special note at Miscellaneous Sanctions; §18.2-271.1
Alcohol Treatment:	1st off-Yes; 2nd off (w/n 5 yrs)-Yes; 2nd off 5-10 yrs from 1st-Yes; 3rd and sub off-See Special Note at Miscellaneous Sanctions
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	If court authorizes an offender to participate in either an education or treatment program, a restricted permit may be issued.
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	Under §46.1-418 a defendant's veh registration certificate and registration plates shall also be suspended when the defendant's license is either suspended or revoked
Miscellaneous Sanctions Not Included Elsewhere:	Special Note: If a person is at the time of the DWI conviction dependent on alcohol, their license may be restored after 5 yrs provided they have been cured of such dependency, and are not otherwise a threat to the public safety.

[1]A restricted lic. may be reissued if defendant participates in a rehabilitation program.
[2]A restricted lic. may be issued after the minimum period of lic. withdrawal has passed and a defendant has completed a rehabilitation program.

Note: See the following other references: 18.2-11, 18.2-266, 18.2-70 and 46.1-423.1.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of off: No

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine ($ Range):

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and Type of Action: Special Note: Even though this State does not have a veh homicide statute, it, nevertheless, provides for a mandatory 1 yr rev for a conviction of manslaughter resulting from the operation of a motor veh.

Length of Term of Licensing Withdrawal:

Mandatory Action--Minimum Length of License Withdrawal:

Other:

Driving While License Suspended or Revoked Where the Basis Was a DWI Off:

Sanction:

Criminal:

Imprisonment (Term): 1st off - 10 dys-6 mos; 2nd and subsequent offs-2 mos-1 yr §46.1-350 See Footnote No. 1 below.

Mandatory Minimum Term of Imprisonment: A portion but not all of the jail sentence may be suspended, however, the term of mandatory imprisonment is not specified in the statute (Code of Va. Ann. §§46.1-350, -351.1)

Fine ($ Range): 1st off-$100-200; 2nd and subsequent offs-$200-1,000

Mandatory Minimum Fine: None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev): 1st off-Rev or Susp §46.1-350

Length of Term of License Withdrawal Action: The same period for which the license has been previously suspended or revoked; if the original period not specified, then the Susp or Rev is not to exceed 90 dys.

[1]Another provision, §18.2-272, makes it a misdemeanor to operate a vehicle when a perosn has been denied the right to drive. Sanctions: Jail-10 days-6 mos; fine-not more than $500.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Mandatory Term of License Withdrawal Action:	The same period for which the license has been previously suspended or revoked; if the original period not specified, then the Susp or Rev is not to exceed 90 dys.
Habitual Offender Laws:	
State Has Such Law (Yes/No):	Yes §§18.2-8, 46.1-387.9:2, 46.1-387.1 to .12, 46.1-514.6 et seq.
Grounds for Being Declared an Habitual Offender:	3 serious offs within 1 yr or 12 serious and/or minor violations within 10 yrs
Term of License Rev While Under Habitual Offender Status:	10 yrs[1]
Type of Criminal Off if Convicted on Charges of Driving While on Habitual Offender Status	Felony
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	1-5 yrs
Mandatory Minimum Term of Imprisonment:	Note: The statute states that a portion of the sentence may be suspended, thus there would appear to be an unspecified mandatory term since the law states that just a portion of such term may be suspended
Fine ($ Range):	None
Mandatory Minimum Fine ($):	None
Licensing Actions (Specify):	None

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	

[1]The license may be restored after five (5) years upon a showing of good cause; see §46.1-387.9:2.

Other State Laws Related To Alcohol Use And Driving: (continued)

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 for all alcoholic beverages (Year Eff: 1987) §§4-5, 4-62 & 4-112
Minimum Age (Years) Possession:	21 for all alcoholic beverages.[1] Special exemptions for physicians who administer alcoholic beverages to minors, for employment reasons, and at the order of a parent. §§4-5, 4-62 & 4-112
Minimum Age (Years) Consumption:	(Special Exemptions for physicans who administer alcoholic beverages to minors, for employment reasons, and at the order of a parent.)
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No (Note: For a case denying liability, see Williamson v. Old Brogue, Inc., 350 S.E.2d 621 (Va. 1986)[2])
Dram Shop Actions-Social Hosts:	No (No Cases)
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd §§4-37, 4-62, and 4-92 and 4-98.10
Term of Imprisonment:	30 dys-12 mos
Fine ($ Range):	$50-500
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, Rev or susp (See note in section on sanctions for serving minors intoxicating liquor.)
Length of Term of License Withdrawal:	Time period is not specified in the statute

[1]Persons who have attained the age of 19 by July 1, 1985 shall be allowed to consume and possess beer.

[2]For another case denying liability under Virginia law, see Webb v. Blackie's House of Beef, Inc., 811 F.2d 840 (4th Cir. 1987).

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	Misd §§4-37(C1), 4-37(C2), 4-37(j), 4-62, 4-92 and 4-98.10
Term of Imprisonment:	30 dys-12 mos
Fine ($ Range):	$50-500
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcohlic Beverages Withdrawn (Yes/No):	Yes Rev or susp (Note: In addition or in lieu of revoking or suspending a license, a civil fine may be imposed as follows: 1st--Not more than $1,000 2nd--Not more than $2,500 3rd--Not more than $5,000)
Length of Term License Withdrawal:	Time period not specified in the statute
Anti-Happy Hour Laws/Regulations:	Yes (regulation)
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	Possible[1] driver and passengers §4-78

[1]The law states that "If a person shall take a drink of alcoholic beverages or shall tender a drink thereof to another whether accepted or not, at or in any public place, he shall be guilty of a Cl 4 misd." The law provides exemptions to this prohibition for licensed establishments, commercial carriers and the consumption of beer at certain sporting events.

STATE:	WASHINGTON
General Comments:	See Revised Code of Washington Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of or affected by intoxicating liquor; see §46:61:504(3) & (4)
Illegal Per Se Law (BAC Level):	Yes, 0.10 §§46.61.502(1) & (2) and 46.61.504(1) & (2)
Presumption (BAC Level):	No
Types of Drugs/Drugs and Alcohol:	(1) Any Drug and (2) a Combination of Intoxicating Liquor and Any Drug §46.61.502(3) & (4)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §46-20-308
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) 46.61.517[1]
Other Information:	Special Note: A person may be administered either a breath or blood test without their consent, if they have been arrested for either (1) vehicle homicide, (2) vehicle assault or (3) DWI where there has been an injury related accident which may result in death; see §46.20.308

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes
Urine:	No
Other:	None

[1]A refusal to take a chemical test is only admissible when the defendant initially raises the issue of a blood alcohol test by contesting the credibility or competence of police procedures; see State v. Zwicker, 713 P.2d 1101 (Wash. 1986).

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No[1] (Note: Court appearance mandatory.)
Anti-Plea Bargaining Statute (Yes/No):	No[1]
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes Permissive authorization, but not mandatory; see §46.61.515

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A
Refusal to Take Implied Consent Chemical Test	
Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st refusal-Rev for 1 yr (Mandatory); 2nd refusal (w/n 5 yrs) Rev for 2 yrs (Mandatory) §§46.20.308 and §46.20.311(2)
Other:	A blood or breath test may be taken without consent for the following offs.: Veh. homicide, veh. assault and DWI were there are injuries likely to cause death; see 46.20.308(3).

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	1st off - 24 hrs - 1 yr; 2nd and Subsequent off (w/n 5 yrs) - 7 dys - 1 yr; 2nd and Subsequent off but offender has no license or because their license was either suspended or revoked - 90 dys - 1 yr; Veh assault (Drunk driving related injury Cl C felony) - Not more than 5 yrs; §§46.61.502,-504, .515, .522
Mandatory Minimum Term:	1st off - 24 cons hrs[1]; 2nd and Subsequent offs (w/n 5 yrs) - 7 dys[2&3]; 2nd and Subsequent off but offender has no license or because their license was either suspended or revoked - 90 dys

[1]The State has a deferred prosecution program for DWI offenses. A person is eligible for this program only once in every five (5) years. The program provides for alcohol treatment for a two year period. Upon successful completion of the program. The court shall dismiss the charges pending against the defendant. See §§3 et. seq. of S.B. 3230 as enacted in 1985.
[2]May be suspended only if jail would impose a risk to defendant's physical or mental well-being.
[3]With 48 con. hrs; see §48.61.5151.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Fine:	
Amount ($ Range):	1st off - $250-$1,000[1]; 2nd and Subsequent off (w/n 5 yrs) - $500-$2,000[1]; 2nd and Subsequent DWI off but offender has no license or because their license was either suspended or revoked - Not more than $1,500[1]; Veh assault (Drunk Driving related injury Cl C felony) - Not more than $10,000
Mandatory Min. Fine ($):	1st off - $250[2]; 2nd and Subsequent offs (w/n 5 yrs) - $500[2]; 2nd and Subsequent DWI offender but offender has no license because their license was either suspended or revoked - $200; §§ 46.61.502 - 504, and - .515
Other Penalties:	
Community Service:	None
Restitution (eg Victim's Fund)	Yes, as an alternative to a fine §§9A.04.04(2) and 9A.20.03 See also §7.68-03
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	None (Note: The Admin. Per Se law, due to become eff 1/1/86, was repealed by §6 of Ch. 407, Laws of 1985.)
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st off - Susp[3]; 2nd off (w/n 5 yrs) - Rev; 3rd and subsequent off (w/n 5 yrs) - Rev; Veh Assault - Rev; §§46.04.285, 46.04.480 and 46.61.515(5))
Term of License Withdrawal (Days, Months, Years, etc.):	1st off - Not less than 90 dys[3]; 2nd off (w/n 5 yrs) - 1 yr; 3rd and subsequent off (w/n 5 yrs) - 2 yrs; Veh assault - 1 yr; §§46.20.285, 46.04.480 and 46.61.515(5))

[1]An additional amount equal to 25% of any fine is paid into a special fund for a statewide alcohol safety program.
[2]Unless the defendant is indigent.
[3]If the defendant is under 19 yrs old, the susp is for 90 dys or until they reach 19 whichever is the longer susp period.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Mandatory Minimum Term of Withdrawal:	1st off - 30 dys[1]; 2nd off (w/n 5 yrs) - 1 yr; 3rd and subsequent off (w/n 5 yrs) - 2 yrs; Veh Assault - 1 yr
Other:	
Rehabilitation:	
Alcohol Education:	Yes for all offs[2]
Alcohol Treatment:	Yes for all offs[2]
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	The court may order a person convicted of a DWI offense to install an ignition inerlock breath alcohol device on their vehicle; see Ch. 247 of the laws of 1987.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:	
State Has Such Law/Type of Offense:	Yes-Cl B Felony (Where death is caused by the operation of a vehicle while under the influence of intoxicating liquor or in a reckless manner.)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 10 yrs; §§46.20.285 and 46.61.520
Mandatory Minimum Term:	None
Fine ($ Range):	Not more than $20,000 (Under §9A.20.30 restitution may be authorized in lieu of a fine)
Mandatory Minimum Fine:	None

[1]A restricted license may be issued under certain conditions after the 30-dy mandatory period; see §46.20.391

[2]Note: Alcohol education/treatment are required and are in addition to any other criminal/civil sanctions; see §46.61.515.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Administrative Licensing Action:

Licensing Authorized and Type of Action:	Rev
Length of Term of Licensing Withdrawal:	2 yrs
Mandatory Action--Minimum Length of License Withdrawal:	2 yrs §46.20.391
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	1st off - 10 dys to 6 mos; 2nd off - 90 dys to 1 yr; 3rd & sub. off - 1 yr (Note: See last off listed under DWI sanctions section)[1] §§46.20.342 and 46.61.515(2)
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	For all offs - Not more than $500
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Susp or Rev[3]
Length of Term of License Withdrawal Action:	If off is driving while suspended, an additional susp for a period equal to the original susp period; if the off is driving while revoked, an additional rev period of 1 yr.
Mandatory Term of License Withdrawal Action:	If off is driving while suspended, an additional susp for a period equal to the original susp period; if the off is driving while revoked, an additional rev period of 1 yr[2].

Habitual Offender Laws:

State Has Such Law (Yes/No):	Yes §46.65.020
Grounds for Being Declared an Habitual Offender:	3 serious offs w/n 5 yrs or a combination of 20 minor and/or serious offs w/n 5 yrs provided that 3 minor offs must have been committed w/n the pd. of 360 dys for this alternative to apply.

[1]Note: If the vehicle used in this offense is owned by the driver, the vehicle may be impounded until any penalties, fines or forfeitures associated with the offense are satisfied; see §46.20.435.

[2]A restricted license may be issued under certain conditions.

[3]If the driver is the registered owner of the vehicle used in the offense, the vehicle's registration/license may be cancelled; see Ch. 388 of the laws of 1987.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Term of License Rev While Under Habitual Offender Status:	5 yrs (Special stay of rev if based on DWI offs and person is attending an alcohol treatment program; or after 2 yrs a restricted or unrestricted license may be issued.)
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Gross misd
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	Not more than 1 yr; if convicted for DWI and for this off, the penalty is 30 dys to 1 yr and the 30 dy sentence shall not be suspended or deferred.
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	None
Mandatory Minimum Fine ($):	N/A
Licensing Actions (Specify):	There is no special licensing action for this off.

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	Yes §§46.20.308(1) and 46.52.065
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	No
Pedestrian:	Yes
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (Year Eff: 1934) §§66.44.270 and 66.44.290
Minimum Age (Years) Possession:	21 (Exemptions for minors who have been served alcoholic beverages by their parents or guardians and for religious services.)
Minimum Age (Years) Consumption:	21 (Exemptions for minors who have been served alcoholic beverages by their parents or guardians and for religious services.)

Other State Laws Related To Alcohol Use And Driving: (continued)

Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	No[1]
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Yes, Halvorson v. Birchfield Boiler, Inc., 458 P.2d 897 (Wa. 1969), Callan v. O'Neil, 578 P.2d 890 (Wa. 1978) and Young v. Caravan, 663 P.2d 834 (Wa. 1983)[2]
Dram Shop Actions-Social Hosts:	Yes Halligan v. Pupo, 678 P.2d 1295 (CA 1985)[3]
Other:	Under §4.56.301(2), non-economic damages, in any action seeking damages for personal injuries/death, cannot exceed an amount that equals (0.43)X(The Average Annual Wage)X(The Person's Life Expectancy). Note: For purposes of determining this damage award limitation, a person's life expectancy cannot be less than 15 years.
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	§§66.44.180 & 66.44.200
Term of Imprisonment:	1st off - Not more than 2 mos; 2nd off -Not more than 6 mos; 3rd and subsequent offs - Not more than 1 yr;
Fine ($ Range):	For individuals, 1st off - Not more than $500; For corporations, 1st off - Not more than $5,000; 2nd and subsequent offs - Not more than $10,000 (And/or forfeiture of its corporate license.)
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Susp or Rev
Length of Term of License Withdrawal:	Not specified in the statute

[1]Note: This State's Dram Shop Law was repealed in 1955; see Ch. 372 of the laws of 1955.
[2]Applies only to the actions of (1) intoxicated minors and/or (2) adults who have lost their will to stop drinking.
[3]The Court of Appeals stated that the "relevant inquiry is whether social host had authority to deny further service of alcohol when intoxication became apparent."

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	None
Term of Imprisonment:	Same penalties apply as to serving alcoholic beverages to intoxicated persons §§66.44.180, 66.44.270 & 66.44.320
Fine ($ Range):	Same penalties apply as to serving alcoholic beverages to intoxicated persons
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcohlic Beverages Withdrawn (Yes/No):	Yes Susp or Rev
Length of Term License Withdrawal:	Not specified in the statute §§66.24.010, 66.44.180, 66.44.320 and 66.44.325
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes §§66.44.100 and 46.61(2)[1]
Anti-Consumption Law (Yes/No):	Yes - Driver and Passengers[2] §§66.44.100 and 46.61(1)[1] Note: Under sec. 66.44.100, "no person shall open the package containing liquor or consume liquor in a public place;" the law allows for exceptions (e.g. licensed establishments)

[1]See sec. 28 of H.B. 289 enacted in 1983; A violation of the open container provisions is a traffic infraction.

[2]Does not apply to passengers in commercially chartered vehicles.

STATE	WEST VIRGINIA
General Comments:	See West Virginia Code

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of alcohol §17C-5-2
Illegal Per Se Law (BAC Level):	0.10 §17C-5-2
Presumption (BAC Level):	0.10 §17C-5-8
Types of Drugs/Drugs and Alcohol:	(1) Any Drug, (2) Controlled Substance, (3) a Combination of Alcohol and Any Other Controlled Substance or Any Other Drug, (4) Habitual Users of Narcotic Drugs, Amphetamine or Any Derivative Thereof §17C-5-2
Other:	0.10 is prima facie evidence of driving under the influence of alcohol §17C-5-8(c)

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §17C-5-5
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §17C-5-4
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes State v. Cozart, 352 S.E.2d 152 (W.Va. 1986)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes 17C-5-4
Urine:	Yes 17C-5-4
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	None

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st refusal-Rev for 1 yr (Mandatory); 2nd refusal-Rev for 10 yrs (5 yrs mandatory); 3rd refusal-Rev for life (10 yrs mandatory) §§17C-5-4 & 17C-5-7
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.): DWI not related to death or bodily injury, 1st off - 1 dy[2] to 6 mos; 2nd off-6 mos to 1 yr; 3rd and subsequent offs-1 to 3 yrs; DWI resulting in death where there is reckless disregard of the safety of others[1]-1 to 10 yrs; DWI resulting in death where there is an illegal act or a failure to perform a legal duty, 1st off-90 dys to 1 yr; 2nd off-6 mos to 1 yr; 3rd and Sub offs-1 to 3 yrs; DWI resulting from bodily injury where there is an illegal act or a failure to perform a legal duty, 1st off - 1 dy[2] to 1 yr; 2nd off - 6 mos to 1 yr; 3rd and subsequent offs - 1 to 3 yrs; §17C-5-2 See Footnote No. 3 below.

Mandatory Minimum Term: None See Footnote No. 4 below.

Fine:

Amount ($ Range): DWI not related to death or bodily injury, 1st off - $100 to 500; 2nd off-$1,000 to 3,000; 3rd and subsequent offs-$3,000 to 5,000; DWI resulting in death where there is reckless disregard of the safety of others[1]- $1,000 - 3,000; DWI resulting in death where there is an illegal act or a failure to perform a legal duty, 1st off- $500-1,000; 2nd off- $1,000-3,000; 3rd and Sub offs- $3,000 to 5,000; DWI resulting from bodily injury where there is an illegal act or a failure to perform a legal duty, 1st off - $200 to 1,000; 2nd off - $1,000 to 3,000; 3rd and subsequent offs - $3,000 to 5,000; §17C-5-2 See Footnote No. 3 below.

Mandatory Min. Fine ($): §17C-5-21(m) provides the above sentences are mandatory and are not subject to either susp or rev.

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[1]Felony

[2]Actual confinement of not less than 24 hrs.

[3]Note: It is a misdemeanor for a person to drive a vehicle if they are an habitual user of narcotic drug or an amphetamine or any derivative thereof. The sanctions for this offense are as follows: Imprisonment from 1 day to 6 months with actual confinement of not less than 24 hours and/or a fine of from $100 to 500.

[4]Note: Sec. 17C-5-2(m) provides that the DWI sanctions are mandatory and are not subject to either susp or probation; i.e., the minimum imprisonment sanction, it appears, must be served. However, this section does provide that for jail sentences of one (1) yr or less, the provisions of sec. §§62-11A-1 et. seq. may be applied by the Court. In brief, §62-11A-1 provides for a defendant's temporary release from confinement for employment, educational, medical, or family needs/reasons.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other Penalties:

Community Service:	None
Restitution (eg Victim's Fund):	Yes Victims' Compensation Fund; see §14-1-1 et seq. & §14-2A-3 et seq. Direct compensation by the defendant to the victim via court order is also possible; see, e.g., §14-2A-3(b)(1).
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Basis of action: A BAC of 0.10 or driving while under the influence of alcohol) Admin actions where there is neither death nor a bodily injury: 1st action - 6 mos rev (90 dys are mandatory); 2nd action - 10 yrs rev (5 yrs are mandatory); 3rd action - Rev for life (10 yrs mandatory) §§17C-5A-2 and 17C-5A-3(a), (b) and (c); Admin. actions where there is a death and the driver has also acted in reckless disregard for the safety of others 1st action-10 yrs rev (5 yrs mandatory), 2nd action-Rev for life (10 yrs mandatory). Admin actions where there is a death of a person but no recklessness on the part of the driver: 1st action - 5 yrs rev (2 1/2 yrs mandatory); 2nd action - Rev for life (10 yrs mandatory). Admin actions where there is bodily injury: 1st action - 2 yrs rev (1 yr mandatory); 2nd action - 10 yrs rev (5 yrs mandatory) 3rd action - Rev. for life (10 yrs mandatory) §§17C-5A-2 and 17C-5A-3. See Footnote No. 1 below. Note: The admin. per se law appears to apply to both residents and nonresidents; see §17B-3-2.
Other:	A person, under 19 years old, who has violated the admin. per se law, must have their license revoked until they are 19 or for the applicable statutory period whichever is longer; see §17C-5A-2(n).

[1]Note: If an habitual user of a narcotic drug or an amphetamine or any derivative thereof has operated a motor vehicle, their license is revoked as follows: 1st action - 6 mos; 2nd action - 10 yrs; and 3rd action - for life. §17C-5A-2(i)

Sanctions Following a Conviction for a DWI Offense:
(continued)

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	Note: License susp/rev provisions under previous law following a DWI conviction have been replaced by the provisions of the Administrative Per Se Law.
Term of License Withdrawal (Days, Months, Years, etc.):	N/A
Mandatory Minimum Term of Withdrawal:	

Other:

Rehabilitation:	
Alcohol Education:	Yes §17C-5A-3 Note: After (1) the period of mandatory rev has elapsed and (2) the driver has successfully completed an approved program of either alcohol/drug education or alcohol/drug treatement, a defendant's license may be reissued with or without conditions.
Alcohol Treatment:	Yes see note above
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	Generally no, but there are some alternatives. See §17C-5A-3
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	None
Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Offense:	Yes, Misd See Footnote No. 1 on p. 3-398. Negligent homicide §17C-5-1 (For details on deaths related to DWI, see DWI sanctions above.)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 1 yr
Mandatory Minimum Term:	None
Fine ($ Range):	$100-1,000
Mandatory Minimum Fine:	None

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Administrative Licensing Action:

Licensing Authorized and Type of Action:	Rev §§17B-1-1(n) & 17B-3-5
Length of Term of Licensing Withdrawal:	1 yr
Mandatory Action--Minimum Length of License Withdrawal:	1 yr
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	1st off Misd - 6 mos; 2nd off Misd - 1 yr; 3rd and subsequent offs Felony - 1-3 yrs (penitentiary) §17B-4-3(b)
Mandatory Minimum Term of Imprisonment:	1st off - 6 mos; 2nd off - 1 yr; 3rd and subsequent offs - 1 yr
Fine ($ Range):	1st off - $100-500; 2nd off - $1,000- 3,000; 3rd and subsequent offs - $3,000- 5,000 §17B-4-3(b)
Mandatory Minimum Fine:	1st off - $100; 2nd off - $1,000; 3rd and subsequent offs - $1,000

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Either Susp or Rev
Length of Term of License Withdrawal Action:	If license was originally suspended the license withdrawal period would be equivalent to the original period of susp. If license was revoked, 1 yr extension of the original rev. §17B-4-3(c)
Mandatory Term of License Withdrawal Action:	Same as above

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	

[1]A felony is defined as an offense for which the law which specifically requires that the incarceration sanction is to be served in the State penitentiary; see §17B-1-1(n). Since the §17C-5-1 does not specify where the term of incarceration must be served, the offense would appear to be a misdemeanor.

Other State Laws Related To Alcohol Use And Driving: (continued)

Sanctions Following a Conviction of Driving While on Habitual Offender Status:

Imprisonment (Term):

Mandatory Minimum Term of Imprisonment:

Fine ($ Range):

Mandatory Minimum Fine ($):

Licensing Actions (Specify):

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

State Has Such a Law (Yes/No):	Yes 17C-5B-1
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	No
Pedestrian:	Yes (Adult Pedestrians)

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	21 (Year Eff: 1986) 11-16-18(a)(3), 60-3-22(1), 60-3-12(3), and 60-8-20(c)
Minimum Age (Years) Possession:	None
Minimum Age (Years) Consumption:	None

Dram Shop Laws and Related Legal Actions:

State Has a Dram Shop Law (Yes/No):	No
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No (Note: A Federal District Court has held that West Virginia courts would find in favor of a dram shop action based upon common law grounds; see Walker v. Griffith, 626 F.Supp. 350 (1986).)
Dram Shop Actions-Social Hosts:	No (No Cases)
Other:	None

Other State Laws Related To Alcohol Use And Driving: (continued)

Criminal Action Against Owners or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:

Type of Criminal Action:	Misd.-For all offenses
Term of Imprisonment:	Alcoholic Liquor[1&6]: Sales by the State Commission/Agents[2]-5 dys-6 mos; Special Licensees[3]-30 dys-1 yr; Private Clubs[4]-not more than 1 yr; Wines[5]-30-dys-6 mos. Nonintoxicating Beer[1&7]: Class A & B Licensees-30 dys-6 mos. Footnotes are on p. 3-402.
Fine ($ Range):	Alcoholic Liquor[1&6]: Sales by the State Commission/Agents[2]-$10-500; Special Licensees[3]-$50-500; Private Clubs[4]-$100-500; Wines[5]-$25-500. Nonintoxicating Beer[1&7]: Class A & B Licensees-$25-500. Footnotes are on p. 3-402.

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

License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes, Discontinued, suspended or revoked
Length of Term of License Withdrawal:	Alcoholic Liquor[1&6]: Sales by the State Commission/Agents[2]-State stores or agents may be discontinued at the discretion of the commissioner; Special Licensees[3]-Rev time period is not specified but normal licensing period is one (1) year; Private Clubs[4]-Rev/susp-Licenses are usually revoked for up to one (1) year; Wines[5]-Rev/susp time period is not specified in the statute. Footnotes are on p. 3-402. Nonintoxicating Beer[1&7]: Class A & B Licensees-Rev/susp-If the license is revoked, no new license shall be issued for two (2) years; the statute does not state a specific time period for a suspension. Footnotes are on p. 3-402.

Other State Law Related to Alcohol Use and Driving: (continued)

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:

Type of Criminal Action:	Misd.-For all offenses
Term of Imprisonment:	Alcoholic Liquor[1&6]: Sales by the State Commission/Agents[2]-5 dys-6 mos; Special Licensees[3]-30 dys-1 yr; Private Clubs[4]-not more than 1 yr; Wines[5]-30-dys-6 mos. Nonintoxicating Beer[1&7]: Class A & B Licensees-30 dys-6 mos. Footnotes are on p. 3-402.
Fine ($ Range):	Alcoholic Liquor[1&6]: Sales by the State Commission/Agents[2]-$10-500; Special Licensees[3]-$50-500; Private Clubs[4]-$100-500; Wines[5]-$25-500. Nonintoxicating Beer[1&7]: Class A & B Licensees-$25-500. Footnotes are on p. 3-402.

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:

License to Serve Alcohlic Beverages Withdrawn (Yes/No):	Yes, Discontinued, suspended or revoked
Length of Term License Withdrawal:	Alcoholic Liquor[1&6]: Sales by the State Commission/Agents[2]-State stores or agents may be discontinued at the discretion of the commissioner; Special Licensees[3]-Rev time period is not specified but normal licensing period is one (1) year; Private Clubs[4]-Rev/susp-Licenses are usually revoked for up to one (1) year; Wines[5]-Rev/susp time period is not specified in the statute. Footnotes are on p. 3-402. Nonintoxicating Beer[1&7]: Class A & B Licensees-Rev/susp-If the license is revoked, no new license shall be issued for two (2) years; the statute does not state a specific time period for a suspension. Footnotes are on p. 3-402.

Other State Law Related to Alcohol Use and Driving: (continued)

Anti-Happy Hour Laws/Regulations: No

Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:

Open Container Law (Yes/No): No

Anti-Consumption Law (Yes/No): Yes - Driver and passengers §60-6-9(a)(3)

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[1]Alcoholic Liquor-all alcoholic beverages except nonintoxicating beer; nonintoxicating beer-all cereal malt beverages and malt coolers containing at least 0.5% alcohol by volume but not more than 4.2% alcohol by weight or 6% by volume whichever is greater. §§11-16-3 & 60-1-5.

[2]Establishment by the State Alcohol Commissioner of State stores or private agents to sell alcoholic liquor in packages at retail. §§60-3-1 (monopoly), 60-3-2 & 60-3-16 (sales in sealed packages only)

[3]Special Licensees-E.g., manufacturers of alcoholic liquor, wholesale and retail druggists, users of alcohol for scientific purposes, users of wine for sacramental purposes, etc. §60-4-1 et seq.

[4]Private Clubs, which are not open to the public, may be licensed to sell alcoholic liquor by the drink. §60-7-1 et seq.

[5]Licenses may be granted for the "off premisis" consumption of wine by any reatailer. Licneses may be granted for the "on premisis" consumption of wine to restaurants which are not open to the public. §60-8-1 et seq.

[6]Alcoholic Liquor-citations: Sales by the State Commission-§§60-30-2, 60-3-22 & 60-6-15; Special Licensees-§§60-3-22, 60-4-1, 60-4-1 & 60-68; Private Clubs-§§60-7-12 & 60-7-13; Wines-§§60-8-18, 60-8-20 & 60-8-25

[7]Nonintoxicating Beer-citations: §§11-16-9, 11-16-18 & 11-16-23 Special Note: Class A Licenses ("on and off premisis" sales) are issued (1) to retail businesses (profit) and (2) to social, fraternal, private clubs, etc. (non-profit); Class B Licenses ("off premisis" sales only) are issued to retail food stores.

STATE:	WISCONSIN
General Comments:	See: Wisconsin Statutes Annotated

Basis for a DWI Charge:

Standard DWI Offense:	Under the influence of an intoxicant §346.63(1)(a) & (2)(a)
Illegal Per Se Law (BAC Level):	Yes, 0.10 §§346:63(1)(b) & 346.63(2)(a)2
Presumption (BAC Level):	None
Types of Drugs/Drugs and Alcohol:	(1) Any Drug, (2) an Intoxicant, (3) a Controlled Substance, (4) a Combination of an Intoxicant and a Controlled Substance and (5) a Combination of an Intoxicant and Any Other Drug §346.63
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §343.303
Implied Consent Law:	
Arrest Required (Yes/No):	Yes §343.305(3)
Implied Consent Law Applies to Drugs (Yes/No):	Yes §343.305(2)
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal Cases) State v. Albright, 298 N.W.2d 196 (CA, 1980)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes
Urine:	Yes
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No (Note: However, the Court must approve dismissals of or amendments to DWI charges; see §967.055)
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes §§343.305(9)(c) & 343.30(1q)(c)1 (intro)

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:

Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	None
Other:	None

Refusal to Take Implied Consent Chemical Test

Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	1st refusal - 1 yr rev, after 30 dys of the rev period, the driver is eligible for an occupational license; 2nd refusal (w/n 5 yrs) - 2 yr rev, after 90 dys of the rev period, the driver is eligible for occupational license; 3rd and subsequent refusal (w/n 5 yrs) - 3 yr rev, after 120 dys of rev period, the driver is eligible for an occupational license[1]; Note: Previous DWI convictions and admin. per se actions are considered to be prior refusals. §343.305(9)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):	Non-injury related DWI off: 1st off-None; 2nd off (w/n 5 yrs)-5 dys to 6 mos; 3rd and sub off (w/n 5 yrs)-30 dys to 1 yr; Injury related DWI offs, Without great bodily harm - 30 dys to 1 yr; With great bodily harm (Cl E felony) - Not more than 2 yrs; §§346.631(1), 346.65(2), and 346.65(3) and 939.50 and 940.25
Mandatory Minimum Term:	None

[1] If a person, under the legal drinking age has been arrested for a violation of §346.63(2m), driving with a BAC level of more than 0.00 but less than 0.10, refuses to submit to a chemical test, their license is revoked for six (6) months. After the first 15 days of this revocation period have passed, an occupational license can be issued. A refusal based only on this offense is not considered a prior refusal for enhanced sanctioning purposes for either DWI convictions or other chemical test refusals. See §§343.305(9)(em) & 346.63(2m).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Fine:

Amount ($ Range):	Non-injury related DWI offs, 1st off- $150 to 300; 2nd DWI off (w/n 5 yrs) - $300 to 1,000; 3rd & sub. off (w/n 5 yrs)-$600 to 2,000; Injury related DWI offs, Without great bodily harm - $300 to 2,000; With great bodily harm (Cl E felony) - Not more than $10,000 Note: Persons convicted of a DWI offense must pay a driver improvement surcharge of $200 in addition to any other fine or forfeiture that may be imposed; see §346.655(1).
Mandatory Min. Fine ($):	None

Other Penalties:

Community Service:	None
Restitution (eg Victim's Fund):	Yes Direct compensation by the defendant to a victim for some types of "pecuniary losses;" see §346.65(2r)(a). In addition, the State has a victims' compensation fund; this fund is supported in part by a $150 fee imposed on each DWI offender; this fee is an addition to any fine which may also be imposed Special Note: An adult passenger may not receive an award from this fund if they knew the driver they were riding with was intoxicated or had a BAC level of 0.10 or more; see §§949.001 et. seq. and 346.655.
Other:	None

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes 0.10 BAC §346.305(7) & (8) (Action is taken via the licensing agency; see §343.305(8.)-Susp 6 mos (15 dys mandatory)[1]
Other:	Referal to licensing agency after two or more DWI arrests; §343.16(2)

[1]A restricted occupational license is available via the courts. A person may file a petition for such a license before the court without a waiting period. Upon receipt of the petition, the court may grant a temporary occupational license which is valid for 30 days. However, 15 days must have elapsed since the date of the suspension before this license can be issued. See §§343.30(1q)(b)(2) & 343.10(1)(d).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st off - Susp; 2nd and 3rd offs - Rev; DWI injury related offs, w/or w/out great bodily harm - Rev §§343.10 & 343.30 See Footnotes 1 & 2 below.
Term of License Withdrawal (Days, Months, Years, etc.):	Non-injury related DWI offs; 1st off- Susp 6-9 mos; 2nd off-Rev 1 yr-18 mos; sub off - Rev 2-3 yrs; Injury related DWI offs Without great bodily harm - Rev 1 to 2 yrs; With great bodily harm - Rev 2 yrs Note: A previous conviction includes refusals.
Mandatory Minimum Term of Withdrawal:	Non-injury related DWI offs; 1st off - 15 dys[3]; 2nd off - 60 dys[4]; sub off - 90 dys[4]; Injury related DWI offs Without great bodily harm - 60 dys; With great bodily harm - 120 dys

[1]See §343.30(1) where a violation of §346.46(2) by a person under the legal drinking age results in a 3 mo license susp; however, an occupational license is available.
[2]Under §343.30(1q)(g), if a person has a chauffeur's license and they are convicted of a DWI offense while not operating a motor vehicle as a chauffeur, the chauffeur's license is not suspended or revoked.
[3]A restricted occupational license is available via the courts. A person may file a petition for such a license before the court without a waiting period. Upon receipt of the petition, the court may grant a temporary occupational license which is valid for 30 days. However, 15 days must have elapsed since the date of the suspension before this license can be issued. See §§343.30(1q)(b)(2) & 343.10(1)(d).
[4]A restricted occupational license may be issued after this period of time.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other:

Rehabilitation:

Alcohol Education:	Yes
Alcohol Treatment:	Yes
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	Persons convicted of a DWI related injury offense (without great bodily harm) must submit to an alcohol assessment and comply with a driver safety plan. Operating privileges shall be suspended if a person does not comply with Court-ordered alcohol/drug assessment (DWI screening), education or treatment program; see §343.30(1q)(c) & (d).

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	Note: Vehicles may be impounded as a result of an operator- owner's failure to post security for an accident; see §344.14 and for a conviction of driving while license is either suspended or revoked; see §343.44(4)

Miscellaneous Sanctions Not Included Elsewhere:	A person who has not attained the age of 19, may not operate a motor veh with a BAC level of 0.0% up to 0.10%; see §346.63(2m); for a violation of §346.63(2m) there is a license susp for 3 mos (For a 1st off., an occupational hardship license is available at any time.) See §343.30(1p). There is also a forfeiture of $10 (see §346.65(2q)).

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of Off:	Yes—Cl E felony where death is caused by operating a veh with a high degree of negligence; Cl D felony Where death is caused by the operating a veh in an intoxicated condition §§343.10, 343.31, 939.50, 940.08, and 940.09

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Sanctions:

Criminal Sanction:

Imprisonment (Term):	Cl E felony-Not more than 2 yrs; Cl D felony-Not more than 5 yrs; (Wis. Stat. Ann. §§343.10, 343.31, 939.50, 940.08, and 940.09)
Mandatory Minimum Term:	None
Fine ($ Range):	Cl E felony - Not more than $10,000; Cl D felony - Not more than $10,000
Mandatory Minimum Fine:	None

Administrative Licensing Action:

Licensing Authorized and Type of Action:	For Cl E & D felonies - Rev
Length of Term of Licensing Withdrawal:	Cl E felony - 1 yr; Cl D felony - 5 yrs
Mandatory Action--Minimum Length of License Withdrawal:	Cl E felony - A restricted license may be issued; Cl D felony - 120 dys; A restricted license may be issued after this period.
Other:	None

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	1st off-Not more than 6 mos; 2nd off[1]- 10 dys to 6 mos; 3rd off-30 dys to 9 mos; 4th off - 60 dys to 1 yr; 5th and subsequent offs-6 mos to 1 yr; (Within 5 yrs) §§343.31 and 343.44
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	1st off-$150 to 600; 2nd off - $300 to 1,000; 3rd off-$1,000 to 2,000; 4th off- $1,500 to 2,500; 5th and subsequent offs - $2,000 to 2,500 §§343.31 and 343.44)
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Rev
Length of Term of License Withdrawal Action:	6 mos
Mandatory Term of License Withdrawal Action:	A mandatory license withdrawal period is not specified; a restricted license could be issued but only if there has been no previous susp or rev for the past yr.

[1]Within 5 yrs

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Habitual Offender Laws:	
State Has Such Law (Yes/No):	Yes §§351.01 to .11
Grounds for Being Declared an Habitual Offender:	Four or more serious offs or 12 or more normal moving violations w/n 5 yrs
Term of License Rev While Under Habitual Offender Status:	5 yrs (A hardship license may be issued after 2 yrs of the rev period have passed; see §351.07)
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	Misd
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	90 dys
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Up to $1,000
Mandatory Minimum Fine ($):	None
Licensing Actions (Specify):	None

Other State Laws Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	Yes §346.71(2)
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes
Vehicle Passengers:	No
Pedestrian:	Yes (16 years or older)
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	21 (Yr eff: 1986) §§125.02(8m), 125.07(1) & 125.07(4)
Minimum Age (Years) Possession:	21 Applies to either possession or consumption in public places unless accompanied by a parent or guardian §§125.07(1) & 125.07(4)
Minimum Age (Years) Consumption:	21 Applies to either possession or consumption in public places unless accompanied by a parent or guardian

Other State Laws Related To Alcohol Use And Driving: (continued)

Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes §125.035 Note: Liability limited to the serving of alcoholic beverages to minors (Case law noted below may have been abrogated in part.).
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	Sorenson v. Jarvis, 350 N.W.2d 108 (Wis. 1984)[1]
Dram Shop Actions-Social Hosts:	Yes §125.035 Note: Liability limited to the actions of intoxicated minors. See also, Koback v. Crook, 366 N.W.2d 859 (Wis. 1985) which also limited liability to the actions of intoxicated minors.
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	Misd §§125.07(2)(a) & (b)
Term of Imprisonment:	Not more than 60 dys
Fine ($ Range):	$100-500
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	Yes Rev §125.12
Length of Term of License Withdrawal:	12 Months
Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:	
Type of Criminal Action:	All offs are violations and they are therefore not criminal offs §125.07(1)(a) & (b)
Term of Imprisonment:	N/A
Fine ($ Range):	1st off - Not more than $500; 2nd and subsequent offs (w/n 12 mos) - $200-500

[1]The holding in this case applied only to the actions of intoxicated minors.

Other State Laws Related To Alcohol Use And Driving: (continued)

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcohlic Beverages Withdrawn (Yes/No):	Yes for 2nd and subsequent offs; §125.07(1)(b)(2)
Length of Term License Withdrawal:	1st offs - None; 2nd offs (w/n 12 mos) - Susp. not more than 3 dys; 3rd offs (w/n 12 mos) - Susp. 3 to 10 dys; 4th off (w/n 12 mos) - Susp. 15 to 30 dys (Also, possible Rev for 12 mos under §125.12.)
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	Yes §§346.735(2) & (3)
Anti-Consumption Law (Yes/No):	Yes - driver and passengers §346.935(1) (Does not apply to a motor bus)

STATE:	WYOMING
General Comments:	See Wyoming Statutes Annotated

Basis for a DWI Charge:

Standard DWI Offence:	Under the influence of alcohol §31-5-233(a)
Illegal Per Se Law (BAC Level):	No
Presumption (BAC Level):	0.10 §31-5-233(b)(iii)
Types of Drugs/Drugs and Alcohol:	(1) Controlled Substance and (2) a Combination of Alcohol and Any Controlled Substance §31-5-233(c)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	No
Implied Consent Law:	
Arrest Required (Yes/No):	Yes
Implied Consent Law Applies to Drugs (Yes/No):	No
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal and Civil Cases) §31-6-105(f)
Other Information:	None

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes
Urine:	Yes
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	Yes §31-5-233(h) A DWI charge may not be reduced or dismissed, unless the State in open court moves or files a statement containing supporting facts to indicate that there is insufficient evidence to support the original DWI charge.
Pre-Sentencing Investigation Law (PSI) (Yes/No):	No

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action (Susp/Rev):	N/A
Other:	N/A

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Sanctions for Refusal to Submit to a BAC Chemical Test: (continued)

Refusal to Take Implied Consent Chemical Test	
Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Susp/Rev):	Susp for 6 mos (Mandatory) §31-6-102(c)
Other:	None

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	1st off Misd - Not more than 6 mos; Subsequent offs (w/n 5 yrs) Misd - 7 dys to 6 mos[1]; Serious bodily injury DWI off (§31-5-233(g)), 1st off - Not more than 1 yr; Subsequent offs - Not more than 20 yrs
Mandatory Minimum Term:	Subsequent DWI offs (w/n 5 yrs)-7 dys (see Special Note under Other); §§31-5-233, 31-6-101, and 31-7-127 et seq.
Fine:	
Amount ($ Range):	1st off - Not more than $750; Subsequent offs - $200 to 750; Serious bodily injury DWI off (§31-5-233(g)), 1st off - Not more than $5,000; subsequent off - None (Note: A surcharge of $50 is assessed against convicted DWI offenders. This surcharge is used to help finance the Victims' Compensation fund. See §1-40-119.)
Mandatory Min. Fine ($):	None
Other Penalties:	
Community Service:	None
Restitution (eg Victim's Fund)	None Note: The State has a Victims' Compensation Act (§1-40-102 et seq.). However, the funds established via this law to assist victims of crimes is not available for either an injury or death involving the operation of a motor vehicle unless either the injury or death was recklessly or intentionally inflicted by the use of such vehicle; see §1-40-102(a)(iii).
Other:	Special Note: Under §31-5-233(F), a defendant may be allowed out of jail long enough to complete actual hrs of employment or education and a reasonable time to travel to and from his place of employment or school (i.e., work/school release program)

[1]The discretionary portion of a jail sentence may be supended if the defendant agrees to pursue and complete an alcohol education and treatment program; see §31-5-233(d).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	Yes, 0.10 BAC Susp. for 90 dys (for a subsequent action w/n 5 yrs, this susp. is mandatory)[1]-A person arrested for a DWI off has their license taken by the arresting officer; the officer issues a temporary license to the driver; this temporary license is valid for 30 dys. See §§31-5-1205(k), 31-6-102, and 31-6-103. See Footnote No. 2 below.
Other:	None

Post DWI Conviction Licensing Action:

Type of Licensing Action (Susp/Rev):	1st off-Susp; 2nd off (w/n 5 yrs)- Susp; 3rd & Sub. offs (w/n 5 yrs)- Rev §31-7-127(d); DWI serious bodily injury offs- Rev; see comment below
Term of License Withdrawal (Days, Months, Years, etc.):	1st off - 90 dys; 2nd off (w/n 5 yrs) - 1 yr; 3rd & subsequent offs - 3 yrs; DWI serious bodily injury offs - see comment below
Mandatory Minimum Term of Withdrawal:	1st off - A hardship license may be available; see Rehabilitation; 2nd off (w/n 5 yrs) - 1 yr; 3rd & subsequent offs (w/n 5 yrs) - 3 yrs to 5 yrs; DWI serious bodily injury offs, for 1st and 2nd offs-1 yr; 3rd off (w/n 5 yrs)-3 yrs Comment: Even though convictions for DWI serious bodily injury offenses clearly result in mandatory license revocations (§31-5-233(g)(iii), Wyoming law does not provide specific guidance as to the length of such revocations. For a first offense, the law establishes no clear period of mandatory license revocation. For two reasons, the mandatory license revocation provisions of §31-7-127 would not apply to a first conviction for a DWI

[1]For a 1st admin. per se action, the 90 day suspension may be withdrawn or modified if the defendant particpates in either an alcohol education or treatment program; see §31-7-105.
[2]Under §31-7-138(e), a driver's license is restored (full driving privileges are restored) if the driver is not convicted of a DWI charge. I.e., the administrative per se action is terminated if the driver is not convicted of a DWI offense.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Comment (continued)
serious bodily injury offense.
(1) The one (1) year mandatory license revocation provided for under §31-7-127(a)(i) & (b) for any felony conviction related to the operation of a motor vehicle does not apply since a conviction for a first DWI serious bodily injury offense is not a felony. (Note: A felony is defined as any offense for which a person may be sentenced to serve more than one (1) year in prison; see §6-10-101. However, for a first DWI serious bodily injury offense conviction, the maximum prison term is only one (1) year; see §31-5-233(g)(i).)
And, (2) the three (3) year mandatory license revocation for DWI convictions (§31-5-233 convictions) under §31-7-127(a)(ii) only occurs when there is a third or subsequent offense committed with a five (5) year period (see below). In addition, there are no other provisions of Wyoming law that provide for revocation periods in the absence of ones specifically established under law. As a result, the law does not provide for a specific license revocation period for a first DWI bodily injury offense.
As far as mandatory license revocations for subsequent offenses are concerned, the issue is whether such offenses will result in either a one (1) year or three (3) year period of revocation. Subsequent convictions for DWI serious bodily injury offenses are felony convictions since a defendant may be sentenced to serve up to 20 years in prison (§§6-1-101 and 31-5-233(g)(ii)). Consequently, a license would be revoked for at least one (1) year as noted above under §31-7-127(a)(i) & (b). However, as also noted above, if three (3) or more subsequent DWI convictions occur within a five (5) year period, a license could, it appears, be revoked for three (3) years. (Note: Section 31-7-128(a)(ii) does not distinguish between "regular" and serious bodily injury subsequent DWI offenses for license revocation purposes and, as such, it could be argued that the three (3) year license revocation period applies to both types of offenses.)

Sanctions Following a Conviction for a DWI Offense:
(continued)

Comment (continued)
For subsequent DWI serious bodily injury offense convictions, a license revocation for either one (1) or three (3) years may be meaningless. Persons convicted of such offenses face severe prison sentences (up to 20 years) which could last longer than their license revocation period. Thus unless such revocation period starts to run after the person's release from prison, its value is questionable since it would occur in whole or in part during a period of time when the person is confined and unable to operate a motor vehicle regardless of their licensing status.

SPECIAL NOTE: Section 31-7-129(b) provides for discretionary license suspensions by the State based on a DWI conviction. The suspension periods are as follows: For a 1st conviction there is a 90 day suspension and for subsequent conviction there is a one (1) year suspension.

Other:

Rehabilitation:

Alcohol Education: Yes 1. The court may suspend part or all of the discretionary portion of an imprisonment sentence under §31-5-233(d) if the defendant agrees to pursue and completes an alcohol education or treatment program as prescribed by the court; see §31-5-233(d)
2. In order to obtain a hardship license, the defendant must agree to pursue and complete an alcohol education and treatment program as the driver licensing agency prescribes; see §31-7-127(e)(i)

Alcohol Treatment: Yes

Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe): Yes, see Alcohol Education above

Sanctions Following a Conviction for a DWI Offense:
(continued)

Vehicle Impoundment/Confiscation:

Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	For a subsequent DWI conviction (w/n 2 yrs), a defendant's veh registration shall be suspended for the same period as their license rev/susp; see §31-7-128(c)

Miscellaneous Sanctions Not Included Elsewhere:	None

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

State Has Such Law/Type of off:	Yes, two types of offs; 1.) Death caused by operation of a veh in violation of the motor vehs laws regulating traffic control Misd. 2.) Aggravated veh homicide if death caused veh DWI Felony §§6-2-106 & 6-10-101

Sanctions:

Criminal Sanction:

Imprisonment (Term):	1.) Death by a violation of the motor veh laws - Not more than 1 yr; 2.) Aggravated veh homicide if death caused veh DWI - Not more than 20 yrs
Mandatory Minimum Term:	None
Fine ($ Range):	1.) Death caused by a violation of the motor veh laws - Not more than $2,000 2.) Aggravated veh homicide DWI - None
Mandatory Minimum Fine:	None

Administrative Licensing Action:

Licensing Authorized and Type of Action:	Rev or susp (Note: §31-7-126(a)(ii) has been repealed; however, see §31-5-1117.)
Length of Term of Licensing Withdrawal:	Not more than 12 mos
Mandatory Action—Minimum Length of License Withdrawal:	Not more than 12 mos
Other:	None

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):	Misd - Not more than 6 mos §31-7-135(a)
Mandatory Minimum Term of Imprisonment:	None
Fine ($ Range):	Not more than $750
Mandatory Minimum Fine:	None

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):	Susp or rev
Length of Term of License Withdrawal Action:	The original susp or rev period is extended 1 yr §31-7-135(b)
Mandatory Term of License Withdrawal Action:	The original susp or rev period is extended 1 yr §31-7-135(b)

Habitual Offender Laws:

State Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Rev While Under Habitual Offender Status:	
Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status	
Sanctions Following a Conviction of Driving While on Habitual Offender Status:	
Imprisonment (Term):	
Mandatory Minimum Term of Imprisonment:	
Fine ($ Range):	
Mandatory Minimum Fine ($):	
Licensing Actions (Specify):	

Other State Laws Related to Alcohol Use and Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:	
State Has Such a Law (Yes/No):	No
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	
Vehicle Passengers:	
Pedestrian:	
Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:	
Minimum Age (Years) Sale/Purchase:	19 §12-6-10(b) (yr eff: 1973)
Minimum Age (Years) Possession:	19 Applies to possession in a public place; there are exemptions for either employment or by order of a parent §12-6-10(b)
Minimum Age (Years) Consumption:	None
Dram Shop Laws and Related Legal Actions:	
State Has a Dram Shop Law (Yes/No):	Yes (Limited) Liability limited only to the actions of persons who are under 19 years old[1] §12-8-301
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation):	No (Case law, McClellan v. Tottenhoff, 666 P.2d. 408 (Wyo. 1983), was apparently indirectly abrogated by §12-8-301)[1]
Dram Shop Actions-Social Hosts:	Yes (Limited) Social hosts who serve alcoholic beverages illegally, such as to persons who are under 19 years old and who are not their child or ward, etc., may be liable for resulting damages. §12-8-301(c)[1]
Other:	None
Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	None (Note: §12-5-501 repealed)
Term of Imprisonment:	
Fine ($ Range):	

[1] §12-8-301(a) specifically prohibits dram shop type actions against anyone (e.g., licensees and social hosts) who has legally served or furnished alcoholic beverages to another person. Dram shop liability only applies if the person serving or furnishing such beverages violates Title 12, Alcoholic Beverages, of the Wyoming Statutes. There is no provision under this title making it an offense to serve alcoholic beverages to an intoxicated person. However, it is an offense (§12-6-101) to serve alcoholic beverages to certain persons who are under 19 years old.

Other State Laws Related to Alcohol Use and Driving: (continued)

Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	No
Length of Term of License Withdrawal:	
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:	
Type of Criminal Action:	Misd §§12-6-101, and 12-8-101)
Term of Imprisonment:	Not more than 6 mos
Fine ($ Range):	Not more than $750
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcohlic Beverages Withdrawn (Yes/No):	Yes Susp or rev where there is gross violation of the law
Length of Term License Withdrawal:	A susp is not to exceed the balance of the term for which the license was issued; as for rev, no time period is specified in the statute. §12-7-102
Anti-Happy Hour Laws/Regulations:	No
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	No
Anti-Consumption Law (Yes/No):	No

ITEM:	UNIFORM VEHICLE CODE (UVC)
General Comments:	The UVC as revised by the National Committee on Uniform Traffic Laws and Ordinances in 1987.

Basis for a DWI Charge:

Standard DWI Offense:	Under the Influence of Alcohol §11-902(a)(2)
Illegal Per Se Law (BAC Level):	0.08 §11-902(a)(1)
Presumption (BAC Level):	0.08 §11-903(b)(3)
Types of Drugs/Drugs and Alcohol:	(1) Any drug, (2) a combination of drugs and (3) a combination of alcohol and drugs §11-902(a)(3) & (4)
Other:	None

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	Yes §6-208
Implied Consent Law:	
Arrest Required (Yes/No):	No - A formal arrest is not required in all DWI situations. A chemical test may be administered under the following conditions where there is evidence showing probable cause of a DWI offense and one of the following exists: (1) an arrest for a DWI offense; (2) an accident; (3) refusal to submit to preliminary breath test; and, (4) a preliminary breath test was administered and indicates a BAC level of 0.08 or more. §6-207
Implied Consent Law Applies to Drugs (Yes/No):	Yes §6-207
Refusal to Submit to Chemical Test Admitted into Evidence:	Yes (Criminal & Civil Cases) §11-903(c)
Other Information:	A driver may be compelled to submit to a chemical test if they are involved in an accident resulting in death or serious personal injury to another person and there is reason to believe that they are guilty of a DWI offense. §6-209

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	Yes §6-207(a)
Urine:	Yes §6-207(a)
Other:	None

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	No
Anti-Plea Bargaining Statute (Yes/No):	No However, the prosecution must state for the record the factual basis for substituting another charge for a DWI one and whether an alcoholic beverage or any drug has been ingested or administered to the defendant in connection with the offense. §11-905
Pre-Sentencing Investigation Law (PSI) (Yes/No):	Yes, Alcohol Screening §11-904(a) (Special Note: Prior to sentencing, a victim's impact statement may be made to the court either orally or in writing; see §11-906.)

Sanctions for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:	
Criminal Sanctions (Fine/Jail):	None
Administrative Licensing Action (Suspension/Revocation):	None
Other:	None
Refusal to Take Implied Consent Chemical Test	
Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action (Suspension/Revocation):	Rev. for 6 mos/1 yr.[1] §§6-207(c) & 6-213(a)(1) Note: The UVC recommends that either a 6 month or a 1 year revocation period be adopted by the States as a licensing sanction for an implied consent law refusal.
Other:	None

[1]Under §6-214, a limited license may be issued after 30 days of the revocation period have passed. The limited license can only be issued if (1) no prior limited license has been issued within the preceeding 12 months and (2) there have been no prior revocations. This section imposes no specific restrictions on a person's use of this license. However, it does grant the licensing agency the authority to impose any conditions or limitations on the use of such license as it deems are needed for the public's safety.

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	1st off - Misd[1]-10 dys - 1 yr; 2nd. & sub. off-Misd[1]-90 dys -1 yr. §11-902(c)
Mandatory Minimum Term:	None[2]
Fine:	
Amount ($ Range):	1st off-Misd-$100 - 1,000; 2nd & sub. off-Misd-Not more than $1,000 §11-902(c)
Mandatory Min. Fine ($):	None[2]
Other Penalties:	
Community Service:	Possible as a condition of either probation or suspension of a DWI imprisonment sanction. See §17-103(b).
Restitution (eg Victim's Fund):	Possible as a condition of either probation or suspension of a DWI imprisonment sanction. See §17-103(b).
Other:	Attendance and satisfactory completion of a driver improvement course may be ordered by the court. §17-103(a)(3)
Administrative Licensing Actions:	
Pre-DWI Conviction Licensing Action:	
Administrative Per Se Law:	BAC 0.08 - Rev 3 mos/6 mos[3] (Note: The UVC recommends, that for an admin. per se violation, the States revoke a license for either 3 or 6 mos.) §§6-207(d), (e) & (f) and 6-213(a)(2) See Special Note on p. A-4.
Other:	Under §§6-210(a)(1) and 6-215, a person's license may be suspended for not more than 1 yr if they have committed (but have not necessarily been convicted of) an off that requires mandatory license revocation (e.g. DWI).

[1]Since §11-902 does not declare that a DWI offense (either a 1st or a subsequent offense) is a felony, it is a misdemeanor via the provisions of §17-101.

[2]See §17-103(c) where a court may probate or suspend sanctions for any misdemeanor traffic off unless such penalities are made specifically mandatory by law.

[3]Under §6-214, a limited license may be issued after 30 days of the revocation period have passed. The limited license can only be issued if (1) no prior limited license has been issued within the preceeding 12 months and (2) there have been no prior revocations. This section imposes no specific restrictions on a person's use of this license. However, it does grant the licensing agency the authority to impose any conditions or limitations on the use of such license as it deems are needed for the public's safety.

Sanctions Following a Conviction for a DWI Offense:
(continued)

Post DWI Conviction Licensing Action:	
Type of Licensing Action (Suspension/Revocation):	Rev (1st and sub. off) §6-206(2) See the Special Note below.
Term of License Withdrawal (Days, Months, Years, etc.):	1 yr (1st and sub. off) §6-213(a)(3), (4) or (5)
Mandatory Minimum Term of Withdrawal:	See Footnote No. 1 and Miscellaneous Sanctions below.
Other:	
Rehabilitation:	
Alcohol Education:	
Alcohol Treatment:	Yes (1st and sub. off) §11-904(b)
Alcohol Education/ Treatment as an Alternative to Criminal Licensing Actions (Describe):	
Vehicle Impoundment/Confiscation:	
Authorized by Specific Statutory Authority:	No
Terms Upon Which Vehicle Will Be Released:	
Other:	Following a DWI conviction, a defendant may have his/her vehicle(s) registration(s) suspended. Note: The UVC does not recommend a length of time for such suspension. §17-301(2)
Miscellaneous Sanctions Not Included Elsewhere:	After the revocation period, a new license shall not be issued until the person satisfies the State licensing agency that it is reasonably safe to permit them to drive; see §6-213(b).

Special Note: If a person receives revocations for both an admin. per se violation and for a DWI conviction based on the same occurrence, the total revocation period that shall be imposed cannot exceed the longer of the two revocation periods; see §6-213(d).

[1]Under §6-214, a limited license may be issued after 30 days of the revocation period have passed. The limited license can only be issued if (1) no prior limited license has been issued within the preceeding 12 months and (2) there have been no prior revocations. This section imposes no specific restrictions on a person's use of this license. However, it does grant the licensing agency the authority to impose any conditions or limitations on the use of such license as it deems are needed for the public's safety.

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:

UVC Has Such Law/Type of Offense:	Yes-Misd or Felony[1] §11-907(a)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	3 mos - 1 yr in the county jail or not less than than 1 yr nor more than 5 yrs in the penitentiary §11-907(b)
Mandatory Minimum Term:	None[2]
Fine ($ Range):	$500 - 2,000 §11-907(b) Note: The fine sanction does not apply if the penitentiary imprisonment sanction is imposed.
Mandatory Minimum Fine:	None[2]
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Rev. §6-206(1)
Length of Term of Licensing Withdrawal:	1 yr §6-213(a)(3), (4) or (5)
Mandatory Action—Minimum Length of License Withdrawal:	1 yr §§6-206 & 6-213(a)(3), (4) or (5) See Footnote No. 1 on p. A-4.

[1]It appears that a UVC vehicle homicide offense could be classified as either a misdemeanor or a felony depending upon whether respectively a defendant is given the county jail sanction (3 mos-1 yr) or the penitentiary one (1-5 yrs). At first impression, it would seem that a vehicle homicide offense should be classified as a misdemeanor under §17-101(a) since §11-907 is silent as to such classification. However, if certain general principles of criminal law as well as other UVC provisions are applied, UVC vehicle homicide could be classified as either a misdemeanor or a felony depending upon where and how long a defendant is to be incarcerated. In brief, using these general principles, a crime is classified as a misdemeanor if an incarceration sanction does not exceed one year and/or such is to be served in a county (or local) jail; a crime is classified as a felony if an incarceration sanction is greater than one year and/or such must be served in a State penitentiary. Thus, under these principles, it is possible that an offense, such as UVC vehicle homicide, could have a dual classification (misdemeanor or felony) depending upon the type of incarceration sanction imposed by the court. See 21 Am Jur 2d, Criminal Law, §29 and the definition of a felony in Black's Law Dictionary, 4th Ed., 1968. Further support for dual classification comes from the UVC itself. Under §17-201, a person convicted of a felony is to be sentenced to a term of imprisonment of not less than 1 yr nor more than 5 yrs; this sanction is identical to one of the sanctioning options under §11-907(b). Thus, although there is no specific language on this matter, it seems only reasonable to conclude that the UVC would classify a vehicle homicide offense as a felony if a defendant is given the penitentiary incarceration sanction. To classify a vehicle homicide as a misdemeanor when the sanction imposed on a defendant is the same as for a general UVC felony offense would render the UVC inconsistent in sanctioning and classification matters; such a result does seem warranted if a more logical classification/sanctioning scheme can be justified.

[2]See §17-103(c) where a court may probate or suspend sanctions for any misdemeanor traffic off unless such penalities are made specifically mandatory by law. For felony offenses, the UVC provides no specific guidance as to mandatory sentences; however, many State criminal laws provide for the suspension or probation of a sentence for certain types of felony offenses.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Other	For a vehicle homicide conviction, a defendant may have his/her vehicle(s) registration(s) suspended. Note: The UVC does not recommend a length of time for this suspension. §17-301(1)

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:

Sanctions:

Criminal:

Imprisonment (Term):	2 dys - 6 mos Misd §6-303(a)
Mandatory Minimum Term of Imprisonment:	None[1]
Fine ($ Range):	Not more than $500 §6-303(a)
Mandatory Minimum Fine:	None[1]

Administrative Licensing Actions:

Type of Licensing Action (Suspension/Revocation):	Rev §6-303(b)
Withdrawal Action:	1 yr from and after the date the period of revocation would otherwise have terminated §6-303(b)
Mandatory Term of License Withdrawal Action:	1 yr from and after the date the period of revocation would otherwise have terminated §6-303(b)
Other:	Following a conviction of driving while their license is revoked, a defendant may have his/her vehicle(s) registration(s) suspended. Note: The UVC does not recommend a length of time for this suspension. §17-301(6)

Habitual Offender Laws:

UVC Has Such Law (Yes/No):	No
Grounds for Being Declared an Habitual Offender:	
Term of License Revocation While Under Habitual Offender Status:	

[1]See §17-103(c) where a court may probate or suspend sanctions for any misdemeanor traffic off unless such penalities are made specifically mandatory by law.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status

Sanctions Following a Conviction of Driving While on Habitual Offender Status:
- Imprisonment (Term):
- Mandatory Minimum Term of Imprisonment:
- Fine ($ Range):
- Mandatory Minimum Fine ($):
- Licensing Actions (Specify):

Other UVC Provisions Related To Alcohol Use And Driving:

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:

UVC Has Such a Law (Yes/No):	Yes §10-116
BAC Chemical Test Is Given to the the Following Persons:	
Driver:	Yes §10-116(a)
Vehicle Passengers:	No
Pedestrian:	Yes for persons at least 16 years old §10-116(a) & (b)

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages: See Footnote No. 1 below.
- Minimum Age (Years) Sale/Purchase:
- Minimum Age (Years) Possession:
- Minimum Age (Years) Consumption:

Dram Shop Laws and Related Legal Actions:

UVC Has a Dram Shop Law (Yes/No):	See Footnote No. 1 below.
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the Case (Case Citation):	N/A
Dram Shop Actions-Social Hosts:	See Footnote No. 1 below.
Other:	

[1]This area of the law is not normally covered by UVC.

Other UVC Provisions Related To Alcohol Use And Driving: (continued)

Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
Type of Criminal Action:	See Footnote No. 1 below.
Term of Imprisonment:	
Fine ($ Range):	
Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	See Footnote No. 1 below.
Length of Term of License Withdrawal:	
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:	
Type of Criminal Action:	See Footnote No. 1 below.
Term of Imprisonment:	
Fine ($ Range):	
Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:	
License to Serve Alcoholic Beverages Withdrawn (Yes/No):	See Footnote No. 1 below.
Length of Term License Withdrawal:	
Anti-Happy Hour Laws/Regulations:	See Footnote No. 1 below.
Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:	
Open Container Law (Yes/No):	None
Anti-Consumption Law (Yes/No):	None

[1]This area of the law is not normally covered by UVC.

APPENDIX B

ITEM:	Federal Alcohol Incentive Grant Criteria (408 CRITERIA)
General Comments:	See 23 USC §408 and 23 CFR Part 1309 BASC=Basic Grant Criteria SUPC=Supplemental Grant Criteria SPEC=Special Grant Criteria

Basis for a DWI Charge:

Standard DWI Offense:	
Illegal Per Se Law (BAC Level):	BASC - 0.10 23 CFR §§1309.3(b) and 1309.5 (c)(1)
Presumption (BAC Level):	SUPC - 0.08 23 CFR §1309.6(b)(13)
Types of Drugs/Drugs and Alcohol:	SUPC - Controlled Substances 23 CFR §1309.3(a)[1]
Other:	

Chemical Breath Tests for BAC Level:

Preliminary Breath Test Law:	SUPC -Yes[2] 23 CFR §1309.6(b)(15)
Implied Consent Law:	
Arrest Required (Yes/No):	
Implied Consent Law Applies to Drugs (Yes/No):	
Refusal to Submit to Chemical Test Admitted into Evidence:	
Other Information:	

Other Chemical Tests for BAC Level Which Are Authorized Under Law (Implied Consent Law):

Blood:	BASC - Yes[3]
Urine:	BASC - Yes[3]
Other:	BASC - Yes[3]

[1]Applies to rehabilitation and treatment only; see 23 CFR §1309.6(b)(22).
[2]Authorized only where there is probable cause to suspect a driver is impaired.
[3]The Basic Criterion on implied consent test refusal refers to "chemical test" (i.e., no specific type of test is required); therefore, any chemical test whether it be for breath, blood, urine, etc. will satisfy this criterion. See 23 CFR §§1309.3(f)(2) & (3) and 1309.5(a)(1).

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):
Anti-Plea Bargaining Statute (Yes/No): SUPC - Yes (limited)[1] 23 CFR §1309.6(b)(16)

Pre-Sentencing Investigation Law (PSI) (Yes/No): SUPC - Yes 23 CFR §1309.6(b)(8)

Sanction for Refusal to Submit to a BAC Chemical Test:

Refusal to Take a Preliminary Breath Test:
Criminal Sanctions (Fine/Jail):
Administrative Licensing Action (Suspension/Revocation):
Other:

Refusal to Take Implied Consent Chemical Test
Criminal Sanction (Fine/Jail):
Administrative Licensing Action (Suspension/Revocation): BASC - Susp. (or Rev.) - 1st Refusal-90 dys (mandatory); 2nd and subsequent refusal-1 yr (mandatory) 23 CFR §§1309(f)(2) & (3) and 1309.5(a)(1)
Other:

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:
Imprisonment:
Term (Day, Month, Years, Etc.):
Mandatory Minimum Term: SPEC - 1st off-48 con. hrs.[2] 23 CFR §1309.7(a)(2)(ii) See community service below.
BASC - 2nd off (w/n 5 yrs)-48 con. hrs.[2] 23 CFR §1309.5(b)(1) See community service below.
SPEC - 2nd off (w/n 5 yrs)-10 days[2] (at least 48 con. hrs. is to be served) 23 CFR §1309.7(b)(1)
SPEC - 3rd off (w/n 5 yrs)-120 con. dys.[2] 23 CFR §1309.7(c)(1)
Fine:
Amount ($ Range):
Mandatory Min. Fine ($):

[1]No alcohol-related charge shall be reduced to a non-alcohol-related charge or probation without judgment be entered without a written declaration of why the action is in the interest of justice.
[2]Imprisonment includes confinement in a jail, minimum security facility or in-patient rehabilitation or treatment center; see 23 CFR §1309.3(c).

Sanctions Following a Conviction for a DWI Offense:
(continued)

Other Penalties:

Community Service:	SPEC - 1st off-100 hrs. (to be completed w/n 3 mos) as an alternative to the 48 con. hrs. of imprisonment 23 CFR §1309.7(a)(2)(i) BASC - 2nd off-10 dys as an alternative to the 48 con. hrs. of imprisonment 23 CFR §1309.5(b)(1)
Restitution (eg Victim's Fund):	SUPC - Yes 23 CFR §1309.6(b)(17)
Other:	

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:

Administrative Per Se Law:	(Special Note: The Basic Criteria requires that the overall average time from arrest to suspension (or revocation) of a driver's license either cannot exceed an average of 45 days or cannot exceed an average of 90 days and a State submits a plan showing how it intends to achieve a 45 day average; see 23 CFR §§1309.3(d) and 1309.5(a)(1). In addition, the Supplemental Criteria requires that a State have a license suspension (revocation) system in which the average time from the date of arrest to suspension does not exceed 45 days; see 23 CFR §1309.6(a).)
Other:	

Post DWI Conviction Licensing Action:

Type of Licensing Action (Suspension/Revocation):	BASC and SPEC - Susp./Rev. 23 CFR §§1309.3(f)(1), 1309.5 (a)(1) and 1309.7
Term of License Withdrawal (Days, Months, Years, etc.):	BASC - 1st off.-90 dys (Susp/Rev) 23 CFR §§1309.3(f)(1) and 1309.5(a)(1)

Sanctions Following a Conviction for a DWI Offense:
(continued)

Mandatory Minimum Term of Withdrawal:

BASC - 1st off.-30 dys[1] (Susp/Rev)
SPEC - 1st off.-90 dys (Susp)
23 CFR §1309.7(a)(1)
BASC - 2nd and subsequent off.-1 yr (Susp/Rev) 23 CFR §§1309.3(f)(3) and 1309.5(a)(1)
SPEC - 2nd off.-1 yr (Rev)
23 CFR §1309.7(b)(2)
SPEC - 3rd off.-3 yrs (Rev)
23 CFR §1309.7(c)(2)

Other:
Rehabilitation:
Alcohol Education:
Alcohol Treatment: SUPC - Yes 23 CFR §1309.6(b)(3) & (22)[2]
Alcohol Education/ Treatment as an Alternative to Criminal/ Licensing Actions (Describe):
Vehicle Impoundment/Confiscation:
Authorized by Specific Statutory Authority:
Terms Upon Which Vehicle Will Be Released:
Other:
Miscellaneous Sanctions Not Included Elsewhere:

Other Criminal Actions Related to Alcohol Use and Driving:

Homicide by Vehicle:
Criteria Has Such Law/Type of Offense:
Sanctions:
Criminal Sanction:
Imprisonment (Term):
Mandatory Minimum Term:
Fine ($ Range):
Mandatory Minimum Fine:

[1]After the mandatory 30 day period, a restricted license may be issued for not less than 60 days. This restricted license can only be used for the purposes of going from a residence to or from a place of employment or to and from a mandated alcohol education or treatment program.
[2]23 CFR §1309.6(b)(22) provides for the rehabilitation and treatment of persons arrested and convicted of driving under the influence of a controlled substance.

Other Criminal Actions Related to Alcohol Use and Driving: (continued)

Administrative Licensing Action:
Licensing Authorized and Type of Action:
Length of Term of Licensing Withdrawal:
Mandatory Action—Minimum Length of License Withdrawal:
Other:

Driving While License Suspended or Revoked Where the Basis Was a DWI Offense:
Sanction:
Criminal:
Imprisonment (Term):
Mandatory Minimum Term of Imprisonment: SPEC - 30 con. dys.[1] 23 CFR §1309.7(d)(1)
Fine ($ Range):
Mandatory Minimum Fine:
Administrative Licensing Actions:
Type of Licensing Action (Suspension/Revocation): SPEC - Susp/Rev[1] 23 CFR §1309.7(d)(2)
Length of Term of License Withdrawal Action: SPEC - See the statement below.
Mandatory Term of License Withdrawal Action: SPEC - Upon release from imprisonment, an additional period of license suspension or revocation of not less than the period of suspension or revocation remaining in effect at the time of commission of the offense of driving with a suspended or revoked license; see 23 CFR §1309.7(d)(2)[1]

Other: SUPC - Mandatory impoundment or confiscation of license plates/tags of any vehicle operated by an individual whose license has been suspended or revoked for an alcohol-related offense; see 23 CFR §1309.6(18).

Habitual Offender Laws:
Criteria Has Such Law (Yes/No):
Grounds for Being Declared an Habitual Offender:
Term of License Revocation While Under Habitual Offender Status:

[1]This penalty would also apply to driving in violation of a restriction placed on a defendant's driving privileges because of a DWI conviction; see 23 CFR §1309.7(d).

Other 408 Criteria Related To Alcohol Use And Driving:

Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status

Sanctions Following a Conviction of Driving While on Habitual Offender Status:
- Imprisonment (Term):
- Mandatory Minimum Term of Imprisonment:
- Fine ($ Range):
- Mandatory Minimum Fine ($):
- Licensing Actions (Specify):

Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:
- State Has Such a Law (Yes/No):
- BAC Chemical Test Is Given to the the Following Persons:
  - Driver:
  - Vehicle Passengers:
  - Pedestrian:

Laws Establishing the Minimum Ages Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase:	SUPC - 21	23 CFR §1309.6(b)(1)
Minimum Age (Years) Possession:	SUPC - 21	23 CFR §1309.6(b)(1)
Minimum Age (Years) Consumption:	SUPC - 21	23 CFR §1309.6(b)(1)

Dram Shop Laws and Related Legal Actions:

Criteria Has a Dram Shop Law (Yes/No):	SUPC - Yes[1]	23 CFR §1309.6(b)(20)
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the Case (Case Citation):	SUPC - Yes[1]	23 CFR §1309.6(b)(20)
Dram Shop Actions-Social Hosts:	SUPC - Yes[1]	23 CFR §1309.6(b)(20)
Other:		

[1]Liability against any person who serves alcoholic beverages to an individual who is visibly intoxicated.

Other 408 Criteria Related To Alcohol Use And Driving: (continued)

Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:
- Type of Criminal Action:
- Term of Imprisonment:
- Fine ($ Range):

Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:
- License to Serve Alcoholic Beverages Withdrawn (Yes/No):
- Length of Term of License Withdrawal:

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:
- Type of Criminal Action:
- Term of Imprisonment:
- Fine ($ Range):

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:
- License to Serve Alcoholic Beverages Withdrawn (Yes/No):
- Length of Term License Withdrawal:

Anti-Happy Hour Laws/Regulations:

Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:
- Open Container Law (Yes/No):
- Anti-Consumption Law (Yes/No):

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