

**SUMMARY OF IMPORTANT STATUTORY PROVISIONS AND
COURT DECISIONS CONCERNED WITH DRUNK DRIVING**

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CONTENTS

	Page
Illegal Per Se Laws	1
Administrative Per Se Laws	1
Alternative Pre-Adjudication Licensing Action	2
Illegal Per Se Based on Blood or Breath	2
Anti-Plea Bargaining Laws	3
Preliminary Breath Test (PBT) Laws	3
Roadside Sobriety Checkpoints	4
Implied Consent Law Applies to Drugs and Alcohol	5
Color-Coded Licenses for Persons Under 21 Years Old	5
Refusal to Submit Chemical Test Admitted into Evidence	6
Chemical Tests - Serious Personal Injury or Death	7
Mandatory Chemical Tests in Deceased Drivers	8
Alcohol Concentration Reporting on Deceased Drivers	8
Mandatory Criminal Sanctions for DWI Offenses	9
Mandatory Licensing Action DWI Offenses	10
States with Lower BAC Levels for Youthful DWI Offenders	11
Vehicle Impoundment or Confiscation for a DWI Offense	14

CONTENTS
(continued)

	Page
Vehicle Impoundment or Confiscation for Driving While Suspended or Revoked for a DWI Offense	15
Alcohol Breath Ignition Interlock Device Laws	16
Victims' Compensation for a DWI Offense	16
Death Related DWI Offenses (Vehicle Homicide)	17
Habitual Traffic Offender Laws	17
Happy Hour Laws or Regulations	18
Beer Keg Registration Laws	18
Anti-Consumption Laws & Anti-Open Container Laws	19
Dram Shop Liability (Commercial Servers)	20
States Approved for 410 Funding	21

STATES WITH ILLEGAL PER SE LAWS
(Alcohol Concentration ≥ 0.10 unless otherwise indicated)

Alabama (≥ 0.08 1995)	Kansas (≥ 0.08 1993)	North Dakota
Alaska	Kentucky	Ohio
Arizona	Louisiana	Oklahoma
Arkansas	Maine (≥ 0.08 1988)	Oregon (≥ 0.08 1983)
California (≥ 0.08 1989)	Maryland	Pennsylvania
Colorado	Michigan	Rhode Island
Connecticut	Minnesota	South Dakota
Delaware	Mississippi	Tennessee
District of Columbia	Missouri	Texas
Florida (≥ 0.08 1993)	Montana	Utah (≥ 0.08 1983)
Georgia	Nebraska	Vermont (≥ 0.08 1991)
Hawaii (≥ 0.08 1995)	Nevada	Virginia (≥ 0.08 1994)
Idaho (≥ 0.08 1997)	New Hampshire (≥ 0.08 1993)	Washington
Illinois (≥ 0.08 1997)	New Jersey	West Virginia
Indiana	New Mexico (≥ 0.08 1993)	Wisconsin ¹
Iowa	New York	Wyoming
	North Carolina (≥ 0.08 1993)	

TOTAL=49 ¹Alcohol Concentration ≥ 0.08 for a 3rd or subsequent offense

ADMINISTRATIVE PER SE LAWS

Alabama	Indiana	New Mexico
Alaska	Iowa	North Carolina
Arizona	Kansas	North Dakota
Arkansas	Louisiana	Oklahoma
California	Maine	Ohio
Colorado	Maryland	Oregon
Connecticut	Massachusetts	Texas
Delaware	Minnesota	Utah
District of Columbia	Mississippi	Vermont
Florida	Missouri	Virginia
Georgia	Nebraska	Washington ¹
Hawaii	Nevada	West Virginia
Idaho (Effective 1/1/98)	New Hampshire	Wisconsin
Illinois		Wyoming

TOTAL = 41 (40 States plus the D.C.) ¹Action only for 2nd or subsequent violations

**ALTERNATIVE PRE-DWI CRIMINAL ADJUDICATION
LICENSING ACTION BY THE COURTS**

Kentucky	Massachusetts ¹	New York
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TOTAL = 3

¹Licensing action is taken by the court at the time of arraignment on a drunk driving offense charge if such action has not been taken via the administrative per se law.

STATES WITH BOTH BAC AND BrAC ILLEGAL PER SE LAWS

Alabama	Indiana ²	North Dakota ¹
Alaska	Iowa ¹	Ohio ¹
Arizona ²	Kansas	Oklahoma
Arkansas	Kentucky	South Dakota
California	Maryland	Tennessee ⁴
Colorado	Michigan ¹	Texas ¹
Delaware	Minnesota ^{1&5}	Utah ²
District of Columbia ¹	Montana ¹	Vermont
Florida	Nebraska	Virginia
Georgia ²	Nevada	Washington
Idaho ¹	New Hampshire ¹	West Virginia ¹
Hawaii	New Jersey ³	Wisconsin
Illinois ²	North Carolina	Wyoming ¹

TOTAL=39

¹This State's illegal per se law also applies to concentrations of alcohol in urine.

²It is also illegal to operate a motor vehicle with any amount of cannabis/controlled substance in the body where use of such substance was unlawful.

³It appears that BrAC illegal per se was established via judicial decision.

⁴The illegal per se law in this State may have constitutional infirmities.

⁵It is also illegal to operate a motor vehicle with any amount of a controlled substance in the body except marijuana.

Note: The State of Rhode Island makes it an offense for a person to operate a motor vehicle with any amount of a controlled substance in their blood.

ANTI-PLEA BARGAINING LAWS

Arizona	Kansas	New Mexico ²
Arkansas	Kentucky ²	New York ³
California ⁵	Mississippi ²	Oregon
Colorado	Nevada	Pennsylvania ⁴
Florida ¹		Wyoming

TOTAL = 14

¹Applies only if Alcohol Concentration is 0.20 or more

²Applies only if Alcohol Concentration is 0.10 or more

³Unless available evidence determines otherwise, plea bargaining is allowed only to another DWI offense.

⁴Limited. The original DWI charge cannot be reduced at a preliminary hearing (arraignment).

⁵Unless there is insufficient evidence to prove a DWI offense.

PRELIMINARY BREATH TEST LAWS (PBT)

Alaska	Kentucky	North Carolina
Arizona	Maryland	North Dakota
California	Michigan	Pennsylvania
Colorado	Minnesota	Puerto Rico
Delaware	Mississippi	Rhode Island
Dist. of Columbia	Missouri	South Dakota
Florida	Montana	Vermont
Illinois	Nebraska	Virginia
Iowa	Nevada	West Virginia
Kansas	New Hampshire	Wisconsin
	New York	

TOTAL = 31

ROADSIDE SOBRIETY CHECKPOINTS

Status of Appellate Court Decisions

FAVORABLE DECISION		UNFAVORABLE DECISION
Alabama Arizona Arkansas California ¹ Colorado Connecticut Florida Georgia Hawaii Illinois ¹ Indiana ¹ (Iowa ²) Kansas Kentucky ¹ Maine Maryland Massachusetts	Missouri Nebraska New Jersey New Mexico New York North Carolina North Dakota Ohio Oklahoma Pennsylvania South Dakota Tennessee Vermont Virginia ¹ West Virginia (Wisconsin ⁵) United States*	Idaho Louisiana Michigan ³ Minnesota (New Hampshire ⁶) Oregon Rhode Island Texas (Utah ⁴) Washington

TOTAL=32

TOTAL=8

Bold face type represents decisions of a court of highest record (e.g., a State supreme court or the U.S. Supreme Court).

*Note: In *Michigan Dept. of State Police v. Sitz*, 496 U.S. 444 (1990), the U.S. Supreme Court held that sobriety checkpoints are constitutional. For prior case law, see *Delaware v. Prouse*, 440 U.S. 648 (1979).

¹Cert. den. by the U.S. Supreme Court.

²Routine sobriety checkpoints may be prohibited by statute.

³Notwithstanding *Michigan Dept. of State Police v. Sitz*, 496 U.S. 444 (1990), that upheld the constitutionality of sobriety checkpoints under the U.S. Constitution, the Michigan Supreme Court has held that sobriety checkpoints violate the State's constitution. *Sitz v. Michigan Dept. of State Police*, 506 N.W.2d 209 (Mich. 1993)

⁴The Utah Court of Appeals held that sobriety checkpoints were illegal because they were not authorized by law. Following this decision, the legislature enacted the appropriate statutory authority (Utah Code Annotated § 77-23-101 et seq.).

⁵There is no appellate court case law concerning the validity of sobriety checkpoints. However, such checkpoints appear to be prohibited by statute.

⁶Court approved sobriety checkpoints via N.H. Rev. Stat. Anno. §265:1-a.

**STATES WHERE THE IMPLIED CONSENT LAW
APPLIES TO OTHER DRUGS AS WELL AS ALCOHOL**

Arizona	Indiana	Montana ¹	Rhode Island
Arkansas	Iowa	Nebraska	South Carolina
California	Kansas	Nevada	South Dakota
Colorado	Kentucky	New Hampshire	Tennessee
Connecticut	Louisiana	New Mexico	Texas
Delaware	Maine	New York	Utah
District of Columbia	Maryland	North Carolina	Vermont
Florida	Michigan	North Dakota	Virginia
Georgia	Minnesota	Ohio	Wisconsin
Idaho	Missouri	Oklahoma	Wyoming
Illinois		Pennsylvania	

TOTAL = 42

¹A request for an alcohol test must be made before one for drugs. If the alcohol test indicates that the driver has a blood alcohol concentration of 0.10 or more, a drug test cannot be requested.

**STATES WITH COLOR-CODED* DRIVER'S LICENSES
FOR PERSONS UNDER 21 YEARS OLD**

Arizona	Indiana	New York
Arkansas	Kansas	North Carolina
California	Louisiana	North Dakota
Colorado	Maine	Ohio
Connecticut	Maryland	Rhode Island
Delaware	Massachusetts	South Carolina
Florida	Minnesota	South Dakota
Georgia	Mississippi	Tennessee
Hawaii	Missouri	Texas
Idaho	Nebraska	Utah
Illinois	Nevada	Vermont

TOTAL=33

*Includes letters, highlighted letters or backdrops.

**REFUSAL TO SUBMIT TO AN IMPLIED CONSENT
CHEMICAL TEST ADMITTED INTO EVIDENCE**

CRIMINAL CASES

Alabama	Illinois	Montana	Pennsylvania
Alaska	Indiana	Nebraska	South Carolina
Arizona	Iowa	Nevada	South Dakota
Arkansas	Kansas	New Hampshire	Tennessee
California	Kentucky	New Jersey	Texas
Colorado	Louisiana	New Mexico	Utah
Connecticut	Maine	New York	Vermont
Delaware	Maryland	North Carolina	Virginia ²
District of Columbia	Michigan ¹	North Dakota	Washington
Florida	Minnesota	Ohio	West Virginia
Georgia	Mississippi	Oklahoma	Wisconsin
Idaho	Missouri	Oregon	Wyoming

TOTAL = 48

CIVIL CASES

Alabama	Delaware	Iowa	New York
Alaska	District of Columbia	Missouri	North Dakota
Arizona	Illinois	New Hampshire	Oregon
California	Indiana	New Mexico	Utah
			Wyoming

TOTAL = 17

¹Refusal can only be admitted for the purpose of showing that a test was offered. A refusal cannot be used to determine innocence or guilt of a DWI offense.

²A refusal can only be admitted for rebuttal purposes.

CHEMICAL TESTS - SERIOUS PERSONAL INJURY OR DEATH

I. Uniform Vehicle Code (UVC) § 6-210 -- Chemical test of drivers in serious personal injury or fatal crashes

Notwithstanding the provisions of § 6-207¹, when the driver of a vehicle is involved in an accident resulting in death or serious personal injury of another person and there is reason to believe that the driver is guilty of a violation of § 11-902(a)², he may be compelled by a police officer to submit to a test or tests of his blood, breath, or urine to determine the alcohol concentration or the presence of other drugs.

II. Drivers, in the following States (some under a separate implied consent law), may be required to submit to a chemical test for alcohol concentration (or drugs) if they were involved in an accident which caused either a death or a serious bodily injury to another and there is reasonable grounds or probable cause that they were in violation of the drunk driving laws.

Alabama	Illinois ³	Michigan	North Dakota
Alaska	Indiana	Minnesota ⁴	Oklahoma ⁷
Arkansas	Iowa	Missouri ⁵	South Dakota ⁸
California ³	Kansas	Nebraska ⁵	Texas ⁹
Colorado	Kentucky	Nevada ³	Utah ¹⁰
Delaware ³	Louisiana	New Jersey ⁶	Washington
Dist. of Columbia ¹¹	Maine	New Mexico	Wisconsin ¹⁰
Florida ¹⁰	Maryland	New York	Wyoming
Hawaii		North Carolina ⁹	

TOTAL = 34

¹Implied consent provisions of the UVC.

²DWI provisions of the UVC.

³A driver, based on probable cause (or reasonable grounds) of DWI, may be required to submit to a chemical test for a drunk driving law violation regardless of whether there was a death or a serious injury.

⁴A person arrested for an injury related DWI offense may be forced to provide a blood sample.

⁵A driver may be required to submit to a chemical test if they are involved in a DWI related accident regardless of whether there has been a death or injury.

⁶A person may be compelled to provide a blood sample for any DWI offense. Also, a BAC test shall be made on an automobile driver who has survived a traffic accident fatal to another.

⁷A person may be compelled to submit to a chemical (blood) test in traffic accident situations where the person has been cited for a traffic offense.

⁸A chemical test is required for persons who have been arrested for a third DWI offense regardless of whether it is injury or death related. Note: A third DWI offense is a felony.

⁹For a DWI related accident that result in either a death or an injury likely to cause a death.

¹⁰Possible

¹¹Based on an accident

**STATES WITH MANDATORY TESTING FOR ALCOHOL
CONCENTRATION IN DECEASED DRIVERS**

Arizona	Massachusetts ²	Ohio
California	Michigan	Oregon
Colorado	Minnesota	Pennsylvania
Connecticut	Mississippi	Puerto Rico
Georgia ¹	Missouri	South Carolina
Hawaii ¹	Nebraska	South Dakota
Idaho	Nevada	Tennessee ³
Illinois	New Hampshire	Utah
Kansas	New Jersey	Washington
Kentucky ¹	New Mexico	West Virginia
Louisiana	New York	Wisconsin
	North Dakota	

TOTAL = 34

¹Possible via coroner

²Limited to the testing of deceased drivers in single vehicle accidents who were alone at the time of the accident.

³Discretionary

BAC REPORTING OF FATALLY INJURED DRIVERS IN 1993
(States Where 80% of the Drivers Are Tested)

California	Maine	Oregon
Colorado	Massachusetts	Rhode Island
Connecticut	Montana	South Dakota
Delaware	Nebraska	Washington
Hawaii	New Mexico	West Virginia
Illinois	North Carolina	Wisconsin

TOTAL=18

MANDATORY FINE FOR A 1ST DWI OFFENSE

Alaska	Kentucky ¹	New Hampshire	Rhode Island
Arizona	Maine	New Jersey	South Carolina
Arkansas	Michigan	New York	Tennessee
California	Minnesota	North Dakota	Utah
Georgia	Mississippi	Ohio	Washington
Hawaii ¹	Nevada	Oregon	West Virginia
Iowa ²		Pennsylvania	Wisconsin

TOTAL = 27

¹Jail or community service as an alternative to the fine. ²Community service in lieu of the fine.

MANDATORY JAIL SENTENCE FOR A DWI OFFENSE

FIRST OFFENSE

Alaska	Kansas*	Montana	South Carolina*
Colorado	Kentucky*	Nevada*	Tennessee
Connecticut*	Louisiana	Oregon*	Utah*
Hawaii**	Maine	Pennsylvania***	Washington
Iowa (limited)			West Virginia

TOTAL=18

SECOND OFFENSE

Alabama*	Illinois*	Montana	Puerto Rico*
Alaska	Indiana*	Nebraska	Rhode Island
Arizona	Iowa	Nevada	South Carolina*
Arkansas	Kansas	New Hampshire	Tennessee
California*	Kentucky	New Jersey	Texas
Colorado	Louisiana*	New Mexico	Utah*
Connecticut	Maine	North Carolina	Vermont
Delaware***	Maryland*	North Dakota*	Virginia
Florida	Massachusetts	Ohio	Washington
Georgia*	Michigan*	Oregon*	West Virginia
Hawaii*	Minnesota	Pennsylvania	Wisconsin
Idaho	Missouri		Wyoming

TOTAL = 47 *Community service in lieu of jail. **Community service or a fine in lieu of jail. ***House arrest may be possible in lieu of a jail sentence.

**MANDATORY LICENSE SUSPENSION OR REVOCATION
FOR A DWI OFFENSE CONVICTION**

FIRST OFFENSE

Alabama	Kentucky	New Jersey
Alaska	Maine	North Dakota
Arizona	Massachusetts	Ohio
District of Columbia	Minnesota	Pennsylvania
Hawaii	Mississippi	Rhode Island
Idaho	Missouri	Utah
Indiana	Nebraska	Vermont
Iowa	Nevada	Washington
Kansas	New Hampshire	West Virginia

TOTAL = 27

SECOND OFFENSE

Alabama	Maine	North Dakota
Alaska	Massachusetts	Ohio
Arizona	Michigan	Oregon
California	Minnesota	Pennsylvania
Colorado	Mississippi	Rhode Island
Delaware	Missouri	South Carolina
District of Columbia	Montana	South Dakota
Florida	Nebraska	Tennessee
Georgia	Nevada	Utah
Hawaii	New Hampshire	Vermont
Idaho	New Jersey	Virginia
Indiana	New Mexico	Washington
Iowa	New York	West Virginia
Kansas	North Carolina	Wisconsin
Kentucky		Wyoming

TOTAL = 44

LOWER ALCOHOL CONCENTRATIONS FOR YOUTHFUL DWI OFFENDERS

STATE	AGE	BAC	TYPE OF SANCTION			
			LICENSING	FINE	JAIL	COMMUNITY SERVICE
AL	<21	0.02	C	X ⁶	X ⁶	X ⁶
AK	<21	(0.00) ⁹	A	X		X ¹⁰
AZ	<21	0.00		X	X	
AR	<21	0.02	C	X		X
CA	<21	0.01	A			
CO	<21	0.02	A & C	X	X	
CT	<21	0.02	A			
DE	<21	(0.02) ³	A & C			
DC	<21	0.00	C	X	X	
FL	<21	0.02	A			
GA	<21	0.02	A & C	X	X	X
HI	<21	0.02	C	X		X
ID	<21	0.02	C	X	X ¹	
IL	<21	0.00	A			
IN	<21	0.02	I	X	X	
IA	<21	0.02	A			
KS	<21	0.02	A			
KY	<21	0.02	C	X		X
LA	<21	0.02	A	X	X ⁶	X ⁶

STATE	AGE	BAC	TYPE OF SANCTION			
			LICENSING	FINE	JAIL	COMMUNITY SERVICE
ME	<21	0.00	A			
MD	<21	0.02	C	X		
MA	<21	0.02	A			
MI	<21	(0.00) ²	C	X		X
MN	<21	0.00	C	X	X	
MS	<21	0.08	C	X	X	
MO	<21	0.02	A			
MT	<21	0.02	C	X	X ¹	
NE	<21	0.02	C	X		
NV	<21	0.02	A			
NH	<21	0.02	A & C	X	X	X
NJ	<21	0.01	C			
NM	<21	0.02	A			
NY	<21	0.02	A	X ⁷		
NC	<21	0.00	C	X	X	
ND	<21	0.02	A			
OH	<21	0.02	C	X	X	
OK	<21	0.00	A&C	X		X
OR	<21	0.00	A			
PA	<21	0.02 ⁸	C ⁸	X ⁸	X	X
RI	<21	0.02	C	X		X
TN	<21	0.02	C	X		X
TX	<21	0.00	A	X	X ⁶	X
UT	<21	0.00	A			

STATE	AGE	BAC	TYPE OF SANCTION			
			LICENSING	FINE	JAIL	COMMUNITY SERVICE
VT	<21	0.02	A			
VA	<21	0.02	C	X		
WA	<21	0.02	A ⁵	X	X	
WV	<21	0.02	A ⁵	X	X ⁶	
WI	<21	0.00	F	X ⁴		

TOTAL=48 See the Footnotes on this page. A=Based on administrative procedure C=Based on a criminal conviction F=Based on a civil forfeiture conviction I=Based on civil infraction

FOOTNOTES

¹This sanction applies only for 3rd and subsequent offenses.

²The law prohibits operating a motor vehicle with "any bodily alcohol content" which means either (1) a BAC ≥ 0.02 but ≤ 0.07 or (2) "[a]ny presence of alcohol within a person's body resulting from the consumption of intoxicating liquor, other than consumption of intoxicating liquor as a part of a generally recognized religious service or ceremony."

³A person <21 years old is prohibited from operating a motor vehicle either while or after consuming alcoholic beverages. An alcohol concentration ≥ 0.02 is *prima facie* evidence of such an offense.

⁴This offense is a "forfeiture" offense and is civil in nature.

⁵Licensing action is based on an administrative proceeding not related to a criminal conviction.

⁶This sanction applies only for subsequent offenses.

⁷This is civil fine.

⁸It is a Summary Offense for a person <21 yrs old to operate a motor vehicle with "while having any alcohol in his system." The only sanction for this offense is a fine. However, a person <21 yrs old commits a regular drunk driving offense if they operate a motor vehicle with a BAC ≥ 0.02 .

⁹The law makes it any offense to operate a motor vehicle after having consumed any amount of alcohol.

¹⁰This sanction is an alternative to a fine sanction.

**IMPOUNDMENT, REGISTRATION WITHDRAWAL OR
CONFISCATION OF A VEHICLE FOR A DWI OFFENSE**

IMPOUNDMENT ¹	REGISTRATION WITHDRAWN ¹		CONFISCATION	
California	Arizona	North Dakota	Alaska ⁵	New York ¹⁴
Florida	Indiana ⁶	Ohio ¹⁹	Arizona ⁸	North Dakota ⁸
Illinois ²	Kansas ²⁰	Oregon ⁵	Arkansas ¹¹	Ohio ¹²
Iowa ⁹	Maine ⁵	Rhode Island	California ¹⁰	Pennsylvania ¹⁵
Missouri ^{3&21}	Minnesota	South Dakota	Georgia ¹²	Rhode Island ¹⁶
Montana ⁴	New	Virginia	Louisiana ⁸	South Carolina ⁷
Ohio ¹⁸	Hampshire ¹³	Wyoming ⁵	Maine ⁹	Tennessee ⁹
Oregon ⁵	New York		Minnesota ¹⁶	Texas ⁸
Wisconsin ¹⁷			Missouri ²¹	Washington ¹³
			Montana ¹⁶	Wisconsin ¹⁷

TOTAL=9

TOTAL=15

TOTAL=20

¹The column titled "Impoundment" also includes States that immobilize vehicles. The column titled "Vehicle Registration Withdrawn" also includes States that impound license plates.

²Limited impoundment following a DWI arrest.

³Vehicle impoundment for persons under 18 who are convicted of a DWI offense.

⁴Vehicle impoundment only if the driver was under 18 years old.

⁵For a 2d offense w/n 6 years.

⁶For a subsequent DWI offense conviction, registration plates suspended.

⁷For a 4th DWI offense conviction within 10 years.

⁸For three (3) or more DWI offense convictions.

⁹For a 2nd or subsequent DWI offense conviction.

¹⁰Vehicle is confiscated if there are 2 previous DWI offense convictions within 7 years.

¹¹For a 4th DWI offense conviction within 3 years.

¹²For a 4th DWI offense conviction within 5 years for Georgia and within 6 years for Ohio

¹³Applies only for 2nd or subsequent DWI offense convictions.

¹⁴Possible for a 2nd or subsequent DWI offense convictions.

¹⁵Applies via "common law".

¹⁶For a 3rd or subsequent DWI offense conviction within 5 years.

¹⁷For a 3rd or subsequent DWI offense conviction within ten (10) years.

¹⁸For either a 2nd or 3rd offense within 6 years.

¹⁹Registration withdrawal applies to a 2nd offense and 3rd offenses within 5 years. For a 3rd offense within 5 years, the vehicle will also be "immobilized".

²⁰License plate revocation for a 4th or subsequent offense.

²¹State law provides that cities may enact forfeiture ordinances.

**IMPOUNDMENT, REGISTRATION WITHDRAWAL OR CONFISCATION
OF A VEHICLE FOR DRIVING WHILE SUSPENDED/REVOKED WHERE
THE ORIGINAL LICENSING ACTION WAS FOR A DWI OFFENSE**

IMPOUNDMENT	REGISTRATION WITHDRAWN ¹		CONFISCATION
California Delaware Michigan ⁵ Nebraska New York ⁶ Oregon Wisconsin	Arkansas Delaware Maryland Michigan ⁵	Minnesota New Jersey Ohio Oregon South Dakota	Alabama California ⁷ Arizona ² Maine ³ North Carolina ² South Carolina ⁴ Tennessee

TOTAL=7

TOTAL=9

TOTAL=7

¹The column titled "Vehicle Registration Withdrawn" also includes States that impound license plates.

²An offender's vehicle is confiscated if they drive while suspended/revoked for a previous DWI offense and commit another DWI offense.

³Applies only if the driver was the "sole owner" of the vehicle.

⁴For a 4th conviction within 10 years of driving while license is either suspended or revoked.

⁵The registration plates of the vehicle involved in the offense shall be confiscated and the vehicle impounded.

⁶For vehicles used in the offense, limited impoundment for 1st and 2nd offenses.

⁷Applies only if there was a prior misdemeanor offense either for driving while suspended or revoked or for habitual offender status.

STATES WITH ALCOHOL BREATH IGNITION INTERLOCK DEVICE LAWS

Alaska	Kansas	North Dakota
Arkansas	Louisiana	Ohio
California	Maryland	Oklahoma
Colorado	Michigan	Oregon
Delaware	Minnesota	Rhode Island
Florida	Missouri	Tennessee
Georgia	Montana	Texas
Hawaii	Nebraska	Utah
Idaho	Nevada	Virginia
Illinois	New York	Washington
Indiana	North Dakota	West Virginia
Iowa		Wisconsin

TOTAL=35

VICTIMS' COMPENSATION FOR A DWI OFFENSE

Alabama	Illinois	Nebraska	Rhode Island
Alaska	Indiana	Nevada	South Carolina
Arizona	Iowa	New Hampshire	South Dakota
Arkansas	Kansas	New Jersey	Tennessee
California	Kentucky	New Mexico	Texas
Colorado	Maine	New York	Utah
Connecticut	Maryland	North Carolina	Vermont
Delaware	Massachusetts	North Dakota	Virginia
District of Columbia	Michigan	Ohio	Washington
Florida	Minnesota	Oklahoma	West Virginia
Georgia	Mississippi	Oregon	Wisconsin
Hawaii	Missouri	Pennsylvania	Wyoming
Idaho	Montana	Puerto Rico	

TOTAL = 51

DEATH RELATED DWI OFFENSES*
FELONY OFFENSES

Alabama	Illinois	Nebraska	South Dakota
Arkansas	Indiana	Nevada	Tennessee
California	Iowa	New Hampshire	Texas
Colorado	Kansas	New Jersey	Utah
Connecticut	Louisiana	New Mexico	Vermont
Delaware	Maine	New York	Virginia
District of Columbia	Maryland	North Carolina	Washington
Florida	Massachusetts	Ohio	West Virginia
Georgia	Michigan	Pennsylvania	Wisconsin
Hawaii	Minnesota	Rhode Island	Wyoming
Idaho	Mississippi	South Carolina	
	Missouri		

TOTAL = 44

MISDEMEANOR OFFENSES

Oklahoma	Puerto Rico
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TOTAL = 2

*Specific or Related via Vehicle Homicide Laws

HABITUAL TRAFFIC OFFENDER LAWS

California	Kentucky	Rhode Island
Colorado	Louisiana	South Carolina
Delaware	Maine	Tennessee
Florida	Massachusetts	Texas
Georgia	Montana	Vermont
Indiana	New Hampshire	Virginia
Iowa	Oregon	Washington
Kansas	Pennsylvania	Wisconsin

TOTAL = 24

Note: Habitual Traffic Offender Laws provide for special punishment to persons who have shown a disregard for the traffic laws. Persons are subjected to either special or increased sanctions if their driving record indicates that they have committed numerous traffic law violations for either serious or minor traffic law offenses or a combination of them.

STATUTES OR REGULATIONS CONTROLLING "HAPPY HOURS"

Alabama	Louisiana	Ohio
Alaska	Maine	Oklahoma
Arizona	Massachusetts	Rhode Island
Hawaii ¹	Michigan	South Carolina
Illinois	Nebraska	Texas
Indiana	New Jersey	Utah (limited)
Kansas	North Carolina	Virginia

TOTAL = 21

¹There is a regulation in the City and County of Honolulu that prohibits "happy hours".

BEER KEG REGISTRATION LAWS

STATE	TYPE OF LAW	CITATION	SIZE OF KEG
California	Statute	B&P Code ¹ §25659.5	≥6 gallons
Dist. of Columbia	Ordinance ²	§25-148 ³	≥4 gallons
Idaho	Statute	§23-1018	≥7.75 gallons
Maryland	Statute	Art. 2B, §147A	≥4 gallons
Massachusetts	Regulation	204 CMR 9.00	>2 gallons
Nebraska	Statute	§53-167.01 et seq.	≥5 gallons ⁴
New Mexico	Statute	§60-7B-12	>6 gallons
North Dakota	Statute	§5-02-07.2	>6 gallons ⁵
Oregon	Statute	§471.478	>7 gallons
Vermont	Statute	Title 7, §64	≥7.5 gallons
Virginia	Regulation ⁶	3 VAC 5-70-180	≥4 gallons
Washington	Statute	§66.28.200 et seq.	≥4 gallons

TOTAL = 12

¹Business & Professions Code

²This law also applies to the sale of wine or liquor in kegs.

³See also §25-103(28).

⁴18.92 liters

⁵22.71 liters

⁶This law also applies to the sale of wine in kegs.

ANTI-CONSUMPTION AND ANTI-OPEN CONTAINER LAWS

STATES THAT PROHIBIT THE CONSUMPTION OF
ALCOHOLIC BEVERAGES IN MOTOR VEHICLES

Alaska ¹	Iowa	Nevada ¹	Rhode Island ¹
Arizona	Kansas	New Jersey	South Carolina
Arkansas	Kentucky	New Mexico	Tennessee ¹
California	Maine ¹	New York	Texas ¹
Colorado	Maryland ¹	North Carolina ^{1&2}	Utah
Delaware ¹	Massachusetts ¹	North Dakota	Vermont ¹
Dist. of Columbia	Michigan	Ohio	Virginia ¹
Hawaii	Minnesota	Oklahoma	Washington
Idaho	Missouri ¹	Oregon	West Virginia
Indiana ¹	Nebraska	Pennsylvania ¹	Wisconsin

TOTAL = 40

STATES THAT PROHIBIT THE POSSESSION OF OPEN
CONTAINERS OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLES

Alaska	Illinois	Nevada	Oregon
California	Indiana ³	New Hampshire	South Carolina
Dist. of Columbia	Iowa ¹	New Mexico	South Dakota
Florida	Kansas	North Carolina ²	Tennessee ¹
Georgia ¹	Maryland ²	North Dakota	Utah
Hawaii	Michigan	Ohio	Washington
Idaho	Minnesota	Oklahoma	Wisconsin

TOTAL = 28

¹Applies only to drivers.

²Limited application.

³Provided the driver has an alcohol concentration of 0.04 or more.

Note: States listed in **bold face type** have both anti-consumption and anti-open container laws.

**DRAM SHOP LIABILITY FOR COMMERCIAL
SERVERS OF ALCOHOLIC BEVERAGES**

STATUTE

Alabama	Illinois	<i>Missouri</i> ¹	Oregon
Alaska ¹	<i>Indiana</i>	Montana	Pennsylvania
<i>Arizona</i>	Iowa	<i>New Hampshire</i>	<i>Rhode Island</i>
California ²	Kentucky	<i>New Jersey</i>	Tennessee ¹
Colorado	Louisiana ¹	<i>New Mexico</i>	<i>Texas</i>
Connecticut	Maine	New York	Utah
<i>Florida</i> ¹	Michigan	North Carolina	<i>Vermont</i>
Georgia ¹	Minnesota	North Dakota	Wisconsin ²
Idaho	Mississippi	Ohio	Wyoming ²

TOTAL=36

CASE LAW

Arkansas	<i>Massachusetts</i>	<i>South Carolina</i>
District of Columbia	Oklahoma ³	Washington
Hawaii		<i>West Virginia</i>

TOTAL=8

NO LIABILITY

Delaware	Nebraska	Puerto Rico
Kansas	Nevada	South Dakota
Maryland		Virginia

TOTAL=8

Note: States listed in *italics* also provide that an intoxicated patron has a cause of action against an alcoholic beverage licensee for injuries sustained as the proximate result of over consumption at the licensee's establishment.

¹The law limits or restricts liability.

²Liability limited to the actions of those under the legal drinking age.

³Liability for injuries sustained by patrons only applies if the patron was under the legal drinking age.

**STATES WHICH HAVE BEEN APPROVED FOR ALCOHOL
INCENTIVE GRANT FUNDS UNDER 23 USC § 410¹**

Alabama	Iowa	New Hampshire
Arizona	Kansas	New Mexico
California	Maine	North Carolina
Colorado	Maryland	North Dakota
Connecticut	Michigan	Ohio
District of Columbia	Minnesota	Oregon
Florida	Mississippi	Pennsylvania
Hawaii	Missouri	Utah
Idaho	Nebraska	Virginia
Illinois	Nevada	Washington
Indiana		Wisconsin

TOTAL = 32

¹For FY 1996