

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

<sup>1</sup>Preliminary Breath Test (Pre-arrest/nonevidentiary breath test) Law

<sup>2</sup>If the driver participates in an alcohol or drug treatment program, the mand. susp. period may be less than 275 dys.

<sup>3</sup>Based on probable cause of DWI. A BAC  $\geq 0.10$  is conclusive evidence of a DWI offense for the purposes of an admin. per se law violation.

<sup>4</sup>An admin. per se law violation is based on driving while under the influence of intoxicating liquor or drugs. An alcohol concentration  $\geq 0.05$  is *prima facie* evidence of driving while under the influence of intoxicating liquor.

<sup>5</sup>Suspension up to 180 days or until the DWI charges have been disposed of which ever occurs first.

<sup>6</sup>The administrative per se law cannot be enforced until 7/1/97.

<sup>7</sup>Alternative pre-DWI criminal adjudication licensing action by the courts.

<sup>8</sup>License suspension for one (1) year if the driver has a prior DWI offense conviction.

<sup>9</sup>Special provisions/procedures.

<sup>10</sup>Applies to persons 18 years old or above.

<sup>11</sup>Or under the influence of alcohol.

<sup>12</sup>Laws prohibiting the possession of an open container of an alcoholic beverage in the passenger compartment of a motor vehicle.

<sup>13</sup>Seven (7) States and Puerto Rico do not have dram shop liability.

<sup>14</sup>Applies only to drivers.

<sup>15</sup>The lower of the two numbers is evidence of driving while impaired; the higher is *prima facie* evidence of driving while under the influence.

<sup>16</sup>Applies only to the actions of intoxicated minors.

<sup>17</sup>The lower of the two numbers is driving while impaired; the higher is driving while under the influence.

<sup>18</sup>Competent evidence of DWI.

<sup>19</sup>This state has a statute that places a monetary limit on the amount of damages that can be awarded in dram shop liability actions.

<sup>20</sup>An alcohol concentration which indicate *prima facie* evidence of a driving while under the influence offense.

<sup>21</sup>There is no mandatory licensing action if the violator is allowed to participate in the ignition interlock program.

<sup>22</sup>Applies only to the actions of intoxicated minors or persons known to be habitually addicted to alcohol.

<sup>23</sup>The statute appears to have limited actions to those committed by minors.

<sup>24</sup>An alcohol concentration  $\geq 0.07$  but  $< 0.10$  is *prima facie* evidence of driving while under the influence.

<sup>25</sup>Limited application.

<sup>26</sup>Cause of action limited to licensees who have been convicted of the offense of selling alcoholic beverages either to minors or to intoxicated individuals.

<sup>27</sup>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.

<sup>28</sup>Not less than 0.08 constitutes being under the influence of intoxicating liquor.

<sup>29</sup>A person may receive a "special permit" based on a showing of "extreme hardship". Under proposed regulations dated 9/13/93, there would be a 30 dy mand. susp.

<sup>30</sup>Applies only to the actions of (1) intoxicated minors or (2) adults who have lost their will to stop drinking.

<sup>31</sup>This state has both *prima facie* and presumptive evidence laws with an alcohol concentration  $\geq 0.10$

<sup>32</sup>Statutory law has limited dram shop actions.

<sup>33</sup>Liability limited only to the actions of persons who are under 21 years old.

<sup>34</sup>90 days if the person pleads guilty to a DWI charge at the time of first arraignment with counsel.

<sup>35</sup>Provided there is also a 2nd or sub. DWI conviction.

<sup>36</sup>This alcohol concentration is an inference of DWI.

<sup>37</sup>Possible case law.

<sup>38</sup>*Prima facie* evidence of impairment.

<sup>39</sup>Applies to actions of intoxicated minors.

<sup>40</sup>A BAC  $\geq 0.05$  for persons who operate buses, trucks or other large motor vehicles.

<sup>41</sup>A DWI conviction following an admin. revocation cancels the admin. revocation action. Thereafter, the licensing sanctions for a DWI offense apply; this includes the right to obtain restricted driving privileges

<sup>42</sup>Provided the person participates in the ignition interlock program.

<sup>43</sup>For a 1st & 2nd off, an alcohol concentration  $\geq 0.10$ ; for a 3rd or subsequent off, an alcohol concentration  $\geq 0.08$

<sup>44</sup>This revocation is based on administrative action.

<sup>45</sup>Provided the driver has an alcohol concentration  $\geq 0.04$ .

<sup>46</sup>Applies only if there was a prior DWI offense conviction.

<sup>47</sup>Applies only if there were two prior DWI offense convictions.

<sup>48</sup>An alcohol concentration  $\geq 0.10$  is *prima facie* evidence for 1st and 2nd offs. An alcohol concentration  $\geq 0.08$  is *prima facie* evidence for 3rd and sub. offs.

<sup>49</sup>The Open Container/Anti-Consumption law appears to be limited to persons who are operating "common carriers".

<sup>50</sup>Applies only to persons  $\geq 21$  years old.

<sup>51</sup>Suspension for 180 days if the driver has had a previous drunk driving offense conviction. Suspension for 1 year if the driver has had two or more previous drunk driving offense convictions.

<sup>52</sup>Suspension until the drunk driving charges are disposed of but not more than 90 days.

<sup>53</sup>For a 1st offense, an alcohol concentration  $\geq 0.10$  is a presumption of driving while under the influence of an intoxicant. For a subsequent offense, an alcohol concentration  $\geq 0.08$  is a presumption of driving while under the influence of an intoxicant.

<sup>54</sup>This 1 year suspension only applies if there have been two or more drunk driving offense convictions. The "actual" suspension period appears to be only 11 months.

<sup>55</sup>A restricted hardship license may be issued for a 1st violation.

<sup>56</sup>The mandatory revocation periods for 1st and 2nd refusals may be reduced to respectively 3 mos and 6 mos if the driver participates in the ignition interlock program.

<sup>57</sup>The mandatory revocation periods for 1st and subsequent admin. per se violations may be reduced respectively to 1 mo and 3 mos if the driver participates in the ignition interlock program.