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Digest of Impaired Driving And Selected Beverage Control Laws

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INTRODUCTION

The National Highway Traffic Safety Administration is responsible for reducing vehicle-related fatalities and injuries on our Nation's highways. This digest reports the status of State laws that are concerned with impaired driving offenses and alcoholic beverage control. It is extensively footnoted and contains comprehensive information on critical impaired driving laws for all 50 States, the District of Columbia, and Puerto Rico.

It is designed to be an easily accessible reference to all States' current laws on alcohol and other issues of impaired driving. The digest contains a selection of the most important laws pertaining to impaired driving for each State, compiled in a consistent format to make research simpler. Each State entry includes: Basis for a DWI Offense; Chemical Breath Tests for Alcohol Concentration; Adjudication of Driving While Intoxicated (DWI) charges; Sanctions; Administrative Licensing Actions; Ignition Interlock; Sobriety Checkpoints; Other Criminal Actions Related to DWI; DWI Offenses and Commercial Motor Vehicles; Driving While License Suspended or Revoked Where the Basis Was a DWI Offense; Minimum Age Alcohol Laws; Dram Shop Laws and Related Actions; Open Container Laws; and others.

DEFINITIONS

Administrative Per Se Law:

This allows a State's driver licensing agency to suspend or revoke a driver's license based on a specific blood alcohol concentration (BAC) or on some other criteria related to alcohol or drug use and driving. Such action is completely independent of any licensing action related to a driver's conviction for an impaired driving offense. These laws usually cover both resident and nonresident drivers. However, for nonresident drivers, the action would be limited to denying driving privileges in the sanctioning State.

Commercial Motor Vehicle:

For impaired driving offense purposes, most States define a "commercial motor vehicle" (CMV) as one that (1) has a gross vehicle weight ³ 26,001 pounds; (2) is designed to transport 16 or more people including the driver; or (3) transports hazardous materials.

Dram Shop Laws:

These are statutory or case laws that provide that a person who serves alcoholic beverages to an intoxicated individual may be liable for the damages caused by such individual. In some States, a server may also be liable for injuries sustained by the intoxicated individual.

DWI, DUI, and Impaired Driving Offense:

These are generally "non-legal" terms that refer to any criminal action related to driving a motor vehicle while "illegal per se" or while either impaired by, under the influence of, or intoxicated by alcohol or other drugs.

Happy Hour Laws:

For the purposes of this digest, this is a statute or regulation that prohibits the sale of alcoholic beverages below the price per quantity normally charged for such beverages.

Vehicular Homicide:

"Vehicular homicide" is the unlawful and unintentional death caused by a person while violating laws related to motor vehicle operation.

Illegal Per Se Law:

A State law that makes it a criminal offense to operate a motor vehicle: (1) at or above a specified alcohol concentration in the blood, breath, or urine; or (2) with any amount of a drug, usually a controlled (illegal) substance, in the body.

Implied Consent Law:

This type of law provides that a person gives implied consent to submit to a test for either an alcohol or drug content in his/her body if he/she

is arrested or otherwise detained for a DWI offense. If the person refuses to submit to such a test, the law usually provides that his/her driving privileges will be either suspended or revoked. The results obtained from such a test are usually admissible into evidence at a DWI trial.

Intoxicating Liquor:

A number of State laws provide that it is illegal to operate a vehicle while under the influence of "intoxicating liquor" (instead of under the influence of alcohol). However, the term "intoxicating liquor" is not defined in many of the State motor vehicle codes that provide for this type of impaired driving offense. Nevertheless, such terms usually refer to all types of alcoholic beverages (i.e., beer, wine, and distilled spirits). See the definitions of "alcoholic liquor," "intoxicating liquor," and "liquor" in Black's Law Dictionary, Eighth Edition, West Publishing Company.

Mandatory Sanctions:

A "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) must be imposed by either a court or an administrative agency. That is, statutory law specifically requires that such sanction be imposed.

Preliminary Breath Test:

A "preliminary breath test" (PBT) refers to a breath test given by a law enforcement officer to a suspected impaired driver prior to an arrest for an impaired driving offense. The results of this test are used along with other evidence by the officer to determine if there is "probable cause" to arrest the driver for such an offense. Usually, the results of a PBT cannot be admitted into evidence.

Pre-Sentence Investigation Law:

As used in this publication, this term means a law that provides that a person who has been convicted of an impaired driving offense undergo an evaluation to determine if he/she has either an alcohol or drug abuse problem prior to sentencing.

Presumption:

The term "presumption" under "Basis for a DWI Charge" refers to a specific alcohol concentration in a driver's blood, breath, or urine at or above which it may be presumed that he/she was driving in violation of the "Standard DWI Offense."

Off-Highway Vehicles:

Not reported in this digest are State laws that prohibit the operation of non-highway vehicles (e.g., snowmobiles, all-terrain vehicles (ATVs), or other off-road vehicles (ORVs) either while under the influence of alcohol or drugs or at or above a specific blood alcohol concentration.

Sanctions:

Unless otherwise stated, the sanctions are the same for all alcohol and drugged driving offenses (e.g., driving while under the influence of either alcohol or drugs, illegal *per se*, et al.).

The sanctions listed in the digest for criminal offenses are those that would normally apply to adult offenders. However, it should be noted that for juvenile offenders, the law may limit a court's ability to assign such punishment. Such offenders also may be subject to other sanctions for a violation of criminal laws that may not be listed in this digest.

Nevertheless, this digest does report the sanctions (criminal or administrative) related to State laws that have special provisions that make it illegal for a young person (e.g., a person under 21) to operate a motor vehicle either (1) at or above a specific alcohol concentration, which is below the level used to determine adult intoxication; or (2) with any measurable amount of alcohol or drugs in his/her body.

However, the digest does not generally report the sanctions (criminal or administrative) associated with State laws that prohibit a person who is under the legal drinking age from consuming alcoholic beverages. Please note that the sanctions for fines listed in this digest do not include court costs.

LEGISLATIVE SUBJECT AREAS

Basis for a DWI Charge
Standard DWI Offense
Illegal Per Se Law (BAC/BrAC)
Presumption (BAC/BrAC)
Types of Drugs/Drugs and Alcohol
Chemical Breath Tests for Alcohol
Concentration
Preliminary Breath Test Law
Implied Consent Law
Arrest Required
Implied Consent Law Applies to Drugs
Refusal to Submit to Chemical Test Admitted
Chemical Tests of Other Substances for Alcohol
Concentration Which are Authorized Under the
Implied Consent Law
Blood
Urine
Other Adjudication of Alcohol Driving Offenses
Mandatory Adjudication Law
Anti-Plea-Bargaining Statute
Pre-Sentence Investigation Law
Sanctions for Refusal to Submit to a
Chemical Test
Refusal to Take a Preliminary Breath Test
Refusal to Take Implied Consent Chemical
Test
Criminal Sanction
Administrative Licensing Action
Criminal Sanctions Following a Conviction for
A DWI Offense
Imprisonment/Fine
Other Penalties
Child Endangerment
Community Service
Restitution
Administrative Licensing Actions
Pre-DWI Conviction Licensing Action
Administrative Per Se Law
Other
Post DWI Conviction
Type of Licensing Action
Term of Withdrawal
Other
Alcohol Education
Substance Abuse Treatment
Vehicle Impoundment/Confiscation
Ignition Interlock
Permitted or Prohibited
Type of Law
Sanction
Conditions of Use
Other Provisions
Sobriety Checkpoints
Permitted or Prohibited
Other Criminal Actions Related to DWI
Homicide by Vehicle
DWI Offenses and Commercial Motor Vehi-
cles/Commercial Driver's Licenses
Driving While License Suspended or
Revoked Where the Basis
Was a DWI Offense
Habitual Offender Laws
Other State Laws Related to Alcohol Use
Laws Requiring BAC Chemical Tests on
Persons Killed in Traffic Crashes
Laws Requiring BAC Chemical Tests on
Persons Involved in Traffic Crashes
Laws Establishing Minimum Ages
Concerning Alcoholic
Beverages
Dram Shop Laws and Related Legal Actions
Criminal Actions Against Owner or Employees
of Establishments That Serve Alcoholic
Beverages to
Intoxicated Patrons
Administrative Actions Against Owners of
Establishments That Serve Alcoholic Beverages
to Intoxicated Patrons
Criminal Actions Against Owners or Employees
of Establishments that Serve Alcoholic
Beverages or the Wrong Type of Alcoholic
Beverage to Those Persons Under the Minimum
Legal Drinking Age
Administrative Actions Against Owners of
Establishments that Serve Alcoholic Beverages
to Those Persons Under the Minimum Legal
Drinking Age
Anti-Happy Hour Laws
Laws Prohibiting the Possession of Open
Containers of Alcoholic
Beverages and the Consumption of Alcohol
Beverages in the Passenger Compartment of a
Motor Vehicle
Alcohol Exclusion Law

ABBREVIATIONS and SYMBOLS

ALR = administrative license revocation

BAC = blood alcohol concentration

BrAC = breath alcohol concentration

CDL = commercial driver's license

CMV = commercial motor vehicle

DUI = driving under the influence

DWI = driving while intoxicated

EMS = emergency medical services

mand = mandatory

N/A = not applicable

n.a. = not available

Susp = suspended

Rev = revoked

UrAC = urine alcohol concentration

> = greater than

< = less than

³ = greater than or equal to

£ = less than or equal to

OVERVIEW NARRATIVE OF KEY PROVISIONS OF STATE IMPAIRED DRIVING LAWS

State statutes or regulations that are concerned with impaired driving violations, i.e., DWI or DUI, typically include several major components: the basis for an offense; requirements for chemical breath tests for alcohol concentration; the adjudication of charges; sanctions; administrative licensing actions (applied pre- and post-conviction); and other criminal actions related to DWI. Details for each State's statutes or regulations pertaining to each of these components are provided in the State-by-State analysis of this document.

THE BASIS FOR A DWI CHARGE

The basis of a charge for driving while intoxicated for each State is established, by statute, to be the level of blood or breath alcohol content at or above which a person is presumed to be under the influence of alcohol. BAC, measured in grams per deciliter (g/dL), is widely considered to be the most accurate measurement of alcohol concentration in a person's blood, and as such, the most reliable measure of alcohol impairment. As of 2005, all States, the District of Columbia, and Puerto Rico had enacted *illegal per se* laws, making it illegal to operate a motor vehicle when the person's BAC is at or above .08 g/dL, the quantity of alcohol in the blood. The basis for a DWI charge in each State also sets forth the conditions under which a person is *presumed* to be under the influence of alcohol; also set at or above .08 g/dL in all States. Lastly, the statutes in many States also provide for a determination of DUI when a person is found to have been under the influence of substances other than alcohol, e.g., any illegal or controlled substance which impairs one's mental and/or physical faculties.

Several States have statutes establishing a lower BAC level for DWI for certain groups of individuals. For example, school bus drivers, day care vehicle operators, and people under the age of 21 in Alabama are presumed to be under the influence of alcohol if found to have a BAC at or above .02 g/dL.

SANCTIONS FOR FIRST and REPEAT OFFENDERS

Forty-five States and DC have *administrative license revocation* (ALR) laws, which provide for the administrative suspension of a driver's license, prior to conviction for DWI. The driver's license is suspended by the States' licensing agency prior to conviction for DWI when the driver's BAC test result is found to be at or above .08 g/dL, or the driver refuses to submit to chemical testing.

First-time DWI offenders, upon conviction, are often subject to additional licensing sanctions (suspension or revocation), jail time, and/or fines, and can receive other sanctions such as community service, vehicle impoundment, alcohol education and treatment, etc., independent of the administrative license suspension or revocation that occurs prior to conviction. Information on the minimum sanctions that may be imposed upon first-time DWI offenders, upon conviction, in each State, is provided in the Key Provisions of State Impaired Driving Laws Summary Tables included in this document.

Under 23 Code of Federal Regulations (CFR) § 1275, States are required to enact and enforce laws establishing minimum sanctions for repeat DWI offenders, to avoid the transfer of Federal-aid highway funds. A repeat offender is defined in 23 CFR § 1275 (Repeat Intoxicated Driver Laws) as "...a person who has been convicted of DWI or DUI more than once in any five-year period." To avoid the penalty of the transfer of Federal-aid highway funds, States must enact and enforce laws providing the following as sanctions for second or subsequent DWI offenders: a minimum license suspension of 1 year; the impoundment, immobilization, or installation of an ignition interlock on a driver's motor vehicle; an alcohol assessment and treatment as appropriate; and not less than 5 days of imprisonment or 30 days of community service. Information on the sanctions that may be imposed in each State upon convicted repeat

DWI offenders is provided in the Key Provisions of State Impaired Driving Laws Summary Tables, included in this document. Please also refer to the State-by-State analysis portion of this document for the entire range of sanctions for all DWI offenders.

HIGH-BAC OFFENDERS

A number of States have laws establishing enhanced sanctions for those DWI offenders considered to be high-BAC offenders, including increased jail time, longer suspension periods, use of ignition interlocks, higher levels of fines, etc. High-BAC offenders are defined by the States, with levels ranging from BACs of .10 or greater to .20 or greater. Data indicate that offenders with high BACs are at greater risk than other impaired drivers of being involved in alcohol-impaired-driving fatal crashes. Specific information on enhanced sanctions for high-BAC offenders in each State is provided in the Key Provisions of State Impaired Driving Laws Summary Tables and the State-by-State analysis portion of this document.

SOBRIETY CHECKPOINTS

Sobriety checkpoints are used in many States as part of a comprehensive law enforcement approach aimed at reducing impaired driving, by increasing the public's perception of being apprehended in violation of DWI laws. Sobriety checkpoints provide law enforcement officers with an opportunity to identify and assess drivers for the possibility of alcohol impairment at one or more established points on a roadway. Moreover, they are designed to be highly visible, with the intention of serving as an impaired driving deterrent to the public. Vehicle checkpoint campaigns are often highly publicized. Vehicles are stopped during a sobriety checkpoint using a random pattern, such as every fourth or fifth vehicle. If law enforcement has reason to believe that the driver has been drinking, the driver is given Standardized Field Sobriety Testing, followed by chemical testing to determine whether the driver is impaired by alcohol and/or other drugs. While many States do not have statutes specifically

pertaining to the use of sobriety checkpoints, most permit their use. Please refer to the Key Provisions of State Impaired Driving Laws Summary Tables and to the State-by-State analysis portion of this document for details on legislation and case law governing the use of sobriety checkpoints in specific States.

IGNITION INTERLOCKS

Under certain conditions, DWI offenders in all 50 States and the District of Columbia may be required to equip their vehicles with ignition interlock devices. When an ignition interlock is installed on a vehicle, the driver breathes into the device, which analyzes the driver's breath and renders the vehicle inoperable if the breath sample indicates that the driver has been drinking alcohol. The installation of an ignition interlock device is mandatory upon conviction for DWI in some States and discretionary in other States. For the purposes of this document, a State's ignition interlock statute is characterized as "permissive" if it provides for the installation of an ignition interlock as an *option* in DWI sentencing, either in lieu of, or in addition to other sanctions (jail, fines, community service) or "mandatory" if the installation of an ignition interlock device is required for DWI offenders. States typically grant the authority to impose an ignition interlock sanction to either the judiciary, or the administrative agency responsible for licensing. In some cases, this authority is shared, depending on the specific DWI offense. In these cases the digest labels the sanction as a "hybrid" sanction. Specific information regarding ignition interlock laws in each State is provided in the Key Provisions of State Impaired Driving Laws Summary Tables, and the State-by-State analysis portion of this document.

SOCIAL HOST VIOLATIONS

Social host laws are those State laws assigning criminal or civil responsibility for providing alcohol to those persons obviously intoxicated and in so doing, endangering their lives and/or the lives of others. These laws also include those that address the provision of alcohol to those under

the legal drinking age of 21 and, in so doing, endangering the welfare of minor(s). While the definition of a social host and the laws governing them vary from State to State, many States have laws establishing enhanced sanctions for violating social host laws, particularly in cases where those to whom the alcohol was served are subsequently involved in motor vehicle crashes resulting in fatality or injury. Please refer to Key Provisions of Impaired Driving Laws Summary Tables and the State-by-State analysis of this document for details regarding such legislation in each individual State.

OTHER CRIMINAL ACTIONS RELATED TO DWI

Most States also have laws defining other specific criminal actions related to DWI under certain circumstances or conditions. Actions such as vehicular homicide; driving while one's license is suspended for DWI; and operating a commercial motor vehicle while under the influence are among those considered to be criminal actions related to DWI. Drivers found to be in violation of laws pertaining to other criminal actions related to DWI are often subject to enhanced sanctions, including, but not limited to: license revocation, jail time, vehicle forfeiture, and more. Details regarding the specific actions considered to be criminal related to DWI and the sanctions associated with these actions are provided in the State-by-State analysis of this document.

Summary Charts of Key Provisions of State Impaired Driving and Selected Beverage Control Laws

Table 1. Key Provisions of State Administrative License Revocation (ALR) Laws and Sanctions through May 27, 2012^{a, b, c}

State	Administrative License Revocation Law ^{g,h}	Post-Conviction Sanctions for 1 st Offenders		Post-Conviction Sanctions for Repeat Offenders ^e		Post-Conviction Sanctions for High-BAC Offenders ^f		
		Minimum Licensing Sanctions	Jail or Community Service	Minimum Licensing Sanctions	Jail or Community Service ⁱ	High-BAC Level ^j	Minimum Licensing Sanctions	Jail or Community Service
AL	Yes	Suspension/revocation 90 Days (mand)	Not more than 1 year	1 year license revocation	Not less than 5 days or 30 days community service (1 year max)	.15 and above	Revocation not less than 1 year	At least double the minimum punishment or 1 year (if misdemeanor)
AK	Yes	Revocation not less than 90 Days (mand)	Not less than 72 consecutive hours (1 year max); At least 24 hours community service	Not less than 1 year (revocation)	Not less than 20 days (1 year max); at least 160 hours community service	No Statutory Provision	N/A	N/A
AZ	Yes	Suspension not less than 90 days or more than 1 year	Not less than 1 day (6 months max)	Revocation 1 year (mand)	Not less than 30 days (6 months max); 30 hours of community service	.15 and above	Revocation 1 year	BAC ≥ .15 - < .20—30-120 days (mand) BAC ≥ .20—45-180 days (mand)
AR	Yes	Suspension 6 months (pre-conviction)	24 hours to 1 year or community service	Suspension 24 months (pre-conviction)	7 days to 1 Year or not less than 30 days community service	No statutory provision	N/A	N/A
CA	Yes	Suspension 6 months (mand)	96 hours – 6 months	Suspension 2 years	10 days – 1 year; community service	No statutory provision	N/A	N/A

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		Minimum Licensing Sanctions	Jail or Community Service	Minimum Licensing Sanctions	Jail or Community Service ⁱ	High-BAC Level ^j	Minimum Licensing Sanctions	Jail or Community Service
CO	Yes	Revocation/suspension not less than 1 year	5 days to 1 year; 48-96 hours community service	Revocation/suspension not less than 1 year (mand)	10 days to 1 year; 48 hours to 120 hours community service	.20 and above	N/A	10 days to 1 year
CT	Yes	Suspension 1 year	48 hours (mand) 6 months; or 100 hours community service	Suspension 3 years	120 days (mand) 2 years; 100 hours community service (mand)	.16 and above	Suspension 120 days (pre-conviction)	N/A
DE	Yes	Revocation 12 months (6 months mand)	Not more than 12 months	Revocation 24 months (6 months mand)	60 days (mand) to 18 months	.15 and above	Revocation = BAC < .15 = 12 – 18 months; BAC .15-.19 = 17- 18 months; BAC ≥ .20 = 23- 24 months	Not specified
DC	Yes	Revocation 6 months (mand)	Not more than 90 days	Revocation 1 year (mand)	5 days to 1 year; At least 30 days community service	.20 and above	N/A	5 days to 25 days (mand)
FL	Yes	Revocation 180 days (mand) to 1 year	Not more than 6 months; 50 hours community service	Revocation not less than 5 years (12 months mand)	10 days (48 hours mand) to 9 months; community service	.15 and above	N/A	Not more than 9 months
GA	Yes	Suspension 12 months (120 days mand)	10 days to 12 months (24 hours mand); 40 hours community service	Suspension 3 years (18 months mand.)	90 days to 12 months (72 hours mand); 30 days community service (mand)	No statutory provision	N/A	N/A

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		Minimum Licensing Sanctions	Jail or Community Service	Minimum Licensing Sanctions	Jail or Community Service ⁱ	High-BAC Level ^j	Minimum Licensing Sanctions	Jail or Community Service
HI	Yes	Revocation 1 year	48 hours to 5 days; 72 hours community service	Revocation 18 months (mand) to 2 years	5 – 14 days; 240 hours community service	No statutory provision	N/A	N/A
ID	Yes	Suspension 30 days (mand) to 150 days	Not more than 6 months	Suspension 1 year (mand)	5 days (mand) to 1 year	.20 or greater	Suspension 1 year (mand)	10 days (mand) – 1 year
IL	Yes	Revocation 1 year	Up to 1 year	Revocation 1 year (mand) to 5 years	5 days (mand) to 1 year or 240 hours community service	.16 and above	N/A	less than 1 year
IN	Yes	Suspension 30 days (mand) to 2 years	Not more than 60 days	Suspension 180 days (mand) to 2 years	6 months to 3 years; 180-360 hours of community service	.15 and above	N/A	Not more than 1 year and not more than \$5,000
IA	Yes	Revocation 30 days (mand) to 180 days	48 hours (mand) to 1 year or community service	Revocation 2 years (1 year mand)	7 days (mand) to 2 years	No statutory provision	N/A	N/A
KS	Yes	Suspension 30 days (mand)	48 hours to 6 months or 100 hours community service	Suspension 1 year (mand)	5 days (mand) to 1 year or community service	.15 and above	Suspension 1 year (mand)	N/A
KY	No	Revocation 30 to 120 days	48 hours (mand) to 30 days; 48 hours 30 days community service	Suspension 12-18 months	7 days (mand) to 6 months 10 days to 6 months community service	.15 and above	N/A	An additional 4 to 240 days depending on number of offense

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		Minimum Licensing Sanctions	Jail or Community Service	Minimum Licensing Sanctions	Jail or Community Service ⁱ	High-BAC Level ^j	Minimum Licensing Sanctions	Jail or Community Service
LA	Yes	Suspension 12 months	2 days to 6 months or 4 (8 hour) days of community service	Suspension 24 months (12 months mand)	48 hours (mand) to 6 months 30 (8 hour) days of community service	.15 and above	Suspension 2 years (BAC ≥ .20)	48 hours to 2 years mand depending on number of offense
ME	Yes	Suspension—90 days	Community service may be ordered	Suspension 3 years	7 days (mand) to 12 months; community service	.15 and above	N/A	48 hours (mand) to 12 months
MD	Yes	Suspension 60 days	Not more than 2 months; community service may be ordered	Suspension 1 year	5 days (mand) to 1 year; community service may be ordered	.15 and above	Suspension 90 days (pre-conviction)	N/A
MA	Yes	Suspension/Revocation 3 months (mand) to 1 year	Not more than 2½ years; community service	Suspension/revocation 1 year (mand) to 2 years	30 days (mand) to 2½ years community service	.20 or above	N/A	N/A
MI	No	Suspension 30 days (mand) to 180 days	93 days (5 days mand) or 360 hours community service	Revocation 1 year (mand)	5 days (mand) to 1 year or 30-90 days community service	.17 or above	Suspension 45 days (mand)	Not more than 180 days or more than 360 hours of community service
MN	Yes	Revocation 15 days (mand) to 30 days	Not more than 90 days; 8 hours community service for each day less than 30 days in jail	Revocation 15 days (mand) to 1 year	30 days (mand) to 1 year	Twice the legal limit	Not less than 1 year	N/A

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		Minimum Licensing Sanctions	Jail or Community Service	Minimum Licensing Sanctions	Jail or Community Service ⁱ	High-BAC Level ^j	Minimum Licensing Sanctions	Jail or Community Service
MS	Yes	Suspension 30 days (mand) to 90 days	Not more than 48 hours	Suspension 1 year (mand) to 2 years	5 days (mand) to 1 year; 10 days-1 year of community service	No statutory provision	N/A	N/A
MO	Yes	Suspension 30 days (mand)	Not more than 6 months	Revocation 2 years (mand) to 5 years	5 days (mand) to 1 year; community service	.15 or above	N/A	≥.15 - .20 = 48 hours mand > .20 = 5 days mand.
MT	No	Suspension 6 months	24 hours (mand) to 6 months	Suspension 1 year	5 days (mand) to 1 year; community service	”Excessive BAC”	Suspension 6 months – 1 year	Not more than 10 days to 13 months depending on number of offense
NE	Yes	Revocation 6 months (30 days mand)	7 days (mand) to 60 days; community service may be ordered	Revocation 1 year	30 days (mand) to 6 months; community service may be ordered	.15 and above	Revocation 1 year (60 days mand)	2 to 60 days
NV	Yes	Revocation 90 days (45 days mand)	2 days to 6 months; community service may be ordered	Revocation 1 year (mand)	10 days (mand) to 6 months; community service	No statutory provision	N/A	N/A
NH	Yes	Revocation 3 months (mand) to 2 years	Community service may be ordered	Revocation 3 years (mand)	5 to 60 days; Community service may be ordered	No statutory provision	N/A	N/A

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State	Administrative License Revocation Law ^{g, h}	Post-Conviction Sanctions for 1 st Offenders		Post-Conviction Sanctions for Repeat Offenders ^e		Post-Conviction Sanctions for High-BAC Offenders ^f		
		Minimum Licensing Sanctions	Jail or Community Service	Minimum Licensing Sanctions	Jail or Community Service ⁱ	High-BAC Level ^j	Minimum Licensing Sanctions	Jail or Community Service
NJ	No	Revocation 3 months	12 hours (mand) to 48 hours	Revocation 2 years	48 hours (mand) to 90 days; 30 days community service	.10 and above	Revocation 7 months – 1 year (post conviction)	12-48 hours
NM	Yes	Revocation 1 year	Not more than 90 days; 24 hours community service	Revocation 2 years	96 hours (mand) to 364 days; 48 hours community service	No statutory provision	N/A	N/A
NY	Yes	Suspension 90 days	Not more than 15 days	Suspension 6 months (mand)	Not more than 30 days; 30 days community service	.18 or above	Revocation 1 year (mand) to 18 months	Not more than 1 year
NC	Yes ¹	Revocation 1 year	24 hours – 60 days; 24 hours community service	Revocation 2 years (mand) to 4 years	48 hours – 120 days 48 hours community service,	No statutory provision	N/A	N/A
ND	Yes	Suspension—91 days (30 days mand)	Not more than 30 days	Suspension 365 days (mandatory)	5 days (mand) to 30 days or 30 days community service (in lieu of jail)	.18 and above	180 days	N/A
OH	Yes	Suspension 6 months to 3 years	3 days (mand) to 6 months; community service	Suspension 1-5 years	10 days (mand) to 6 months; community service	.17 and above	N/A	6 consecutive days in jail ²

¹In NC, the driver's license is revoked prior to conviction if the driver's BAC > .08. For drivers, under 21, the license is revoked if the driver's BAC > .00. For commercial motor vehicle operators, the license is revoked if the driver's BAC > .04.

²Or, 3 consecutive days in jail with 3 consecutive days of a driver's intervention program.

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