MEMORANDUM

Re: Law Institute’s Survey of State DUI Procedures

Date: December 15, 2017

**Introduction**

Occasionally, the federal government will enact legislation in an effort to reduce the number of problem drivers on the nation’s highways. For example, legislators have set minimum penalties for repeat offenders for driving while intoxicated.[[1]](#footnote-1) Safety incentives to prevent the operation of motor vehicles by intoxicated persons have also been implemented through federal legislation.[[2]](#footnote-2) Unfortunately, the year 2016 saw 10,497 fatalities in motor vehicle traffic crashes involving a driver that was under the influence of alcohol.[[3]](#footnote-3) A contributing factor to the high number of deaths is that problem drivers are able to remain on the road for long periods of time following an arrest due to delays in the criminal system.

The purpose of this memorandum is to survey and summarize the approaches taken by states to remove problem drivers from their highways. The procedures of fifteen states were surveyed and then compared to those established in West Virginia. The five states that border West Virginia, including Maryland, Ohio, Virginia, Kentucky, and Pennsylvania, were chosen for the survey because of their geographical proximity to West Virginia. New Hampshire, Vermont, and Maine were selected because they are small, rural states, similar to West Virginia. Finally, because of West Virginia’s position in the Appalachian Region, other states in the region were selected for the survey, including Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. The surveyed was conducted to determine whether the states have (1) implied consent laws, (2) an administrative procedure for license suspension, (3) penalties for refusing to submit to chemical testing, and (4) an ignition interlock program[[4]](#footnote-4) in place for offenders.

**West Virginia**

In 2016, 25% of all traffic fatalities in West Virginia were related to drunk driving.[[5]](#footnote-5) West Virginia suffered sixty-eight fatalities due to drunk driving that year.[[6]](#footnote-6) And while these are somber numbers, there is some positive news. In West Virginia, there was a 33.6% decrease in fatalities involving a drunken driver from 2006 to 2015, which indicates that the state is moving in a positive direction.[[7]](#footnote-7)

Any person that is licensed to drive in West Virginia is deemed to have given his or her implied consent to the administrative procedure by the Division of Motor Vehicles (DMV) or Office of Administrative Hearings (OAH).[[8]](#footnote-8) Any person that drives in West Virginia is also considered to have given his or her consent to a preliminary breath analysis and secondary chemical test if an officer has reasonable cause to believe the person was driving under the influence (DUI) of alcohol.[[9]](#footnote-9)

If an individual is deemed to have committed a DUI offense in West Virginia, the DMV will revoke or suspend the person’s driving license for a determined period of time.[[10]](#footnote-10) That same individual has thirty days to submit a written objection of the revocation and suspension with the OAH.[[11]](#footnote-11) At this hearing, the OAH will make an impartial decision based on the specific facts of the case that will either affirm, modify, or reverse the revocation or suspension.[[12]](#footnote-12) The hearing will turn to the following four questions to help develop a finding of fact: (1) whether the law-enforcement officer had reasonable grounds to believe that the person was driving a motor vehicle while under the influence of alcohol; (2) whether the person was lawfully arrested or lawfully taken into custody for the purpose of administering a secondary test; (3) whether the person committed an offense involving driving under the influence of alcohol; and (4) whether the tests were lawfully and accurately administered.[[13]](#footnote-13)

If the OAH determines that an individual was driving under the influence of alcohol, the OAH will uphold the revocation and suspension handed down by the DMV.[[14]](#footnote-14)For a person’s first DUI offense, the DMV must issue an administrative license suspension for a period of six months.[[15]](#footnote-15)If the person would like his or her driving privileges restored, he or she can participate in the Motor Vehicle Alcohol Lock and Test Program.[[16]](#footnote-16) The individual must wait a minimum of fifteen days after the license suspension, then he or she can enter the program and have an ignition interlock device installed in the vehicle.[[17]](#footnote-17) The ignition interlock device must remain in the vehicle for a minimum of 125 days.[[18]](#footnote-18) For an individual’s second DUI offense, the DMV must issue a license suspension for a period of ten years.[[19]](#footnote-19) For a person’s third DUI offense, the DMV must suspend the driving license for the lifetime of the offender.[[20]](#footnote-20)

If an individual is suspected of committing a DUI offense and, upon being stopped, refuses to submit to a preliminary breath analysis or secondary chemical test, he or she may face harsher penalties than if he or she would have initially submitted to chemical testing and had a blood alcohol concentration over the legal limit.[[21]](#footnote-21) For a first refusal to submit to testing, the DMV will revoke the individual’s license for a period of one year.[[22]](#footnote-22) The individual can restore his or her driving privileges after forty-five days with the installation of an ignition interlock device.[[23]](#footnote-23) For a second refusal to submit to testing, a license will be suspended for a minimum of five years and up to ten years.[[24]](#footnote-24) For a third refusal to submit to testing, the DMV will revoke a license for the lifetime of the individual.[[25]](#footnote-25)

**Bordering States**

**Maryland**

Maryland saw 139 tragic deaths due to drunk drivers in 2016, which accounted for 26% of all traffic fatalities.[[26]](#footnote-26) Because of Maryland’s efforts to get drunken drivers off of its highways, there was a 21.1% decrease in fatalities involving a drunken driver from 2006 to 2015.[[27]](#footnote-27) Most recently, Maryland signed into law the Drunk Driving Reduction Act of 2016.[[28]](#footnote-28) This law was intended to expand Maryland’s Ignition Interlock Program, mandating the device for anyone convicted of a DUI.[[29]](#footnote-29)

Similar to West Virginia, Maryland also has an implied consent law.[[30]](#footnote-30) The implied consent law in Maryland states that any person who drives or attempts to drive in the state is deemed to have consented to take a test if the person is suspected of a DUI offense.[[31]](#footnote-31)

Any individual who is suspected by law enforcement to be committing a DUI offense, but refuses to submit to a chemical test, will be penalized.[[32]](#footnote-32) Similar to West Virginia, an individual will face harsher penalties for refusing to submit to a chemical test than if he or she were to take the test and fail. For a first offense refusal to submit to a chemical test, the DMV will issue a license suspension for a period of 270 days.[[33]](#footnote-33) A second offense refusal to submit to a chemical test will result in a license suspension for a period of two years.[[34]](#footnote-34) During these suspension periods, an individual can have his or her driving privileges restored if he or she participates in the Ignition Interlock System Program.[[35]](#footnote-35) If the individual wishes to have his or her suspension modified by participating in the Ignition Interlock System Program, he or she will be required to participate in the program for a period of one year.[[36]](#footnote-36)

If an individual submits to a chemical test and is deemed to have committed a DUI offense, the Maryland Motor Vehicle Administration (MVA) will suspend the individual’s license.[[37]](#footnote-37) For a first DUI offense, the MVA will issue a suspension for a period of 180 days.[[38]](#footnote-38) For a second DUI offense, the MVA will issue a suspension for a period of one year.[[39]](#footnote-39)For a third DUI offense, the MVA will issue a suspension for a period of eighteen months.[[40]](#footnote-40) As with an offense of refusal to submit to a chemical test, an individual who is deemed to commit a DUI offense can have his or her driving privileges restored with the installation of an ignition interlock device.[[41]](#footnote-41) An individual who wishes to challenge a suspension can request a hearing with the MVA within ten days of the failed chemical test or refusal.[[42]](#footnote-42)

**Ohio**

Recently, Ohio has made an attempt to reduce the number of drunken drivers on its highways by signing into law bills that are stricter on individuals who commit an offense of operation of a vehicle under the influence (OVI). In 2017, “Annie’s Law” became effective and made several changes to Ohio’s drunk driving laws.[[43]](#footnote-43) Some changes include a longer “look-back period”[[44]](#footnote-44) and the use of ignition interlock devices to reduce suspension periods or restore limited driving privileges for the suspension period.[[45]](#footnote-45)

These changes are an effort to reduce the number of drunk drivers on Ohio highways. In 2016, 29% of all traffic fatalities in Ohio were related to drunk driving.[[46]](#footnote-46) Ohio suffered 324 fatalities due to drunk driving in 2016.[[47]](#footnote-47) From 2006 to 2015, there was a 19.7% decrease in fatalities involving a drunken driver in Ohio.[[48]](#footnote-48)

Ohio has an implied consent law similar to West Virginia and Maryland. Ohio’s implied consent law states that any person who operates a vehicle on an Ohio highway or public roadway is deemed to have given consent to chemical testing.[[49]](#footnote-49) Similar to West Virginia, Ohio issues a harsher punishment for individuals who refuse to submit to the chemical test rather than take the test and fail.

For a first offense refusal to submit to a chemical test, the offense will fall under a class C suspension.[[50]](#footnote-50) For a class C suspension, the Bureau of Motor Vehicles (BMV) will issue a license suspension for a period of one year.[[51]](#footnote-51) For a second refusal offense in ten years, the offense will fall under a class B suspension.[[52]](#footnote-52) For a class B suspension, the Bureau of Motor Vehicles (BMV) will issue a suspension for a period of two years.[[53]](#footnote-53) For a third offense refusal to submit to a chemical test in ten years, the offense will fall under a class A suspension.[[54]](#footnote-54) For a class A suspension, the BMV will issue a suspension for a period of three years.[[55]](#footnote-55)

If a person submits to a chemical test and is deemed to have committed an OVI offense, the BMV will suspend the person’s license after an administrative hearing.[[56]](#footnote-56) For a first OVI offense, the offense will fall under a class E suspension.[[57]](#footnote-57) For a class E suspension, the BMV will issue a license suspension for a period of three months.[[58]](#footnote-58) For a second OVI offense in ten years, the offense will fall under a class C suspension.[[59]](#footnote-59) As stated before, a class C suspension will result in a suspension period of one year.[[60]](#footnote-60) For a third OVI offense in ten years, the offense will fall under a class A suspension.[[61]](#footnote-61) For a class A suspension, the BMV will issue a suspension for a period of three years.[[62]](#footnote-62) If a person wishes to appeal his or her license suspension, he or she must do so at his initial appearance or within thirty days of his or her initial appearance.[[63]](#footnote-63)

**Virginia**

Similar to other states surrounding West Virginia, Virginia is making an effort to remove problem drivers from its highways. This is due in part to the fact that Virginia experienced 220 fatalities in 2016 due to the decisions of individuals to drive under the influence of alcohol.[[64]](#footnote-64) These fatalities attributed to 29% of all traffic fatalities in Virginia.[[65]](#footnote-65) From 2006 to 2015, there was a 35.5% decrease in fatalities involving a drunk driver in Virginia.[[66]](#footnote-66)

Virginia’s implied consent law statute states that any person who operates a motor vehicle on a highway in the Commonwealth of Virginia is deemed to have consented to have samples of his or her blood, breath, or both, submitted for chemical testing.[[67]](#footnote-67) Therefore, there are consequences if an individual refuses to submit to a chemical test in Ohio.

If an individual is suspected to have committed a DUI offense and subsequently refuses to submit to a chemical test, he or she be penalized more severely than if he or she took the chemical test and failed.[[68]](#footnote-68) For a first refusal to submit to chemical testing, the DMV will revoke the individual’s license for a period of one year.[[69]](#footnote-69) For a second refusal to submit to testing, a license can be suspended for a period of three years.[[70]](#footnote-70) In Virginia, it is an individual’s best interest to submit to a chemical, regardless of the individual’s blood alcohol concentration.

When it comes to the administrative process, Virginia is much more lenient with suspension periods for those who fail a chemical test than those who refuse to submit to the chemical test. When an individual commits his or her first DUI offense, he or she will be issued a license suspension for a period of seven days.[[71]](#footnote-71) For a second DUI offense, the suspension will be for a period of sixty days.[[72]](#footnote-72) For a third DUI offense, the suspension will remain until the individual’s trial date for the offense.[[73]](#footnote-73)

The DMV will require each person convicted of a DUI offense to install an ignition interlock device.[[74]](#footnote-74) For a first offense, the DMV can set the suspension for any period of time between six months and the suspension period is set by the Court.[[75]](#footnote-75) If there is a second suspension, the Court will require an ignition interlock device on each motor vehicle owned by or registered to the offender.[[76]](#footnote-76)

**Kentucky**

Kentucky has made an effort in recent years to amend some of its DUI laws. One of these laws is referred to as the Brianna Taylor Act. This act amended the “look back period” for DUI offenses.[[77]](#footnote-77) This act, and others like it in Kentucky, helped the state see a 15.2% decrease in fatalities involving a drunk driver in 2015.[[78]](#footnote-78) In 2016, only 21% of all traffic fatalities in Kentucky were related to drunk driving.[[79]](#footnote-79) However, 175 individuals lost their lives in Kentucky in 2016 due to drunk driving.[[80]](#footnote-80)

Like all states, Kentucky has an implied consent statute.[[81]](#footnote-81) The statute provides that any person who operates or is in physical control of a motor vehicle in the state of Kentucky has given his or her consent to one or more chemical tests, used to determine the blood alcohol concentration of the individual.[[82]](#footnote-82)

While Kentucky is making an effort to make some of its DUI laws stricter, it still has not implemented an administrative process for keeping drunk drivers off the state’s highways.[[83]](#footnote-83) Any suspension that is issued to an individual for a DUI offense is handed down from the Court, not an administrative agency like the DMV or Driver’s License Bureau.[[84]](#footnote-84)An individual only has to surrender his or her license to the Court upon conviction of a DUI offense.[[85]](#footnote-85) If an ignition interlock device is to be installed into a vehicle for a second time in ten years, it shall remain installed for a period of twelve months.[[86]](#footnote-86)

If an individual refuses to submit to a chemical test and is subsequently convicted by the Court of a DUI offense, he or she will be unable to obtain an ignition interlock device for restricted driving privileges.[[87]](#footnote-87) If an individual does submit to a chemical test and is subsequently convicted of a DUI offense, he or she will be eligible to gain restricted driving privileges with an ignition interlock device.[[88]](#footnote-88) The ignition interlock device is only required for first offenses that have aggravating circumstances.[[89]](#footnote-89)

**Pennsylvania**

Like many states, Pennsylvania is making strides to increase penalties for those who choose to drive under the influence. As recently as 2016, Pennsylvania signed into a law that made ignition interlock devices mandatory for first-time offenders with a high blood alcohol concentration.[[90]](#footnote-90) These laws are created in response to the high number of traffic fatalities involving drunk drivers. In 2016, for example, there were 327 fatalities in Pennsylvania attributed to drunk drivers,[[91]](#footnote-91) which accounted for 28% of all Pennsylvania traffic fatalities.[[92]](#footnote-92) The good news is there was a 28.6% decrease in fatalities involving a drunk driver from 2006 to 2015.[[93]](#footnote-93)

Pennsylvania’s implied consent law states that any person who operates a motor vehicle in the state shall be deemed to have given consent to one or more chemical tests for the purpose of determining the alcohol concentration of the blood.[[94]](#footnote-94) If an individual is under arrest for a first-time DUI offense and refuses to submit to a chemical test, he or she will face a license suspension for a period of twelve months.[[95]](#footnote-95) If an individual refuses a chemical test for second DUI offense, he or she will face a suspension for a period of eighteen months.[[96]](#footnote-96)

Unlike West Virginia, Pennsylvania has no administrative revocation process for any person who is convicted of a first-time DUI offense.[[97]](#footnote-97) Instead, Pennsylvania allows the DMV to revoke the licenses of what it calls “habitual offenders.”[[98]](#footnote-98) Once a person accumulates three DUI convictions within any period of five years, he or she will be deemed a habitual offender.[[99]](#footnote-99) A habitual offender will have his or her license revoked for a period of five years, then an additional two years for each additional offense.[[100]](#footnote-100)

As mentioned, Pennsylvania recently added new language to its ignition interlock device law. The amendment to the law states that if an individual seeks to restore his or her driving privileges with a restricted license during the suspension, he or she will be required to install an ignition interlock device on any vehicles he or she operates.[[101]](#footnote-101)

**Small, Rural States**

**New Hampshire**

In 2016, New Hampshire experienced a total of forty fatalities due to drunk drivers.[[102]](#footnote-102) And while forty fatalities may seem to be a significantly lower number than other states, those fatalities still accounted for 30% of all traffic fatalities in New Hampshire during 2016.[[103]](#footnote-103) From 2006 to 2015, New Hampshire saw a 27.6% decrease in fatalities involving a drunken driver.[[104]](#footnote-104)

New Hampshire’s implied consent law states that any person who drives, or attempts to operate a vehicle “upon the ways” of the state, shall be deemed to have given consent to physical tests and examinations for the purposes of determining whether such person is under the influence of an intoxicating liquor.[[105]](#footnote-105)

If a law enforcement officer suspects an individual to be driving while intoxicated (DWI) in New Hampshire and that individual refuses upon request to submit to physical or blood test, he or she will be penalized.[[106]](#footnote-106) For a first time refusal, an individual will have his or her license suspended for 180 days.[[107]](#footnote-107) If an individual has a prior DWI conviction or is refusing for a second time, he or she will be issued a license suspension for a period of two years.[[108]](#footnote-108)

When an individual submits to a physical or blood test and the test indicates a blood alcohol concentration of 0.08 or more, he or she will also face a penalty.[[109]](#footnote-109) If the individual has not refused a test previously and has no prior DWI convictions, the penalty will be a license suspension for a period of six months.[[110]](#footnote-110) The suspension period will be extended to two years if the individual has a prior refusal or DWI on record.[[111]](#footnote-111)After being convicted of a DWI offense, an individual will be required by the Court to install an ignition interlock device in any vehicle registered to the offender.[[112]](#footnote-112) The ignition interlock device is to remain installed for the period of the suspension plus an additional period of twelve months or up to two years.[[113]](#footnote-113)

**Vermont**

Vermont, similar to New Hampshire, suffers a small number of fatalities due to drunk drivers.[[114]](#footnote-114) In 2016, Vermont had a total of twenty-seven fatalities due to drunk drivers.[[115]](#footnote-115) But because Vermont is a small, mostly rural state, those twenty-seven fatalities contributed to 43% of all of Vermont’s traffic fatalities.[[116]](#footnote-116) From 2006 to 2015, Vermont experienced a 39.9% decrease in fatalities due to drunk drivers.[[117]](#footnote-117) In an effort to get problem drivers off of the highways, Vermont has an implied consent law.[[118]](#footnote-118) Like most states, Vermont’s implied consent law states that every individual who operates, attempts to operate, or is in actual physical control of a vehicle on a Vermont highway is deemed to have given consent to breath test to determine that individuals blood alcohol concentration.[[119]](#footnote-119)

Any individual who is suspected by Vermont law enforcement to be committing a DWI offense but refuses to submit to a chemical test will be penalized.[[120]](#footnote-120) Similar to West Virginia, an individual in Vermont will face harsher penalties for refusing to submit to a chemical test than if he or she were to take the test and fail.[[121]](#footnote-121) For a first offense refusal to submit to a chemical test, the DMV will issue a license suspension for a period of six months.[[122]](#footnote-122) A second offense refusal to submit to a chemical test will result in a suspension for a period of eighteen months.[[123]](#footnote-123)

If an individual submits to a chemical test and is found to have an alcohol concentration above the legal limit, this will be deemed as a DWI offense. For a first-time DWI offense, an individual will be issued a suspension for a period of ninety days.[[124]](#footnote-124)In Vermont, a second DWI offense carries the same punishment as a second test-refusal offense. Therefore, a second DWI offense results in a suspension for, a period of eighteen months.[[125]](#footnote-125)

In 2016, Vermont joined the majority of states to require ignition interlocks for all offenders.[[126]](#footnote-126) To regain restricted driving privileges during a suspension period, an individual may be issued an ignition interlock certificate.[[127]](#footnote-127) A first-time offender must wait thirty days after the start of the suspension before being eligible for an ignition interlock device.[[128]](#footnote-128)An individual must wait ninety days after a second offense to be eligible for an ignition interlock device.[[129]](#footnote-129)

**Maine**

Out of all of the states in this comparative study, Maine has seen the smallest change in fatalities related to drunk drivers from 2006 to 2015, at a 2.9% decrease.[[130]](#footnote-130) In 2016, Maine experienced fifty-four deaths due to drunk drivers in 2016,[[131]](#footnote-131) which amounted to 33% of all Maine traffic fatalities.[[132]](#footnote-132)

Maine has an implied consent statute like all other states. The Maine statute mandates that, if there is probable cause to believe that an individual has operated a motor vehicle under the influence of intoxicants, that individual must submit to and complete a test to determine an alcohol concentration.[[133]](#footnote-133)

When an individual fails to submit to a chemical test, the Secretary of State will immediately suspend the individual’s license.[[134]](#footnote-134) For a first refusal, the suspension will be for a period of two hundred seventy-five days.[[135]](#footnote-135) For a second refusal, the suspension will be for a period of eighteen months.[[136]](#footnote-136) For a third refusal, the suspension will be for a period four years.[[137]](#footnote-137) A fourth refusal will result in a license suspension for a period of six years.[[138]](#footnote-138)

If an individual is convicted of an operating under the influence (OUI) offense, the Secretary of State will suspend the individual’s license.[[139]](#footnote-139) If it is the individual’s first OUI offense within a ten-year period, he or she will be issued a suspension for a period of one hundred fifty days.[[140]](#footnote-140) If the individual has a total of two OUI offenses in ten years, the suspension will be for a period of three years.[[141]](#footnote-141) If the individual has a total of three OUI offenses in ten years, the suspension will be for a period of six years.[[142]](#footnote-142)If the individual has a total of four or more OUI offenses in ten years, the suspension will be for a period of eight years.[[143]](#footnote-143)

With the installation of an ignition interlock device, an individual with a suspended license may regain restricted driving privileges.[[144]](#footnote-144) For an individual with one OUI offense, he or she must serve thirty out of the one hundred fifty days of the suspension before the ignition interlock device may be installed.[[145]](#footnote-145)For an individual with two OUI offenses, he or she must serve nine months of the three-year suspension before the ignition interlock device may be installed.[[146]](#footnote-146) Once the ignition interlock device is installed for an individual with two offenses, it must remain in the vehicle for a period of two years.[[147]](#footnote-147)For an individual with three OUI offenses, he or she must serve three out of the six years of the suspension before the ignition interlock device may be installed.[[148]](#footnote-148)Once the ignition interlock device is installed for individuals with three offenses, it must remain in the vehicle for a period of 3 years.[[149]](#footnote-149)

**Appalachian Region States**

**Alabama**

In 2014, Alabama enacted a law that that made ignition interlock devices mandatory for all DUI offenders.[[150]](#footnote-150) The movement for stricter DUI laws obviously aims to decrease the number of injuries and fatalities. In 2016, 27% of all traffic fatalities in Alabama were related to drunk driving, which resulted in 279 fatalities.[[151]](#footnote-151) The state experienced a 37.9% decrease in fatalities involving a drunken driver from 2006 to 2015.[[152]](#footnote-152)

The implied consent statue in Alabama states that any person who operates a motor vehicle upon the public highway shall be deemed to have given his or her consent to a chemical test for the purpose of determining the alcohol concentration of his or her blood.[[153]](#footnote-153)

If an individual is under arrest for a DUI offense, but refuses to submit to a chemical test, he or she will be issued a license suspension.[[154]](#footnote-154) For a first offense refusal, an individual’s license will be suspended for a period of ninety days.[[155]](#footnote-155) For a second or subsequent offense refusal, the suspension period will be one year.[[156]](#footnote-156)

If an individual is convicted of a DUI offense, the Secretary of the Alabama State Law Enforcement Agency will suspend his or her license.[[157]](#footnote-157) For a first DUI offense, the suspension will be for a period of ninety days.[[158]](#footnote-158) After forty-five days, the individual may regain restricted driving privileges with the installation of an ignition interlock device.[[159]](#footnote-159) For a second DUI offense in a five-year period, an individual will be issued a suspension for a period of one year.[[160]](#footnote-160) An individual with a second DUI offense will also be required to install an ignition interlock device in his or her vehicle.[[161]](#footnote-161) For a third DUI offense, the suspension period will be for three years.[[162]](#footnote-162) As with a second suspension, an individual with a third DUI offense will be required to install an ignition interlock device in his or her vehicle.[[163]](#footnote-163) In all instances, the ignition interlock must remain installed in the vehicle for a period of two years.[[164]](#footnote-164)

**Georgia**

In 2016, 24% of all traffic fatalities in Georgia were related to drunk driving, totaling 368 fatalities.[[165]](#footnote-165) *Id.* Georgia is moving in the right direction, by updating its laws and establishing ignition interlock programs. In Georgia, there was a 26% decrease in fatalities involving a drunken driver from 2006 to 2015.[[166]](#footnote-166)

Georgia’s implied consent law requires that an individual submit to a state administered chemical test for the purpose of determining if that individual is under the influence of alcohol.[[167]](#footnote-167) If an individual submits to testing and the results indicate an alcohol concentration over the legal limit, he or she will be convicted of a DUI offense.[[168]](#footnote-168) In Georgia, a refusal to submit to chemical testing is treated as if the individual had an alcohol concentration over the legal limit.[[169]](#footnote-169) Therefore, the penalties for a refusal and a conviction are the same.[[170]](#footnote-170)

For a first-time DUI conviction or refusal, an individual’s license will be suspended for a period of twelve months.[[171]](#footnote-171) The individual may apply for early reinstatement of the license after 120 days.[[172]](#footnote-172) For a second DUI conviction or refusal within five years, the suspension period will be three years.[[173]](#footnote-173) The individual will be eligible to apply for early reinstatement after eighteen months of the suspension.[[174]](#footnote-174) For a third DUI conviction or refusal within five years, the suspension period will be five years.[[175]](#footnote-175)

After a second DUI conviction in Georgia within five years, an individual may apply for an ignition interlock device limited driving permit.[[176]](#footnote-176) The individual must serve a total of one hundred twenty days of the suspension before he or she can apply.[[177]](#footnote-177) If an individual violates any of the conditions of the limited driving permit for the first time, the permit will be revoked and the individual will not be able to apply for a driver’s license for six months after the permit was surrendered.[[178]](#footnote-178) If an individual violates any of the conditions of the limited driving permit for the second time, the individual will not be able to apply for a driver’s license for two years after the permit was surrendered.[[179]](#footnote-179)

**Mississippi**

In 2014, Mississippi enacted a stricter ignition interlock law that that made ignition interlock devices mandatory for all DUI offenders.[[180]](#footnote-180) In 2016, 19%, or 129 fatalities, of all traffic fatalities in Mississippi were related to drunk driving.[[181]](#footnote-181) Mississippi’s stricter laws contributed to the state’s 49.1% decrease in fatalities involving drunk drivers from 2006 to 2015.[[182]](#footnote-182)

The implied consent statue in Mississippi states that any person who operates a motor vehicle upon the public highways, public roads, and streets of the state shall be deemed to have given consent to a chemical test of his or her breath for the purpose of determining its alcohol concentration.[[183]](#footnote-183)

If an individual is under arrest for a DUI offense, but refuses to submit to a chemical test, he or she will be issued a license suspension.[[184]](#footnote-184) For a first offense refusal, an individual’s license will be suspended for a period of ninety days[[185]](#footnote-185) For a second or subsequent offense refusal, the suspension period will be one year.[[186]](#footnote-186)

If an individual is convicted of a DUI offense, the Department of Public Safety will suspend the driver’s license for a period of 120 days.[[187]](#footnote-187) For a second DUI offense, the suspension will be for a period of one year.[[188]](#footnote-188) For a third offense, upon the release from incarceration, the individual will be able to obtain only an ignition interlock restricted license for a period of three years.[[189]](#footnote-189) For a fourth or subsequent offense, upon the release from incarceration, the individual will be able to obtain only an ignition interlock restricted license for a period of ten years.[[190]](#footnote-190)

**North Carolina**

North Carolina experienced 354 deaths due to drunk drivers in 2016, which accounted for 24% of all traffic fatalities.[[191]](#footnote-191) North Carolina has implemented various methods to get drunk drivers off of its highways, like sobriety checkpoints and ignition interlock requirements.[[192]](#footnote-192) Because of these efforts, there was a 12.7% decrease in fatalities involving drunk drivers from 2006 to 2015.[[193]](#footnote-193)

North Carolina’s implied consent law states if any law enforcement officer has reasonable grounds to believe that an individual has committed an implied consent offense, then the officer may obtain a chemical analysis from the individual.[[194]](#footnote-194)

If an individual is under arrest for a DWI offense, but refuses to submit to a chemical test, he or she will be issued a license suspension.For a first offense refusal, an individual’s license will be suspended for a period of one year.[[195]](#footnote-195) For a second or subsequent offense refusal, the suspension period will be one year.[[196]](#footnote-196) The administrative suspension will be for a period of thirty days for DWI offenses.[[197]](#footnote-197)

An individual in North Carolina will be required to install an ignition interlock device in his or her motor vehicle if he or she had a high alcohol concentration or is a repeat offender within seven years and wants his or her driving privileges restored.[[198]](#footnote-198) The individual will be required to keep the ignition interlock device installed for one year from the date of the license restoration if the original revocation period was one year.[[199]](#footnote-199) If the original revocation period was for four years, the ignition interlock device will be installed for a period of three years.[[200]](#footnote-200) If the original revocation was a permanent revocation, the ignition interlock device will be installed for a period of seven years.[[201]](#footnote-201)

**South Carolina**

In 2014, South Carolina enacted “Emma’s Law,” which increased the ignition interlock punishment for convicted drunk drivers.[[202]](#footnote-202) Laws, such as “Emma’s Law,” are enacted to decrease the negative outcomes on public safety, caused by drunk drivers. In 2016, 33% of all traffic fatalities in South Carolina were related to drunk driving.[[203]](#footnote-203) South Carolina suffered 331 fatalities due to drunk driving.[[204]](#footnote-204) From 2006 to 2015, South Carolina experienced a 35.9% decrease in fatalities involving a drunken driver.[[205]](#footnote-205)

South Carolina’s implied consent law states that an individual who drives a motor vehicle in the state is considered to have given consent to chemical tests for the purpose of determining the presence of alcohol.[[206]](#footnote-206)

South Carolina has no administrative hearings for DUI offenses.[[207]](#footnote-207) The only occasion where South Carolina allows for an administrative license suspension is for refusal to submit to chemical test, or if the offender had a high blood alcohol concentration.[[208]](#footnote-208)For a first-offense refusal to submit to a chemical test, an individual will be issued a license suspension.[[209]](#footnote-209) The suspension will be for a period of six months.[[210]](#footnote-210) For a second-offense refusal, the suspension will be for a period of nine months.[[211]](#footnote-211) A third offense will result in a suspension for a period of twelve months.[[212]](#footnote-212) A fifteen-month suspension will result from a fourth or subsequent refusal offense.[[213]](#footnote-213)

South Carolina also makes ignition interlock devices mandatory for high blood alcohol concentration and repeat offenders.[[214]](#footnote-214) While the individual has the device installed, South Carolina requires that it be inspected every sixty days to verify that the device is affixed to the motor vehicle and operating properly.[[215]](#footnote-215)

**Tennessee**

In 2013, Tennessee passed a law that made ignition interlock devices mandatory for all DUI offenders.[[216]](#footnote-216) These stricter laws helped Tennessee see a 44.0% decrease in fatalities involving a drunken driver from 2006 to 2015.[[217]](#footnote-217) In 2016, 223 fatalities, or 21% of all traffic fatalities, in Tennessee were related to drunk driving.[[218]](#footnote-218)

Tennessee’s implied consent law states that the operator of a motor vehicle in the state is deemed to have given implied consent to a breath test for the purpose of determining the alcohol content of that operator’s blood.[[219]](#footnote-219) The test is not to be administered unless the law enforcement officer had probable cause to believe the operator was committing a DUI offense.[[220]](#footnote-220)

If an individual is under arrest for a DUI offense, but refuses to submit to a chemical test, he or she will be issued a license suspension.[[221]](#footnote-221) For a first offense refusal, an individual’s license will be suspended for a period of one year.[[222]](#footnote-222) If an individual has a prior conviction within the past ten years, the suspension will be for a period of two years.[[223]](#footnote-223) Tennessee does not have an administrative revocation process for DUI convictions.[[224]](#footnote-224)

**Conclusion**

In the sixteen states surveyed, all showed a decrease in the role drunk drivers played in traffic fatalities. However, there was no identifiable correlation between the states with larger changes in traffic fatalities and their DUI process. All states have an implied consent law. Most states have an administrative process in place. All states impose penalties for individuals who refuse to submit to chemical testing. All states have an established ignition interlock program in place, but the states vary on the circumstances that will initiate participation in the program. There are only a few states that have been more effective in recent years at removing problem drivers from their highways than West Virginia. The following chart summarizes the main points surveyed in this memorandum.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **State** | **Traffic Fatalities from 2006-2015**  **(% Change)** | **Implied Consent?** | **Administrative Process?** | **Penalties for chemical test refusal?** | **Ignition interlock program?** |
| West Virginia | -33.6 | Yes | Yes | Yes | Yes, for all offenders |
| Maryland | -21.1 | Yes | Yes | Yes | Yes, for all offenders |
| Ohio | -19.7 | Yes | Yes | Yes | Yes, for repeat offenders |
| Virginia | -35.5 | Yes | Yes | Yes | Yes, for all offenders |
| Kentucky | -15.2 | Yes | No | Limited restrictions | Yes, in limited circumstances |
| Pennsylvania | -28.6 | Yes | No | Yes | Yes, in limited circumstances |
| New Hampshire | -27.6 | Yes | Yes | Yes | Yes, for all offenders |
| Vermont | -39.9 | Yes | Yes | Yes | Yes, for all offenders |
| Maine | -2.9 | Yes | Yes | Yes | Yes, for all offenders |
| Alabama | -37.9 | Yes | Yes | Yes | Yes, for all offenders |
| Georgia | -26.0 | Yes | Yes | Yes | Yes, for repeat offenders |
| Mississippi | -49.1 | Yes | Yes | Yes | Yes, for all offenders |
| North Carolina | -12.7 | Yes | Yes | Yes | Yes, in limited circumstances |
| South Carolina | -35.9 | Yes | No | Yes | Yes, in limited circumstances |
| Tennessee | -44.0 | Yes | No | Yes | Yes, for all offenders |

1. 23 U.S.C. § 164 (West 2017). [↑](#footnote-ref-1)
2. *Id.* at § 163. [↑](#footnote-ref-2)
3. NHTSA, DOT HS 812 450 (2017). [↑](#footnote-ref-3)
4. An ignition interlock is a device that requires the driver, before starting the car, to blow into it to determine whether the driver exceeds a specified blood alcohol limit. If he or she does, the driver cannot start the car and may also suffer legal consequences. [↑](#footnote-ref-4)
5. https://www.madd.org/state-statistics/ [↑](#footnote-ref-5)
6. *Id.* [↑](#footnote-ref-6)
7. https://www.responsibility.org/wp-content/uploads/2016/03/2015-State-of-Drunk-Driving-Fatalities-in-America.pdf [↑](#footnote-ref-7)
8. W. Va. Code Ann. § 17C-5A-1. (West, 2017). [↑](#footnote-ref-8)
9. *Id.* at § 17C-5-4. [↑](#footnote-ref-9)
10. *Id.* at § 17C-5A-1(a). [↑](#footnote-ref-10)
11. *Id.* at § 17C-5A-2. [↑](#footnote-ref-11)
12. *Id.* [↑](#footnote-ref-12)
13. *Id.*  [↑](#footnote-ref-13)
14. *Id.*  [↑](#footnote-ref-14)
15. *Id.* at § 17C-5A-2(j). [↑](#footnote-ref-15)
16. *Id.* at § 17C-5A-3(a). [↑](#footnote-ref-16)
17. *Id.* [↑](#footnote-ref-17)
18. *Id.* [↑](#footnote-ref-18)
19. *Id.* at § 17C-5A-2(j). [↑](#footnote-ref-19)
20. *Id.* [↑](#footnote-ref-20)
21. *Id.* at § 17C-5-7. [↑](#footnote-ref-21)
22. *Id.* [↑](#footnote-ref-22)
23. *Id.* [↑](#footnote-ref-23)
24. *Id.* [↑](#footnote-ref-24)
25. *Id.* [↑](#footnote-ref-25)
26. https://www.madd.org/state-statistics/ [↑](#footnote-ref-26)
27. https://www.responsibility.org/wp-content/uploads/2016/03/2015-State-of-Drunk-Driving-Fatalities-in-America.pdf [↑](#footnote-ref-27)
28. http://www.mva.maryland.gov [↑](#footnote-ref-28)
29. *Id.* [↑](#footnote-ref-29)
30. Md. Code Ann., Transp. § 16-205.1(a)(2). (West, 2017). [↑](#footnote-ref-30)
31. *Id.* [↑](#footnote-ref-31)
32. *Id.* at §16-205.1(b). [↑](#footnote-ref-32)
33. *Id.* [↑](#footnote-ref-33)
34. *Id.* [↑](#footnote-ref-34)
35. *Id.* at § 16-205.1(b)(2). [↑](#footnote-ref-35)
36. *Id.* a § 16-205.1(p). [↑](#footnote-ref-36)
37. *Id.* at § 16-205.1. [↑](#footnote-ref-37)
38. *Id.* at § 16-205.1(f)(4). [↑](#footnote-ref-38)
39. *Id.* [↑](#footnote-ref-39)
40. *Id.* [↑](#footnote-ref-40)
41. *Id.* at § 16-205.1. [↑](#footnote-ref-41)
42. *Id.* at 16-205.1(b)(3)(v). [↑](#footnote-ref-42)
43. http://www.westonhurd.com/big-changes-ohios-dui-ovi-law-effective-april-6-2017/ [↑](#footnote-ref-43)
44. A look-back period is the period of time in which an individual’s previous DUI offenses will count toward imposition of penalties in a subsequent DUI. [↑](#footnote-ref-44)
45. *Id.* [↑](#footnote-ref-45)
46. https://www.madd.org/state-statistics/ [↑](#footnote-ref-46)
47. *Id.* [↑](#footnote-ref-47)
48. https://www.responsibility.org/wp-content/uploads/2016/03/2015-State-of-Drunk-Driving-Fatalities-in-America.pdf [↑](#footnote-ref-48)
49. Ohio Rev. Code Ann. § 4511.191 (West, 2017). [↑](#footnote-ref-49)
50. *Id.* at § 4511.191(B)(1). [↑](#footnote-ref-50)
51. *Id.* at § 4510.02(B). [↑](#footnote-ref-51)
52. *Id.* at § 4511.191(B)(1). [↑](#footnote-ref-52)
53. *Id.* at § 4510.02(B). [↑](#footnote-ref-53)
54. *Id.* at § 4511.191(B)(1). [↑](#footnote-ref-54)
55. *Id.* at § 4510.02(B). [↑](#footnote-ref-55)
56. *Id.* at § 4511.191(C)(1). [↑](#footnote-ref-56)
57. *Id.* [↑](#footnote-ref-57)
58. *Id.* at § 4510.02(B). [↑](#footnote-ref-58)
59. *Id.* at § 4511.191(C)(1). [↑](#footnote-ref-59)
60. *Id.* at § 4510.02(B). [↑](#footnote-ref-60)
61. *Id.* at § 4511.191(C)(1)*.* [↑](#footnote-ref-61)
62. *Id.* at § 4510.02(B). [↑](#footnote-ref-62)
63. *Id.* at § 4511.197. [↑](#footnote-ref-63)
64. https://www.madd.org/state-statistics/ [↑](#footnote-ref-64)
65. *Id.* [↑](#footnote-ref-65)
66. https://www.responsibility.org/wp-content/uploads/2016/03/2015-State-of-Drunk-Driving-Fatalities-in-America.pdf [↑](#footnote-ref-66)
67. Va. Code Ann. § 18.2-268.2 (West, 2017). [↑](#footnote-ref-67)
68. *Id.* at § 18.2-268.3. [↑](#footnote-ref-68)
69. *Id.* [↑](#footnote-ref-69)
70. *Id.* [↑](#footnote-ref-70)
71. *Id.* at § 46.2-391.2. [↑](#footnote-ref-71)
72. *Id.* [↑](#footnote-ref-72)
73. *Id.* [↑](#footnote-ref-73)
74. *Id.* at § 18.2-270.1. [↑](#footnote-ref-74)
75. *Id.* [↑](#footnote-ref-75)
76. *Id.* [↑](#footnote-ref-76)
77. Ky. Rev. Stat. Ann. § 189A.070. (West 2017). [↑](#footnote-ref-77)
78. https://www.responsibility.org/wp-content/uploads/2016/03/2015-State-of-Drunk-Driving-Fatalities-in-America.pdf [↑](#footnote-ref-78)
79. https://www.madd.org/state-statistics/ [↑](#footnote-ref-79)
80. *Id.* [↑](#footnote-ref-80)
81. Ky. Rev. Stat. Ann*.* § 189A.103. [↑](#footnote-ref-81)
82. *Id.* [↑](#footnote-ref-82)
83. *Id.* at § 189A.070. [↑](#footnote-ref-83)
84. *Id.* [↑](#footnote-ref-84)
85. *Id.* [↑](#footnote-ref-85)
86. *Id.* [↑](#footnote-ref-86)
87. *Id.* at § 189A.105. [↑](#footnote-ref-87)
88. *Id.* [↑](#footnote-ref-88)
89. *Id.* [↑](#footnote-ref-89)
90. Pa. Stat. and Cons. Stat. Ann. § 3805. (West, 2017). [↑](#footnote-ref-90)
91. https://www.madd.org/state-statistics/ [↑](#footnote-ref-91)
92. *Id.* [↑](#footnote-ref-92)
93. https://www.responsibility.org/wp-content/uploads/2016/03/2015-State-of-Drunk-Driving-Fatalities-in-America.pdf [↑](#footnote-ref-93)
94. Pa. Stat. and Cons. Stat. Ann. § 1547(a). [↑](#footnote-ref-94)
95. *Id.* at § 1547(b). [↑](#footnote-ref-95)
96. *Id.*  [↑](#footnote-ref-96)
97. *Id.* at § 1542. [↑](#footnote-ref-97)
98. *Id.* [↑](#footnote-ref-98)
99. *Id.* [↑](#footnote-ref-99)
100. *Id.* [↑](#footnote-ref-100)
101. *Id.*  [↑](#footnote-ref-101)
102. https://www.madd.org/state-statistics/ [↑](#footnote-ref-102)
103. *Id.*  [↑](#footnote-ref-103)
104. https://www.responsibility.org/wp-content/uploads/2016/03/2015-State-of-Drunk-Driving-Fatalities-in-America.pdf [↑](#footnote-ref-104)
105. N.H. Rev. Stat. Ann. § 265-A:4. (West, 2017). [↑](#footnote-ref-105)
106. *Id.* at § 265-A:14. [↑](#footnote-ref-106)
107. *Id.*  [↑](#footnote-ref-107)
108. *Id.* [↑](#footnote-ref-108)
109. *Id.* at § 265-A:30. [↑](#footnote-ref-109)
110. *Id.* [↑](#footnote-ref-110)
111. *Id.*  [↑](#footnote-ref-111)
112. *Id.* at § 265-A:36. [↑](#footnote-ref-112)
113. *Id.*  [↑](#footnote-ref-113)
114. https://www.madd.org/state-statistics/ [↑](#footnote-ref-114)
115. *Id.* [↑](#footnote-ref-115)
116. *Id.* [↑](#footnote-ref-116)
117. https://www.responsibility.org/wp-content/uploads/2016/03/2015-State-of-Drunk-Driving-Fatalities-in-America.pdf [↑](#footnote-ref-117)
118. Vt. Stat. Ann. tit. 23, § 1202 (West, 2017). [↑](#footnote-ref-118)
119. *Id.* [↑](#footnote-ref-119)
120. *Id.* [↑](#footnote-ref-120)
121. *Id.* [↑](#footnote-ref-121)
122. *Id.*  [↑](#footnote-ref-122)
123. *Id.* at § 1205. [↑](#footnote-ref-123)
124. *Id.* [↑](#footnote-ref-124)
125. *Id.* [↑](#footnote-ref-125)
126. https://www.madd.org/state-statistics/ [↑](#footnote-ref-126)
127. Vt. Stat. Ann. tit. 23, § 1213. [↑](#footnote-ref-127)
128. *Id.*  [↑](#footnote-ref-128)
129. *Id.*  [↑](#footnote-ref-129)
130. https://www.responsibility.org/wp-content/uploads/2016/03/2015-State-of-Drunk-Driving-Fatalities-in-America.pdf [↑](#footnote-ref-130)
131. https://www.madd.org/state-statistics/ [↑](#footnote-ref-131)
132. *Id.* [↑](#footnote-ref-132)
133. Me. Rev. Stat. tit. 29-A, § 2521. (West, 2017). [↑](#footnote-ref-133)
134. *Id.* [↑](#footnote-ref-134)
135. *Id.*  [↑](#footnote-ref-135)
136. *Id.*  [↑](#footnote-ref-136)
137. *Id.*  [↑](#footnote-ref-137)
138. *Id.*  [↑](#footnote-ref-138)
139. *Id.* at § 2451. [↑](#footnote-ref-139)
140. *Id.*  [↑](#footnote-ref-140)
141. *Id.*  [↑](#footnote-ref-141)
142. *Id.* [↑](#footnote-ref-142)
143. *Id.*  [↑](#footnote-ref-143)
144. *Id.* at § 2508. [↑](#footnote-ref-144)
145. *Id.*  [↑](#footnote-ref-145)
146. *Id.*  [↑](#footnote-ref-146)
147. *Id.* [↑](#footnote-ref-147)
148. *Id.*  [↑](#footnote-ref-148)
149. *Id.*  [↑](#footnote-ref-149)
150. https://www.madd.org/state-statistics/ [↑](#footnote-ref-150)
151. *Id.*  [↑](#footnote-ref-151)
152. https://www.responsibility.org/wp-content/uploads/2016/03/2015-State-of-Drunk-Driving-Fatalities-in-America.pdf [↑](#footnote-ref-152)
153. Ala. Code § 32-5-192 (West, 2017). [↑](#footnote-ref-153)
154. *Id.*  [↑](#footnote-ref-154)
155. *Id.*  [↑](#footnote-ref-155)
156. *Id.*  [↑](#footnote-ref-156)
157. *Id.* at § 32-5a-191. [↑](#footnote-ref-157)
158. *Id.*  [↑](#footnote-ref-158)
159. *Id.*  [↑](#footnote-ref-159)
160. *Id.*  [↑](#footnote-ref-160)
161. *Id.* [↑](#footnote-ref-161)
162. *Id.* [↑](#footnote-ref-162)
163. *Id.* [↑](#footnote-ref-163)
164. *Id.* [↑](#footnote-ref-164)
165. *Id.* at [↑](#footnote-ref-165)
166. https://www.responsibility.org/wp-content/uploads/2016/03/2015-State-of-Drunk-Driving-Fatalities-in-America.pdf [↑](#footnote-ref-166)
167. Ga. Code Ann. § 40-5-67.1. (West, 2017). [↑](#footnote-ref-167)
168. *Id.* at §40-5-67.1 [↑](#footnote-ref-168)
169. *Id.* at § 40-6-391. [↑](#footnote-ref-169)
170. *Id.* [↑](#footnote-ref-170)
171. *Id.* at § 40-5-63. [↑](#footnote-ref-171)
172. *Id.*  [↑](#footnote-ref-172)
173. *Id.*  [↑](#footnote-ref-173)
174. *Id.*  [↑](#footnote-ref-174)
175. *Id.* at § 40-5-62. [↑](#footnote-ref-175)
176. *Id.* at § 40-5-64.1. [↑](#footnote-ref-176)
177. *Id.*  [↑](#footnote-ref-177)
178. *Id.*  [↑](#footnote-ref-178)
179. *Id.*  [↑](#footnote-ref-179)
180. https://www.madd.org/state-statistics/ [↑](#footnote-ref-180)
181. *Id.* [↑](#footnote-ref-181)
182. https://www.responsibility.org/wp-content/uploads/2016/03/2015-State-of-Drunk-Driving-Fatalities-in-America.pdf [↑](#footnote-ref-182)
183. Miss. Code. Ann. § 63-11-5. (West, 2017). [↑](#footnote-ref-183)
184. *Id.* at § 63-11-23.  [↑](#footnote-ref-184)
185. *Id.*  [↑](#footnote-ref-185)
186. *Id.* [↑](#footnote-ref-186)
187. *Id.* [↑](#footnote-ref-187)
188. *Id.* [↑](#footnote-ref-188)
189. *Id.*  [↑](#footnote-ref-189)
190. *Id.* [↑](#footnote-ref-190)
191. https://www.madd.org/state-statistics/ [↑](#footnote-ref-191)
192. *Id.*  [↑](#footnote-ref-192)
193. https://www.responsibility.org/wp-content/uploads/2016/03/2015-State-of-Drunk-Driving-Fatalities-in-America.pdf [↑](#footnote-ref-193)
194. N.C. Gen. Stat. Ann. § 20-16.2. (West, 2017). [↑](#footnote-ref-194)
195. *Id.* [↑](#footnote-ref-195)
196. *Id.*  [↑](#footnote-ref-196)
197. *Id.* at § 20-16.5. [↑](#footnote-ref-197)
198. *Id.* at § 20-17.8. [↑](#footnote-ref-198)
199. *Id.*  [↑](#footnote-ref-199)
200. *Id.*  [↑](#footnote-ref-200)
201. *Id.*  [↑](#footnote-ref-201)
202. https://www.madd.org/state-statistics/ [↑](#footnote-ref-202)
203. *Id.* [↑](#footnote-ref-203)
204. *Id.* [↑](#footnote-ref-204)
205. https://www.responsibility.org/wp-content/uploads/2016/03/2015-State-of-Drunk-Driving-Fatalities-in-America.pdf [↑](#footnote-ref-205)
206. S.C. Code Ann. § 56-5-2950. (West, 2017). [↑](#footnote-ref-206)
207. *Id.* at § 56-5-2951. [↑](#footnote-ref-207)
208. *Id.* [↑](#footnote-ref-208)
209. *Id.*  [↑](#footnote-ref-209)
210. *Id.* [↑](#footnote-ref-210)
211. *Id.* [↑](#footnote-ref-211)
212. *Id.*  [↑](#footnote-ref-212)
213. *Id.*  [↑](#footnote-ref-213)
214. *Id.* at § 56-5-2941. [↑](#footnote-ref-214)
215. *Id.*  [↑](#footnote-ref-215)
216. https://www.madd.org/state-statistics/ [↑](#footnote-ref-216)
217. https://www.responsibility.org/wp-content/uploads/2016/03/2015-State-of-Drunk-Driving-Fatalities-in-America.pdf [↑](#footnote-ref-217)
218. https://www.madd.org/state-statistics/ [↑](#footnote-ref-218)
219. Tenn. Code Ann.§ 55-10-406. (West, 2017). [↑](#footnote-ref-219)
220. *Id.*  [↑](#footnote-ref-220)
221. *Id.* at § 55-10-407*.* [↑](#footnote-ref-221)
222. *Id.*  [↑](#footnote-ref-222)
223. *Id.*  [↑](#footnote-ref-223)
224. *Id.*  [↑](#footnote-ref-224)