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Vermont Legislative Research Service

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Driving Under the Influence (DUI)

Currently, drunk driving is a major issue in the United States. According to The Centers for Disease Control Prevention 10,839 people were killed in alcohol impaired driving crashes in 2009 alone.¹ Each state is responsible for writing its own DUI laws, which consequently differ in severity by their specific legalities, which include license suspension, jail time, fines, and numerous

of a 90 day suspension. In Connecticut, a driver whose license has been suspended may have an interlock system installed in their car after the driver has served one year of suspension.²

The U.S. Center for Disease Control and Prevention notes that ignition interlock devices reduce the rate of recidivism by a median of 67%. Drivers who previously had their licenses revoked because of a DWI conviction had more alcohol impaired crashes than drivers with interlocks. The CDC also suggests expanding the use of sobriety checkpoints, as their research has shown that checkpoints yield a median decrease in impaired driving crashes and deaths by 20%.³

also proved to be effective. T

Administration (NHTSA) with increases in road checkpoints. Over 109 total checkpoints were conducted during the 2003 2004 Impaired Driving High Visibility Enforcement Campaign. The campaign was funded by Sec. 154 and Sec. 164 funds from the Federal Highway Administration (FHA) due to Connecticut's lack of enforcement of open container and repeat impaired driving offender laws that satisfied Federal requirements. Statistics showed that fatalities decreased by an estimated 47 people within the first 18 months of the campaign's July 2003 launch date; half of these drivers were in the targeted cohort of males between the ages 21 to 34. Connecticut did not continue the campaign because transfer funds under Sec. 164 ended after fiscal year 2003. Instead of continuing a high visibility enforcement campaign, Connecticut chose to adopt repeat impaired driving offender laws. This resulted in 110 fatal crashes in 2006 with drivers exceeding the legal BAC limit of .08, more than the 105 reported in 2002 even before the high visibility enforcement campaign began. Drivers with BACs over .08 also experienced more fatal accidents, from 3.36 per billion vehicle miles of travel in 2002 (pre campaign) to an elevated 3.48 in 2006.

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Disclaimer: This report has been prepared by undergraduate students at the University of Vermont under the supervision of Professor Anthony Gierzynski. The material contained in the reports does not reflect official policy of the University of Vermont.

Appendix I

		Vermont	Connecticut	Maine	Massachusetts	New Hampshire	Montana	Washington
First Offense	Prison Sentence	No more than 2 years	Either: 6 months with a mandatory 2 days; or six months suspended sentence with probation and 100 hours of community service	Dependent on BAC, speed, attempts to allude the officer, passengers in the car, and compliance with the officer.	No more than 2.5 years		Up to 10 days	Between 1 day and 1 year; if BAC is 0.15+ between 2 days and 1 year
	Fine	Up to \$750	\$500 \$1,000	\$500 minimum; \$600 minimum if refused sobriety test	\$500 \$2,500	No less than \$500	\$300 \$1,000	\$250 \$5,000; if BAC is 0.15+ \$500 \$5,000
	License Suspension	90 Day Suspension, option to use an ignition interlock device after the first 30 days	One year	90 Days	1 Year	9 months to 2 years	6 months	90 days; if BAC is 0.15+ 1 year
Second Offense	Prison Sentence	No more than 2 years; 200 hours of community service or 60 continuous hours in jail	Up to two years with a mandatory minimum of 120 consecutive days and probation with 100 hours of community service	No less than 7 days unless; if refusal occurred no less than 12 days	60			

		Vermont	Connecticut	Maine	Massachusetts	New Hampshire	Montana	Washington
Third Offense	Prison Sentence	No more than 5 years; 400 hours of community service or 100 continuous hours in jail	Up to three years with a mandatory minimum of 1 years, and probation					

		Vermont	Connecticut	Maine	Massachusetts	New Hampshire	Montana	Washington
Other Stipulations		Licenses are not reinstated until the driver has completed therapy, as well as an alcohol and driving program. If a death occurs as a result of the DUI, the fines are increased up to \$15,000 and 15 years in prison per death caused.		Suspension of the right to register a vehicle occurs on an offender's second DUI, as well as all subsequent DUIs.	Melanie's Law states that when the driver's license is reinstated, an ignition interlock device must be installed for two years after the license is reinstated.			

Sources: 23 V.S.A. § 1210 (b); Connecticut Office of Legislative Research, "Connecticut DUI Laws", 2011, accessed February 11, 2011, http://www.cga.ct.gov/2010/rpt/2010_R_0415.htm; Maine Title 29 A, Chapter 23 5 (A 2); Massachusetts Title XIV Chapter 90 § 24. (1) (a) (1); Montana Code: 61 8 722 (1); RCW 46.61.5055 (1)(a)(i); RCW 46.61.5055 (b)(i); 23 V.S.A. § 1210 (b); Maine Title 29 A, Chapter 23 1; Massachusetts Title XIV Chapter 90 § 24. (1) (a) (1); New Hampshire Title XXI Chapter 265 A

Appendix II

Rhode Island DWI First Offense:

	BAC 0.08 to 0.10	BAC 0.10 to 0.15	BAC 0.15 or higher
Fine	\$100 to \$400 Fine	\$100 to \$400 Fine	\$500 Fine
Community Service	10 60 Hours of Community Service	10 60 Hours of Community Service	20 60 Hours of Community Service
License Suspension	Up to 45 day License Suspension	3 to 12 Month license suspension	3 to 18 Month license suspension
Highway Assessment	\$500 Highway assessment	\$500 Highway assessment	\$500 Highway assessment
Driving School/Treatment	Possible "Drunk Driving School"	Mandatory "Drunk Driving School"	Mandatory "Drunk Driving School and/or treatment

Rhode Island Second DWI Offense within Five Years (considered a misdemeanor):

	BAC 0.08 to 0.15	BAC 0.15 and higher
Fine	\$400 fine	\$1,000 fine (at least)
Prison	10 Days to 1 year in prison	6 Months to 1 year in prison
License Suspension	1 2 Year license suspension	2 Year license suspension and treatment
Ignition interlock	Possible ignition interlock 1 to 2 years	Possible ignition interlock 1 2 years
Highway Assessment	\$500 highway assessment	\$500 highway assessment

In the event of a third or subsequent offense within 5 years, the BAC is no longer taken into account and the crime is no longer considered a misdemeanor but rather, a felony.¹⁰ The penalties are a \$400 fine, 1 to 3 years in prison, and a 2 to 3 year license suspension.¹¹

¹⁰ State of Rhode Island Department of Transportation, "Drunk Driving," September 23, 2008, accessed February 11, 2011, <http://www.dot.state.ri.us/programs/safety/drunkdriving.asp>.

¹¹ State of Rhode Island Department of Transportation.