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Research Report

Preventing Over-consumption of Alcohol – Sales to the Intoxicated and “Happy Hour” (Drink Special) Laws

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Research Report: Preventing Over-consumption of Alcohol— Sales to the Intoxicated and “Happy Hour” (Drinks Specials) Laws

Introduction: Statement of the Problem

The cost of alcohol-related harm to society is enormous, both in human and economic terms:

- At least 85,000 Americans die each year from alcohol-related causes, making alcohol-related problems the third-leading cause of death in the United States (Mokdad, et al., 2004).
- Drinking and driving is a significant cause of injuries and fatalities in the United States. Alcohol was involved in 40 percent of traffic crash fatalities and in 7 percent of all crashes in 2003, resulting in 17,013 fatalities and injuring an estimated 275,000 people (NHTSA, 2004).
- Almost one in four victims of violent crime report that the perpetrator had been drinking prior to committing the violence. Alcohol was involved in 32 to 50 percent of homicides (Spunt, et al., 1995; Goldstein, et al., 1992; Greenfeld, 1998).
- Thirty-nine percent of accidental deaths (including drowning, poisonings, falls, and fires) and 29 percent of suicides in the United States are linked to the consumption of alcohol (Smith, et al., 1999).
- The total monetary cost of alcohol-attributable consequences (including health care costs, productivity losses, and alcohol-related crime costs) in 1998 was estimated to be \$185 billion (USDHHS, 2000).

The problems listed above are often associated with the over-consumption of alcohol in episodes of heavy drinking. Studies that show that up to 50 percent of people driving under the influence had their last drinks at licensed establishments are a strong indication the enforcement and prosecution of laws governing the consumption and distribution of alcohol should have a significant impact on the reduction of injuries and fatalities resulting from the consumption of alcohol (O’Donnell, 1985; Anglin, 1997; Gallup, 2000). This report examines the following problem: There are existing laws regulating the service of alcohol that are designed to prevent the over-consumption of alcohol by either:

(1) Prohibiting the sale and service of alcohol to intoxicated people, or (2) prohibiting sales practices (including happy hours, drink specials, and other drink promotions) that effectively reduce the price of drinks and encourage excessive consumption of alcohol. Yet the research conducted in preparation for this report indicates that enforcement of these laws is often given a low priority relative to the magnitude of the problems resulting from over-consumption of alcohol. At least three factors contribute to the lack of adequate enforcement:

- alcohol enforcement agencies face diminishing budgets and resources;
- there is an absence of public and government support for the enforcement of such laws; and
- in the case of laws governing sales to intoxicated people, the statutes are difficult to enforce and adjudicate.

This report begins with a review of previous research documenting the association between over-consumption and serving practices. This research suggests that interventions and enforcement of

laws regulating serving practices can increase compliance and reduce alcohol-related problems. The report then presents findings from original research conducted pursuant to a contract with the National Highway Traffic Safety Administration.¹ The findings include:

- an analysis of State laws addressing service to intoxicated people and restrictions on happy hours and related serving practices;
- a review of the current status of enforcement and adjudication of these laws; and
- a presentation of promising enforcement strategies being implemented by State and local enforcement agencies.

The report concludes with a summary of the problem and proposed intervention strategies designed to improve compliance rates with laws restricting sales to intoxicated people and happy hour and other reduced-price promotions.

Review of Previous Research

The public health research literature has largely ignored the role of alcohol service laws in reducing problems related to alcohol intoxication. What little research is available strongly suggests that: (a) there is an association between serving practices and the over-consumption of alcohol, and (b) intervention in support of improved serving practices and the enforcement of laws governing these practices is associated with a decrease in alcohol-related harm.

Research of Happy Hour and Other Drink Specials Practices:

Previous research demonstrates that alcohol consumption, intoxication, and drinking/driving rates are sensitive to the price of alcoholic beverages (Chaloupka, et al., 2002). Underage people and young adults are particularly affected by the cost of alcohol. Studies show that increases in the price of alcohol significantly reduce the number of drinks consumed by this population (Grossman, et al., 1998; Chaloupka, et al., 2002). Happy hours, drinking contests, "all you can drink" specials, and the like encourage over-consumption by reducing prices, a potent inducement to drinking large amounts of alcohol in short time periods. The research offers strong evidence for the negative health outcomes of happy hour and other drink specials practices, thereby suggesting that policies restricting these practices could have a positive impact on public health.

In the 1970s, an experimental study was conducted in which a small group of subjects was tested in a clinical setting (Babor, et al., 1978). The subjects were divided into experimental and control groups. The experimental group was given a 50 percent price reduction for alcoholic beverages during a daily three-hour period in the afternoon, and the control group was offered drinks at full price. A significant increase in consumption was observed among both casual and heavy drinkers in the experimental group, with consumption returning to normal when happy hour price reductions were discontinued. Casual and heavy drinkers in the happy hour group drank about twice as much as those in the non-happy hour group.

Using data collected in 2001 by the Harvard School of Public Health College Alcohol Study, researchers examined the relationship between binge-drinking rates on college campuses and the availability of large volumes of alcohol, low sales prices, and frequent promotions and advertisements in the vicinity of campus (Kuo, et al., 2003). Binge-drinking rates for 119 colleges were determined using college students' self-reports on alcohol consumption. An assessment study of the alcohol environment surrounding each campus was conducted, which included the monitoring of on-site premises for serving sizes, prices, promotions, and so forth.

¹ NHTSA contract IQC DTNH22-98-D-35079.

The results demonstrated a significant correlation between lower drink prices and higher binge-drinking rates. The presence of weekend beer specials and alcohol promotions was also highly correlated with a higher binge-drinking rate. This same study demonstrated a reduction in self-reported drinking-and-driving rates when laws limited underage access to alcohol and high volume sales of alcohol (Wechsler, et al., 2003). The presence of these laws was associated with lower rates of drinking-and-driving among college students, a group at risk for both binge drinking and alcohol-related traffic fatalities (Wechsler, et al., 2003; NHTSA, 2002; NHTSA, 2004). This effect was enhanced when there was active enforcement of laws limiting underage access to alcohol and high-volume sales of alcohol.

Only one study has attempted to directly evaluate the efficacy of happy hour laws in lowering alcohol consumption. The banning of happy hour practices in Ontario, Canada, was studied by observation of drinking habits before and after the ban, supplemented with analyses of total per capita consumption in the city (Smart and Adlaf, 1986; Smart, 1996). No significant decline in alcohol consumption was observed following the ban. Given that there was little time (two days) allotted to observing pre-ban drinking habits, and given that aggregate consumption figures may not be that sensitive to changes in happy hour practices, the results were inconclusive as far as the overall effect on alcohol consumption of the presence or absence of happy hour practices.

Research on the Prohibition of Sales and Service of Alcohol to Intoxicated People:

Nearly every State prohibits sales and service of alcohol to obviously intoxicated people. Little research is available to determine how these laws are enforced, the extent with which they are complied with, and the impact enforcement and compliance might have on public health outcomes. One study that examined compliance rates found that 79 percent of alcohol establishments will serve alcohol to patrons who appear obviously intoxicated (Toomey, et al., 1999; Toomey, et al., 2004). Actors simulating intoxication attempted to make alcohol purchases at both on- and off-premise establishments in 11 communities in a large Midwestern metropolitan area. Seventy-six percent of the on-premise sites sold alcohol to the pseudo-intoxicated patrons, as did 83 percent of the off-premise establishments. The high non-compliance rates highlight the importance of further research into the effectiveness of enforcement of laws prohibiting sales to intoxicated people or other interventions designed to reduce over-consumption and subsequent driving.

A study that directly examined enforcement of these laws was conducted in Washtenaw County, Michigan. Compliance was observed before and after the implementation of a publicized campaign to enforce laws directed at sales to intoxicated individuals (Edwards, et al., 1994). Enforcement included the issuing of warnings to businesses that violated the law, followed by enforcement visits and citations. These actions were conducted in conjunction with education and training of bar and restaurant staff. Compliance with the law was measured before and during the enforcement program by the rate at which patrons simulating intoxication were refused service. Refusals of service rose from 17.5 percent before the enforcement program to a peak of 54.3 percent after the first three months of the enforcement intervention. Significantly, the percentage of impaired drivers arrested after leaving bars and restaurants declined from 31.7 percent to 23.3 percent during the same period. While refusals of service to pseudo-intoxicated people declined from the initial peak of 54.3 percent to 47.4 percent after six months, and 41.0 percent after one year of the program, these later refusal rates remained significantly higher than the baseline, indicating that the intervention had an enduring effect on server compliance with no-sale-to-intoxicated laws (McKnight and Streff, 1994).

A few studies have examined dram shop liability laws, which hold alcohol servers responsible for harm caused by intoxicated or underage patrons, another avenue toward curbing over-

intoxication.² Studies indicate that enforcement and prosecution of dram shop laws (and resulting case decisions) are associated with a substantial reduction in alcohol-related harm. The initiation of a dram shop liability lawsuit in Texas in 1983 resulted in 6.5 percent fewer single-vehicle nighttime injury crashes (which are associated with high percentages of alcohol involvement). After a second suit was filed the following year, an additional 5.3 percent decrease in such crashes resulted (Wagenaar and Holder, 1991). One study found that in States where servers have a relatively high level of exposure to liability, there are fewer low-price drink promotions and more servers check identifications for underage purchases. Both of these changes in serving practices can prevent alcohol-related traffic crashes (Holder, et al., 1993).

A study evaluating the effects of the Alcohol Risk Management (ARM) program highlights the benefits of promoting voluntary compliance with over-service laws. The ARM program is a five-session one-on-one consultation program for owners and managers of on-site alcohol outlets. The purpose of the program is to help owners and managers develop policies and practices that increase compliance with State alcohol laws and reduce the risk of alcohol-related problems (Toomey, et al., 2001). Pseudo-intoxicated and underage patrons were sent to test sites and control sites before and after the training sessions to determine the efficacy of the educational efforts at the intervention outlets. Underage sales declined by 11.5 percent after the intervention at the test sites, while sales to the pseudo-intoxicated patrons declined by 46 percent.

Another recent finding of a strong relationship between enforcement efforts and reduced alcohol-related harm comes from New South Wales, Australia (Wiggers, et al., 2001). The Linking Project was a collaborative effort between researchers and law enforcement officers. Law enforcement officers in selected districts of New South Wales identified licensed establishments that were listed as “last place of drink” by people apprehended for alcohol-related incidents (including drinking and driving, assault, domestic violence, and other criminal activities). A random sample of these establishments was chosen for intervention, which included giving the licensees feedback on incidents associated with their establishments, conducting audits of responsible alcohol service practices, and the offer of resources and assistance to the licensees for improvement in their service practices. Following these interventions, a follow-up workshop on responsible alcohol service was conducted. The number of alcohol-related incidents associated with the intervention sites decreased by 36 percent following the intervention actions, compared to a 21 percent decline for a control group of establishments. The results were a clear demonstration that enforcement efforts focused on alcohol serving practices could have a much larger impact on reducing crime, and therefore benefit the public and reduce the burden on law enforcement. These impressive findings have convinced political leaders and law enforcement agencies to expand the Linking Project to the entire enforcement system of New South Wales.

Enforcement and Adjudication of State Laws Restricting Over-consumption of Alcohol Methodology:

As the research reviewed in the previous section suggests, improving the rates of compliance with alcohol service laws is a promising strategy for reducing alcohol-related harm, including drinking and driving. However, there is little information regarding the nature of these laws or current enforcement practices. To address this gap in the research literature and to promote additional studies of the topic, NHTSA funded this project to collect detailed information about the statutes governing sales to intoxicated people and happy hour practices, and their enforcement and adjudication in the United States. The following methods were employed to collect this data.

² A "dram" refers to a unit of liquid measure used during colonial times in the United States. "Dram shops" refer to the establishments that served alcohol by the dram (Holder, et al., 1993).

- Legal research: Attorneys and staff working on the project reviewed State alcohol beverage control statutes and regulations to determine those statutes and regulations governing sales to intoxicated people and happy hour practices in 51 jurisdictions, including all 50 States and the District of Columbia. This legal research, current as of January 1, 2003, was completed using national legal databases and a variety of secondary sources. The research focused exclusively on existing State statutes and did not include local regulations.
- Interviews with alcohol enforcement representatives:³ To confirm the data collected in the legal research phase, Alcohol Beverage Control representatives from 45 States and the District of Columbia were interviewed about 12 key alcohol policies, including sales to intoxicated and happy hour regulations.⁴ Each interview also included questions about penalties, licensing systems, enforcement resources and strategies, data collection processes, and the adjudication of alcohol violations.
- Additional interviews and research about enforcement strategies: In 2003, additional research was conducted about promising State and local strategies employed for the enforcement of sales to intoxicated and happy hour laws. Representatives from the appropriate agencies (identified during the initial interview process) were interviewed and any available reports or documentation of the programs were collected.

Current Statutes and Regulations:

Nearly every State and the District of Columbia has a provision prohibiting sales to intoxicated people, and over one-half (27) of the States have laws that specifically prohibit happy hours, drink specials and other practices that encourage drinking to intoxication.

Sales to Intoxicated Statutes: A review of the statutes prohibiting sales and service of alcohol to intoxicated people revealed that 47 States and the District of Columbia have such laws as of January 1, 2003 (PIRE, 2003). Florida, Nevada, and Wyoming do not have comprehensive laws prohibiting sales to intoxicated people. (See Appendix A.) State provisions vary in terms of language used to describe the state of intoxication (*e.g.*, obviously intoxicated; visibly intoxicated; appears to be intoxicated; noticeably intoxicated; reason to believe is intoxicated; apparently under the influence of liquor), as well as that used to describe the provision of alcohol (*e.g.*, serving, selling, furnishing, giving, bartering, exchanging, providing, delivering, and procuring).

Interpretation of these statutes in court may vary, most notably regarding the level of proof required for a finding that the law has been violated. Most statutes state or imply that a violation occurs if the server acted negligently—the server failed to act in a manner expected of a reasonable person in like circumstances. Some statutes use language that could be interpreted to require proof that the server knew the person being served was intoxicated or was reckless rather than merely negligent in his or her actions. These are higher standards of proof, making findings of violation much more difficult. Requiring proof that the server knew that the patron was intoxicated is particularly difficult to establish since it requires evidence of the server’s state of mind. This requirement is rare in cases determining whether a violation has occurred. Courts have tended to interpret statutes as requiring only the negligent standard even when the language of the statute suggests a higher level of proof. The reckless standard in particular is more

³ These interviews were conducted between September 2001 and December 2002.

⁴ In the remaining five States, the researchers were either not able to locate a State agency that held the primary responsibility for enforcing alcohol laws, or the agency identified declined to participate in the interview. In addition, the enforcement of alcohol laws in Hawaii and Maryland is primarily conducted at the county level. In those States, interviews were conducted with representatives from one county, and therefore, the results are not applicable to the entire State.

common in dram shop liability lawsuits, which involve monetary compensation to those injured by the intoxicated patron. In the case of some older alcohol statutes, strict liability for the sale or service of alcohol to an intoxicated person is imposed; that is, no defense is allowed that encompasses knowledge or recognition of the signs of intoxication. If the person served is intoxicated, the establishment selling the alcohol to that person is liable, regardless of whether or not they were aware of the person's intoxication (Moore, 2003). Case law must be carefully reviewed to determine the level of proof issue and even a detailed analysis may result in inconclusive findings. Because of the ambiguities in the law and the difficulty of conducting comprehensive case law research, we have not attempted to report level of proof requirements in our State law review.

Statutes may also vary in terms of who can be held in violation. Most State statutes apply to both commercial and noncommercial servers, although in some cases the statutory language is vague and may be subject to an interpretation that it only applies to service in commercial establishments. Finally, statutes will vary in terms of the types of penalties that may be imposed on violators. For commercial servers, violations may be either civil or criminal. Civil offenses are handled administratively by the agency responsible for adjudicating violations of the Alcoholic Beverage Control (ABC) laws. As discussed below, penalties can include suspensions or revocations of licenses and/or fines. Civil offenses are more easily prosecuted because they are administrative in nature, requiring only that the preponderance of the evidence supports the finding of violation. Both commercial and noncommercial servers can be found criminally liable. Criminal liability suggests moral approbation, is adjudicated in courts of law, and can involve both fines and imprisonment. Because of the more serious consequences, a conviction must be proven by the prosecutor beyond a reasonable doubt, the highest legal standard of proof, and defendants are given the right to a jury trial.

Happy Hour and Drink Specials Statutes: As of January 1, 2003, 27 States had provisions expressly prohibiting excessive drinking practices, or “happy hour” types of promotions. (See Appendix B.) In addition, many communities have passed local ordinances prohibiting these practices. The following information refers to State legislation only.

Drinking practices referred to in these statutes include:

- Free beverages—10 States have happy hour provisions that contain specific prohibitions against the distribution of free alcoholic beverages.
- Additional servings—16 States prohibit an establishment from providing additional servings of alcoholic beverages until previous servings have been consumed.
- Reduced price – specified day or time—18 States prohibit the sale of alcoholic beverages at reduced prices during specified days or times.
- Unlimited beverages – fixed price, fixed time—23 States prohibit the sale of alcoholic beverages during a fixed period of time for a fixed price.
- Increased volume—12 States prohibit increasing the volume of alcoholic beverages in a drink without increasing the price.
- Prizes—15 States have happy hour provisions that contain specific prohibitions against giving alcoholic beverages as prizes.

Most of the States prohibiting happy hour practices specifically proscribe two or more of the practices listed above. For example, the Texas State statute specifies 11 outlawed practices:

- “Two for one” or other discounted multiple alcoholic beverage sales;
- Increasing the volume of alcohol in a drink without increasing the price;
- Serving more than one free alcoholic beverage to any identifiable segment of the population;

- Fixed-price or “all you can drink” sales;
- Selling alcoholic beverages at a reduced price for a fixed “buy in” price;
- Selling alcoholic beverages at a price contingent on the amount consumed by an individual;
- Reduced drink prices after 11:00 p.m.;
- Selling more than two drinks to a single consumer at one time;
- Imposing an entry fee for the purpose of recovering financial losses incurred because of reduced drink prices;
- Drinking contests or awarding of alcoholic beverages as prizes;
- Any practice that is reasonably calculated to induce consumers to drink to excess, or that would impair the ability of the licensee to monitor or control the consumption of alcohol by their customers.⁵

Enforcement and Adjudication of Sales to Intoxicated and Happy Hour Statutes:

Limited information about the enforcement and adjudication of laws restricting the over-consumption of alcohol was collected during interviews with State alcohol enforcement officials. Reductions in budgets, decreasing available personnel, the absence of public and governmental support, and difficulties coordinating efforts with local law enforcement are some of the problems that affect enforcement of over-consumption policies. The representatives also reported that enforcement is hampered by the difficulties of proving that the patron being served was obviously intoxicated. Gathering such evidence usually involves undercover operations, which are both costly and time intensive.

The most commonly reported enforcement strategy (reported by 12 States) was the use of surveillance and undercover agents to identify violations of sales to intoxicated and drink specials laws. In many States, investigations are primarily complaint-driven. A few State agencies identified walk-through inspections as their primary method of identifying violations and enforcing these laws.

A promising strategy that is being implemented by some States (*e.g.*, Massachusetts, Oregon, Utah, and Washington) involves identifying the place of last drink for those arrested on driving under the influence/driving while intoxicated (DUI/DWI) charges. The collection of this data allows States to identify and target problem outlets that may be in violation of laws prohibiting sales to intoxicated people or drink specials that encourage over-consumption of alcohol.

The imposition of penalties for violations of the law is an integral part of the enforcement process and can play an important role in deterring future violations. As discussed above, laws addressing sales to intoxicated people and happy hour and drink specials can be adjudicated through administrative proceedings and can lead to fines and license suspensions and revocations.

Researchers examined the penalties specific to sales to intoxicated laws. The States vary widely in the range and severity of administrative penalties imposed for violations of sales to intoxicated laws. Most States increase the severity of the punishment as the number of offenses committed increase. There may be an increase in number of days of suspension, revocation may become more likely, and fines may increase. The suspension of a license is included as a potential maximum penalty for a first-time offense in most States. At least 36 States and the District of Columbia allow for the revocation of a liquor license as a potential maximum penalty for a first-time offense. However, interviews with enforcement officials reveal that revocations rarely

⁵ Texas statute §45.103. On-Premises Promotions.

occur, and are highly unlikely after a first offense. In a smaller number of States (seven, plus the District of Columbia), license revocation is the only allowable penalty for a licensee convicted of a fourth violation of sales to intoxicated laws. In at least 10 States, fines can be paid in lieu of license suspension, primarily for first offenses only. For an expanded chart of penalties imposed for sales to intoxicated violations by State, please see Appendix C.

Promising Enforcement Strategies:

Interviews were conducted with representatives from State and local law enforcement agencies regarding innovative programs to enforce sales to intoxicated people and happy hour statutes. The following examples illustrate some of the enforcement strategies being employed by these agencies in their efforts to reduce alcohol-related harm.

Enforcing Sales to Intoxicated Laws by Identifying “Place of Last Drink”: As indicated above, both Washington and Utah are using the “place of last drink” strategy, sometimes in conjunction with other enforcement efforts, to reduce sales to intoxicated people.

Washington: In 2002, the Washington State Liquor Control Board (WSLCB) launched an enforcement program with the goals of reducing the number of DUI arrests, and reducing the average blood alcohol concentration (BAC) level of those arrested. Despite the fact that Washington lowered the maximum allowable BAC level to 0.08 in 1999, high BAC levels continued to be involved in fatal traffic crashes. In 79 percent of fatal crashes, the BAC level of the driver at fault was over 0.15; 52 percent of these exceeded 0.20 (WSLCB, 2003).

In response, the WSLCB is conducting a monthly analysis of DUI arrest reports supplied by the Washington State Patrol, which include “last drink” locations as well as the BAC levels of arrested drivers. The Washington State Patrol administers the BAC Datamaster database, which contains every breath test administered statewide by every law enforcement agency. Law enforcement officers are required by Washington law⁶ to administer a breath test to individuals arrested for driving or being in physical control of a vehicle while under the influence. The location of the individual’s last drink is entered into a BAC Datamaster machine while the breath test is administered. All BAC test data and accompanying information (such as place of last drink) are uploaded to the State Patrol’s database.⁷

This comprehensive database provides the necessary information for the WSLCB to create a “worst offenders” list of establishments. These establishments are associated with the highest number of DUIs or highest BAC readings recorded among DUI arrestees. The board then executes a plan that begins with notifying the establishments that they have a high number of DUI arrestees who identified their establishment as the place where they had their last drink. The corrective plan includes educating the licensee and their employees in training sessions about responsible beverage service, signs of intoxication, and laws governing sales to intoxicated patrons. Routine premise checks and undercover operations are increased to monitor the establishment’s progress and to maintain an enforcement presence. If necessary, corrective actions, ranging from notification of infraction to administrative or criminal actions, are taken. The progress of each targeted location is monitored and evaluated. If their DUI count increases

⁶ Revised Code of Washington (RCW) 46.20.308. Note that arrested people have the right to refuse the breath test, but they face revocation of their driver’s licenses if they do so.

⁷ Data is stored in each BAC Datamaster machine until the machine is polled or automatically sends its stored information to the central database. Note that place of last drink data is recorded and stored even if the individual refuses the breath test.

or remains the same, the enforcement plan is continued. If the count has decreased, the enforcement focus shifts to the next worst offender, but routine premise checks continue.

Data collected to date has not only identified problem establishments, but has also provided valuable information about the relationships between type of licensee, DUI arrests, and average BAC levels. In addition to identifying specific problem licensees, the data provides enforcement agencies with an overview from which to plan the allocation of their resources and develop enforcement strategies. Analysis of the data is now in progress.

Utah: The Liquor Enforcement Section of the Utah Department of Public Safety conducts a statewide program called SIP (Serving Intoxicated Patrons) to enforce laws prohibiting sales to intoxicated people. SIP has targeted those establishments either identified by local law enforcement as problem locations, or those listed as place of last drink for individuals involved in traffic fatalities. Employing covert agents who observe the establishment's serving practices, SIP operations result in referrals to the State Alcohol Beverage Control agency when violations are observed. Licensees referred for disciplinary action are offered the opportunity to attend training sessions that review relevant laws and teach attendees how to identify signs of intoxication.

SIP operations will soon be enhanced by a statewide program to identify "place of last drink" for all DUI cases, not just those involving fatalities. Funded by a grant from the Utah Office of Highway Safety, DUI data gathered from drivers' license data will be used to identify problem outlets throughout the State. A pilot study recently completed in Salt Lake County collected and analyzed place of last drink data from DUI arrestees, demonstrating the viability of this strategy for identifying problem outlets. The SIP program will use the statewide data to target establishments for SIP interventions, and will track DUI data before and after SIP interventions to evaluate the program's effectiveness (Michaud, 2003).

Enforcing Happy Hour and Drink Specials Laws Through Observation, Surveillance, and Undercover Operations: A number of strategies may be employed to reduce the over-consumption of alcohol by enforcing happy hour and drink specials laws. In the following examples, emphasis was placed on identifying violations through observation, surveillance, and other undercover operations, in coordination with other concentrated enforcement efforts.

Champaign, Illinois: The Champaign, Illinois, Alcohol Enforcement Unit has conducted a successful campaign against over-service and happy hour practices as part of a larger effort to reduce underage drinking and alcohol-related harm (CPD, 2002; Friedlein, 2003). Champaign and its twin city, Urbana, share a large student population from the University of Illinois (attended by some 38,000 students) and a community college (UIUC, 2003). In conjunction with its focus on underage drinking, the unit has given special emphasis to those bars engaging in such practices as drinking contests, reducing the price of drinks at certain times of the day, and other promotions that encourage excessive drinking, particularly among younger patrons. Bar advertisements are reviewed on a daily basis and the unit conducts follow-up, observational visits to identify possible violations. If a violation is observed, the unit may notify the owners of the bar of a need to correct the problem or proceed to other actions, depending on the severity of the violation and past history of the establishment. If the problem is not corrected after notification, the unit initiates an undercover investigation that can conclude with enforcement actions if violations are observed. The enforcement program is part of a broader, community policing strategy that includes making regular visits to drinking establishments and building a cooperative relationship between law enforcement and the licensed alcohol establishment community.

To enhance its current program, the Unit is considering the implementation of a new local policy to reduce the allowable alcoholic beverage serving size. Some establishments serve mixed drinks in 48-ounce personal containers, allowing individuals to purchase a large volume of alcohol in one serving. This reduces the server's ability to gauge a patron's intoxication level and regulate the number of drinks served. Should this policy be put into practice, training for licensees and their employees would be integrated into the existing beverage service training offered by the Unit. This represents one more method in Champaign's multiple strategy approach, which combines observation, undercover work, direct enforcement, community policing, training, and altering serving practices.

Texas: The Texas Alcoholic Beverage Commission (TABC) Enforcement Division collaborated with researchers from the Pacific Institute for Research and Evaluation to field-test a model enforcement program, funded by a contract from NHTSA.⁸ The project was designed to assess the impact of proactive enforcement of laws restricting serving practices that encourage intoxication on compliance rates among commercial alcohol servers. As noted above, Texas has a comprehensive set of regulations restricting such serving practices, including prohibitions against serving pitchers to individuals and discounting the cost of drinks when served in double portions (prohibited by the statute against increasing the volume of alcohol in a drink without proportionately increasing the price).

The TABC identified 50 high-volume sales-on-premises establishments in two counties (a total of 100 establishments). TABC enforcement officers conducted a sales test (purchase survey) at all 100 sites to collect information on current serving practices. Officers entered the establishments and attempted to purchase a pitcher of beer, or a single and a double shot of spirits to determine if the server was complying with the relevant regulations regarding these serving practices. Focused and concentrated serving practice enforcement (including sending letters to all on-premise establishments in that county to notify them of increased enforcement actions) was implemented in both counties during separate time intervals. A final sales test was conducted at all 100 outlets to determine whether any changes in serving practices continued over time.

Preliminary analysis of the data indicates that this relatively modest intervention resulted in significant reductions in violation rates in both counties. In one county the number of violations fell by 100 percent at the end of four months of enforcement intervention. Even after a two-month interval of no intervention, the final sales test revealed that violations were still reduced by 100 percent. In the second county, the number of serving practice violations dropped 68 percent between the first and final sales tests. Since some on-premise alcohol outlets received multiple violations during one visit, the reduction in the number of outlets found in violation was also examined. Not surprisingly, the number of outlets found in violation dropped significantly in both counties—by 100 percent and 63 percent, respectively.

Discussion

Summary of the Problem and the Feasibility of Intervention:

Over-consumption of alcohol is linked to serious alcohol-related problems, including traffic crashes and fatalities, violence, injury, and alcohol-related disease. Existing research strongly suggests that laws that restrict sales to intoxicated patrons and happy hour and similar

⁸ NHTSA contract DTNH22-03-H-05134.

promotions can reduce alcohol-related harm if they are adequately enforced. Our research documents three major findings:

- (1) Relevant laws exist in most States. Statutes prohibiting the sale of alcoholic beverages to intoxicated people are already present in nearly every State, and over one-half prohibit happy hour practices. Some States, notably Texas, have comprehensive regulations restricting serving practices likely to lead to intoxication that can serve as models for other States. Nearly every State has established penalties for violations of sales to intoxicated laws.
- (2) Although the laws exist, compliance with them is low, caused at least in part by the lack of adequate enforcement and adjudication. Several factors contribute to the low priority given to these laws by State ABC agencies, including: inadequate funding and decreasing budgets, lack of public support, problems in coordinating efforts with local law enforcement agencies, and difficulties in establishing adequate evidence of violations. When agencies have implemented new enforcement programs, resources have not been available to conduct evaluations of their efficacy.
- (3) Increasing the enforcement of, and compliance with, these laws (and therefore reducing alcohol-related harm) is feasible. There are innovative enforcement programs being implemented by States and localities that should be evaluated and built upon as models.

In short, the legal and adjudicative systems for enforcing limits on over-consumption and deterring violations of these limits are already in existence. Furthermore, there are a number of programs being tested that could serve as models for enhancing enforcement.

Proposed Intervention Strategies:

Our analysis has identified the following strategies for encouraging the adoption of enforcement strategies designed to increase compliance with service to intoxicated patrons and happy hour laws, and addressing the barriers to implementation:

- Generate public and government support for making the enforcement of these laws a priority (as the enforcement of underage drinking laws is now a national priority) by publicizing its potential for reducing alcohol-related harm.
- Conduct studies that not only document the public health benefits but also the potential cost savings to enforcement agencies. The Linking Project in New South Wales, Australia, provides a model for such research, which resulted in widespread adoption of the program as a routine part of law enforcement activities.
- Design interventions in support of the enforcement of sales to intoxicated laws that build upon programs already in existence that use “place of last drink” data. The Linking Project serves as a model for such interventions, introducing the use of systematic data collection and analysis, randomized selection of test and control sites, and periodic evaluation of the program’s efficacy as methods for demonstrating scientifically to the public and policy makers that targeting problem outlets is a successful strategy for reducing alcohol-related harm.
- Combine well-publicized, targeted-enforcement campaigns targeting violations of sales to intoxicated patrons laws with education and training of licensees and their employees, and systematic testing of compliance using undercover or sting operations. The Washtenaw County, Michigan, program provides a model design for such a program.

- Encourage the implementation of regular inspections for compliance with happy hour laws as well as the use of undercover surveillance to support these laws. This requires increased funding of these enforcement efforts, media campaigns to increase the perception of enforcement of these laws, and educational and training programs to instruct licensees about the laws.
- Encourage private and public funding agencies and research organizations to support research to evaluate these enforcement and compliance programs. Assist States and localities with evaluation and analysis of their enforcement programs, so that the efficacy of these programs can be determined.
- Encourage collaboration between law enforcement agencies, policy makers, and research organizations. Such partnerships will foster innovative programs that can be evaluated and replicated, developing a more detailed understanding of the relevant laws, enforcement strategies, and compliance process.

Conclusion

Service to intoxicated people and happy hour laws provide important vehicles for reducing the devastation caused by impaired driving traffic crashes and other alcohol-related problems. As reported here, the laws and the framework for enforcing the laws exist in most States, but inadequate resources and the lack of attention from policy makers, researchers, and funders have undermined the effective enforcement of these laws. Any cost savings resulting from the reduction of enforcement resources are minimal by comparison to the human suffering and increased law enforcement costs associated with alcohol-related harm. If even a small portion of the over 17,000 lost lives and quarter of a million injuries attributable to alcohol-related traffic crashes in 2003 was prevented by increased attention to reducing the over-consumption of alcohol, the benefit to society would be priceless.

References

- Anglin L, Caverson R, Fennel R, Giesbrecht N, and Mann RE (1997). A Study of Impaired Drivers Stopped by Police in Sudbury, Ontario. Addiction Research Foundation: Toronto, Ontario.
- Babor, T., et al. (1978). Experimental Analysis of the 'Happy Hour': Effects of Purchase Price on Alcohol Consumption. *Psychopharmacology* 58: 35-41.
- Chaloupka, F., et al. (2002). The Effects of Price on Alcohol Consumption and Alcohol-Related Problems. *Alcohol Research & Health* 26(1): 22-34.
- Champaign Police Department. (2002) *2001 Alcohol Enforcement Summary*. Champaign, Illinois: Champaign Police Department.
- Edwards, G., et al. (1994) *Alcohol Policy and the Public Good*. Oxford: Oxford University Press, Oxford Medical Publications, World Health Organization Europe.
- Friedlein, S. (2003) Sergeant Scott Friedlein. Personal communications. September 8, 2003, September 12, 2003.
- Gallup Organization. (2000) - Volume I: Findings, Racial and Ethnic Group Comparisons, National Surveys of Drinking and Driving, June 2000, Attitudes and Behavior - 1993, 1995, and 1997. National Highway Traffic Safety Administration: Washington DC, DTNH22-96-C-05081
- Goldstein, P., Brownstein, H., and Ryan, P. (1992) Drug related homicide in New York: 1984 and 1988. *Crime Delinquency* 38:459-476.
- Greenfeld, L. (1998) *Alcohol and Crime: An analysis of national data on the prevalence of alcohol involvement in crime*. Prepared for the Assistant Attorney General's National Symposium on Alcohol Abuse and Crime, Washington DC
- Grossman, M., et al. (1998). An empirical analysis of alcohol addiction: Results from the Monitoring the Future Panels. *Economic Inquiry*. 36(1):39-48.
- Holder, H., Janes, K., Mosher, J., Saltz, R., Spurr, S., and Wagenaar, A. (1993) - Alcoholic beverage server liability and the reduction of alcohol-involved problems. *Journal of Studies on Alcohol* 54:23-26.
- Kuo, M, Wechsler, H, Greenberg, P, and Lee, H. (2003) The Marketing of Alcohol to College Students: The Role of Low Prices and Special Promotions. *American Journal of Preventive Medicine* 25(3):1-8.
- McKnight, A., and Streff, F. (1994) The effect of enforcement upon service of alcohol to intoxicated patrons of bars and restaurants. *Accidental Analysis and Prevention* 26 (1): 79-88.
- Michaud, E. (2003) Lieutenant Ed Michaud, telephone conversation, October 15, 2003.
- Mokdad, A., Marks, J., Stroup, D., and Gerberding, J. (2004) Actual Causes of Death in the United States, 2000. *JAMA* 291(10):1238-1245.

- Moore, A. (2003) "Don't Try to Read Between These Lines" *NLLEAgram* 14 (4):6-8.
- National Highway Traffic Safety Administration (2002). 2000 Youth Fatal Crash and Alcohol Facts. DOT HS 406. Available online:
<http://www.nhtsa.dot.gov/people/injury/alcohol/2002YFCAF/genfacts.html>.
- National Highway Traffic Safety Administration. (2004). Traffic Safety Facts 2003: Alcohol. DOT HS 809 761.
- O'Donnell, M. (1985). Research on drinking locations of alcohol-impaired drivers: Implications for prevention policies. *Journal of Public Health Policy*. Vol. 6: 510-525.
- Pacific Institute for Research and Evaluation. (2003) Alcohol Beverage Control Enforcement: Legal Research Report. Felton, CA: Pacific Institute for Research and Evaluation.
- Smart, R. (1996) - The happy hour experiment in North America. *Contemporary Drug Problems* 23: 291-300.
- Smart, R., and Adlaf, E. (1986). Banning Happy Hours: The Impact on Drinking and Impaired-Driving Charges in Ontario, Canada. *Journal of Studies in Alcohol*. 47(3): 256-258.
- Smith, G., et al. (1999). Fatal Non-Traffic Injuries Involving Alcohol: A Meta-Analysis. *Annals of Emergency Medicine*. 33(6): 659-668.
- Spunt, B., Brownstein, H., Goldstein, P., Fendrich, M., and Liberty, J. (1995) Drug use by homicide offenders. *Journal of Psychoactive Drugs* 27(2): 125-134.
- Toomey, T., et al. (1999) Characteristics and rates of illegal alcohol sales to pseudo-intoxicated patrons. Paper presented at the American Public Health Association's 127th Annual Meeting, Chicago, IL, November 7-11, 1999.
- Toomey, T., et al. (2001) Project ARM: Alcohol Risk Management to Prevent Sales to Underage and Intoxicated Patrons. *Health Education & Behavior* 28(2): 186-199.
- Toomey, T., et al. (2004) Illegal Alcohol Sales to Obviously Intoxicated Patrons at Licensed Establishments. *Alcoholism: Clinical and Experimental Research* 28(5): 769-774.
- U.S. Department of Health and Human Services, Public Health Service, National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism. (2000) Updating Estimates of the Economic Costs of Alcohol Abuse in the United States: Estimates, Update Methods, and Data. Rockville, MD: National Institutes of Health.
- University of Illinois at Urbana-Champaign (UIUC). Campus facts. March 29, 2003.
www.uiuc.edu
- Wagenaar, A. and Holder, H. (1991) Effects of alcoholic beverage server liability on traffic crash injuries. *Alcoholism: Clinical and Experimental Research* 15(6): 942-947.
- Washington State Liquor Control Board (WSLCB), Enforcement and Education Division, Tacoma Team. (2003) Accidents resulting in fatalities. Slide set 4 in *DUI Reduction Emphasis*. Tacoma, WA: Washington State Liquor Control Board, Enforcement and Education Division, Tacoma Team.

Wechsler, H., Lee, J., Nelson, T., and Lee, H. (2003) Drinking and Driving Among College Students: The Influence of Alcohol Control Policies. *American Journal of Preventive Medicine* 25(3): 212-218.

Wiggers, J., et al. (2001) The Linking Project: Pilot Project in the Hunter & Northern Metropolitan Policing Regions of NSW, Final Report. New South Wales, Australia: Hunter Centre for Health Advancement.

**Appendix A:
State Statutes or Regulations Prohibiting the
Furnishing of Alcohol to Intoxicated Individuals**

**State Statutes or Regulations Prohibiting the
Furnishing of Alcohol to Intoxicated Individuals⁹**

State	Prohibit Furnishing Alcohol to Intoxicated Individuals
Alabama	√
Alaska	√
Arizona	√
Arkansas	√
California	√
Colorado	√
Connecticut	√
Delaware	√
District of Columbia	√
Florida	
Georgia	√
Hawaii	√
Idaho	√
Illinois	√
Indiana	√
Iowa	√
Kansas	√
Kentucky	√
Louisiana	√
Maine	√
Maryland	√
Massachusetts	√
Michigan	√
Minnesota	√
Mississippi	√
Missouri	√
Montana	√
Nebraska	√
Nevada	
New Hampshire	√
New Jersey	√
New Mexico	√
New York	√
North Carolina	√
North Dakota	√
Ohio	√
Oklahoma	√
Oregon	√
Pennsylvania	√
Rhode Island	√
South Carolina	√
South Dakota	√
Tennessee	√
Texas	√

⁹ Source: PIRE, 2003. This chart contains data on State statutes or regulations that prohibit the furnishing of alcohol to intoxicated people. Checkmarks indicate the presence of a policy. The legal research is current as of January 1, 2003.

State	Prohibit Furnishing Alcohol to Intoxicated Individuals
Utah	√
Vermont	√
Virginia	√
Washington	√
West Virginia	√
Wisconsin	√
Wyoming ¹⁰	
State Totals	48

¹⁰ In Wyoming, §12-5-301 states that, “No order shall be received from nor delivery made to a person under twenty-one (21) years of age or an intoxicated person in the area.” Since this provision applies only to “Drive-In Areas,” we did not include this State as having a provision that prohibits furnishing alcohol to intoxicated individuals.

Appendix B:
State Statutes or Regulations Prohibiting
Happy Hours and Other Drink Specials Promotions

**State Statutes or Regulations Prohibiting
Happy Hours and Other Drink Specials Promotions¹¹**

	Prohibit Happy Hours and/or Drink Specials	Prohibit Free Beverages	Prohibit Additional Servings	Prohibit Reduced Price - Specified Day or Time	Prohibit Unlimited Beverages – Fixed Price, Fixed Time	Prohibit Increased Volume	Prohibit Prizes
Alabama	√			√	√		
Alaska	√	√	√	√	√		√
Arizona	√		√		√		
Arkansas							
California							
Colorado							
Connecticut	√		√		√		√
Delaware	√			√	√		√
District of Columbia							
Florida							
Georgia							
Hawaii							
Idaho							
Illinois	√		√	√	√	√	√
Indiana	√		√	√			
Iowa							
Kansas	√	√		√	√	√	√
Kentucky							
Louisiana ¹²	√				√		
Maine	√	√	√		√		√
Maryland							
Massachusetts	√	√	√	√	√	√	√
Michigan	√				√		√
Minnesota							
Mississippi							
Missouri							
Montana							
Nebraska	√				√		
Nevada							
New Hampshire							
New Jersey	√				√	√	√
New Mexico	√	√	√	√	√		√
New York	√	√			√		

¹¹ Source: PIRE, 2003. This chart contains data on State statutes and regulations that specifically target happy hour types of promotions. Although some States may have provisions that prohibit awarding alcohol as a prize or providing free beverages in other parts of statutory or regulatory codes as a stand-alone statute or regulation, the information in this chart focuses on States with provisions expressly prohibiting excessive-drinking practices. The categories in the chart are defined as follows: *Free beverages*—happy hour provisions that specifically prohibit the distribution of free alcoholic beverages; *Additional servings*—prohibitions against an establishment providing additional servings of alcoholic beverages before previous servings have been consumed; *Reduced price – specified day or time*—prohibitions against the sale of alcoholic beverages at reduced prices during a specified day or time; *Unlimited beverages – fixed price, fixed time*—prohibitions against the sale of alcoholic beverages during a fixed period of time for a fixed price; *Increased volume*—prohibitions against increasing the volume of alcoholic beverages in a drink without increasing the price; *Prizes*—happy hour provisions that contain specific prohibitions against giving alcoholic beverages as prizes. Checkmarks indicate the presence of a policy. The legal research is current as of January 1, 2003

¹² In Louisiana, selling or serving alcoholic beverages at a fixed price after 10 p.m. is prohibited.

	Prohibit Happy Hours and/or Drink Specials	Prohibit Free Beverages	Prohibit Additional Servings	Prohibit Reduced Price - Specified Day or Time	Prohibit Unlimited Beverages – Fixed Price, Fixed Time	Prohibit Increased Volume	Prohibit Prizes
North Carolina	√			√	√		
North Dakota							
Ohio	√		√	√	√	√	√
Oklahoma	√		√	√	√	√	√
Oregon ¹³							
Pennsylvania	√		√	√	√	√	
Rhode Island	√	√	√	√	√	√	√
South Carolina	√	√		√			
South Dakota							
Tennessee	√	√	√	√	√	√	√
Texas	√		√	√	√	√	
Utah							
Vermont	√		√			√	
Virginia	√	√	√	√	√	√	√
Washington	√			√			
West Virginia							
Wisconsin							
Wyoming							
State Totals	27	10	16	18	23	12	15

¹³ Although Oregon has no happy hour statute per se, it does have a provision that prohibits providing alcohol as prizes.

Appendix C:
Penalties for Violations of Sales to Intoxicated Laws

Administrative Penalties for Sales and Service to Obviously Intoxicated People

State	1 st Offense Maximum ¹⁴	1 st Offense Guideline	2 nd Offense Guideline	3 rd Offense Guideline	4 th Offense Guideline ¹⁵
Alabama ¹⁶	\$1000 fine or up to 1 year suspension/revocation	No Guidelines			
Alaska	Fine not greater than 3 times monetary gain of sale resulting from the violation or \$10,000, and/or 45-day suspension	Suspension up to 45 days, and/or fine not greater than 3 times monetary gain of sale resulting from the violation or \$10,000. No revocation permitted.	Suspension up to 90 days, and/or fine not greater than 3 times monetary gain of sale resulting from the violation or \$30,000. No revocation permitted.	Fine not greater than 3 times monetary gain of sale resulting from the violation or \$50,000, and/or suspension/revocation	Not Specified
Arizona ¹⁷	Fine not greater than \$3,000 and/or suspension/revocation.	Fine of \$1,500 and/or up to 30-day suspension	Fine of \$2,000 - \$3,000 and/or up to 30-day suspension	Fine of \$3,000 or more and/or 30-day suspension up to revocation	Not Specified
Arkansas	Fine or suspension/revocation.	No Guidelines			
California	Suspension/revocation or \$3,000 fine in lieu of	Suspension/revocation or 50% estimated gross sales between \$750 - \$3,000	Same, but mandatory suspension	Revocation	N/A

¹⁴ This describes the maximum penalty allowed by statute for a given violation. It may include maximums set forth by a State’s general administrative penalty statute or by specific statute. “No provision identified” indicates that legal researchers could not identify a law regarding the particular violation. “No max identified” indicates that a statute or a general administrative penalty that explicitly specifies a maximum penalty could not be identified.

¹⁵ The 1st-4th Offense Guideline categories describe the range of penalties recommended as per informal penalty guidelines, specific statutes, or general administrative penalties. Where “Same” is listed, please refer to the column at immediate left of “Same”. “Not specified” indicates that the legal researchers could not identify if the State specifically lists a penalty guideline for the particular offense. “N/A” denotes not applicable, and “No Guidelines” indicates that the legal researchers were unable to identify any guidelines for the offense listed.

¹⁶ In Alabama, State law specifies that a license shall be revoked on a second or a subsequent offense. However, ABC Rules and Regulations state that a fine schedule will be established for use when a licensee wishes to plead guilty to a first or second offense charge. Researchers were unable to obtain a copy of this fine schedule.

¹⁷ In Arizona, suspension days and fines may be substituted for one another, at the discretion of the Compliance Officer, at the rate of one day of suspension equal to \$250.

State	1 st Offense Maximum ¹⁴	1 st Offense Guideline	2 nd Offense Guideline	3 rd Offense Guideline	4 th Offense Guideline ¹⁵
Colorado	15-day suspension or fine 20% estimated gross revenue up to \$5,000 in lieu of	15-day suspension. 5 days served and 10-day abeyance, or fine 20% estimated gross revenue between \$200 - \$5,000	Not Specified	Not Specified	Not Specified
Connecticut	Suspension/ revocation and/or fine in lieu of	1-4-day suspension, and/or \$750-\$1,500 fine	1-7-day suspension, and/or \$750-\$2,000 fine	1-11-day suspension, and/or \$750-\$2,500 fine	Not Specified
Delaware	Suspension/ revocation and/or fine	No Guidelines			
District of Columbia	Suspension/ revocation and/or fine	Suspension/ revocation and/or at least a \$1,000 fine	Suspension/ revocation and/or at least \$2,000 fine, within 2 years	Suspension/ revocation and/or at least \$4,000 fine, within 3 years	Revocation
Florida ¹⁸	No provision identified	N/A			
Georgia	Suspension/ revocation	No Guidelines			
Hawaii (Maui)	No Max identified.	Fine \$1,000 - \$2,000	Fine of at least \$2,000 or up to 30-day suspension	Up to 30-day suspension or revocation	Revocation
Idaho	\$5,000 fine or suspension not greater than 6 months	10-day suspension or fine in lieu of	30-day suspension or fine in lieu of	60-day suspension or fine in lieu of	Not Specified
Iowa	Suspension/ revocation and/or \$1,000 fine	(21-day suspension) or (\$750 fine and 10-day suspension) or (\$1,000 fine and 7-day suspension)	Not Specified	Not Specified	Not Specified

¹⁸ In Florida, all administrative fines may be substituted with license suspensions using the ratio of 1 day of suspension for each \$50.

State	1 st Offense Maximum ¹⁴	1 st Offense Guideline	2 nd Offense Guideline	3 rd Offense Guideline	4 th Offense Guideline ¹⁵
Illinois	\$1,000 fine and/or suspension/ revocation	Same	Fine up to \$1,500 and/or suspension/ revocation	Fine up to \$2,500 and/or suspension/ revocation	Same
Indiana	\$1,000 fine and/or suspension/ revocation	No Guidelines			
Kansas	\$1,000 fine and/or suspension/ revocation	\$100 fine and/or 1-weekday suspension	\$200 fine and/or 1-weekend day suspension	\$300 fine per minor and/or suspension of one weekend day (Fri or Sat)	\$500 fine per minor and/or two weekend days suspension
Kentucky	Suspension/ revocation or \$50/ day suspension in lieu of	No Guidelines			
Louisiana	\$500 fine and/or suspension/ revocation	Same	\$250-\$1,000 fine, and/or suspension/ revocation	\$500-\$2,500 fine, and/or suspension/ revocation	Not Specified
Maine	\$1,500 fine and/or suspension/ revocation	No Guidelines			
Maryland	County specific	N/A			
Massachusetts	\$500 fine and/or 1 yr in jail and/or suspension/ revocation	No Guidelines			
Michigan ¹⁹	\$1,000 fine and/or suspension/ revocation	No Guidelines			
Minnesota	\$2,000 fine and/or up to 60-day suspension/ revocation	No Guidelines			
Mississippi	\$1,000 fine and/or suspension/ revocation	\$500 fine and/or suspension/ revocation	\$900 fine and/or suspension/ revocation	\$1,000 fine and/or suspension/ revocation	Not Specified
Missouri	No Max Identified	No Guidelines			
Montana	\$250 fine and/or suspension/ revocation	Same	\$1,000 fine	\$1,500 fine and/or 20-day suspension	Revocation

¹⁹ In Michigan, a third or subsequent offense will result in a mandatory suspension/ revocation of license.

State	1 st Offense Maximum ¹⁴	1 st Offense Guideline	2 nd Offense Guideline	3 rd Offense Guideline	4 th Offense Guideline ¹⁵
Nebraska	Suspension/ revocation or \$50 fine per day issued suspension in lieu of	\$500 - \$1,000 Fine and/or 10-20-day suspension	\$2,000 - \$4,000 Fine and/or 20-50-day suspension	\$4,000 - \$6,000 and/or 25-60-day suspension	Revocation
Nevada	No provision identified.	N/A			
New Hampshire ²⁰	\$500 fine and/or 1-7 days suspension	Fine \$100 - \$500 and/or 10-17-day suspension	Fine \$250 - \$1,000 and/or 10-24-day suspension	Fine \$500 - \$1,500 and/or 10-30-day suspension	(Fine \$750 - \$3,000 and/or 10-40-day suspension) or (40-day suspension)
New Jersey	15-day suspension or ½ gross estimated profit per day suspension in lieu of	Same	30-day suspension or ½ gross estimated profit per day suspension	45-day suspension or ½ gross estimated profit per day suspension	Revocation.
New Mexico	\$10,000 fine and/or suspension/ revocation	No Guidelines			
New York	\$10,000 fine and/or suspension/ revocation	No Guidelines			
North Carolina ²¹	\$500 fine and/or up to 3-year suspension/ revocation	Up to \$500 fine and/or up to 3-year suspension/ revocation	Up to \$750 fine, and/or up to 3-year suspension/ revocation	Up to \$1,000 fine, and/or up to 3-year suspension/ revocation	Not Specified
North Dakota	Suspension/ revocation	No Guidelines			
Ohio	Suspension/ revocation or \$200 fine per day issued suspension in lieu of	No Guidelines			
Oklahoma	Revocation	N/A			
Oregon	30-day suspension/ revocation and/or \$5,000 fine	Up to 10 days suspension or \$1,650 fine	Up to 30 days suspension or \$4,950 fine	Up to 30-day suspension	Revocation

²⁰ New Hampshire allows for reduction of suspension length for “good behavior.” “Good behavior” is defined as compliance with all commission administrative fine payment deadlines and/or orders issued under Liq. 206.03.

²¹ In North Carolina, the commission may accept an offer in compromise of an issued suspension, up to \$5,000.

State	1 st Offense Maximum ¹⁴	1 st Offense Guideline	2 nd Offense Guideline	3 rd Offense Guideline	4 th Offense Guideline ¹⁵
Pennsylvania ²²	\$5,000 fine and/or suspension/ revocation	No Guidelines			
Rhode Island	\$500 fine and/or suspension/ revocation	Up to \$500 fine and/or suspension/ revocation	Up to \$1,000 fine and/or suspension/ revocation	Same	Same
South Carolina	\$1,500 fine and/or suspension/ revocation	\$400 fine and/or suspension/ revocation	\$800 fine and/or suspension/ revocation	45 days suspension and/or revocation	Revocation.
South Dakota	Suspension up to 60 days or revocation or up to \$75,000 offer in compromise	No Guidelines			
Tennessee	Suspension/ revocation or \$1,500 fine	Suspension/ revocation or \$200 - \$1,000 fine	Same	Same	Same
Texas ²³	60-day suspension, or fine in lieu of	7-day suspension or fine in lieu of	10-15-day suspension or fine in lieu of	25-day suspension – revocation or fine in lieu of	Not Specified
Utah	\$25,000 fine and/or suspension/ revocation	Fine \$1,000 - \$25,000 and/or 10 day suspension or revocation	15-day suspension or revocation	Same	Same
Vermont	Suspension/ revocation	No Guidelines			
Virginia ²⁴	No Max Identified	\$2,000 fine or 25-day suspension	Not Specified	Not Specified	Not Specified
Washington	No Max Identified	5-day suspension or \$100 fine in lieu of	10-day suspension or \$200 fine in lieu of	30-day suspension or \$400 fine in lieu of	Revocation
West Virginia	\$1,000 fine and/or suspension/ revocation	No Guidelines			
Wisconsin	Suspension/ revocation	No Guidelines			
Wyoming	No provision identified	N/A			

²² In Pennsylvania, third and subsequent offenses will result in a mandatory suspension/revocation.

²³ In Texas, a fine may be issued in lieu of issued suspension in the amount of \$150-\$25,000 per day of issued suspension or fine of \$75-\$500.

²⁴ In Virginia, a second or subsequent offense will result in a mandatory suspension.

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