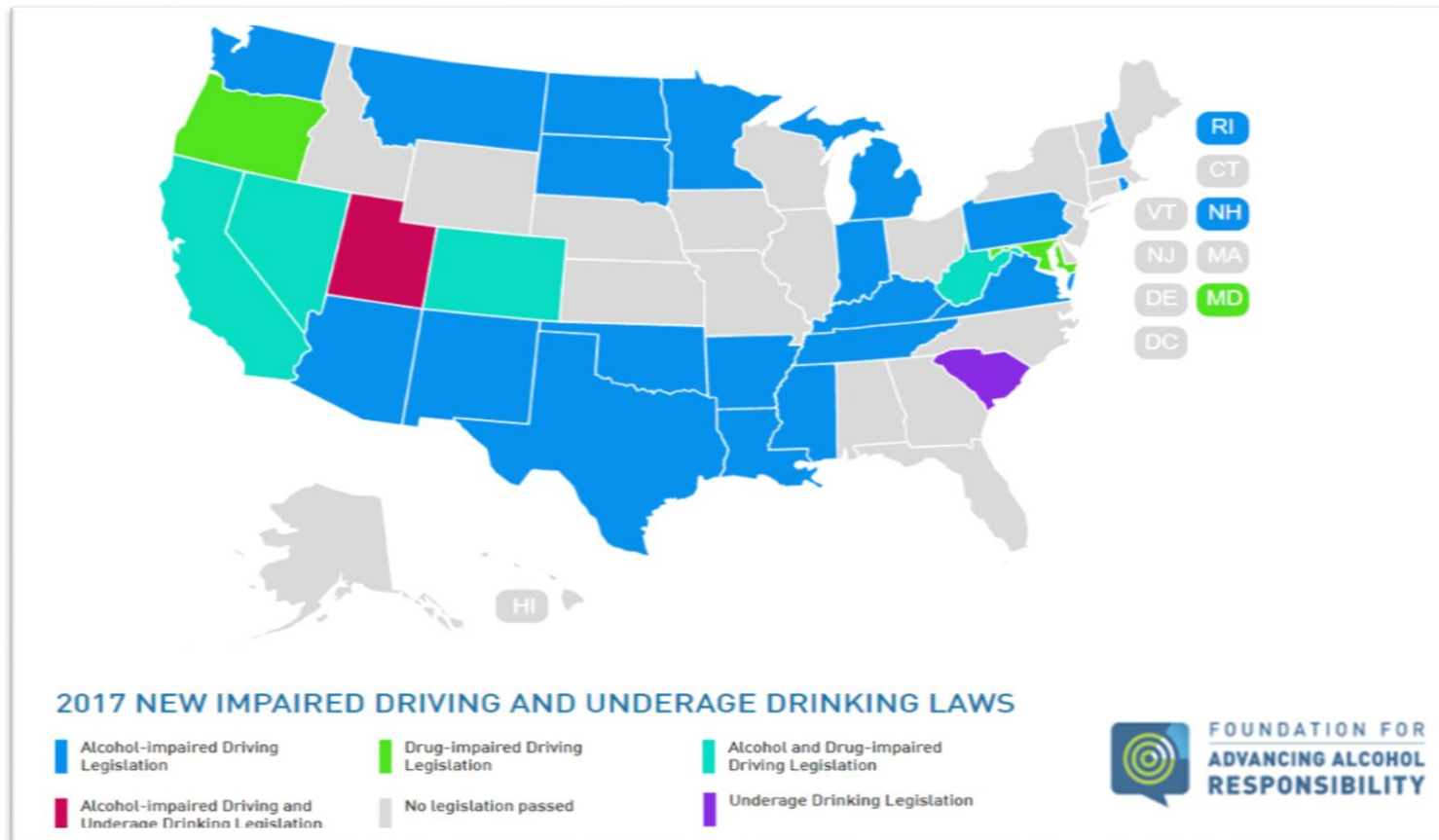




FOUNDATION FOR
ADVANCING ALCOHOL
RESPONSIBILITY

2017 Year-End Report on Priority State Legislative Activity

In 2017, the Foundation for Advancing Alcohol Responsibility (Responsibility.org) supported, monitored, or opposed drunk driving, underage drinking, and drug-impaired driving legislation in 47 states. By the end of the year, 52 drunk driving and/or drugged driving bills passed in 27 states (**Arizona, Arkansas, California, Colorado, Indiana, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Montana, New Hampshire, Nevada, North Dakota, New Mexico, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and West Virginia**). New underage drinking legislation passed in 2 states (**South Carolina, and Utah**).



Occasionally, success is defined as defeating harmful legislation. In addition to supporting numerous bills, we also opposed bills that proposed lowering the 21 minimum drinking age (**MN HF 1049**), prohibited DUI offenders from purchasing alcohol (**ME LD 225**; **NM HB 300**; and **OK HB 1605**), eliminated administrative license revocation (**WV HB 3033**), and weakened ignition interlock laws (**KS SB 123** and **TX HB 117**).

In our efforts, we sought guidance from various traffic safety resource prosecutors (TSRPs) and have collaborated with organizations such as AAA, Family, Career, and Community Leaders of America (FCCLA), Insurance Institute for Highway Safety (IIHS), National Safety Council (NSC), ignition interlock manufacturers, Students Against Destructive Decisions (SADD), We Save Lives, and other state advocacy organizations. Responsibility.org remains active in states that have not yet adjourned for the year.

If you are interested in learning more about the impaired driving and underage drinking laws across the country, please refer to Responsibility.org's [State Laws Map](#). As legislation passes throughout the year, this map will be updated to reflect the new laws.

Impaired Driving

Each year, Responsibility.org supports legislation that strengthens or seeks to implement countermeasures aimed at eliminating alcohol and drug-impaired driving. The bills we support cover a range of [proven strategies](#) to address various facets of the DUI/DUID problem. Below is a summary of all enacted drunk and drugged driving legislation in 2017.

State	Bill	Primary Sponsor(s)	Content	Effective Date
Arizona	HB 2211	Rep. Heather Carter	Requires annual reporting on available drug and alcohol treatment programs to the legislature and Governor. The report must contain a description of the programming, the number of offenders currently receiving the program, the number of offenders who received the programming over the course of a year, cost per offender, etc.	
Arizona	SB 1150	Senator Bob Worsley	Modifies existing ignition interlock vendor oversight requirements including standards and qualifications for technicians. Requires that there be a process for the de-certification of devices. year, cost per offender, etc.	6/30/2018

Arkansas	HB 1268	Rep. Reginald Murdock	Requires individuals convicted of a fourth or subsequent offense of driving a motor vehicle or boat while intoxicated to install an interlock; license will remain revoked until an interlock is installed. Allows the court to waive an interlock requirement for first offenders under certain conditions (e.g., employer exemption, medical waiver, service provider not within 100 miles).	7/7/2017
Arkansas	HB 1668	Rep. Timothy Lemons	Eliminates judicial discretion to order community service in lieu of imprisonment for repeat DUI/BUI offenders.	7/7/2017
Arkansas	HB 1922	Rep. Daniel Douglas	Modifies open container statute to meet Federal requirements.	7/7/2017
Arkansas	HB 2248	Rep. Jimmy Gazaway	Modifies existing implied consent language; a test of a person's blood to determine the person's alcohol concentration, controlled substance content, or other intoxicating substance content requires a warrant based on probable cause that the person was operating or in actual physical control or a motor vehicle or motorboat while intoxicated.	7/7/2017
California	SB 65	Senator Jerry Hill Senator Tom Lackey Senator Evan Low	Makes drinking an alcoholic beverage or smoking or ingesting marijuana or any marijuana product while driving, or while riding as a passenger in, a motor vehicle being driven upon a highway or upon specified lands punishable as a traffic infraction.	1/1/2018
California	SB 611	Senator Jerry Hill	Includes clean-up provisions for interlock program including the following: requires	1/1/2019

		Senator Bob Hertzberg	persons convicted of driving under the influence of alcohol and any drug, or certain passenger-for-hire drivers convicted of DUI to install an interlock; clarifies that “prior convictions” for purposes of determining the specified time that an interlock is required to be installed means convictions within 10 years of the current offense; conforms certain existing provisions requiring installers of interlocks to report failures to comply with maintenance and other requirements by requiring reporting if the person fails 3 or more times to comply; requires a person to install an interlock in the vehicle(s) they operate as opposed to all vehicles that they own.	
Colorado	HB 1288	Rep. Lori Saine Rep. Mike Foote Rep. Lois Cort Rep. John Cooke	Modifies sentencing requirements for felony DUI offenders. Requires the court to choose one of the following sentencing options: 1) Require the defendant to serve at least 90 days but not more than 180 days imprisonment in the county jail; 2) Require the defendant to serve at least 120 days but not more than 2 years of imprisonment in the county jail through participation in an alternative sentencing program if such programs are available through the county.	11/9/2017
Colorado	HB 1315	Rep. Jonathan Singer Rep. Polly Lawrence Rep. Rhonda Fields Rep. Robert Gardner	Requires the Division of Criminal Justice to produce an annual report that includes, to the extent possible, certain data relating to substance-affected driving citations that occurred in the previous year. For the purpose of producing the report, the division shall collect data from the state judicial branch, forensic toxicology laboratories, Dept. of Public Health and Environment, and the Division of Probation Services. The bill creates a \$10 surcharge for persons	11/9/2017

			convicted of substance-affected driving. Money collected as such surcharges must be deposited in the substance-affected driving data-analysis cash fund.	
Indiana	SB 479	<p>Senator Eric Koch Senator Joseph Zakas Senator John Young Senator Gregory Steuerwald Senator Christopher May Senator Thomas Washburne</p>	<p>Re-classifies causing the death of another person as a result of DUI/DUID (controlled substance or its metabolite) while driving on a suspended license with a habitual offender designation as a level 4 felony.</p> <p>Also adds the criteria of "failing to comply with the duties of the operator of a motor vehicle involved in an accident resulting in serious bodily injury or death" to the crime of violence statute. This constitutes a felony which affords the judge the discretion to order terms of imprisonment to be served concurrently or consecutively if there are multiple charges stemming from the incident.</p>	7/1/2017
Kentucky	HB 222	<p>Rep. Robert Benvenuti Rep. Jeff Greer Rep. Robert Mills Rep. William Reed Rep. Jill York</p>	<p>Excludes individuals who are convicted of either manslaughter in the second degree or reckless homicide resulting from a DUI incident from shock probation eligibility.</p> <p>*Shock probation requires an offender to serve a period of incarceration and then be eligible to serve the remainder of their sentence in the community – the rationale is to expose them to a jail sentence with the hopes that this will increase their compliance while under supervision. In Kentucky’s existing statute, violent offenders are excluded from shock probation but based on the classification of vehicular manslaughter as a Class C Felony, it previously did not fall within the state’s violent offender definition.</p>	6/30/2017

Louisiana	SB 139	Senator Daniel Martiny	Affords fourth offenders with the opportunity to participate in programming within the community if it serves the interest of public safety and if these alternatives were previously unavailable to them. This includes a program provided by the drug division of the district court, a DWI or sobriety court program, or the Swift and Certain Probation Pilot Program. With the consent of the district attorney, the court may place the defendant on probation for a period of not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the three-year limit. If necessary to assure successful completion of one of the sentencing alternatives, the court may extend the duration of the probation period.	11/1/2017
Maryland	HB 635 / SB 229	Rep. Geraldine Valentino-Smith Senator Wayne Norman Senator Justin Ready	Increases the period of imprisonment for homicide by vehicle while impaired by a controlled dangerous substances. For a first offense, the period of imprisonment is increased from 3 to 5 years. For an individual who has a prior conviction, the period of imprisonment is increased from 5 to 10 years.	10/1/2017
Michigan	HB 4548	Rep. Patrick Green	Eliminates the .08 per se sunset provision.	11/8/2017 (immediate effect upon Governor's signature)
Minnesota	HF 179	Rep. Peggy Scott Rep. Jim Nash Rep. John Lesch	Prohibits the use of ignition interlock devices with GPS features. Modifies existing implied consent statute and test refusal provisions to recognize the requirement to obtain a warrant for blood	7/1/2017

			and urine for the purposes of chemical testing.	
Mississippi	HB 1089	Rep. Andrew Gipson	Establishes mental health diversion pilot programs; DUI/DUID offenders who cause the death of another person are not eligible to participate.	4/11/2017
Mississippi	SB 2685	Senator David Parker	Makes technical corrections to existing DUI statute. Contains accountability provision that states that Mississippi must “determine appropriate ways to ensure that individuals and agencies accurately and completely carry out their responsibilities in all DUI cases and, after receiving input and recommendations from all the involved professional associations and agencies, recommend legislation to hold accountable those who fail to carry out their responsibilities accurately and completely in all DUI cases.”	Sections 3 and 4: 4/18/2017 Remaining portions: 10/1/2017
Montana	HB 133	Rep. Nate McConnell	Eliminates the requirement that DUI offenders complete a chemical dependency education course as part of their sentence and limits it to assessment and treatment. Allows repeat offenders (fourth and subsequent) to participate in a DUI Court program for a term not to exceed five years permitted that they meet other sentencing requirements; emphasizes the importance of assessment and requires that all treatment programs must be evidence-based; and requires treatment, even for a first offender, if there is a finding of moderate to severe alcohol/drug dependence.	7/1/2017
Montana	HB 144	Rep. Zach Brown	Places limitations on the issuance of probationary licenses. Establishes that such	Sections 1, 2, 6, 14-20, 22, 24: 5/5/2017 Sections 7-13: 1/1/2018

			<p>a license cannot be issued during the period of suspension unless the report of conviction includes a recommendation from the court that a license should be issued.</p> <p>Also requires DUI convictions from other jurisdictions to be counted towards the number of priors on an individual's records for the purpose of making a suspension/revocation length determination.</p>	Remaining portions: 10/1/2017
New Hampshire	HB 420	Rep. Steve Smith Rep. George Sykes Rep. Thomas Walsh	Authorizes a court to require installation of an ignition interlock as a condition of driver's license reinstatement for a person convicted of manslaughter involving alcohol. Interlock condition not to exceed five years.	7/18/2017
New Hampshire	HB 448	Rep. Steve Smith Rep. George Sykes Rep. Thomas Walsh	Establishes interlock program violations and authorizes the Department of Public Safety to take action on these violations. Also establishes performance-based exit criteria and allows DPS to extend program participation by 120 days.	7/18/2017
New Mexico	HB 31 / SB 136	Rep. Timothy Lewis Senator George Munoz	Amends the ignition interlock licensing requirement to provide that a person with only one prior conviction for driving under the influence of intoxicating liquor or drugs in another jurisdiction may obtain a New Mexico driver's license upon proof of completion of all conditions of the person's sentence.	7/1/2017
Nevada	AB 135	N/A	Specifies that the current marijuana nanogram limits apply to blood only; removes urine limits. Also notes that when marijuana is suspected as the impairing substance that law enforcement can request a blood test (removes option to request urine). The bill also clearly defines marijuana	7/1/2017

			<p>as delta-9-THC and the metabolite as 11-hydroxy-THC.</p> <p>Allows for the testing of saliva for individuals with heart issues and hemophilia.</p>	
Nevada	SB 259	<p>Senator Mark Manendo</p> <p>Senator David Parks</p> <p>Senator Nicole Cannizzaro</p> <p>Senator Tick Segerblom</p>	Requires a person whose license, permit or privilege has been revoked to install, at his/her own expense, an ignition interlock device in each vehicle the person owns or operates as a condition to obtaining a restricted license.	<p>For adopting regulations and preparatory administration: 6/12/2017</p> <p>For all other purposes: 10/1/2018</p>
North Dakota	SB 2176	N/A	Modifies testing statute language to reflect blood draw warrant requirement post-Birchfield ruling. Adds provisions related to admissibility of refusal.	8/1/2017
Oklahoma	SB 252	<p>Senator Ann Griffin</p> <p>Senator Mike Osburn</p>	Re-defines what constitutes a Victim Impact Panel - program conducted by a non-profit corporation registered with the Secretary of State in Oklahoma solely for the purpose of operating a victims' impact program. The program shall include presentations from a minimum of three live presenters who will share personal stories with participants about how alcohol, drug abuse, or the operation of a motor vehicle while using an electronic communication device and/or the illegal conduct of others has personally impacted the life of the presenter.	11/1/2017
Oklahoma	SB 643	<p>Senator Kim David</p> <p>Senator Scott Biggs</p>	Provides for a \$500 fine for allowing a person subject to a restricted license to drive a vehicle without an ignition interlock. The measure also provides that a court is to require as a condition of bond that an ignition interlock device be placed upon the vehicle of any person charged with a second or subsequent DUI.	11/1/2017

Oregon	SB 302	N/A	Revises all DUII statutes to make specific mention of cannabis in addition to alcohol, controlled substances, and inhalants.	4/21/2017
Pennsylvania	SB 553	Senator John Rafferty	Modifies refusal statute to include fines in addition to license suspension. Also makes minor clarifications to interlock program such as vendor reporting of violations.	7/20/2017 and 12/20/2017
Rhode Island	HB 5520	Rep. Carol McEntee Rep. Bob Craven	Decriminalizes second, third and subsequent violations of refusal to submit to chemical test in light of <i>Birchfield v. North Dakota</i> but would also set forth new civil penalties for second, third, and subsequent violations. Also reinstates non-criminal penalties for subsequent refusals to submit to a blood test.	10/5/2017
South Dakota	HB 1144	Rep. Craig Tieszen Rep. Arthur Rusch	Notes that a warrant is required for a blood test for commercial drivers.	7/1/2017
South Dakota	HB 1183	Rep. Timothy Jones Rep. Alan Solano	Requires the South Dakota Sheriffs' Association to develop a jail mental health screening pilot program and convene at least four jail administrators and at least two mental health providers to select a mental health screening tool. The jails in the pilot program shall utilize a mental health screening tool during the jail intake process and shall collect/report data to the oversight council.	All sections except noted & 33-38: 7/1/2017 Sections 4-6, 14, 25-26, and 28: 7/1/2018
South Dakota	SB 29	N/A	Allows for the use of mobile breath testing technology in the SD 24/7 program in lieu of in-person twice-a-day testing. This affords program administrators greater flexibility and can be used to accommodate offenders in rural areas that would otherwise have to	7/1/2017

			travel long distances to complete their testing at a sheriff's department.	
Tennessee	HB 39 / SB 134	Rep. Tilman Goins Senator Kerry Roberts	Bill modifies the implied consent statute. Creates a "waiver of warrant requirement and consent to blood alcohol or drug concentration test" for drivers who volunteer to have their blood drawn absent a warrant.	7/1/2017
Tennessee	HB 186 / SB 285	Rep. Michael Curcio Senator Jon Lundberg	Requires DUI offenders to pay \$250 to cover the cost of breath, blood, or urine analysis upon conviction. This applies to offenders convicted of DUI, vehicular assault, aggravated vehicular assault, vehicular homicide, possession of a controlled substance, reckless driving, or aggravated vehicular homicide.	4/4/2017
Texas	HB 3016	Rep. Senfronia Thompson Rep. Roberto Alonzo Rep. Paul Workman	"Second chance" law; allows first-time drunk drivers with a BAC of .08 to .14 who successfully use an ignition interlock for six months (and complete other court conditions) to apply for a non-disclosure (DWI removed from their record). Statute only applies to offenders who do not cause injury or property damage.	9/1/2017
Utah	HB 155	Rep. Norm Thurston	Lowers blood alcohol concentration from .08 to .05.	12/30/2018
Utah	HB 162	Rep. Steve Eliason	Classifies driving the wrong way while under the influence as a felony offense.	7/1/2017
Utah	HB 250	Rep. Justin Fawson Rep. David Buxton	Establishes a sobriety program; provides the court the discretion to order both first and repeat DUI offenders to complete the program. Also allows the Driver Licensing Division to shorten the hard suspension	7/1/2017

			period if an offender is participating in or has successfully completed the sobriety program.	
Virginia	HB 172	Delegate David Albo	Allows the court to give weight to Virginia Alcohol Safety Action Program (VASAP) recommendations with respect to an offender's risk level/threat to public safety.	7/1/2017
Virginia	HB 1622	Delegate Christopher Collins	Harmonizes penalties for driving under the influence and commercial driving under the influence.	7/1/2017
Virginia	HB 2231	Delegate Jackson Miller	Adds language that specifies that the period of time during which the offender (i) is prohibited from operating a motor vehicle that is not equipped with an interlock or (ii) is required to have an interlock installed on each motor vehicle owned by or registered to them shall be calculated from the date the offender is issued a restricted license by the DMV. Also makes minor modifications to the employer exemption.	7/1/2017
Virginia	HB 2327	Delegate Christopher Collins	<p>Modifies implied consent and refusal penalties pursuant to Birchfield ruling. Virginia previously had administrative and criminal penalties for test refusal; this modifies those penalties to make them purely administrative in nature (license suspension/revocation).</p> <p>For a first offense, the court will suspend driving privileges for one year (which is in addition to the suspension that would receive for a DUI). If a person is found to have previously refused and within 10 years prior was found guilty of refusal or DUI they are guilty of a Class 1 misdemeanor. A</p>	7/1/2017

			conviction will result in license revocation for a period of three years (in addition to DUI license suspension period). For individuals with two or more priors, the license will be revoked indefinitely.	
Virginia	SB 1564	Senator Thomas Normant	Requires that an application for a search warrant to withdraw blood from a person suspected of driving impaired be given priority over any pending matters before a judge, magistrate, or other person having authority to issue criminal warrants.	7/1/2017
Washington	HB 1614	Rep. Roger Goodman	Extends ignition interlock program performance-based exit criteria from four to six months (i.e., requires 180 violation-free days prior to release of an ignition interlock restriction).	Sections 18-19: 7/1/2017 Remaining sections: 7/23/2017
Washington	SB 5037	Senator Michael Padden	Lowers the felony DUI offense threshold from five prior convictions to four prior convictions.	7/1/2017
West Virginia	HB 2684	Delegate Joseph Canestraro	Enhances penalties for DUI offenses for individuals under the age of 21.	7/8/2017
West Virginia	SB 386	Senator Richard Ojeda	Medical marijuana bill; includes provision that establishes that a medical marijuana patient must not drive with above 3 nanograms of active THC in their system.	7/6/2017

Underage Drinking

Responsibility.org supports legislation aimed at preventing underage drinking, such as Good Samaritan laws, zero tolerance for drinking alcohol underage and driving, and the 21 minimum legal drinking age. This year, we also supported juvenile justice amendments that focus on screening and assessment for underage drinking offenses.

State	Bill	Primary Sponsor(s)	Content	Effective Date
South Carolina	SB 179	Senator Charles Hutto	States that a person acting in good faith who seeks medical assistance from an emergency room, outpatient medical clinic, or other medical facility, for another person who appears to be experiencing a drug or alcohol-related overdose may not be prosecuted, if the evidence for prosecution was obtained as a result of the person seeking medical assistance.	6/10/2017
Utah	HB 239	Rep. Lowry Snow Rep. Todd Weiler	Makes various juvenile justice amendments as it relates to underage drinking.	Various effective dates: 5/9/2017; 8/1/2017; 7/1/2018