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South Carolina House of Representatives

Legislative Update & Research Reports

Ramon Schwartz, Jr., Speaker of the House

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CONTENTS

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MAY 17 1985

LEGISLATIVE UPDATE

Editorial Comment on Legislature--Part Four.....	1-2
Tax Rates Per Personal Income.....	1-6

STATE DOCUMENTS

RESEARCH REPORT

DWI Laws Around the States.....	2-1
---------------------------------	-----

AROUND THE HOUSE

Staff Changes.....	3-1
--------------------	-----

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Legislative Update

Editorial Comment on Legislature--Part Four

News clippings received during April contained a number of editorials regarding actions and issues concerning the S.C. House of Representatives. A summary, by subjects, follows.

Blue Laws Must Go

A number of editorials (eleven, to be exact) addressed changes in the Blue Laws; all supported reform, most approved of repeal.

"Of course, we would like to see blanket repeal of the state's silly, outdated Blue Laws," the *Columbia Record* admitted, and the *Hilton Head Island Packet* agreed: "We still think our legislators should have abolished the centuries-old Blue Laws altogether." And the *Chester News & Reporter* joined in the chorus: "The answer today, as it has been for years, is abolishment of the regulations altogether, but perhaps we aren't ready for that yet."

The *Myrtle Beach Sun News* gave two reasons for repeal of the Blue Laws, one economic (all that tax revenue) and one philosophic: "It would be far better, it seems to us, to repeal the blue laws altogether and leave to each person, each business, each churchgoer, each legislator the right to behave on Sunday as he or she deeply believes. It's not money; it's freedom."

No newspaper supported the status quo, and several offered the similar argument in favor of change: people want to shop on Sunday. "All the philosophical arguments on the subject can't change the fact that South Carolinians want to shop and in fact are shopping on Sunday afternoons," the *Pageland Progressive-Journal* wrote. It was a general sentiment.

Another, and negative, general sentiment centered on a House amendment requiring monitoring by the Attorney General on Blue Law enforcement.

The *Greenville News-Piedmont* dismissed it as an "irrelevant demand," the *Orangeburg Times & Democrat* scorned it as a "needless provision," and the *Greenville News* titled it a "silly amendment."

Legislative Update, May 7, 1985

Most outspoken of all was the feisty *Island Packet*, which said the proposed enforcement clause was "a gratuitous slap at county sheriffs and police chiefs that accomplishes nothing but demonstrate the vindictiveness of some of our lawmakers."

The *Packet* editorial hoped the Senate would delete the amendment, and in addition, "perhaps it can enact an additional measure that would allow the governor to remove legislators who make asinine statements. The blue laws debate has produced more than its share."

Waiving the Retirement Age

Another item which aroused comments by newspaper editors was the amendment to the budget which waived the mandatory retirement clause for Woody Brooks.

The *Columbia Record* said the move "endorsed favoritism and special privilege;" the *Chester News & Reporter* remarked that it "smacks solely of cronyism of the good ole days [sic]." And the *Florence Morning News* simply stated that the House had allowed itself "to be blackmailed into bending its state retirement code for one man."

Both the *Charlotte Observer* and the *Darlington News & Press* published editorials that commented on the move in relation to certain remarks about the legislature reported in the press.

Budget Items

The redoubtable *Chester News & Reporter* tackled the issue of legislative pay. It was pleased that the House "chose to be up front with the taxpayers in approving the salary increase rather than coming in through the back door with higher subsistence pay or in-district expenses." However, the *N&R* reminded members that "they are not fulltime state employees," and furthermore:

"We do not believe the framers of the state constitution envisioned the concept of professional, fulltime legislators, but with longer legislative sessions and demands for greater pay or perks, we're headed in that direction."

Meanwhile the *Anderson Independent-Mail* claims that "a drastic reorganization of the way the budget is drawn is one of the most pressing needs in government." And, as for the budget line items: "Taxpayers can only hope our lawmakers will keep priorities in line and try to whack away the kind of waste bound to be buried many places in those 855 pages of spending proposals."

Unfortunately the *Independent-Mail* did not bother to list any of the waste. Surely they could have given us one example, or even just a hint?

Gubernatorial Succession

The move to scuttle the two-consecutive term provision for governors drew quick fire from a trio of papers. The *Lancaster News* called it "folly," the *Columbia Record* said it was "a bad idea," and the *Florence Morning News* opined that "A step that would be more backward doesn't come readily to mind."

Has the two-term measure strengthened the governor at the expense of the legislature? Perhaps--and perhaps it should--according to the *Florence News*:

"The legislators' argument boiled down to their belief that the governor's office is becoming too powerful. So what? It's high time that South Carolina had a system of effective checks and balances in its government. For entirely too many years the legislature has been all powerful."

And the *Columbia* paper had this to say: "If indeed the legislature has lost its clout--and we don't think it has--then it is because, collectively and individually, the members of the House and Senate have let it slip away through vacillation and weakness. In short, their problem, not the governor's."

Landlord-Tenant Bill Supported

The *Greenville Piedmont* and the *Chester News & Reporter* both ran editorials in favor of the proposed Landlord-Tenant bill (H.2119). "In a state where roughly 27 percent of the population rent homes or apartments, such legislation has long been needed and we hope state legislators will agree," said the *News & Reporter*.

Whether or not the legislators agreed, the *Piedmont* certainly did: "It's time state law set standards for a category of residents who make up more than a quarter of the state's population."

Big Brother Sez "Buckle Up! (And Get Off That Moped, Kid!)"

Editorials in favor of saving lives, but not at the expense of personal freedom were featured in April's newspapers.

While the *Orangeburg Times & Democrat* favored automatic restraint devices for automobiles, rather than mandatory seat belt laws, two other papers addressed the burning issue of mopeds and threats to our individual liberties.

The *Greenville News* admitted that kids who "whiz around cars and trucks on public streets might just possibly be in some minor danger", but the *News* is having none of this regulation nonsense. Why? Because it "substitutes government regulation for private responsibility."

Legislative Update, May 7, 1985

And what of those kids whose parents don't care if they end up combing gravel out of their faces? According to the *News*, "that doesn't change the dreary appearance of legislative eagerness to get yet another law enacted in the guise of improving behavior."

The *Florence Morning News*, commenting on this dreary subject, took a balanced view. On the one hand we have accidents involving moped riders, many of them youngsters. That's bad. But what's worse? This is worse:

"On the other hand, here again is the state assuming its Big Brother posture in the name of safety when collecting more revenues is at least part of the motivation. That and the idea that the state ultimately knows best what is good for people."

The Invisible Hand At Work

The *Sun News* of Myrtle Beach is opposed to bills which would include chiropractors in health insurance plans (S.53 and H.2319). The *Sun News* sagely notes the current situation: "There is support for these bills, and there is opposition." The paper then gives its opinion that the "State of South Carolina ought to be pulling back from regulation of competing private enterprise and let the market control the dispute."

The Open Hand in Illness

The *State* came out in support of the indigent health care plan, calling it "a well-thought-out and effective approach, which our pollster says South Carolinians will gladly support. The movement toward a more conservative political philosophy in the state has not meant a movement away from basic compassion for other people."

The Glad Hand in Charge?

In an editorial entitled "The Tail Wags the Dog," the *Charleston News & Courier* ruminated about the influence of lobbyists on the General Assembly.

Using as its point of departure the recent resignation of Rep. Francis Archibald to become a lobbyist, the *News & Courier* asked, "Does Mr. Archibald's decision amount to recognition that today it is the tail that wags the dog in the Legislature?" According to the *News & Courier* it does. The paper says:

"It is true that lobbyists these days exert enormous influence over our elected representatives. So much so that it is not exaggerated to speak of 'government by lobbyists.'"

The *News & Courier* demands to know if "the people of South Carolina want to be governed by lobbyists, with more time, more money and more influence than their representatives?" Is it too late for the General Assembly to redeem itself? "Let the representatives make a case, if they can, to reassure us that the lobbyist tail will not wag the legislative dog."

Note the none-too-subtle insertion: "If they can." Apparently the representatives will have a pretty hard time convincing the *News & Courier*.

Tax Rates Per Personal Income

The latest issue of the *Fiscal Letter*, published by the National Conference of State Legislatures, has information on how state taxes compare. The article compares the various state taxes to \$100 of personal income.

The *Fiscal Letter* admits that this "is a crude method of adjusting for differences in the size of each state's economy," but it at least gives some basis for comparison. However, when using such comparisons the following considerations should be kept in mind:

They do not show total tax burdens on citizens, because some states have the capacity to "export tax burdens," that is, make the burden fall on non-residents. State taxes deducted on federal income taxes are considered "exported," as are sales taxes paid by visitors to a state.

These figures include tax increases in 1983, but miss tax changes after that, including the many tax changes enacted in 1984.

Local taxes are not included, and in some states the local governments handle more responsibilities than in others.

Tax definitions differ among states. One state's sales tax is another state's excise tax.

However, if these caveats are kept in mind, the following table provides some interesting comparisons among the states in the Southeast as far as collection of taxes, and the amount of taxes paid by individual persons.

Of course, in any discussion of taxes the needs for and uses of those taxes also should be taken into account, and such matters are not represented in this table. In fact they are notoriously difficult to translate into statistics anyway. In the figures below, for example, two of the relatively "poorer" states, Arkansas and West Virginia, are listed as making a greater taxing effort.

Legislative Update, May 7, 1985

State Tax Revenue Per \$100 of Personal Income,
Fiscal Year 1984

<u>State</u>	<u>Total</u>	<u>Sales</u>	<u>Motor Fuel</u>	<u>Tobac- co</u>	<u>Alco- hol</u>	<u>Person. Income</u>	<u>Corp. Inc.</u>	<u>Mtr.Veh. Regis.</u>	<u>Other</u>
Alabama	7.19	1.96	.69	.19	.22	1.69	.55	.13	1.8
Arkansas	7.34	2.70	.67	.29	.12	2.08	.51	.34	.6
Florida	5.96	3.21	.50	.22	.33	.00	.31	.27	1.1
Georgia	6.62	2.31	.63	.14	.18	2.46	.54	.11	.3
Kentucky	8.13	2.16	.58	.05	.14	2.14	.57	.26	2.3
Louisiana	6.51	1.98	.43	.13	.12	.65	.52	.15	2.5
Mississippi	8.53	4.25	.69	.16	.16	1.20	.57	.25	1.3
North Carolina	7.79	1.68	.67	.03	.20	3.00	.62	.34	1.2
South Carolina	7.87	2.66	.79	.10	.33	2.65	.53	.16	.6
Tennessee	5.62	3.03	.65	.17	.13	.12	.51	.32	.7
Virginia	6.01	1.24	.49	.03	.13	2.62	.00	.28	1.2
West Virginia	9.43	4.37	.79	.20	.04	2.19	.51	.34	1.0

Source: *The Fiscal Letter*, Vol. VII, No. 1 (January/February, 1985). The *Fiscal Letter's* information comes from the U.S. Census Bureau and the *Survey of Current Business*.

DWI Laws in the States

Summary

Driving While Intoxicated (DWI) or Driving Under the Influence (DUI) has become a major target of concerned citizens and legislatures across the country. Stiffer penalties and more vigorous enforcement have been called for; in many states these calls have been heeded. Just what laws are on the books to combat drunken driving? How completely are these laws enforced?

To answer those questions the Department of Transportation conducted a 15 month study; the results of that study are contained in the DOT publication, *DWI Sanctions: The Law and the Practice*. The results of that study are summarized in this report.

A chart at the end of this report provides a brief review of major DWI laws in the states, and how they are typically imposed.

General Findings

While many states have relatively strict laws for DWI, most sentences imposed are less severe, particularly for first offenses. However, there is increasing "broad-based support for mandatory sanctions and increased penalties in local communities and among enforcement officials and representatives of the judicial system." (p. III-2).

The study also found that consistent media exposure and public education campaigns inform the public about DWI laws and help with their deterrent effect.

Following the enactment of DWI legislation there is a general decrease in alcohol-related traffic fatalities and an increase in DWI arrests and convictions.

"The use of license actions may be a more effective sanction than mandatory confinement in some States, particularly for multiple offenders." (p.III-3)

"Imposition of mandatory sanctions by local jurisdictions has led to significant increases in operating costs; and funding to meet these new obligations generally has not been made available." (III-3)

Mandatory Confinement Laws

25 states have statutes that require mandatory confinement for DWI offenders; that is, the sentence cannot be probated or suspended. 13 states have mandatory sentences for first offenders; 24 states have it for second offenders; and 25 states have such laws for third offenders.

While the laws may require mandatory sentences, the actual sentences served are frequently less than required. Officials have reported overcrowding in correctional facilities, primarily local jails, caused by mandatory sentencing. To combat this, some offenders are given the option of serving on weekends; others are placed in non-traditional settings, such as converted gyms, etc.

License Actions

All states have laws that take some action regarding a driver's license for DWI offenses. 26 states have mandatory actions; in 24 of these, license actions are mandatory for first and subsequent offenses. However, like mandatory sentencing, license actions are not consistently imposed.

License action can fall on a spectrum ranging from lifetime revocation to temporary restriction. The DOT study found that restricted licenses are relatively easy to obtain in most states. In addition, the study ran across the well-known fact that drivers with suspended or revoked licenses often continue to drive.

In a number of states, if the court does not impose mandatory license action, the action will be handled administratively. In Maine, for example, the Secretary of State reviews the sanctions imposed on all convicted DWI offenders, and imposes a license action if the courts have failed to do so. In addition, the Secretary can increase the license action if the offender fails to complete a prescribed treatment program or if the violation is the offender's third in seven years.

Restricted licenses are generally given for: 1) need of transportation to work; 2) use of a vehicle as a part of work, such as a delivery workers; 3) residence in a rural location. The study reports that "these criteria are widely abused, as some states routinely grant restricted licenses with few formal restrictions. This serves to dilute the intended effect of the original license suspension or revocation." (p. III-11)

Problems and Recommendations

1. Suspension of "mandatory" sentences is a widespread problem. The DOT study recommends that statues should be clearly written so that minimum sentences cannot be suspended or probated.

2. Wide variation in DWI sanctions exists. DOT recommends that the National Highway Traffic Safety Administration (known as "Nat" to its many friends) take the lead in disseminating information to states and local jurisdictions on how well DWI sanctions operate in the various states.

3. DWI sanctions are effective deterrents only if the public knows about them. A strong publicity and education campaign should accompany any sanction program.

4. Funding is always a problem. DOT recommends a special priority of existing federal funds to implement DWI programs.

5. In many states there is a lack of coordination in imposing DWI sanctions. Periodic joint sessions with representatives of the police and highway patrol, judiciary, rehabilitation/counseling components, public interest groups and Department of Highways are suggested.

6. In some states multiple DWI offenders are treated as first offenders because their original charges are not recorded on driving records. DOT recommends that states consider computerized record systems that are readily available to judges during sentencing.

7. Many states "wipe the slate clean" of an offending driver if he or she participates in an alcohol education or treatment program. "This dilutes the deterrent effect of the sanction program and often allows individuals to become 'repeat first offenders.'" (p. V-4) Even if participation in a program allows the offender to escape punishment (jail, loss of license) a record should still be kept of the offense, and "should constitute a prior conviction for purposes of a second or subsequent arrest." (V-5)

Driving While Intoxicated Laws in the States

NOTE: In some states the DWI are so recent there are no statistics on their enforcement; these are marked NA.

<u>STATE</u>	<u>DWI OFF.</u>	<u>FINE BY LAW</u>	<u>TYPICAL FINE</u>	<u>TIME IN JAIL BY LAW</u>	<u>USUAL JAIL TIME</u>	<u>LOSS OF LICENSE BY LAW</u>	<u>TYPICAL LICENSE LOSS</u>
Alabama	1	\$200-\$1,000	\$200-\$300	Up to 1 year	None	6 months	Varies
	2	\$500-\$2,500	\$300-\$500	15 days to 1 year	Varies	6 months	6 months
	3	\$1,000-\$5,000	No data	120 days to 1 year	No data	2-10 years	No data
Alaska	1	None	\$200-\$300	72 hours	72 hours	30 days or 60 day restricted	30 days/60 days
	2	None	\$200-\$400	10 days	10 days	1 year	1 year
	3	None	\$200-\$400	10 days	10 days	3 years	3 years
Arizona	1	\$250-\$1,000	\$250	24 hours	24 hours, 8-24 hrs community service	30-90 days	30 days
	2	\$500-\$1,000	\$500	60 days	60 days	1 year	1 year
	3	Up to \$150,000	Varies	6 months to 1 1/2 years	6 months	3 years	3 years
Arkansas	1	\$50-\$500	\$50-\$100	24 hours to 30 days	None	90 days	None
	2	\$250-\$1,000	\$50-\$200	Up to 1 year	None	6 months to 1 year	1 year
California	1	\$375-\$500	\$375	48 hours	48 hours	90 days restricted	90 days
	2	\$375-\$1,000	\$375	48 hours to 1 year	48 hours	1 year restricted	1 year
	3	\$375-\$1,000	\$375	120 days to 1 year	120 days (if in if in treatment)	3 years	3 years
Colorado	1	\$300-\$1,000	NA	5 days to 1 year	NA	NA	NA
	2	\$500-\$1,000	NA	90 days to 1 year	NA	1 year	NA
Connecticut	1	\$300-\$1,000	NA	Up to 6 months	NA	1 year	NA
	2	\$300-\$1,000	NA	60 days to 1 year	NA	1 year	NA
	3	\$300-\$1,000	NA	6 months to 1 year	NA	Revocation	NA
Delaware	1	\$200-\$1,000	Varies	60 days to 6 months	None	1 year	30 days
	2	\$500-\$2,000	\$250-\$500	60 days to 18 months	Varies	1 year	30 days
Florida	1	\$250-\$500	\$250	50 hours community service	50 hours	6 months	6 months restricted
	2	\$500-\$2,000	\$500	10 days	NA	5 years	5 years
	3	\$1,000-\$2,500	\$1,000	30 days	30 days	10 years	10 years
Georgia	1	\$1,000 maximum	\$150-\$300	1 year maximum	None	1 year	Varies
	2	\$1,000 maximum	\$250-\$500	1 year maximum	None	1 year	1 year restricted
	3	Sentenced under habitual offenders act					
Hawaii	1	NA	NA	48 hours	Seldom used	30 days	30 days
	2	\$250-\$1,000	NA	2 to 10 days	NA	90 days	NA
	3	\$500-\$1,000	NA	10 to 180 days	NA	1 to 5 years	NA

<u>STATE</u>	<u>DWI OFF.</u>	<u>FINE BY LAW</u>	<u>TYPICAL FINE</u>	<u>TIME IN JAIL BY LAW</u>	<u>USUAL JAIL TIME</u>	<u>LOSS OF LICENSE BY LAW</u>	<u>TYPICAL LICENSE LOSS</u>
Idaho	1	Up to \$300	\$150-\$200	Up to 6 months	None	90 days	90 days restricted
	2	Up to \$300	\$150-\$300	Up to 5 years	Varies	1 year	6 months
	3	Up to \$300	\$150-\$300	Up to 5 years	Varies	1 year	6 months
Illinois	1	Up to \$1,000	Varies	Up to 1 year	Seldom used; varies	1 year	1 year; sooner after DWI school
	2	Up to \$1,000	Varies	Up to 1 year	Seldom used; varies	Up to 5 years	Varies
Indiana	1	Up to \$5,000	\$50-\$100	Up to 1 year	Seldom used	60 days to 2 years	1 year restricted
	2	Up to \$10,000	\$100-\$200	1 to 4 years	5 to 10 days	60 days to 2 years	60 days to 6 months
	3	Up to \$10,000	\$100-\$200	1 to 4 years	5 to 10 days	10 years	10 years
Iowa	1	\$300-\$1,000	\$300	Up to 1 year	2 days	120 days to 1 year	30 days
	2	\$500-\$1,000	\$500	Up to 1 year	2 days	240 days to 1 year	30 days
	3	NA	NA	Up to 5 years	Few months	NA	NA
Kansas	1	\$200-\$500	\$300	48 hours to 6 months 100 hrs community service	48 hours 100 hours	90 days to 1 year	90 days restricted
	2	\$500-\$1,000	\$600	90 days to 1 year	5 days	1 year	1 year
	3	\$1,000-\$2,500	\$1,000	90 days to 1 year	90 days	1 year	1 year
Kentucky	1	\$100-\$500	\$100-\$250	None	None	6 months	6 months
	2	\$100-\$500	\$150-\$300	3 days to 6 months	3 to 10 days	1 year	1 year
	3	\$100-\$500	\$150-\$300	30 days to 1 year	7 to 10 days	2 years	2 years
Louisiana	1	\$125-\$500	NA	10 days to 6 months	NA	60 days	NA
	2	\$300-\$500	NA	30 days to 6 months	NA	1 year	NA
	3	Up to \$1,000	NA	1 to 5 years	NA	3 years	NA
Maine	1	\$250-\$500	\$250	None	None	45-180 days	45 days
	2	\$350-\$1,000	\$350	48 hours	48 hours	90 days to 1 year	90 days
Maryland	1	Up to \$1,000	Varies	1 year	Varies	1 year	60 days
	2	Up to \$1,000	Varies	2 years	Varies	1 year	120 days
	3	Up to \$1,000	Varies	2 years	Varies	Revoked	May apply again after 18 months
Massachusetts	1	\$100-\$1,000	NA	Up to 2 years	NA	1 year	NA
	2	\$300-\$1,000	NA	7 days to 2 years	NA	2 years	NA
	3	\$500-\$1,000	NA	60 days to 2 years	NA	5 years	NA
Michigan	1	\$100-\$500	NA	Up to 90 days	NA	6 months to 2 years	NA
	2	Up to \$1,000	NA	Up to 1 year	NA	1 year	NA
	3	Up to \$1,000	NA	1 to 5 years	NA	1 year	NA
Minnesota	1	Up to \$500	\$350	Up to 90 days	NA	30 days	30 days
	2	Up to \$500	\$500	Up to 1 year	NA	90 days	90 days
	3	Up to \$1,000	Unspecified	Up to 1 year	NA	1 year	1 year

<u>STATE</u>	<u>DWI OFF.</u>	<u>FINE BY LAW</u>	<u>TYPICAL FINE</u>	<u>TIME IN JAIL BY LAW</u>	<u>USUAL JAIL TIME</u>	<u>LOSS OF LICENSE BY LAW</u>	<u>TYPICAL LICENSE LOSS</u>
Mississippi	1	\$300	\$200	None	None	1 year	1 year or education prog.
	2	\$250-\$1,000	\$250	10 days to 1 year	Varies	6 months	6 months
	3	\$500-\$1,000	NA	30 days to 1 year	NA	2 years	NA
Missouri	1	\$500	NA	6 months	NA	8 points (12 points in 1 year=suspension)	12 points
	2	\$500	NA	1 year	NA		
Montana	1	\$100-\$500	\$250	24 hours	24 hours	6 months	6 months restricted
	2	\$350-\$500	\$350	7 to 30 days	24 to 72 hours	1 year	1 year; 6 months with treatment
	3	\$500-\$1,000	\$350	30 days to 1 year	10 days	1 to 3 years	1 year
Nebraska	1	\$200	NA	7 days	NA	6 months	NA
	2	\$500	NA	30 days	NA	1 year	NA
	3	\$500	NA	3 to 6 months	NA	Permanent	NA
Nevada	1	\$100-\$1,000	\$400-\$700	NA	NA	NA	NA
	2	\$100-\$1,000	\$400-\$700	10 days to 6 months	10-20 days, weekends	6 months to 1 year	1 year
	3	\$2,000-\$5,000	\$2,000	1 to 6 years	Varies	NA	NA
New Hampshire	1	Up to \$1,000	Varies	NA	NA	60 days to 2 years	60 days
	2	Up to \$1,000	Varies	7 days	Seldom used	3 years	3 years
	3	NA	NA	NA	NA	Indefinite, 3 year minimum	
New Jersey	1	\$250-\$400	\$250	30 days community ser.	30 days comm. ser.	6 months	6 months
	2	\$500-\$1,000	\$500	90 days jail; 30 days community service	Varies	2 years	2 years
	3	\$1,000	\$1,000	180 days	90 days	10 years	10 years
New Mexico	1	\$300-\$500	Varies	30-90 days	Seldom used	1 year	NA
	2	Up to \$1,000	\$350-\$400	90 days to 1 year	2 days (mandatory)	1 year	1 year restricted
	3	Up to \$1,000	\$500	90 days to 1 year	5 to 6 months	1 year	1 year restricted
New York	1	\$350-\$500	\$350-\$500	Up to 1 year	Seldom used	6 months	6 months restricted
	2	\$500-\$5,000	\$500	Up to 4 years	NA		
	3	NA	NA	NA	NA	Lifetime revocation	NA
North Carolina	1	\$100-\$300	\$100	6 months	NA	1 year	1 year; 6 months after treatment
	2	\$200-\$500	\$200	3 days to 1 year	3 days (mandatory)	4 years	4 years; possible after 2 years re-restricted
	3	\$500 minimum	\$500	3 days to 2 years	3 days	Lifetime	Possible reinstatement after 3 years
North Dakota	1	Up to \$500	\$100	Up to 30 days	Seldom used	28 days	28 days
	2	Up to \$1,000	\$200	Up to 1 year	Seldom used	15 weeks	15 weeks
	3	Up to \$1,000	\$500	NA	NA	Indefinite	Indefinite

<u>STATE</u>	<u>DWI OFF.</u>	<u>FINE BY LAW</u>	<u>TYPICAL FINE</u>	<u>TIME IN JAIL BY LAW</u>	<u>USUAL JAIL TIME</u>	<u>LOSS OF LICENSE BY LAW</u>	<u>TYPICAL LICENSE LOSS</u>
Ohio	1	Up to \$1,000	Varies	3 days to 3 years	Varies	30 days to 3 years	Varies
	2	Up to \$1,000	Varies	3 days to 3 years	Varies	30 days to 3 years	Varies
	3	Up to \$1,000	Varies	3 days to 3 years	Varies	30 days to 3 years	Varies
Oklahoma	1	Up to \$500	Varies	10 days to 1 year	Varies	6 months	6 months
	2	Up to \$1,000	Varies	1 to 5 years	1 year and 1 day	2 years	NA
	3	Up to \$1,000	NA	1 to 5 years	NA	2 years	NA
Oregon	1	Up to \$2,500	Varies	Up to 1 year	Seldom used	1 year	1 year restricted
	2	Up to \$2,500	Varies	Up to 1 year	Seldom used	3 years	1-3 restricted
	3	Up to \$2,500	Varies	Up to 1 year	Seldom used	3 years	3 years
Pennsylvania	1	\$300-\$2,500	\$300	48 hours	NA	1-12 months	Varies
	2	\$300-\$2,500	\$300	30 days	NA	1 year	1 year
	3	NA	NA	90 days			
	4	NA	NA	1 year			
Rhode Island	1	\$200	\$200	Up to 1 year 10-60 hours com. service	Seldom used 10 hours	3-6 months	3 months
	2	\$500	NA	10 days to 1 year	NA	1 to 2 years	NA
	3	\$500	NA	6 months to 1 year	NA	2 to 3 years	NA
SOUTH CAROLINA	1	\$50-\$200	\$200-\$300	10 to 30 days	Varies	6 months	6 months
	2	\$1,000 minimum	\$500	1 year	Varies	1 year	1 year
	3	\$1,000 minimum	\$500	3 years	Varies	2 years	2 years
South Dakota	1	Up to \$1,000	NA	Up to 1 year	NA	30 days to 1 year	NA
	2	Up to \$1,000	NA	Up to 1 year	NA	1 year	NA
	3	Up to \$2,000	NA	Up to 2 years	NA	1 year	NA
Tennessee	1	\$250-\$1,000	\$250	48 hours to 1 year	48 hours (mandatory)	1 year	1 year
	2	\$500-\$2,500	NA	45 days to 1 year	NA	2 years	NA
	3	\$1,000-\$5,000	NA	120 days to 1 year	NA	3 to 10 years	NA
Texas	1	\$50-\$500	Varies	3 days to 2 years	Seldom used	1 year	NA
	2	\$100-\$5,000	Varies	10 days to 2 years	Varies	18 months	NA
Utah	1	Up to \$299	NA	60 days to 6 months	NA	1 year	NA
	2	Up to \$299	NA	60 days to 6 months	NA	1 year	NA
	3	Up to \$299	NA	60 days to 6 months	NA	1 year	NA
Vermont	1	\$125-\$500	\$125	Up to 1 year	Seldom used	1 year	1 year'
	2	\$125-\$500	\$125	Up to 1 year	Seldom used	3 years	3 years; 6 months with treatment
	3	\$125-\$500	\$125	Up to 1 year	Seldom used	6 years	6 years; 3 years with treatment
Virginia	1	Up to \$1,000	NA	Up to 1 year	NA	6 months	NA
	2	\$200-\$1,000	NA	1 to 12 months	NA	3 years	NA
	3	\$500-\$1,000	NA	2 to 12 months	NA	Indefinite	NA

<u>STATE</u>	<u>DWI OFF.</u>	<u>FINE BY LAW</u>	<u>TYPICAL FINE</u>	<u>TIME IN JAIL BY LAW</u>	<u>USUAL JAIL TIME</u>	<u>LOSS OF LICENSE BY LAW</u>	<u>TYPICAL LICENSE LOSS</u>
Washington	1	\$500	\$350-\$400	24 hours	24 hours	30 days	30 days restricted
	2	\$1,000	\$700-\$1,000	7 days	7 days	60 days	60 days
West Virginia	1	\$200-\$1,000	Varies	24 hours to 6 months	Seldom used	6 months	6 months; 30 days with treatment
	2	\$200-\$1,000	Varies	6 months to 1 year	Seldom used	10 years	10 years; 5 years with treatment
	3	NA	NA	1 to 3 years	NA	Lifetime revocation	10 years with treatment
Wisconsin	1	\$150-\$300	\$150-\$250	Up to 6 months	Seldom used	3-6 months	3 months
	2	\$300-\$1,000	\$300-\$400	5 days to 6 months	5 to 20 days	6 to 12 months	6 months'
	3	\$600-\$2,000	\$600-\$700	30 days to 1 year	30 days to 6 months	1 to 2 years	1 year
Wyoming	1	Up to \$750	\$500	Up to 6 months	NA	30 days	30 days
	2	\$200-\$750	NA	7 days to 6 months	NA	NA	NA

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U.S. Department of Transportation, National Highway Traffic Safety Administration

Around the House

Staff Changes

The first third of 1985 has seen a number of staff changes for the S.C. House. Joining the Clerk's staff on the desk are *Juanita M. Levy*, *Julia K. Oliphant*, and *Kay Byrd*. All three came on board in January.

David Murday has moved from the Medical, Military, Public and Municipal Affairs Committee to become Research Director for the Health Care Planning and Oversight Committee. Another "Three M" staff person, *Linda Stanick*, is now Administrative Assistant to the Speaker Pro Tempore.

Taking Dave's place as Research Director of Medical, Military, Public and Municipal Affairs is *Lorene Arledge*. Lorene has been with the House for over nine years, serving as the Recording Clerk on the Desk. She has extensive background as a legal secretary and court reporter. Another well-known and liked House employee, *Gail Rentz*, is moving from the Bookkeeping Office to become the Executive Secretary at MMPMA.

Francine Jones has come from the Lt. Governor's Office to be the Executive Secretary at the House Research and Personnel Office.