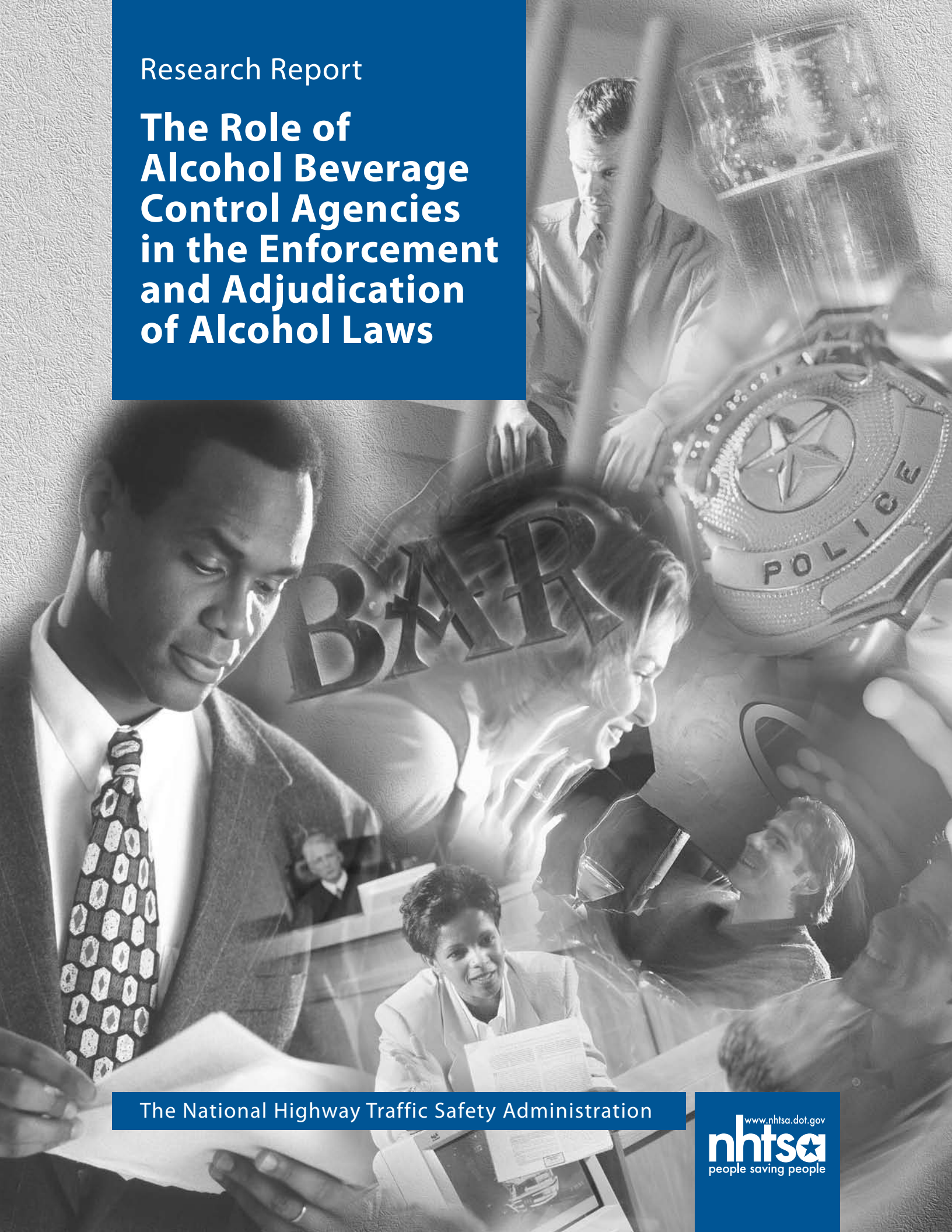


Research Report

# The Role of Alcohol Beverage Control Agencies in the Enforcement and Adjudication of Alcohol Laws



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# The Role of Alcohol Beverage Control Agencies in the Enforcement and Adjudication of Alcohol Laws

## Introduction

Research conducted over the last three decades demonstrates a connection between alcohol availability and public health outcomes. Within a given population, public health problems will increase as availability increases (through lower prices or increased physical access), and will decrease as availability decreases. Youth are particularly sensitive to these alcohol availability variables. The impact of availability is particularly noteworthy in addressing alcohol-related motor vehicle crashes. Research suggests that 40 percent or more of drinking driving incidents begin in licensed establishments (O'Donnell, 1985; Anglin, 1997; Gallup, 2000). Limiting the number of retail licenses and restricting serving practices that encourage patron intoxication offer important new strategies for reducing death and injury on the Nation's highways.

The 21<sup>st</sup> amendment to the U.S. Constitution gives primary authority for regulating alcohol availability to each of the States. Most States have created alcohol beverage control (ABC) agencies to exercise this authority, implementing State laws that regulate how alcoholic beverages are manufactured, packaged, distributed, sold and consumed. This paper examines the role of State ABC agencies in the prevention of alcohol-related problems, focusing on the agencies' powers to: (1) license alcohol establishments; (2) enforce alcohol laws and regulations; and (3) adjudicate violations of these policies.<sup>1</sup> For each agency function, the paper reviews the research regarding its role in addressing public health problems and the current status and type of action being implemented across the 50 States and the District of Columbia. Finally, recommendations are provided for enhancing State ABC agencies' roles in reducing alcohol-related problems.

## Methodology

The data for our analysis comes from two primary sources: legal research and in-depth interviews with officials of State alcohol enforcement agencies in 45 States and the District of Columbia.<sup>2</sup> Attorneys and staff on the project first reviewed alcohol beverage control statutes and regulations to determine State licensing systems, enforcement powers, and policies prescribing administrative penalties for specific types of alcohol violations. This research was completed using national legal databases and a variety of secondary sources. This information was then confirmed through phone interviews with State alcohol enforcement representatives. In each interview, respondents were asked to review the legal research results addressing 12 key alcohol policies (including the statutory penalties for each policy). Interviewers then asked detailed questions regarding licensing systems, enforcement resources and strategies, data collection processes, and the adjudication of alcohol violations. The interviews occurred

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<sup>1</sup> Alcohol beverage control agencies have other roles (e.g., tax collection, licensing and enforcement of non-alcohol related venues), but the focus of this paper is the relationship between these agencies and the enforcement and adjudication of alcohol policies that are specifically designed to protect the public's health and safety.

<sup>2</sup> These interviews were conducted as part of a contract with the National Highway Traffic Safety Administration, Contract Number IDC DTNH22-98-D-35079. 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 identified agency 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. The results are therefore not applicable to the entire State.

from September 2001 through December 2002. Some of the policies, enforcement powers and resources discussed in this report may have changed during and since that time.

## **Overview: Licensing of Alcohol Establishments**

A fundamental premise of the State regulatory systems is that alcoholic beverages are potentially hazardous products and, therefore, should be subject to special conditions not applied to other commercial goods and services. Licensing affects where, and how many, outlets can exist in specified areas; what types of outlets are permitted (on- or off-premise consumption, allowing the sale of beer, wine and/or spirits); who can own, manage, sell and serve alcohol; and how the outlet can conduct its sales and serving practices. Research indicates that these variables are critical to public health outcomes. For example, Gruenewald and Ponicki (1995) found that single-vehicle nighttime traffic fatality rates are strongly affected by beer sales, moderately affected by spirit sales, and relatively unaffected by wine sales. The same study also found that a decrease in alcohol availability, through restrictions on the number of outlets for example, was associated with reduced crash rates, in spite of speculation that fewer alcohol outlets could mean that impaired drivers might drive increased distances. In other words, reductions in sales due to restrictions on the physical availability of alcohol may result in reductions in single-vehicle fatal crashes without increases in crashes due to increased travel. In addition, many researchers have reported relationships between alcohol outlet densities and violence, including youth violence (Alaniz et al., 1998; Gorman et al., 2001; Lipton and Gruenewald, 2002; Roncek and Maier, 1991; Scribner et al., 1995; Speer et al., 1998; and Stevenson et al., 1998). A more recent study demonstrated that the presence of laws regulating the service and availability of alcohol are associated with lower rates of drinking and driving among college students, a group at risk for problems associated with both binge drinking and alcohol-related traffic crashes (Wechsler, et al, 2003).

The enactment of the 21<sup>st</sup> amendment in 1933 ended the United States' experiment with national Prohibition. The amendment gave States the primary authority for determining whether alcohol could be sold legally and, if so, how. Since that time, numerous different alcohol control systems (in each State, the territories, and the District of Columbia) have evolved. While each alcohol distribution system is unique, each State and/or territory typically falls within one of two general classifications: *control States* and *license States*.

In the control State systems, the State is involved in the sale of alcohol beverages at the wholesale and/or retail level. Currently, there are 18 control States that operate as the sole wholesalers of distilled spirits within their borders. Retail distribution, however, is conducted differently in each control State through State operated retail stores, contract agency retail outlets, private retailers, or a combination of State, agency and/or private stores. Control States, like license States, regulate the activities of other persons engaged in the sale of alcohol beverages through licensure (NABCA, n.d.).

The license States do not participate in the sale of alcohol beverages at the State level. However, some license States may allow municipalities to operate retail stores in certain circumstances. For example, Minnesota allows cities with a population of less than 10,000 to own and operate a municipal liquor store (§340A.601, Minnesota Statutes 2003), while in Maryland, each county decides the type of distribution system it will use. Montgomery County, Maryland, is a control jurisdiction with exclusive wholesale authority for beer, wine, and spirits, and exclusive authority for spirit sales at the retail level.

Both control States and license States regulate alcohol industry members through licensure. Alcohol beverage licenses are treated as a privilege rather than a right, and their issuance is conditioned on a set

of restrictions and qualifications. Each State has developed its own licensing method. Three different systems exist:

1. Exclusive State Licensing: The State licensing authority has exclusive power to license alcohol establishments, but in certain cases may allow local governments to influence the licensing decisions to some extent. States may require local approval before the State license will be approved (e.g., through a conditional use permit process), permit local control in only limited circumstances (e.g., regarding where the establishment can be located), or give local communities an advisory role in the licensing process. Nevertheless, regardless of the approval process, the State is the only entity that may issue a liquor license.
2. Dual Licensing: In these States, alcohol retailers must obtain two licenses, one from the State and one from the municipality in which they are located. In most cases, this gives the primary responsibility for determining alcohol availability to local governments, subject to minimum standards established by the State. Both governmental entities may investigate and regulate industry members.
3. Local Licensing Only: In a few States, the licensing authority is delegated to local governments, and the State does not issue State licenses. The States, however, may impose regulations that local governments must honor.

The chart in Appendix A lists the control and license States and further categorizes the type of licensing system used by each State for granting retail (on- and off-premises) licenses. Note that the chart does not include information regarding the licensing systems required for wholesalers, importers, or distributors. The majority of the States use the State licensing system, often in conjunction with some form of local approval process. In the States that have Alcoholic Beverage Control Departments, there is often a licensing section that deals exclusively with license applications approval and renewals. In the States with smaller departments, enforcement agents may also be charged with processing all license applications in addition to their regular enforcement duties. In a few States, the ABC Commission, which is usually comprised of commissioners appointed by the governor, approves each license application.

These licensing categories should not mask the variation among the States and the complexity of the State/local licensing issue. A key consideration is the role of local jurisdictions in the licensing process. Even in States with exclusive State licensing, citizens and local governments are often able to voice their concerns during a licensing approval process. The majority of States require licensee applicants to announce their intention to apply for an alcohol license either through the local newspaper or by posting the application at the place of business for a specified amount of time before the license is approved. This process allows community members to find out about prospective alcohol outlets, and to contact either the local or State government if they wish to comment on the license application. Many States require that the local government approve a request or, at a minimum, enter a recommended approval or disapproval for a license before the application is forwarded to the appropriate State licensing department. In at least a few States, notices are mailed to residents within a specified distance of the proposed outlet in addition to posting the application at the proposed location.

Several States permit local jurisdictions to prohibit alcohol sales, usually through a vote by local citizens. In some States, the sale of alcohol is permitted on a jurisdiction-by-jurisdiction basis. In “wet” jurisdictions the sale of alcohol is permitted, while in “dry” jurisdictions alcohol beverage sales are either prohibited or limited to certain methods of distribution or certain types of alcoholic beverages (Reitz, 1998).

## **Structure and Functions of State Alcohol Beverage Control Enforcement Agencies**

The enforcement of alcohol beverage control laws is an important component of a comprehensive program designed to protect the public's health and safety. The use of sobriety checkpoints, for example, has been shown to be an effective enforcement strategy for reducing impaired driving (Lacey, Jones, and Smith, 1999; Lacey and Jones, 2000). While sobriety checkpoints target impaired drivers with a focus on deterring drinking and driving, other enforcement strategies have shown promise in changing retailer behavior that, in turn, changes the environment in which hazardous drinking occurs. For example, a study in Michigan evaluated the effectiveness of enforcement, publicity, and educational activities to encourage retailer compliance with a law prohibiting sales to intoxicated persons. Refusals of service to pseudo-intoxicated patrons rose from 17.5 percent before the intervention began 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 time period. The refusal rate for service to pseudo-intoxicated persons remained at 41 percent one year after the program ended, indicating that the intervention had an enduring effect on service compliance with sales to intoxicated laws (McKnight and Streff, 1994). A review of several studies demonstrated that over 40 percent of impaired drivers had their last drink at a licensed establishment (O'Donnell, 1985; Anglin, 1997; Gallup, 2000), so clearly policies and enforcement actions designed to reduce the over-service of alcohol to patrons are important for public health. When enforcement efforts are combined with policy change and public support, the results can be significant. For example, a large community trials study conducted from 1992 to 1996 implemented a comprehensive, community-wide set of interventions including new restrictions on alcohol availability, responsible beverage service training, media advocacy, and increased enforcement of alcohol sales and alcohol traffic laws. The evaluation revealed significant reductions in alcohol-related traffic crashes (Holder, et al., 2000). These studies point to the importance of alcohol law enforcement in protecting the public's health and safety.

Alcohol law enforcement seeks to increase compliance with laws by increasing the level of perceived deterrence among those subject to legal restrictions. Deterrence involves three key components: the perceived likelihood that a violation will lead to apprehension, the perceived swiftness with which a penalty will be imposed, and the extent of the penalty (Ross, 1992). As stated in the recent National Research Council, Institute of Medicine, report on underage drinking, the effectiveness of alcohol control policies depends heavily on the "intensity of implementation and enforcement and on the degree to which the intended targets are aware of both the policy and its enforcement" (NRC, IOM, 2003: p. 164). In other words, if employees, managers, and owners of licensed establishments believe that they will be caught if they violate the law, they are more likely to be vigilant in their compliance with the law. Our legal research and interviews with ABC agency officials assessed the extent to which alcohol law enforcement is able to establish perceived deterrence among alcohol retailers.

### Enforcement Resources – Inadequate and Declining

Most States have a State agency with primary responsibility for enforcing alcohol laws and regulations. The enforcement capacity of these agencies varies widely. In at least seven States, the agency's enforcement agents are not sworn police/peace officers and are not permitted to carry firearms. Agency representatives reported that these restrictions seriously hamper the agents' effectiveness in the field. States also vary widely in the number of agents assigned primarily to alcohol enforcement duties, particularly when comparing the ratio of agents to the number of outlets in the field. The chart in

Appendix B presents these data for the District of Columbia and the 41 States where data was available, and is summarized in the chart below:

Variable	Number
States with ABC agents who are sworn police/peace officers	35
States with ABC agents who carry firearms	33
Average number of ABC agents that primarily enforce alcohol laws per State	54
Average number of licensed retail outlets per State <sup>3</sup>	14,112

There are more than 600,000 licensed retail alcohol outlets in the United States. This figure does not include producers, wholesalers, and distributors, who also need licenses to conduct business in each State. According to a 1994 study, there are, on average, only two arrests for every thousand occasions of youth drinking and only five actions against an alcohol outlet taken for every one hundred thousand youth drinking occasions (Wagenaar and Wolfson, 1994). This low rate of detection is not surprising given the woefully inadequate resources that alcohol enforcement agencies possess. The number of agents per State ranges from 3 to 260, with a median of 34. As an average national ratio, each State alcohol law enforcement agent is responsible for monitoring the activities of approximately 268 licensed establishments. With only slightly more than 2,000 enforcement agents nationwide who are specifically charged with regulating and enforcing alcohol laws, there is a large disparity between the level of resources that enforcement agencies currently possess and the level needed to ensure compliance with alcohol laws.<sup>4</sup>

Agency enforcement is not limited to actions against licensed establishments. Most agencies also investigate complaints such as unlicensed/illegal alcohol sales, false identification manufacture and distribution, and underage alcohol distribution (ranging from adults illegally providing/selling alcohol to youth to underage parties). In addition, many agencies reported that their enforcement responsibilities are expanding to include underage tobacco sales, tax collection, tax fraud, illegal gambling, prostitution, and illicit drugs. Although their responsibilities are expanding, resources for enforcement are static or decreasing. As a result, the percentage of time that alcohol enforcement officers have available to focus on their primary responsibility is steadily declining.

Limits on Authority

States vary in the extent to which they grant alcohol enforcement agents full arrest powers. States such as Florida, Missouri, Ohio, Oregon, Pennsylvania, Tennessee, Washington, and Wisconsin have statutes that limit the type of violations for which agents may make arrests. In many cases, agents may only make arrests in or around licensed premises. In other cases, the restrictions are more explicit. For example, agents in Pennsylvania may arrest someone for possessing false identification, but not for the manufacture of false IDs, which is outside their jurisdiction. Although this is an area of debate, many agency representatives believe that the lack of arrest powers hampers alcohol enforcement agents’

<sup>3</sup> This number is based on 42 States and the District of Columbia, whereas the other numbers include 42 jurisdictions total.

<sup>4</sup> It also important to note that this data was collected over more than a one-year period, from September 2001 through December 2002. During and since that time many State alcohol enforcement agencies experienced severe budget cuts, and the number of enforcement agents is currently much smaller. While number of agents is one indicator of resources, law enforcement officials also report that they have experienced cutbacks in other areas as well. Some agencies report they are now restricted by the number of miles they can put on their vehicles, and they are unable to purchase new equipment to either maintain or improve their effectiveness.

effectiveness. They may observe certain violations but they are unable to take action without requesting assistance from other law enforcement agencies. This may be time consuming or infeasible and can result in the absence of enforcement action. Restrictions on firearm possession pose a similar problem. Agents operate in close environments with hostile drunken individuals, and thus frequently face potentially dangerous situations. If agents are not allowed to carry firearms, they may have to rely on other law enforcement agencies to provide back-up before taking any action.

### Administrative Placement

In most States, alcohol beverage administration, licensing, and enforcement are all housed within the same agency. Recently however, some States have transferred or are considering transferring the enforcement responsibilities to other agencies. Currently, at least seven alcohol enforcement agencies are housed under their State's department of public safety, while at least four State police agencies have primary responsibility for enforcing alcohol laws. There is some debate regarding the implications of separating the enforcement from administrative and licensing functions. The advisability of such a separation may hinge on the State's process for adjudicating administrative cases of alcohol law violations, discussed below.

### State-Local Partnerships

One strategy for addressing the lack of alcohol enforcement resources at the State level is to increase and improve partnerships between State and local law enforcement agencies. Agency representatives report that each type of agency can bring a unique set of skills to the partnership. The State alcohol enforcement agents have expertise in the area of alcohol laws, and in many States, alcohol enforcement agents have special authority that local law enforcement agents may not possess. For example, alcohol enforcement agents may enter alcohol establishments and inspect the establishment's paperwork, serving practices, and the general environment to ensure compliance with all alcohol laws and regulations. In addition, alcohol enforcement agents have access to case histories on each establishment, and may serve as a liaison between the State and the local community when determining if a particular licensed establishment has become hazardous to the community. Local law enforcement agencies may have more staffing resources and a more specific understanding of the alcohol-related problems in their communities. They can help the State agency pinpoint problem establishments, provide backup, and provide evidence at adjudication hearings.

However, local law enforcement agencies usually do not have the resources or expertise to handle these responsibilities on their own and cannot substitute for an effective State agency. Recent events in Maine highlight the problems with shifting State agency enforcement responsibilities to local jurisdictions. Maine disbanded its Bureau of Liquor Enforcement in June 2003 and transferred its responsibilities to local law enforcement agencies. Press reports suggest that the transfer has resulted in a sharp reduction in enforcement. Local law enforcement agencies do not have the resources or adequate authority to deal with these new responsibilities. As one sheriff reported, "We don't have the manpower to follow up and do the regulatory job historically done by the BLE.... Some things are going to have to go." (Blethen Maine Newspapers Inc., May 12, 2003). In addition, each local jurisdiction must appeal to the Maine Department of Public Safety for expanded authority to enforce certain laws covering liquor licenses. In the absence of this authority, there are only six civilian inspectors housed in the Department of Public Safety to monitor alcohol retailer compliance across the State. As one bar owner stated, "There is a lot to be said for having aspects of State liquor enforcement run by the State." (Press Herald, October 2, 2003).



Maine's decision threatens effective alcohol law enforcement in the State and adds additional responsibilities to already resource-starved local law enforcement agencies. Building partnerships between State and local law enforcement agencies to enforce alcohol laws can enhance the effectiveness of all agencies involved. However, the partnership requires sufficient resources, specific, special powers for State agents, and State leadership and commitment to alcohol law enforcement goals.

In summary, data from our interviews support two main findings that relate to ABC enforcement agencies:

1. ABC agencies do not have enough agents to monitor activities of the licensees effectively; and
2. In at least some States, ABC agents do not have sufficient authority to carry out their duties.

These findings have important implications for the adjudication process. With few resources and inadequate staffing, swift and certain procedures for assessing violations and appropriate penalties are even more important.

### **Administrative Process: Adjudication of Alcohol Law Violations**

Enforcement is designed to increase the perceived likelihood that a violation will be detected, which is a key component of deterrence. Adjudication addresses the remaining two deterrence variables—the certainty and swiftness of a penalty being imposed and the extent of that penalty. As discussed above, the interplay between these three deterrence variables determines the effectiveness of an enforcement strategy in promoting compliance with the law (Ross, 1992). Deterrence-based penalty structures need to ensure that the costs of violating the law significantly outweigh the benefits obtained. If the penalties assessed are not sufficiently severe and are seldom imposed, then a simple cost-benefit analysis may result in a calculation that the assessed penalties are an operating cost of doing business.

Our research suggests that penalties for alcohol law violations are far from certain and, when imposed, are not severe enough to deter future violations. These findings are consistent with other studies. For example, a study of law enforcement officers' views of the enforcement of minimum drinking age laws revealed that, for many officers, "the perception that punishment is insufficiently certain and severe appears to lead to a sense that their enforcement efforts in this area amount to a waste of time" as it relates to violations for underage alcohol possession. Officers reported that they would support increased penalties for merchants who violate the law as well (Wolfson, et al., 1995: pp. 434-435).

The certainty and swiftness of a penalty being imposed is affected by the adjudication procedures used to determine whether a violation occurred. Alcohol enforcement agencies are responsible for enforcing violations of both administrative and criminal laws. These often overlap in terms of what is prohibited, but their adjudication involves distinct procedures and agencies. Criminal laws are enacted by statute and are adjudicated through the criminal courts, while administrative laws and regulations are usually adjudicated by executive agencies under authority granted by the State legislatures. Criminal convictions are considered far more serious, as they reflect moral approbation and potentially serious restrictions on individual freedom. Convictions in criminal courts therefore involve more formal legal procedures and a heavier burden of proof than findings of a violation in administrative hearings. Administrative violations, on the other hand, usually do not carry heavy moral overtones and involve restrictions on one's ability to do business under a State or local license – through fines or suspensions/revocations of one's license. For these reasons, administrative hearings are more effective in promoting deterrence, since they usually take less time and are more likely to lead to a penalty.

In the alcohol enforcement context, the same violation may potentially lead to both a criminal and administrative action. For example, in a case where a clerk sells alcohol to a minor, the clerk may be charged criminally for making the sale, and the licensee may be charged criminally and/or administratively for the same violation. The criminal case will be transferred to the relevant district attorney's office. The administrative case will be handled by an agency assigned this responsibility, often within the same agency that is responsible for the administrative law's enforcement.

Each State has developed its own process for adjudicating administrative violation cases. These hearings are typically quasi-judicial in nature and provide licensees due process that can, ultimately, be appealed through a State's court system. Administrative hearings may be held in front of hearing officers, administrative law judges, or an ABC Commission. In some cases, hearing findings must be appealed to another administrative level before a court appeal is allowed. Several State agencies also have the authority to review, or act as the board of appeal for local government license actions (Reitz, 1998). The States vary widely in their administrative adjudication process, and as the above discussion suggests, many have created complex procedures that hamper the agencies' ability to impose penalties in a swift and certain manner.

### Determination of Administrative Penalties

Almost every State reserves the right to fine, suspend, or revoke a license. As the most severe penalty, revocations are rare in most States and usually only occur with very serious or multiple offenses. Suspensions may also be reserved for repeat offenders and, in many States, violators may choose a set fine as an alternative to a suspension. Fines are the most common and least severe penalty. Many States have statutes and regulations that determine the maximum administrative penalty for each type of violation. Since preventing youth access to alcohol is an area of high priority for both public health and alcohol beverage control agencies, we reviewed administrative penalty guidelines for violations of State sales to minors laws. The table in Appendix C documents the wide variation in administrative penalties that can be imposed for this type of violation, both under statute and through formal and informal penalty guidelines. Highlights from the table include:

- There is a range of allowable maximum fines for a first offense of sales to a minor from \$50 up to \$10,000.
- In at least 20 States, there are no specific penalty guidelines.
- Seven States have penalty guidelines that differ significantly, either in scope or specificity, from statutory maximum penalties.
- Thirteen States have clearly identified and specific penalty guidelines, yet have no clearly identified maximum statutory penalty.
- At least three States set maximums far above any penalties actually imposed.

Many States have penalty guidelines that are much lower than first offense maximums as defined by statute, and several penalty guidelines appear to allow broad latitude in deciding the exact penalty. While in most cases, the States do not, by statute or regulation, define what constitutes mitigating or aggravating circumstances, there are States that have provided a clear definition of these areas (e.g., Washington, Oregon). By providing definitions of these categories, both the licensees and the general public have a clearer understanding of the severity of the penalty imposed based on the circumstances.

There are States in which the statutes mandate revocation, but interviews reveal that, in practice, revocations infrequently occur for first or even subsequent offenses. In addition, there are States in which revocations, even for multiple violations, are not permitted by statute. In the majority of States, suspensions may be issued, but retailers are often given the option to pay a fine instead of serving the suspension. Usually these fines are much less than the revenue that would be lost through a sales suspension. The time range for a repeat offense also varies across the States. A second offense in one State may have to occur within one year of the first offense to count as a subsequent offense with an increasingly severe penalty, while a retailer in another State may have a subsequent offense count as a second violation within a time period of up to five years. Clearly, retailers benefit from having a short time period in which repeat offenses count as a subsequent violation.

Our researchers attempted to determine what penalties States impose, but found that this information was almost impossible to obtain. Some States have proactively begun to list their case dispositions on their Web sites (e.g., Colorado, Michigan, Minnesota, Missouri, Nebraska, Washington, and West Virginia), but, even in these cases it was difficult for the researchers to determine the penalty imposed. In some cases, the number of days suspended was listed, but it was clear that the retailers paid a fine instead of serving the suspension. The interviews with law enforcement officials also revealed that, in many cases, the agents are not aware of the final outcomes of the cases they have submitted for adjudication. In many States, enforcement agents may be able to look up a single case and know what the case disposition was, but they can not provide summary statistics that show average number of fines, suspensions, etc., per type of violation. Thus, we are unable to provide accurate information on the status of actual penalties imposed at this time. The absence of this data is problematic as it may weaken the ability of ABCs to evaluate their adjudication processes. The most effective penalties and the circumstances under which they are strongest are unclear.

In summary, our research found that:

1. Statutory maximum penalties bear little relationship to penalty guidelines;
2. Penalty guidelines are broad and, in many States, lack definition of aggravating and/or mitigating circumstances;
3. There is little relationship between penalty guidelines and penalties imposed; and
4. Poor record keeping makes data analysis difficult.

## Discussion

Policy makers, law enforcement officials, researchers, and community advocates need to have a clear understanding of the importance of alcohol beverage control agencies to public health efforts to prevent alcohol-related problems. There is a need for a more in-depth understanding of each State's ABC system in the areas of licensing, enforcement, and adjudication of alcohol laws in order to develop strategies to more effectively impact alcohol policies and the enforcement of these policies to prevent alcohol-related problems. By understanding how these processes work, policy makers and public health professionals can find opportunities throughout the entire spectrum (licensing, enforcement and adjudication) in which they may influence the decisions regarding how alcohol is sold and consumed in their communities. Although many might assume that these functions are similar across States, this report documents that each State has developed a unique system for licensing, enforcement and adjudication that is often difficult to understand without a thorough examination of State policies and additional research. Our research highlights the following findings:

1. There are three main licensing systems: exclusive State licensing, dual licensing, and exclusive local licensing with minimum State standards. Each type of licensing may provide opportunities for community input even if licenses are not issued at the local level.
2. Resources for enforcing alcohol control laws at the State and local level appear to be insufficient to ensure compliance among alcohol retailers, and these resources are reported to be steadily shrinking.
3. State structures for adjudicating alcohol law violations through administrative processes are complex, resulting in procedures that fail to meet the basic requirements for creating effective deterrence – swift and certain punishment and sufficiently severe penalties.

Based on these findings, we offer the following recommendations to improve the U.S. alcohol beverage control system with the overall goal of reducing alcohol-related problems:

1. Develop effective partnerships between State ABC agencies and local governments and law enforcement agencies. This should include encouraging local input into State licensing decisions, permitting independent authority at the local level to enhance (but not loosen) minimum State restrictions, and establishing procedures for joint law enforcement initiatives.
2. Provide increased resources for State and local law enforcement efforts to ensure compliance with alcohol laws.
3. Establish clear and consistent administrative penalty guidelines for violations of alcohol laws, and ensure that the penalties are imposed swiftly and consistently. Establish penalties that become increasingly severe for repeat offenders, which can lead to suspensions or revocations commensurate with violation patterns and behaviors.
4. Encourage more active citizen participation in the licensing and adjudication processes. This can include a “court watch” for administrative hearings for alcohol law violations that is similar to court monitoring efforts begun by Mothers Against Drunk Driving to ensure that impaired drivers receive just penalties for their crimes.
5. Encourage private and public funding agencies and research organizations to support research to evaluate all aspects of alcohol beverage control systems. In particular, assist States and localities with evaluation and analysis of their enforcement efforts to document the effectiveness of alcohol enforcement strategies in reducing alcohol-related problems.
6. Encourage States to institute better data collection and reporting systems, especially in the cases of enforcement actions and case dispositions.

Given that at least 85,000 people die each year in the United States from alcohol-related causes (Mokdad, et al., 2004), and that a significant percentage of these deaths are attributable to alcohol-related traffic crashes, we must examine new strategies to prevent these tragic deaths and injuries. This report only begins to review the various opportunities and challenges that alcohol beverage control agencies can play in efforts to protect the public's health and safety. As stated above, a great deal of research is needed to evaluate the effectiveness of current alcohol enforcement resources and strategies in relation to the penalties imposed on retailers for all types of violations. It is our hope that this report will serve as a starting point for additional research and discussions in this area.



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## APPENDIX A

### Alcohol Beverage Control and Licensing Systems

State	Control State	License State	Exclusive State Licensing	Dual Licensing	Exclusive Local Licensing
Alabama	√		√		
Alaska		√	√		
Arizona		√	√		
Arkansas		√	√		
California		√	√		
Colorado		√		√	
Connecticut		√	√		
Delaware		√	√		
Florida		√	√		
Georgia		√		√	
Hawaii		√			√
Idaho	√		√		
Illinois		√		√	
Indiana		√	√		
Iowa	√		√		
Kansas		√	√		
Kentucky		√	√		
Louisiana		√		√	
Maine	√		√		
Maryland		√ <sup>5</sup>			√
Massachusetts		√			√
Michigan	√		√		
Minnesota		√			√
Mississippi	√		√		
Missouri		√		√	
Montana	√		√		
Nebraska		√	√		
Nevada		√			√
New Hampshire	√		√		
New Jersey		√	√		
New Mexico		√	√		
New York		√	√		
North Carolina	√		√		
North Dakota		√		√	
Ohio	√		√		
Oklahoma		√	√		
Oregon	√		√		

<sup>5</sup> Montgomery County, Maryland, is a control jurisdiction.

State	Control State	License State	Exclusive State Licensing	Dual Licensing	Exclusive Local Licensing
Pennsylvania	√		√		
Rhode Island		√			√
South Carolina		√	√		
South Dakota		√			√
Tennessee		√	√		
Texas		√	√		
Utah	√		√		
Vermont	√		√		
Virginia	√		√		
Washington	√		√		
Washington, DC		√	√		
West Virginia	√		√		
Wisconsin		√			√
Wyoming	√				√
<b>Totals</b>	18	33	36	6	9

## APPENDIX B

### Alcohol Beverage Control Enforcement Powers and Structure

State Enforcement Agency	Sworn police/peace officers	Carry firearms	Number of agents who primarily enforce alcohol laws (including supervisors)	Number of licensed retail outlets
<b>Alabama</b> Enforcement Division, Alcoholic Beverage Control	Yes	Yes	94	12,000
<b>Alaska</b> Enforcement Section, Alcoholic Beverage Control Board	Yes <sup>6</sup>	No	3	1,850
<b>Arizona</b> Investigations Unit, Department of Liquor Licenses and Control	Yes	Yes	19	9,500
<b>Arkansas</b> Enforcement Division Alcoholic Beverage Control Board, Department of Finance and Administration	Yes	Yes	19	5,500-5,800
<b>California</b> Department of Alcoholic Beverage Control	Yes	Yes	260	72,000
<b>Colorado</b> Liquor Enforcement Division, Department of Revenue	Yes <sup>7</sup>	Yes	15	9,000
<b>Connecticut</b> Liquor Control Division, Department of Consumer Protection	No	No	34 <sup>8</sup>	5,800
<b>Delaware</b> Division of Alcoholic Beverage Control and Tobacco Enforcement, Department of Public Safety	Yes	Yes	16	1,800
<b>Florida</b> Bureau of Law Enforcement, Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation	Yes	Yes	160	68,000
<b>Georgia</b> Alcohol and Tobacco Division, Department of Revenue	Yes	Yes	40	16,000
<b>Hawaii</b>	All enforcement handled at the county level.			
<b>Idaho</b> Alcohol Beverage Control Section, State Police	Yes-2 No-2 <sup>9</sup>	Yes-2 No-2	4	4,000

<sup>6</sup> They are sworn peace officers, but the commissioner of public safety has not granted them authority during this administration to carry firearms. They currently do not make physical arrests.

<sup>7</sup> They are considered sworn peace officers level 2 in Colorado. Level 2 means they have full peace officer authority while on duty. Level 1 officers are able to enforce all laws whether on duty or not.

<sup>8</sup> Ten of the 34 total agents work alcohol violations at the casinos only.

<sup>9</sup> The two investigative assistants can issue criminal citations, but they cannot make physical arrests.

<b>State Enforcement Agency</b>	<b>Sworn police/peace officers</b>	<b>Carry firearms</b>	<b>Number of agents who primarily enforce alcohol laws (including supervisors)</b>	<b>Number of licensed retail outlets</b>
<b>Illinois</b> Liquor Control Commission	No	No	35	26,000
<b>Indiana</b> State Excise Police, Alcohol and Tobacco Commission	Yes	Yes	64	10,000
<b>Iowa</b> Division of Criminal Investigation, Department of Public Safety	Yes	Yes	4 <sup>10</sup>	5,000
<b>Kansas</b> Division of Alcoholic Beverage Control, Department of Revenue	Yes	Yes	21	2,700 <sup>11</sup>
<b>Kentucky</b> Alcoholic Beverage Control	Yes	Yes	41	6,500
<b>Louisiana</b> Enforcement Division, Office of Alcohol and Tobacco Control, Department of Revenue	Yes	Yes	46	13,000
<b>Maine</b> Bureau of Liquor Enforcement, Department of Public Safety <sup>12</sup>	Yes	Yes	19	5,000
<b>Maryland</b>	All enforcement handled at the county level.			
<b>Massachusetts</b> Alcoholic Beverages Control Commission	No <sup>13</sup>	Officer's option	14	10,000
<b>Michigan</b> Liquor Control Commission	No	No	52	16,000
<b>Minnesota</b> Alcohol and Gambling Enforcement, Department of Public Safety	No	No	4	12,000
<b>Mississippi</b> Enforcement Bureau, Alcoholic Beverage Control, State Tax Commission	Yes	Yes	28	7,750
<b>Missouri</b> Division of Liquor Control, Department of Public Safety	Yes	Yes	55	17,000
<b>Montana</b>	Information not available			
<b>Nebraska</b> Alcohol/Tobacco Enforcement Division, State Patrol	Yes	Yes	15	4,800

<sup>10</sup> There are three officers in the Vice Enforcement Unit, which is housed within the Division of Criminal Investigation, and these are the officers primarily responsible for enforcing alcohol laws. Approximately 80-90 percent of their time is spent on illegal gambling cases while about 10-20 percent of their time is spent on alcohol law violations.

<sup>11</sup> There are also an estimated 3,500 3.2-percent-beer establishments, but licensing and enforcement of these establishments is done at the local level.

<sup>12</sup> In June 2003, the Maine Bureau of Liquor Enforcement was eliminated. Currently, local law enforcement agencies have been charged with enforcing all alcohol laws previously handled by the bureau.

<sup>13</sup> Although they are not sworn police officers, they do have arrest powers.

<b>State Enforcement Agency</b>	<b>Sworn police/peace officers</b>	<b>Carry firearms</b>	<b>Number of agents who primarily enforce alcohol laws (including supervisors)</b>	<b>Number of licensed retail outlets</b>
<b>Nevada</b>	All enforcement handled at the local level.			
<b>New Hampshire</b> Bureau of Enforcement, State Liquor Commission	Yes	Yes	23 <sup>14</sup>	4,000
<b>New Jersey</b>	Information not available			
<b>New Mexico</b> Special Investigations Division, Department of Public Safety	Yes	Yes	32	2,075
<b>New York</b> New York State Liquor Authority	Yes <sup>15</sup>	No	29	58,000
<b>North Carolina</b> Alcohol Law Enforcement, Department of Crime Control and Public Safety	Yes	Yes	115	17,000
<b>North Dakota</b>	All enforcement handled at the local level.			1,407
<b>Ohio</b> Investigative Unit, Department of Public Safety	Yes	Yes	107	24,000
<b>Oklahoma</b> Enforcement Division, Alcoholic Beverage Laws Enforcement Commission	Yes	Yes	34	1,865
<b>Oregon</b> Regulatory Program, Liquor Control Commission	Yes	No	43	9,600
<b>Pennsylvania</b> Bureau of Liquor Control Enforcement, State Police	Yes	Yes	178	17,649
<b>Rhode Island</b>	Information not available			
<b>South Carolina</b> Vice Unit, Law Enforcement Division	Yes	Yes	54	22,000
<b>South Dakota</b>	Information not available			
<b>Tennessee</b> Law Enforcement Section, Alcoholic Beverage Commission	Yes <sup>16</sup>	Yes	37	16,000
<b>Texas</b> Enforcement Division, Alcoholic Beverage Commission	Yes	Yes	225	39,000
<b>Utah</b> Liquor Enforcement Section, State Bureau of Investigation, Department	Yes	Yes	12	1,300-1,400

<sup>14</sup> There are six part-time agents who can also be called in on an as-needed basis.

<sup>15</sup> They are sworn police officers, but they cannot make arrests.

<sup>16</sup> Enforcement agents for the Tennessee Alcoholic Beverage Commission can only investigate cases where the alcohol content is over 5 percent. There are 18,000-20,000 beer-only licenses in the State, but they do not have enforcement powers in those establishments.

<b>State Enforcement Agency</b>	<b>Sworn police/peace officers</b>	<b>Carry firearms</b>	<b>Number of agents who primarily enforce alcohol laws (including supervisors)</b>	<b>Number of licensed retail outlets</b>
of Public Safety				
<b>Vermont</b> Alcohol and Tobacco Enforcement, Department of Liquor Control	Yes	Yes	18	2,554
<b>Virginia</b> Law Enforcement Bureau, Department of Alcohol Beverage Control	Yes	Yes	150	15,000
<b>Washington</b> Enforcement and Education Division, State Liquor Control Board	Yes	Yes	85	11,000
<b>Washington D.C.</b> Alcoholic Beverage Regulation Administration	No	No	10	1,699
<b>West Virginia</b> Enforcement and Licensing, Alcohol Beverage Control Administration	No <sup>17</sup>	No	50	4,700-4,800
<b>Wisconsin</b> Alcohol and Tobacco Enforcement, Department of Revenue	Yes	Yes	12	16,000 - 17,000

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<sup>17</sup> They have the authority through statute, but they don't exert it.

## APPENDIX C

### Administrative Penalties for Sales and Service to Minors

The table that follows, “Administrative Penalties for Sales and Service to Minors,” documents all administrative penalty statutory maximums and guidelines for violations of State laws prohibiting alcohol sales/service to minors. Descriptions of the table columns follow:

The **1<sup>st</sup> Offense Maximum** category 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 our legal researchers could not identify a law addressing a particular violation. “No max identified” indicates that the legal researchers could not identify a statute or a general administrative penalty that explicitly specifies a maximum penalty.

The **1<sup>st</sup> - 4th Offense Guideline** categories describe the range of penalties recommended pursuant to 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.

The **Repeat Offense** category describes the time within which previous violations are considered in determining repeat offenses of a violation. For example, in Alaska a sale to minor violation will be considered a second offense if the licensee has been cited for a sale to minor violation in the previous 5 years.

### Administrative Penalties for Sales and Service to Minors

State	1 <sup>st</sup> Offense Maximum	1 <sup>st</sup> Offense Guideline	2 <sup>nd</sup> Offense Guideline	3 <sup>rd</sup> Offense Guideline	4 <sup>th</sup> Offense Guideline	Repeat Offense
Alabama <sup>18</sup>	\$1,000 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	5
Arizona <sup>19</sup>	Fine not greater than \$3,000 and/or suspension/ revocation.	Fine of \$1,000 - \$2,000 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	2
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	3

<sup>18</sup> 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.

<sup>19</sup> 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 <sup>st</sup> Offense Maximum	1 <sup>st</sup> Offense Guideline	2 <sup>nd</sup> Offense Guideline	3 <sup>rd</sup> Offense Guideline	4 <sup>th</sup> Offense Guideline	Repeat Offense
Colorado	15-day suspension or fine 20% estimated gross revenue up to \$5,000 in lieu of.	Written warning up to 15-day suspension and/or fine 20% estimated gross revenue between \$200 - \$5,000	5-30-day suspension or fine 20% estimated gross revenue between \$200 - \$5,000.	20-45-day suspension.	45-day suspension up to revocation, within 2 years.	1
Connecticut <sup>20</sup>	Suspension/ revocation and/or fine in lieu of.	18 Years or >: 1-5-day suspension and/or \$750-\$1,500 fine 16-17 Years: 5-9-day suspension and/or \$1,000-\$1,500 fine <16: 9-12-day suspension and/or \$1,250-\$1,500 fine	18 Years or >: 5-9-day suspension and/or \$1,500-\$2,000 fine 16-17 Years: 9-11-day suspension and/or \$1,500-\$2,000 fine <16: 12-14-day suspension and/or \$1,500-\$2,500 fine	18 Years or >: 9-15-day suspension and/or \$2,000-\$5,000 fine 16-17 Years: 11-17-day suspension and/or \$2,000-\$5,000 fine <16: 15-21-day suspension and/or \$2,000-\$5,000 fine	Not specified	
Delaware	Fine, suspension and/or revocation	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 <sup>21</sup>	\$1,000 fine and/or suspension/ revocation	\$1,000 fine and 7-day license suspension	\$3,000 fine and a 30-day license suspension.	Revocation	N/A	3

<sup>20</sup> In Connecticut, administrative penalties vary based on the age of the minor who was illegally sold alcohol by the establishment, as shown.

<sup>21</sup> In Florida, all administrative fines may be substituted with license suspensions using the ratio of 1 day of suspension for each \$50.

State	1 <sup>st</sup> Offense Maximum	1 <sup>st</sup> Offense Guideline	2 <sup>nd</sup> Offense Guideline	3 <sup>rd</sup> Offense Guideline	4 <sup>th</sup> Offense Guideline	Repeat Offense
Georgia	Suspension/revocation	\$500-\$2,500 fine and/or up to 30-day suspension.	Same	Same	Same	
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	5
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	6-month Suspension or fine in lieu of	Not specified	2
Iowa	Suspension/revocation and/or \$1,000 fine.	\$500 fine or 14-day suspension.	\$1,500 fine and 30-day suspension.	\$1,500 fine and 60-day suspension.	Revocation	2 or 3 <sup>22</sup>
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	1
Indiana	\$1,000 fine and/or suspension/revocation	No guidelines				1
Kansas	\$1,000 fine and/or suspension/revocation.	No fine, licensee can attend training or choose a 1-weekday suspension	\$100 fine per minor and/or suspension 1-weekend-day (Fri or Sat).	\$300 Fine per minor and/or suspension of 1-weekend-day (Fri or Sat).	\$400 Fine per minor and/or suspension of two weekend days (Fri or Sat).	
Kentucky	Suspension/revocation or \$50/day suspension in lieu of.	No guidelines				2
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	3

<sup>22</sup> In Iowa, an offense occurring within two years of a first offense will be considered a second offense. Any offense occurring within three years of a first offense will be considered a subsequent offense.

State	1 <sup>st</sup> Offense Maximum	1 <sup>st</sup> Offense Guideline	2 <sup>nd</sup> Offense Guideline	3 <sup>rd</sup> Offense Guideline	4 <sup>th</sup> Offense Guideline	Repeat Offense
Maine	\$1,500 fine and/or suspension/ revocation	No guidelines				
Maryland	County specific.					
Massachusetts	\$500 fine and/or 1 yr in jail and/or suspension/ revocation	No guidelines				
Michigan <sup>23</sup>	\$1,000 fine and/or suspension/ revocation	No guidelines				2
Minnesota	\$2,000 fine and/or up to 60-day suspension/ revocation	No guidelines				5
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	2
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	3
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	4
Nevada	Fine up to \$1,000	No guidelines				1

<sup>23</sup> In Michigan, a third or subsequent offense will result in a mandatory suspension/ revocation of license.

State	1 <sup>st</sup> Offense Maximum	1 <sup>st</sup> Offense Guideline	2 <sup>nd</sup> Offense Guideline	3 <sup>rd</sup> Offense Guideline	4 <sup>th</sup> Offense Guideline	Repeat Offense
New Hampshire <sup>24</sup>	\$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.	2
New Mexico	\$10,000 fine and/or suspension/revocation	No guidelines				
New York	\$10,000 fine and/or suspension/revocation	No guidelines				5
North Carolina <sup>25</sup>	\$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				1
Ohio	Suspension/revocation or \$200 fine per day issued suspension in lieu of.	No guidelines				2
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 days suspension	Revocation	2

<sup>24</sup> 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.

<sup>25</sup> In North Carolina, the commission may accept an offer in compromise of an issued suspension, up to \$5,000.

State	1 <sup>st</sup> Offense Maximum	1 <sup>st</sup> Offense Guideline	2 <sup>nd</sup> Offense Guideline	3 <sup>rd</sup> Offense Guideline	4 <sup>th</sup> Offense Guideline	Repeat Offense
Pennsylvania <sup>26</sup>	\$5,000 fine and/or suspension/ revocation.	No guidelines				4
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	3
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 \$300 - \$1,000 fine.	Same	Same	Same	
Texas <sup>27</sup>	60 days suspension, or fine in lieu of	7-20 days suspension or fine in lieu of	10-90 days suspension or fine in lieu of	30 days suspension – revocation or fine in lieu of	Not specified.	3
Utah	\$25,000 fine and/or suspension/ revocation.	Fine \$500 - \$3,000 and/or 5 - 30 days suspension	Fine \$1,000 - \$9,000 and/or 10 - 90 days suspension	Fine \$9,000 - \$25,000 and/or 15 days suspension or revocation	Same	
Vermont	Suspension/ revocation	No guidelines				

<sup>26</sup> In Pennsylvania, third and subsequent offenses will result in a mandatory suspension/ revocation.

<sup>27</sup> 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.

State	1 <sup>st</sup> Offense Maximum	1 <sup>st</sup> Offense Guideline	2 <sup>nd</sup> Offense Guideline	3 <sup>rd</sup> Offense Guideline	4 <sup>th</sup> Offense Guideline	Repeat Offense
Virginia <sup>28</sup>	No max identified	\$2,000 fine or 25 days suspension	Not Specified	Not specified	Not specified	3
Washington	No max identified	5 days suspension or \$200 fine in lieu of	10 days suspension or \$400 fine in lieu of	30 days suspension or \$600 fine in lieu of	Revocation	3
West Virginia	\$1,000 fine and/or suspension/revocation	No guidelines				
Wisconsin	No penalty	No penalty	Up to 3 days suspension	3-10 days suspension	15-30 days suspension	1
Wyoming	Suspension/revocation	No guidelines				

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<sup>28</sup> In Virginia, a second or subsequent offense will result in a mandatory suspension.



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