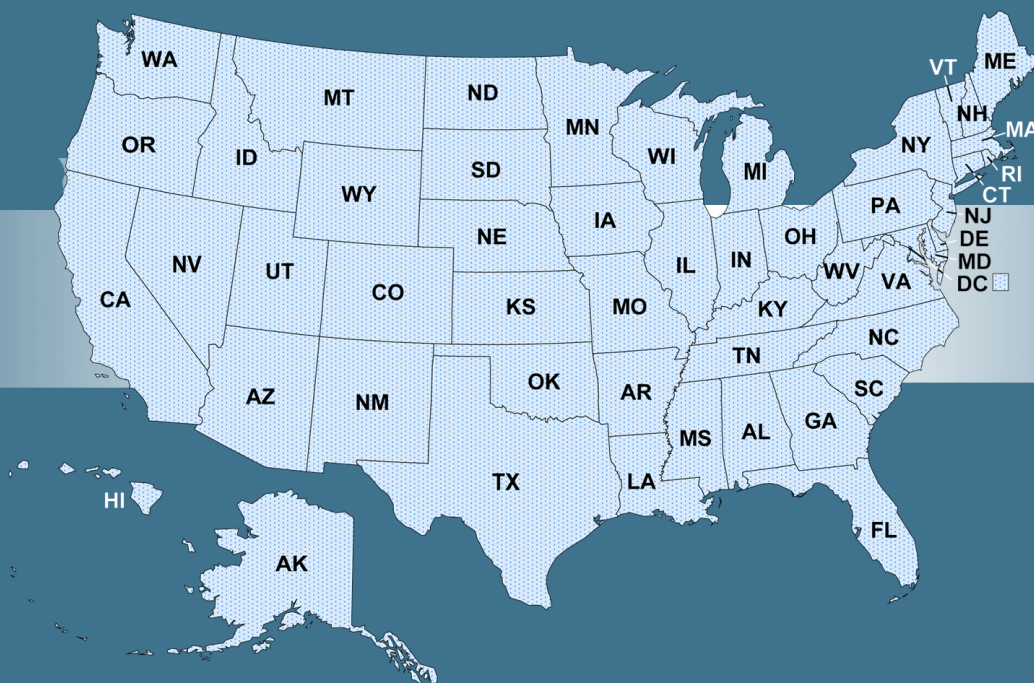


STATE PERFORMANCE & BEST PRACTICES

for the Prevention and Reduction of Underage Drinking

2018



POLICY SUMMARY:

Loss of Driving Privileges for Alcohol Violations by Minors



SAMHSA
Substance Abuse and Mental Health
Services Administration

The *State Performance and Best Practices* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act directs the Secretary of the Department of Health and Human Services (HHS), working with the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), to develop a set of performance measures for evaluating the states' use of best practices in preventing underage drinking, and to consider a set of enumerated categories in doing so. The STOP Act also requires an annual report on each state's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

This *State Performance and Best Practices*, and the 51 individual State Reports, were prepared by the ICCPUD, which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services.

Time period covered by the 2018 *State Performance and Best Practices*: The 2018 version primarily includes data from calendar year 2017. The data on state legal policies reflects the state of the law as of January 1, 2017. The state survey data was collected in 2017, and is drawn from the most recent 12-month period in which the states maintained the data.

Recommended Citation

U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA), Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD). (2018). *State Performance and Best Practices for the Prevention and Reduction of Underage Drinking*.

Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws)

Policy Description

Use/lose laws authorize suspension or revocation of driving privileges as a penalty for underage purchase, possession, or consumption of alcoholic beverages. States began enacting these statutes in the mid-1980s to deter underage drinking by imposing a punishment that young people would consider significant: the loss of a driver's license. In most states, use/lose laws make it mandatory to impose driver's license sanctions in response to underage alcohol violations. State laws vary as to the type of violation (purchase, possession, or consumption of alcohol) that leads to these sanctions and how long suspensions or revocations stay in effect.

State laws specific to minors (purchase, possession, and consumption of alcoholic beverages) are described in the "Underage Purchase and Attempted Purchase," "Underage Possession," "Underage Consumption," and "Internal Possession by Minors" policies.

Status of Loss of Driving Privileges Policies

Thirty-eight states and the District of Columbia have made license suspension or revocation mandatory or discretionary in cases of underage alcohol violations. Twelve states have no use/lose laws.

Upper Age Limits

Twenty-seven states and the District of Columbia set age 21 as the upper limit for which use/lose laws apply. Ten states set the upper limit at age 18, and one state (Wyoming) sets the limit at age 19. In four states (Arkansas, Hawaii, Tennessee, and Virginia), some sanction conditions vary depending on whether the violator is under age 18 or under age 21.

Authority to Impose License Sanctions

In the vast majority of jurisdictions with use/lose laws (28 states and the District of Columbia), license suspension or revocation is mandatory (see Exhibit I.13). Eight states have made this a discretionary penalty for such violations. The remaining two states (Arkansas and Hawaii) have a discretionary penalty for minors below age 18, but mandatory for violators ages 18 through 20.

Trends in Loss of Driving Privileges Policies

Between 1998 and 2017, the number of jurisdictions that made license suspension or revocation mandatory in cases of underage alcohol violations increased from 25 to 31 (see Exhibit I.14). During this period, the number of jurisdictions with no use/lose laws decreased from 17 to 12.

Exhibit I.13: License Suspension/Revocation for Alcohol Violations by Minors as of January 1, 2017

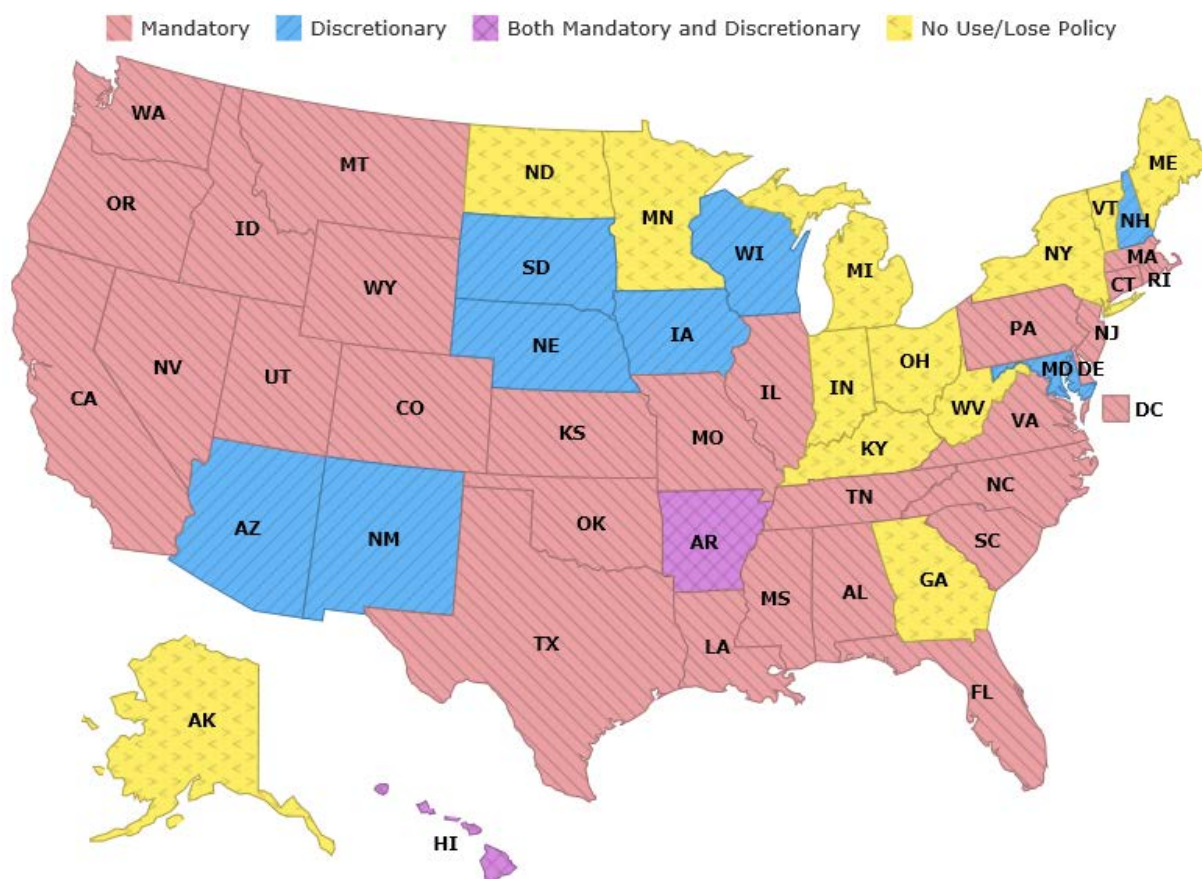
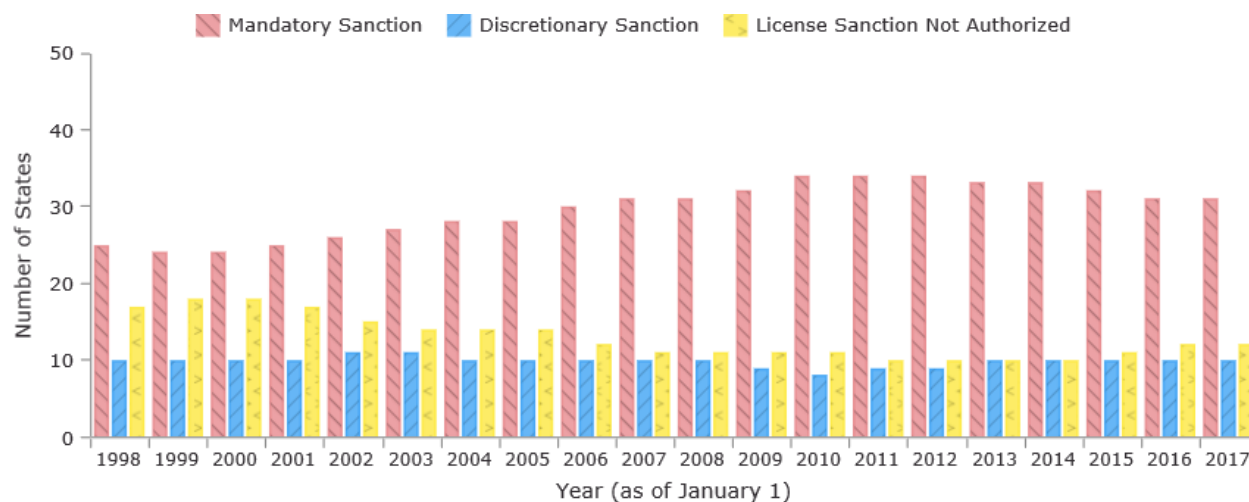


Exhibit I.14: Distribution of License Suspension/Revocation Procedures for Alcohol Violations by Minors, January 1, 1998, through January 1, 2017



Data Sources and Citations

Data for this policy were obtained from <http://www.alcoholpolicy.niaaa.nih.gov>, NIAAA's APIS. Follow links to the policy titled "Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws)" for further descriptions of this policy and its variables, details regarding state policies, and a review of the limitations associated with the reported data.

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