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**CRIMINAL OR ENHANCED CIVIL  
PENALTIES FOR IMPLIED CONSENT BREATH TEST REFUSAL**

Updated March 2016

By Anne Teigen

<b>State/Jurisdiction</b>	<b>Criminal</b>	<b>Enhanced Civil</b>
Alabama	None	<p><b>Ala. Code §32-5A-304, §32-5-192</b></p> <p><b>First refusal</b> – 90-day license suspension</p> <p><b>Second refusal</b> (within 5 years)– 1-year suspension</p> <p><b>Third or fourth refusal</b> (within 5 years) –3-year suspension</p>
Alaska	<p><b>Alaska Stat. §28.35.032</b></p> <p><b>First refusal</b>- Not less than 72 consecutive hours in jail; ignition interlock required for 12 months after regaining license from suspension; a fine of not less than \$1,500; Class A misdemeanor</p> <p><b>Second refusal</b>- Not less than 20 days in jail; ignition interlock required for 24 months after regaining license from suspension; a fine of not less than \$3,000.</p> <p><b>Third refusal</b>- Not less than 60 days in jail; ignition interlock</p>	<p><b>Alaska Stat. §28.15.181</b></p> <p><b>First refusal</b> – 30-day license suspension</p> <p><b>Second refusal</b> (within 10 years)1-year suspension</p> <p><b>Third or fourth refusal</b> (within 10 years) – 3-year suspension</p>

	<p>required for 36 months after regaining license from suspension; a fine of not less than \$4,000</p> <p>*The court shall revoke the person's driver's license and may order the vehicle to be forfeited</p> <p>Court may order monitored sobriety or treatment in alcohol safety action program</p>	
Arizona	None	<p><b>Ariz. Rev. Stat. Ann. §28-1321</b></p> <p><b>First refusal</b> – 12-month license suspension</p> <p><b>Subsequent refusal</b> (within 84 months) – 2-year license suspension (mandatory)</p> <p>*Ignition interlock license available in limited circumstances after 90-day suspension</p>
Arkansas	<p><b>Ark. Stat. Ann. §5-65-305</b> (Those under age 21)</p> <p><b>First offense</b> – \$100 to \$500 (and possible community service);</p> <p><b>Second offense</b> – <b>\$200 to \$1,000</b> and not less than 30 days of community service</p> <p><b>Third or subsequent offense</b> – \$500 to \$2,000 and not less than 60 days of community service</p>	<p><b>Ark. Stat. Ann. §5-65-205</b></p> <p><b>First refusal</b>- – 180-day license suspension. (interlock license may be issued immediately)</p> <p><b>Second refusal</b> (within 5 years) –2-year license suspension</p> <p><b>Third refusal</b> (within 5 years) – 3-year license revocation; no restricted license may be issued</p>
California	<p><b>Cal. Vehicle Code §23612</b></p> <p>Refusal becomes a criminal offense if the driver is convicted of DWI after refusal; statute states the offense will result in a fine and mandatory imprisonment</p>	<p><b>Cal. Vehicle Code §13353, §13353.4(a)</b></p> <p><b>First refusal</b> – 1-year suspension</p> <p><b>Second refusal</b> (within 10 years) – 2-year revocation</p> <p><b>Third refusal</b> (within 10 years) 3-year revocation</p>
Colorado	None	<b>Colo. Rev. Stat. §42-2-126</b>

		<p><b>First refusal</b> – 1-year license revocation</p> <p><b>Second refusal</b> – 2-year license revocation</p> <p><b>Subsequent refusal</b>–3-year license revocation</p> <p>*Ignition interlocks available in some cases</p>
Connecticut	None	<p><b>Conn. Gen. Stat. Ann. §14-227b</b></p> <p><b>First refusal</b>– 45 day license suspension , then interlock required for 1 year</p> <p><b>Second refusal</b>– interlock required for 2 years</p> <p><b>Subsequent refusal</b>– interlock required for 3 years</p> <p>*For a second or subsequent refusal, the person must satisfactorily complete an alcohol treatment program before driving privileges can be reinstated</p>
Delaware	None	<p><b>Del. Code Ann. tit. 21 §2742</b></p> <p><b>First refusal</b> –1-year license revocation</p> <p><b>Second refusal</b> (within 5 years) – 18-month license revocation</p> <p><b>Third or subsequent refusals</b> (within 5 years) – 24-month license revocation</p>
Florida	<p><b>Fla. Stat. Ann. §316.1932</b></p> <p>Offense is misdemeanor if person’s license has been previously suspended for a refusal</p> <p>*If lawmakers fail to classify a misdemeanor, then it is punishable as a misdemeanor of the second degree, which carries up to 60 days</p>	<p><b>Fla. Stat. Ann. §316.1932</b></p> <p><b>First refusal</b> – 1-year license suspension (90 days mandatory); hardship license is available after this mandatory period</p> <p><b>Subsequent refusals</b>— 18-month license suspension</p>

	in jail and a fine of up to \$500 (Fla. Stat. Ann. § 775.081, §775.082, §775.083)	
Georgia	None	<b>Ga. Code §40-5-67.1(d)</b>  <b>Refusal-</b> 1-year license suspension
Hawaii	<b>Hawaii Rev. Stat. §291E-68</b>  Refusal is a petty misdemeanor  *Court may sentence jail time not to exceed 30 days for petty misdemeanor (HRS § 706-663)	<b>Hawaii Rev. Stat. § 291E-65, §291E-41(d) and(e).</b>  <b>First refusal</b> – 1-year license revocation.  <b>Second refusal</b> – 2- 5-year license revocation
Idaho	None	<b>Idaho Code §18-8002A</b>  Civil penalty, \$250  <b>Idaho Code §18-8002(3)(c), (4)(b) and (4)(c)</b>  <b>First Refusal</b> – 1-year license suspension  <b>Second refusal</b> within 10 years) – 2-year license suspension.-  *Part of this statute was held unconstitutional in Idaho ( <i>State v.</i> <i>Wulff</i> , Oct. 29, 2014)
Illinois	None	<b>§625 Ill. Rev. Stat. 5/6-208.1</b>  <b>First offense</b> – 1-year license suspension; not eligible for an interlock permit  <i>Subsequent offenses</i> – 3-year license suspension
Indiana	None	<b>Ind. Code Ann. § 9-30-6-9 (a)</b>  <b>First offense</b> – 1-year license suspension  <b>Second refusal</b> – 2-year license suspension
Iowa	None	<b>Iowa Code §321J.9</b>

		<p><b>First refusal</b> – 1-year license revocation</p> <p><b>Second or subsequent refusal</b> – 2-year license revocation (1 year mandatory)</p> <p>*A restricted license may be issued by the licensing agency after mandatory period with ignition interlock requirement (§§321J.9(2)(b) and 321J.20(6))</p> <p>*\$200 additional civil penalty assessed for refusals (§321.218A)</p> <p>*Refusal to submit to blood test is not considered a refusal, but refusal to submit a urine or breath test is considered a refusal (I.C.A. § 321J.6)</p>
Kansas	Feb. 26, 2016, in <i>State v. Ryce</i> , the Kansas Supreme Court ruled that the law making it a crime to refuse a chemical test violates federal constitutional rights of drivers	<p><b>Kan. Stat. Ann. §8-1002(a) and §8-1014(a)</b></p> <p><b>First occurrence</b> – 1-year license suspension followed by 2 years with interlock installed-</p> <p><b>Second occurrence</b> – 1-year license suspension followed by 3 years with interlock installed.-</p> <p><b>Third occurrence</b> –1-year license suspension followed by 4 years with interlock installed.-</p> <p><b>Fourth occurrence</b> – 1-year license suspension followed by 5 years with interlock installed.-</p> <p><b>Fifth or subsequent occurrence</b> – 1-year license suspension followed by 10 years with interlock installed</p>
Kentucky	<p><b>Ky. Rev. Stat. §189A.105</b></p> <p>Anyone who refuses test and is subsequently convicted of impaired driving will be subject to a longer mandatory minimum jail</p>	<p><b>Ky. Rev. Stat. §189A.070</b></p> <p><b>First refusal</b> – license suspension of 30 to 120 days</p> <p><b>Second refusal</b> – license</p>

	<p>sentence</p>	<p>suspension of 12-18 months (within a 5-year period)</p> <p><b>Third refusal</b> – license suspension of 2 -36 months (within a 5-year period)</p> <p>*License will not be reinstated until alcohol or substance abuse treatment program is completed' and ignition interlock available after 12 months</p>
Louisiana	<p><b>La. Rev. Stat. Ann. §32:666</b></p> <p>If arrested for driving while intoxicated after refusing to submit to such test on two previous occasions, the state can force violator to take the test and violator will be fined not less than \$300 nor more than \$1,000, and be imprisoned for not less than 10 days nor more than 6 months</p>	<p><b>La. Rev. Stat. Ann. §32:667</b></p> <p><b>First refusal</b> – 1-year license suspension</p> <p><b>Second or subsequent refusal-</b> – (within 10 years) 2-year license suspension</p> <p>*Interlock licenses may be granted in some circumstances</p>
Maine	<p><b>Me. Rev. Stat. Ann. tit. 29-A § 2521</b></p> <p>*Refusal could be an aggravating factor in sentencing if person is convicted of impaired driving and could subject person to mandatory minimum of incarceration</p>	<p><b>Me. Rev. Stat. Ann. tit. 29-A §2521(6)</b></p> <p><b>First refusal</b> –275-day license suspension</p> <p><b>Second refusal</b> –18-month license suspension (mandatory)</p> <p><b>Third refusal</b> – 4-year license suspension (mandatory)</p> <p><b>Fourth refusal</b> – 6-year license suspension. (mandatory)</p>
Maryland	<p>None</p>	<p><b>Md. Tran. Code Ann. §16-205.1</b></p> <p><b>First refusal</b> – 120-day license suspension</p> <p><b>Subsequent refusals</b> – Suspension for 1 year; suspension may be modified or a restricted license may be issued if an offender participates in ignition interlock program</p>
Massachusetts	<p>None</p>	<p><b>Mass. Gen. Laws Ann. ch. 90 §24(4)(f)</b></p>

		<p><b>First refusal</b> –180-day suspension</p> <p><b>Second refusal</b> – 3-year license suspension</p> <p><b>Third refusal</b> – 5-year license suspension</p> <p>*Motorist’s vehicle shall be impounded for 12 hours after refusal</p>
Michigan	None	<p><b>Mich. Comp. Laws Ann. §257.625f</b></p> <p><b>First refusal</b> – 1-year suspension (restricted/hardship license may be issued)</p> <p><b>Second and subsequent refusals</b> (within 7 years) – 2-year mandatory license suspension</p>
Minnesota	<p>Under <b>Minn. Stat. Ann. §169A.20, subd. 2</b>, it is a crime to refuse to submit to a chemical test under the implied consent law; Refusal to submit to a chemical test is a drunk driving offense and sentenced as such</p> <p><b>Minn. Stat. Ann. §169A.20, subd. 2</b> was found unconstitutional as applied by <i>State v. Thompson</i> Dec. 28, 2015</p>	<p><b>Minn. Stat. Ann. §169A.52</b></p> <p><b>First refusal</b> – 1-year license revocation</p> <p><b>Second refusal</b> (within a 10 year period) – 2-year license revocation</p> <p><b>Third refusal</b> (within a 10 year period) – 3-year license revocation</p> <p>Under Minn. Stat. Ann. §169A.63, any motor vehicle used in a third or subsequent implied consent refusal is subject to forfeiture</p>
Mississippi	None	<p><b>Miss. Code. Ann. §63-11-30, §63-11-23</b></p> <p><b>First refusal</b> – 90-day license suspension</p> <p><b>Second refusal (or previous DWI conviction)</b> – 1-year license suspension</p> <p>*Violator has option to install interlock for twice the amount of</p>

		time of the original suspension
Missouri	None	<p><b>Mo Rev. Stat. §577.04, §302.309.3</b></p> <p><b>First refusal</b> – 1-year license revocation</p> <p><b>Second or subsequent refusal</b> – 1-year license revocation (mandatory, and interlock device must be installed for 6 months with no fails)</p> <p>*Person must complete a substance abuse program before the license can be reinstated</p>
Montana	None	<p><b>Mont. Code Ann. §61-8-402</b></p> <p><b>First refusal</b> – 6-month license suspension and \$300 administrative fee</p> <p><b>Second or subsequent refusals</b> (within 5 years) – 1-year license revocation (mandatory) (An officer may apply for a search warrant to take blood if the person stopped has refused in a prior investigation)</p> <p>*No restricted probationary license can be issued</p>
Nebraska	<p><b>Neb. Rev. Stat. §60-6,197.03 and §28-106,</b></p> <p><b>First offense</b> (Class W misdemeanor) – Maximum \$500 fine and 60 days in jail (mandatory minimum of 7 days in jail)</p> <p><b>Second offense</b> – (Class W misdemeanor) – Maximum \$500 fine and 6 months in jail (mandatory minimum of 30 days in jail)</p>	<p><b>Neb. Rev. Stat. §60-6,197 and §60-498.02, §60-498.03</b></p> <p>I. If probation is <u>not</u> granted</p> <p><b>First offense</b> – 90-day license revocation with interlock required</p> <p><b>Second offense</b> – 18-month license revocation with interlock license available after 45 days</p> <p><b>Third and subsequent offense</b> –</p>

	<p><b>Third offense</b> – (Class W misdemeanor) – Maximum \$1,000 fine and 1 year in jail (mandatory minimum of 90 days in jail)</p> <p><b>Fourth or subsequent offense</b> – (Class IV felony) – Not more than \$10,000/5 years in jail</p>	<p>15-year license revocation (reduced to 7 years provided the person 1) has completed a chemical dependency program, 2) has not been convicted of either a DWI or implied consent offense, 3) has abstained from the excessive consumption of alcoholic beverages and 4) is not under suspension or revocation for any other reason [§60-6,209])</p> <p>II. If probation is granted, the following revocations must be imposed:</p> <p><b>First offense</b> – 60-day license revocation, with interlock license and \$500 fine</p> <p><b>Second offense</b> – 18-month license revocation with interlock license and \$500 fine and either 10 days in jail or 240 hours of community service.-</p> <p><b>Third and subsequent offense</b> – 2- to 15-year license revocation with possibility of interlock after 45 days and \$1,000 fine and 30 days in jail</p> <p>*Anyone who has been convicted of either a second or subsequent drunk-driving/implied consent refusal offense may be monitored by continuous alcohol monitoring device along with interlock (Neb. Rev. St. §60-6,197.01 (b))</p>
Nevada	None	<p><b>Nev. Rev. Stat. §484C.210</b></p> <p><b>First refusal</b> – 1-year license revocation</p> <p><b>Second or subsequent refusal</b> (within 7 years) – 3-year license revocation</p> <p>*Officer may direct that reasonable force be used to the extent</p>

		necessary to obtain samples of blood from the person to be tested
New Hampshire	None	<p><b>N.H. Rev. Stat. Ann. §265-A:14</b></p> <p><b>First refusal</b> –180-day license suspension (mandatory)</p> <p><b>Second refusal or a first refusal where there has been a previous DWI offense</b> – 2-year license suspension (mandatory); revocations are not to run concurrently with any other suspension or revocation</p>
New Jersey	None	<p><b>N.J. Rev. Stat. §39:4-50.4a (a)</b></p> <p><b>First refusal</b> – 7-month to 1- year license revocation</p> <p><b>Second refusal</b> – 2-year license revocation</p> <p><b>Subsequent refusal</b> – 10-year license revocation</p> <p><b>N.J. Rev. Stat. §39:4-50.4a(b)</b>  <b>School Property/Crossing:</b> If the refusal occurred either 1) on property owned by or within 1,000 feet of an elementary/secondary school, 2) while driving through a designated school crossing zone or 3) while driving through a non-designated school crossing zone when juveniles are present, the following sanctions apply: for either a first or subsequent offense – a fine of \$500 to \$1,000; for a first offense – 1-year license suspension (mandatory); for a second offense – 4-year license suspension (mandatory); and for a third or subsequent offense – 20-year license suspension (mandatory).</p>
New Mexico	None	<p><b>N.M. Stat. Ann. §66-8-111(B)</b></p> <p><b>First refusal</b> – 1-year license revocation</p> <p><b>Second refusal</b> – 1-year license</p>

		revocation
New York	None	<p><b>N.Y. Vehicle and Traffic Law §1194</b></p> <p><b>First refusal</b> – 1-year license revocation and \$500 civil penalty</p> <p><b>Second or subsequent refusal</b> (within 5 years) – 18-month license revocation and \$750 civil penalty</p> <p>(1) Under V and T Law §1194(2)(b), anyone who refuses to submit to a chemical test may have his or her license suspended at the time of arraignment based upon a sworn written police report</p>
North Carolina	None	<p><b>N.C. Gen. Stat. §20-16.2 and §20-16.5</b></p> <p><b>First refusal</b> – - 1-year license revocation (with 30-day immediate license revocation)</p> <p><b>N.C. Gen. Stat. §20-28.2(b), (d) and (e), §20-28.5 and 20-138.5(e)</b></p> <p><b>Limited forfeiture</b> – A vehicle (whether or not owned by the driver) is subject to forfeiture (which appears to be mandatory) if the driver was driving such vehicle 1) while in violation of the drunk-driving laws and 2) while his/her license is still in a revocation status for either 1) a previous drunk-driving conviction, 2) implied consent refusal, 3) admin per se action, or 4) other license revocation-related alcohol conviction. Certain innocent parties who have an ownership interest in the vehicle or a lien holder may have the vehicle released to them.</p>
North Dakota	<p><b>N.D. Cent. Code §39-08-01</b></p> <p><b>First refusal</b> (within 7 years) – Class B misdemeanor, \$500 fine and offender must undergo</p>	<p><b>N.D. Cent. Code §39-20-04 and §39-06.1-11(2)</b></p> <p><b>First refusal</b> – 180-day license suspension</p>

	<p>addiction evaluation</p> <p><b>Second refusal</b> (within 7 years) – Class B misdemeanor 10 days in jail (48 hours mandatory), \$1,500 fine and offender must undergo addiction evaluation</p> <p><b>Third refusal:</b> – Class A misdemeanor (within 7 years) – 120 days in jail, \$2,000 fine and offender must undergo an addiction evaluation; at least 360 days of supervised probation and participation in 24/7 program</p> <p><b>Fourth or subsequent refusal:</b> – Class C felony (within a 15-year period) – 1 year and 1 day jail time, \$2,000 fine and offender must undergo addiction evaluation; at least 2 years of supervised probation and participation in 24/7 program</p>	<p><b>Second refusal</b> (or previous DUI conviction) (within 7 years) – 2-year license revocation</p> <p><b>Third or subsequent refusal</b> (within 7 years) – 3-year license revocation.</p> <p>*These license revocations are mandatory; however, a temporary restricted license may be issued under certain circumstances</p> <p>*After second or subsequent offense within 7 years, vehicle plates must be forfeited to the DMV</p>
Ohio	None	<p><b>Ohio Rev. Code Ann. §4511.191</b></p> <p><b>First refusal</b> – 1-year license suspension</p> <p><b>Second refusal</b> (within 6 years) – 2-year license suspension</p> <p><b>Third refusal</b> (within 6 years) – 3-year license suspension</p> <p><b>Subsequent refusal</b> (within 6 years) – 5-year license suspension</p> <p>*If person has been convicted of impaired driving two or more times within 6 years. the officer can use any reasonable means to make the person take a chemical test</p> <p>*\$475 fine to have license reinstated after refusal</p>
Oklahoma	None	<p><b>47 Okl. St. Ann. §6-205.1,</b> <b>47 Okl. St. Ann. §753</b></p>

		<p><b>First refusal</b> – 180-day license and 18-month interlock requirement</p> <p><b>Second refusal</b> (within 10 years) – 1-year mandatory license revocation</p> <p><b>Subsequent refusal</b> (within 10 years) – 3-year license revocation</p>
Oregon		<p><b>Or. Rev. Stat. §813.095 813.100, §813.130, §813.410, §813.420, §813.430</b></p> <p>*Traffic violation with \$650 fine</p> <p><b>First refusal-</b> 1-year license suspension ( if no previous suspensions for either a test refusal or a DWI offense) (90-day mandatory)</p> <p><b>Second or subsequent refusal</b> – 3-year license suspension (for either a previous test refusal or a previous DWI offense/admin per se violation based license suspension within 5 years (1 year mandatory)</p>
Pennsylvania	None	<p><b>Pa. Cons. Stat. tit. 75 §§1547</b></p> <p><b>First refusal</b> – - 1-year license suspension</p> <p><b>Second refusal</b> – 18-month license suspension</p> <p>*Officer may compel test if person has had license suspended for alcohol-related offense</p>
Rhode Island	<p><b>R. I. Gen. Laws §31-27-2.1</b></p> <p><b>Second Refusal</b> (within a 5-year period) – Misdemeanor offense; no more than 6 months of jail time</p> <p><b>Third Refusal</b> (within a 5-year period) – misdemeanor offense; no more than 1 year of jail time</p>	<p><b>R. I. Gen. Laws §31-27-2.1</b></p> <p><b>First refusal</b> – \$200 to \$500fine; 10 to 60 hours of community service; 6-month to 1-year license suspension; required attendance at course on DUI and/or alcohol or drug treatment; interlock may be required</p> <p><b>Second refusal</b> (within a 5-year</p>

		<p>period) – \$600 to \$1,000 fine , 60-100 hours of community service; 1- to 2-year license suspension ; and required alcohol or/drug treatment program</p> <p><b>Third and subsequent refusal</b> (within a 5-year period) – \$800 to \$1,000 fine; not less than 100 hours of community service; 2- to 5-year license suspension; and required alcohol/drug treatment</p> <p>*In addition to the above fines, a defendant must pay an assessment fee of \$500. The imposition of these fines, assessments and/or public community service is mandatory.</p>
South Carolina	None	<p><b>S.C. Code Ann. §56-5-2951</b></p> <p><b>First refusal</b> – 6-month license suspension</p> <p><b>Subsequent refusal</b> (within 10 years) – 9-month license suspension</p> <p>*Person also must enroll in an Alcohol and Drug Safety Action Program</p> <p>*Restricted driving privileges available for either employment or college education purposes (§56-5-2951)</p>
South Dakota	None	<p><b>S.D. Codified Laws Ann. §32-23-11 and §32-23-18</b></p> <p><b>Refusal-</b> – 1-year license revocation; restricted hardship license is available</p>
Tennessee	<p><b>Tenn. Code Ann. §55-10-407</b></p> <p>*If offender refuses test and already has a suspended or revoked license for a DUI or vehicular assault conviction, it is a Class A misdemeanor and offender must serve 5 days of jail time and pay a \$1,000 fine</p>	<p><b>Tenn. Code Ann. §55-10-407</b></p> <p><b>First refusal</b> (If no prior DUI or vehicular assault convictions) – 1-year license revocation</p> <p><b>Second refusal</b> (or first refusal with a prior DUI or vehicular assault conviction) – 2-year license revocation</p>

		*Interlock required if convicted of DUI after a refusal
Texas	None	<p><b>Tex. Transportation Code Ann. §724.035</b></p> <p><b>First refusal</b> – 180-day license suspension</p> <p><b>Refusal where ,there has been a prior “alcohol-related or drug-related enforcement contact” within 10 years</b> – 2-year license suspension</p> <p>* Officer can compel test if person has two prior DWI convictions or one prior DWI conviction but there had been a child in the car, or someone was seriously injured or killed</p>
Utah	None	<p><b>Utah Code Ann. §41-6a-520 and §41-6a-521</b></p> <p><b>First refusal</b> – 18-month license revocation</p> <p><b>Second refusal</b> – 36-month revocation if previous alcohol-related conviction within last 10 years</p> <p>*Refusals can carry a 5- to 10-year prohibition of driving with any measurable or detectable amount of alcohol in the person's body, depending on the person's prior driving history, and a 3-year interlock requirement</p>
Vermont	<p><b>Vt. Stat. Ann. tit. 23 §1202</b></p> <p>The person may be charged with the crime of criminal refusal if the person: (A) has previously been convicted a DUI, or (B) is involved in an accident or collision resulting in serious bodily injury or</p>	<p><b>Vt. Stat. Ann. tit. 23 §1205</b></p> <p><b>First refusal</b> – 6-month license suspension; interlock license available after 30 days</p> <p><b>Second refusal</b> – mandatory 18-month license suspension with</p>

	<p>death to another, in which case the court may issue a search warrant and order the person to submit to a blood test, the results of which may be offered into evidence against the person at trial</p> <p>*There is no reference to the penalties for the crime of “criminal refusal” in Vermont statute</p>	<p>interlock available after 90 days</p> <p><b>Third or subsequent refusal</b> – suspension for life; interlock available after 1 year</p> <p>*\$50 surcharge for refusals upon license reinstatement</p>
Virginia	<p><b>Va. Code Ann. §18.2-268.3</b></p> <p><b>First refusal</b>– civil offense</p> <p><b>Second refusal</b> (within 10 years); – Class 2 misdemeanor, which carries jail time of not more than 6 months and a fine of not more than \$1,000, either or both</p> <p><b>Third refusal</b> (within 10 years); – Class 1 misdemeanor, which carries jail time of not more than 12 months and a fine of not more than \$2,500, either or both</p>	<p><b>Va. Code Ann. §18.2-268.3</b></p> <p><b>First refusal</b>– 1-year license suspension</p> <p><b>Second refusal</b> (within 10 years) – 3-year license suspension</p> <p>*There is also a mandatory 7-day license suspension under §46.2-391.2</p> <p><b>Third refusal</b> (within 10 years) – 3-year license suspension</p>
Washington	None	<p><b>Wash. Rev. Code §46.20.308 and §46.20.3101</b></p> <p><b>First refusal</b> – 1-year license revocation</p> <p><b>Second or subsequent refusal</b> (within 7 years) – 2-year license revocation or until the person reaches age 21, whichever is longer</p> <p>*Interlock installation available</p>
West Virginia	None	<p><b>W. Va. Code §17C-5-7</b></p> <p><b>First refusal</b> – 1-year license revocation (or 45 days, with an additional 1-year of ignition interlock device)</p> <p><b>Second refusal</b> – 5- or 10-year license revocation</p>

		<b>Third refusal</b> – Lifetime license revocation
Wisconsin	None	<p><b>Wis. Stat. Ann. §343.10, §343.305, §343.307(2)</b></p> <p><b>First refusal</b> – 1-year license revocation; after 30 days of the revocation period, the driver is eligible for an occupational license  Person also will also be ordered to comply with an assessment and driver safety plan</p> <p><b>Second refusal</b> (within 10 years) – 2-year license revocation; after 90 days of the revocation period, the driver is eligible for occupational license (if 2 or more refusals occur within 5 years, occupational license is available after 1 year with interlock)</p> <p><b>Third and subsequent refusal</b> – 3-year license revocation; after 1 year of revocation period, the driver is eligible for an occupational license with interlock</p> <p>*If a minor is present during the incident of the refusal, all license suspension durations are doubled</p>
Wyoming	None	<p><b>Wyo. Stat. §31-6-102</b></p> <p><b>First refusal</b> – 90-day license suspension and may have to install interlock</p> <p><b>Second or subsequent refusal</b> (within 5 years) – -18-month license suspension (mandatory)</p>
District of Columbia	None	<p><b>D.C. Code Ann. §50-1905</b></p> <p><b>First or subsequent refusal</b> – 1-year license suspension</p> <p>*If the person has had a conviction for a prior it will be a rebuttable presumption that the person is under the influence of alcohol or a drug or</p>

		any combination thereof
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