

STATE:	VERMONT
General Reference:	Vermont Statutes Annotated
<u>Basis for a DWI Charge:</u>	
Standard DWI Offense:	Under the influence of intoxicating liquor <sup>1192</sup> 23 §1201(a)(2)
Illegal Per Se Law (BAC/BrAC):	<b>≥.08 (≥.02 if operating a school bus)</b> <sup>1193and1194</sup> 23 §1201(a)(1) <u>Persons Under 21 Years Old-≥.02-A Civil Traffic Violation</u> 23 §1216(a)
Presumption (BAC/BrAC):	<b>≥.02</b> within 2 hours of incident is a "rebuttable presumption" that a person <21 years old committed a Civil Traffic Violation. 23 §1216(e)
Types or Drugs/Drugs and Alcohol:	Under the influence of (1) <b>Any "Regulated" Drug</b> <sup>1195</sup> or (2) a <b>Combination of Any "Regulated" Drug and Alcohol</b> 23 §1201(a)(3)
Other:	A BAC/BrAC <b>≥.08</b> is a "permissive inference" of a DWI offense. 23 §1204(a)(2)
<u>Chemical Breath Tests for Alcohol Concentration:</u>	
Preliminary Breath Test Law:	<b>Yes</b> 23 §1203(f). Results are admissible in a DWI proceeding against persons under 21. 23 §1216(d).
Implied Consent Law:	
Arrest Required (Yes/No):	<b>No</b> <sup>1196</sup> 23 §1202(a)
Implied Consent Law Applies to Drugs (Yes/No):	<b>Yes</b> <sup>1197</sup> 23 §1202(a)
Refusal to Submit to Chemical Test Admitted into Evidence:	<b>Yes.</b> (in Criminal Cases) 23 §1202(b). Also, a refusal to submit to a Horizontal Gaze Nystagmus test also can be admitted into evidence. <i>State v. Blouin</i> , 716 A.2d 826 (Vt. 1998). This case could also apply to refusal to submit to other field sobriety tests.
Other Information:	I. A driver who is involved in a fatal "incident or collision" where there are reasonable grounds to believe that alcohol or "other drugs" was in person's system is subject to the implied law; i.e., that person is required to submit to a chemical test of breath or blood for alcoholic content and, if the test is refused,

<sup>1191</sup> Includes all alcoholic beverages. 23 §1200(4)

<sup>1192</sup> This State's illegal per se law also makes it an offense to operate a motor vehicle with a breath alcohol concentration of .08 (.02 if operating a school bus) or more.

<sup>1193</sup> Alcohol concentration is defined as grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. 23 §1200(1)

<sup>1194</sup> "Drug" means regulated drugs as defined in 18 §4201. 23 §1200(2)

<sup>1195</sup> Note: If a driver refuses to submit to a chemical test and the police officer had "reasonable grounds to believe" that the driver was DWI, the State may proceed to suspend/revoke the driver's license. 23 §1205

<sup>1196</sup> A blood sample may be requested (1) if breath testing equipment is not available to determine alcoholic content or (2) if the law enforcement officer believes that the driver was under the influence of drugs. 23 §1202(a) and *State v. Greenia*, 522 A.2d 242 (Vt. 1987)

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the driver's license is suspended or revoked. 23 §1202(a). This requirement also exists for drivers who previously have been convicted of DWI where there are reasonable grounds to believe the driver is DWI. 23§1201(b).

II. A driver involved in an accident that resulted in a bodily injury or death to another who refuses to submit to a blood or breath chemical test under the implied consent law may be compelled to submit to a blood test via a search warrant.<sup>1198</sup> 23 §1202(f)

Chemical Tests of Other Substances for Alcohol Concentration Which Are Authorized Under the Implied Consent Law:

Blood:	<b>Yes</b>
Urine:	<b>No</b>
Other:	<b>None</b>

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):	<b>No</b>
Anti-Plea-Bargaining Statute (Yes/No):	<b>No</b>
Pre-Sentencing Investigation Law (PSI) (Yes/No):	<b>Yes</b> Alcohol assessment screening is mandatory for second or subsequent offenders, and discretionary for first offenders. 23 §§4(52), 1209a and 1210(a)

Sanctions for Refusal to Submit to a Chemical Test:

Refusal to Take a <u>Preliminary Breath Test</u> : Criminal Sanctions (Fine/Jail):	<b>None</b>
Administrative Licensing Action (Susp/Rev):	<b>None</b>
Other:	A person under 21 who has refused to submit to a breath test via a preliminary breath test screening device for the purpose of determining if the BAC/BrAC $\geq .02$ is subject to a <b>mandatory six-month licensing suspension.</b> 23 §1216(d)

Refusal to Take <u>Implied Consent Chemical Test</u> : Criminal Sanction (Fine/Jail):	<b>None</b>
Administrative Licensing Action (Susp/Rev):	<b>First refusal – mandatory 6-month Suspension; second refusal – mandatory 18-month suspension; third or subsequent refusal – Suspension for life (3 years mandatory)</b> 23 §1205(a) and (m)

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<sup>1197</sup> **Comment:** The legislature indirectly abrogated a decision of the State Supreme Court that prohibited the taking of a blood sample by force. Since the implied consent law allowed a person to refuse all testing, the court held that the State could not use involuntary means (force) to obtain a blood sample for chemical testing for alcoholic content. The State must persuade a driver to voluntarily submit to a test or face certain licensing sanctions. *State v. Beyor*, 641 A.2d 344 (Vt. 1993).

Sanctions Following a Conviction for a DWI Offense:

## Criminal Sanctions:

## Imprisonment:

Term (Day, Month, Years, Etc.):

First offense (misdemeanor) – Not more than **2 years**; second offense (misdemeanor) – Not more than **2 years**; third and subsequent offense (felony) – Not more than **5 years**; serious injury related DWI offense (felony) – **1 to 15 years** 13 §1 and 23 §1210

Mandatory Minimum Term:

Second DWI offense – **60 consecutive hours**; third or subsequent DWI offense – **100 consecutive hours** 23 §1210(c) and (d)

## Fine:

Amount (\$ Range):

First offense – Not more than **\$750**; second offense – Not more than **\$1,500**; third and subsequent offense – Not more than **\$2,500**; serious injury related DWI offense – Not more than **\$10,000** 23 §1210.

Mandatory Min. Fine (\$):

**None**

## Other Penalties:

Community Service:

First DWI offense -Possible; 13 §7030; second DWI offense – at least **200 hours** mandatory in lieu of imprisonment; third or sub. DWI offense – at least **400 hours** mandatory in lieu of imprisonment. 23 §1210(c) and (d)

## Restitution

(e.g., Victim's Fund):

**Yes.** The court may order a defendant to pay restitution to a victim. 13 §7043

**Criminal Refusal:** A vehicle operator commits "Criminal Refusal" by refusing to submit to a blood or breath evidentiary test under the following circumstances: (1) the person has had a previous drunk driving offense violation and there are reasonable grounds to believe that person violated the drunk driving laws; or (2) the person is involved in an accident that resulted in either a bodily injury or death and there are reasonable grounds to believe that that person had alcohol in the system. 23 §1201(b) and (c). Sanctions: The sanctions for "Criminal Refusal" are the same as for a drunk driving offense. However, for a first criminal refusal, the license suspension is for **6 months** with appropriate rehabilitation. 23 §§1206, 1208 and 1210.

**DWI Offenses and Commercial Motor Vehicles (CMV)/Commercial Driver's Licenses (CDL):** A person is "disqualified" from operating a CMV for 1 mandatory year (3 years if transporting hazardous materials) if, while driving a CMV, that person (1) has a BAC/BrAC  $\geq .04$  ; (2) is under the influence of either "intoxicating liquor" or drugs (or under the combined influence of alcohol and any drug); or (3) refuses to submit to a chemical test for an alcohol concentration. For either (1) a subsequent violation or (2) a combination of two or more violations of any of the above listed items, the "disqualification" is for life (may be reduced to 10 years). If a CMV out-of-state operator holds a CDL from a State that does not have a reciprocal disqualification agreement with Vermont, the CDL privileges in Vermont are "suspended" as above for operating a CMV either with a BAC/BrAC of  $\geq .04$  or while under the influence of alcohol/drugs. In addition, a CMV operator who has any measurable (or detectable) amount of alcohol in the system must be placed "out-of-service" for 24 hours. 23 §§4 (59), 1218, 1219, 4103(5) and (12), 4116 and 4116A.

Sanctions Following a Conviction for a DWI Offense:

(continued)

Other: **Surcharges:** In addition to any fine, an offender must pay the following surcharges: **\$60**, used to fund the Health Department's Laboratory Services Special Fund; **\$50**, used to fund public defenders special fund; and **\$50**, used to fund drunk driving law enforcement. 23 §§1205 and 1210(h), (i) and (j)

Administrative Licensing Actions:

Pre-DWI Conviction Licensing Action:  
Administrative Per Se Law:

**Yes.  $\geq$ .08 BAC/BrAC** See Rebuttable Resumption below. First action – **Mandatory Suspension – 90 days**; second action- **Mandatory Suspension – 18 months**; third or sub. Action – **Suspension for life** (3 years mandatory). See Footnote Nos. <sup>1199</sup> and <sup>1200</sup>. 23 §1205

Post DWI Conviction Licensing Action:

Type of Licensing Action  
(Susp/Rev):

First offense – **Suspension**; second offense – **Suspension**; third or subsequent offenses – **Revocation**. 23 §§1206 and 1208

Term of License Withdrawal  
(Days, Months, Years, etc.):

First offense – **90 days**; second offense – **18 months**. If a person was involved in a serious accident or was previously convicted of DWI and refused to take a test – **6 months**. 23§1206(c).

Mandatory Minimum Term of  
Withdrawal:

First offense – **90 days**; second offense – **18 months**; third or subsequent offense – **Life (but maybe reinstated after three years abstinence**. Where there is a fatality- **1 year**; where there is a serious accident or previous convictions, **6 months**. 23§1206.

Persons Under 21 Years Old (Civil Traffic Violation- BAC/BrAC  $\geq$ .02): first violation- **Suspension -6 months** plus an alcohol and alcohol program {unless

<sup>1198</sup> Under 23 §1205(o), suspensions for admin per se actions and for DWI convictions are to run concurrently.

<sup>1199</sup> Title 23 §1205(m) creates a rebuttable presumption that a person's alcohol concentration was  $\geq$ .08 at the time of operating a motor vehicle if .08 BAC was within two hours after such operation.

**Double Jeopardy:** Based upon the same factual situation, a person who has been subjected to licensing action under the administrative per se law may also be subsequently prosecuted for a drunk driving offense. Such subsequent criminal trial does not violate the constitutional prohibition against double jeopardy. *State v. Strong*, 605 A.2d 510 (Vt. 1991), *State v. O'Brien*, 609 A.2d 981 (Vt. 1992), and *State v. Becker*, 669 A.2d 548 (Vt. 1995).

**A person under 21 years old** who is charged with a Civil Traffic Violation for operating a motor vehicle with a BAC/BrAC  $\geq$ .02 cannot be assessed a fine or points. 23 §1216(f).

**Rebuttable Presumption:** If a person's alcohol concentration within 2 hours of driving is  $\geq$ .08, there is a rebuttable presumption that the person was operating a motor vehicle at or above this level. 23 §1205(n).

diversion program discussed below is applicable}.  
 Following this, a person must complete alcohol

screening and any needed treatment program; second or sub. violation – **Suspension 1 year or until the person reaches age 21**, whichever is longer (1 year mandatory). The person must also be making substantial progress in completing a therapy program. Any education, treatment or therapy programs must be completed prior to license reinstatement. 23 §§1209a and 1216(a)(1) and (2)

**Diversion Program for Persons Under 21 Years**

**Old** Anyone under the age of 21 who receives a notice of violation for underage drinking, {if the person has not previously been adjudicated in violation of drinking laws}, within 15 days after receiving a notice of violation, shall contact the diversion board in the county where the offense occurred and register for the teen alcohol safety program. The person is required to complete all conditions imposed by the diversion board, including substance abuse screening and, if deemed appropriate following the screening, substance abuse education or substance abuse counseling, or both. If the person satisfactorily completes the requirements imposed by the diversion board, no penalty shall be imposed and the person's operator's license will not be suspended. But if the person does not satisfactorily complete the program and is found guilty of the violation, that person shall be assessed a penalty of \$30.00, the person's driver's license will be suspended for 90 days, and the person's automobile insurance rates may increase substantially.

Alcohol Education:

**Yes**

For a first license suspension based on a refusal, an admin per se action or a DWI conviction, a defendant must complete an alcohol and driver education program. After this program, the person must submit to an assessment to determine if additional therapy is needed. The defendant must complete any required education or therapy prior to license reinstatement. 23 §§1205, 1206, 1208 and 1209a(a)(1)

For a second suspension based on refusals, admin per se actions or DWI off convictions, a defendant has to successfully complete an alcohol and driving rehabilitation program and show substantial progress in completing a therapy program prior to license reinstatement. 23 §§1205, 1206, 1208 and 1209a(a)(2)

For a third or subsequent suspension based on refusals, admin .per se actions or DWI off convictions, a defendant has to complete or show substantial progress in completing a therapy program prior to license

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reinstatement. 23 §§1205, 1206, 1208 and 1209a(a)(3)  
If a person has had the license suspended/revoked (1) for at least 3 years or (2) for life as a result of a refusal, admin per se action, a DWI conviction, or for driving with a BAC/BrAC ≥.02 if under 21 years old, the license may be reinstated if the person abstains from the consumption of alcohol for 2 or 3 years, respectively. The abstinence period does not include any period of time the person was incarcerated in a correctional facility. In the case of a lifetime suspension, a person is eligible for license reinstatement only once.  
23 §§1205, 1206, 1208 and 1209a(b)

Vehicle Impoundment/Confiscation:

**Immobilization:** second or subsequent offense – the vehicle operated by the offender may be immobilized for 18 months or when that person obtains a valid license, whichever comes first. This action is discretionary. 23 §1213a.

**Forfeiture:** Third or subsequent offense – the vehicle operated by the offender may be forfeited. This action is discretionary. 23 §1213b

**Special Assessment:** A defendant is assessed a mandatory **\$20.50** fee; \$13.50 of this fee is deposited into an account that is used to assist/compensate victims of crimes. 13 §7282.

Other Criminal Actions Related to DWI

Homicide by Vehicle:  
State Has Such a Law:

**Yes.** There are two vehicle homicide laws. The first applies to death caused by motor vehicle operation in violation of law. 23 §1091(b)(3). The second applies to death caused by DWI. 23 §1210(e). Both of these offenses are felonies and the criminal sanctions for a conviction under either section are the same.

Sanctions:

Criminal Sanction:  
Imprisonment (Term):

**1 to 15 years.** {These penalties do not foreclose the option of tougher penalties for manslaughter (homicide) convictions.} 13 §1 and 23 §§1091(c) and 1210(e)

Mandatory Minimum Term:  
Fine (\$ Range):  
Mandatory Minimum Fine:  
Administrative Licensing Action:  
Licensing Authorized and  
Type of Action:  
§1210(e)

**None**  
Not more than **\$10,000**  
**None**

If death is related to DWI – **Suspension**<sup>1201</sup> 23

If death is not DWI-related. **Suspension** 23 §1091(b)(3) 23 §§1206(b), 1210(e) and 1091(c)

Length of Term of

<sup>1200</sup> Before a defendant's license is reinstated, that person must complete an alcohol and driver education program. 23 §§1206(b) and 1209(a).

Licensing Withdrawal: If death is DWI-related – **1 year**; If death is not DWI related – **1 year** plus any other suspension period required under the point system. See 23 §§2505and2506

Mandatory Action--Minimum

Length of License

Withdrawal:

If death is DWI-related – **1 year**; If death is not DWI related – **1 year** plus any other suspension period

Driving While License Suspended or Revoked

Where the Basis Was a DWI Offense:

Sanction:

Criminal:

Imprisonment (Term):

**Misdemeanor** – Not more than **2 years**.<sup>1202</sup> 13 §1 and 23 §674(b)

Mandatory Minimum Term

Imprisonment:

First offense – **48 hours** (Note: This ‘mandatory’ sanction does not apply if (1) the license suspension has “run” and (2) the offender has completed alcohol education or treatment or other requirements under 21 §1209a. Second offense – **96 hours**; third offense – **8 consecutive days**; fourth and subsequent offense – **16 consecutive days**. 23 §674(b) There can be no community service in lieu of these minimum jail terms. *State v. Baker*, 579 A.2d 479 (Vt. 1990)

Fine (\$ Range):

Not more than **\$5,000** 23 §674(b)

**Surcharge:** In addition to any fine sanction, there is a surcharge of **\$50**, used to fund drunk driving law enforcement. 23 §674(g)

Mandatory Minimum Fine:

**None**

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

**Suspension** 23 §2506

Length of Term of License

Withdrawal Action:

(1) first offense – **30 days**; second offense – **90 days**; third and fourth offenses – **6 months** or (2) suspension under the point system, whichever is greater.<sup>1203</sup> 23 §2506

<sup>1201</sup> Under 23 §674(d), if a person is convicted of both a violation of 23 §674 and DWI (23 §1201), any penalty or suspension/revocation for these offenses shall be consecutive (not concurrent).

<sup>1202</sup> A person commits only a traffic violation, with a fine of not more than \$175, if that person drives while suspended or revoked but after the period of suspension or revocation has expired; i.e., the offender is eligible for a license but has not applied for reinstatement. 23 §§676(b) and 2302(c)

**Special Note:** There are several statutory schemes concerned with operating a CMV during either a CDL disqualification or a CDL out-of-service order. I. Under 23 §§674(a) and 677, a person who operates a CMV while disqualified commits a misdemeanor and is subject to an imprisonment of not more than 2 years and/or a fine of not more than \$5,000. II. Under 23 §§4107(b) and 2302(a)(5) and (c), it is a civil traffic violation, with a fine of not more than \$175, to operate a CMV while either disqualified or under an out-of-service order. III. Under 23 §4120, notwithstanding any other provision of law, a person who violates CDL out-of-service order is subject to a penalty of \$1,000. IV. Under 23 §4119, a person who is convicted of violating a CDL out-of-service order is subject to the following CDL disqualification periods: first offense – 90 days (mand); second offense (within 10 years) – 1 year (mand); and, third or subsequent offense (within 10 years) – 3 years (mand). The following disqualification periods apply if the out-of-service order conviction was the result of driving a CMV which was either transporting

Driving While License Suspended or Revoked  
Where the Basis Was a DWI Offense  
 (con't)

Mandatory Term of License  
 Withdrawal Action:

**None**

Other:

**I. Community Service:** first offense – **40 hours**;  
 second offense – **80 hours**; third offense – **120 hours**.  
 These sanctions are in addition to incarceration. 23  
 §674(b)

**II. Immobilization:** second or subsequent offense –  
 the vehicle operated by the offender may be  
 immobilized for 18 months or when the person obtains  
 a valid license, whichever comes first. This action is  
 discretionary. 23 §674(h)

**III. Forfeiture.** third or subsequent offense – the  
 vehicle operated by the offender may be forfeited.  
 This action is discretionary. 23 §674(h)

Habitual Traffic Offender Law:  
 State Has Such a Law (Yes/No):  
 Grounds for Being Declared an  
 Habitual Offender:

**Yes** 23 §673a

8 or more convictions based on moving violations,  
 (with 6 points or more assessed for DWI offenses,  
 within 5-year period

Term of License Rev While  
 Under Habitual Offender Status:

**2 years** 23 §673a

Type of Criminal Offense if  
 Convicted on Charges of  
 Driving While on Habitual  
 Offender Status:

**None**

Sanctions Following a Conviction of  
 Driving While on Habitual Offender  
 Status:

Imprisonment (Term):  
 Mandatory Minimum Term of  
 Imprisonment:  
 Fine (\$ Range):  
 Mandatory Minimum Fine (\$):  
 Licensing Actions (Specify):

Other State Laws Related To Alcohol Use:

Laws Requiring BAC Chemical Tests on  
Persons Killed in Traffic Accidents:  
 State Has Such a Law (Yes/No):

**No**

BAC Chemical Test Is Given to the

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hazardous materials or 15 or more persons: first offense – 180 days (mand); and, second or subsequent offense  
 (within 10 years) – 2 years (mand).

the Following Persons:

Driver:  
Vehicle Passengers:  
Pedestrian:

Laws Establishing the Minimum Ages  
Concerning Alcoholic Beverages\*:

Minimum Age (Years) Sale/Purchase: **21**<sup>1204</sup> 7 §§2(26), 238, 656, 657 and 658  
Minimum Age (Years) Possession: **21** 7 §§2(26), 656 and 657 There is an employment exemption.  
Minimum Age (Years) Consumption: **21** 7 §§2(26), 656 and 657

Dram Shop Laws and Related Legal Actions:

State Has a Dram Shop Law (Yes/No): **Yes** 7 §501<sup>1205</sup>  
"Dram Shop Law" Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation): **No**  
Dram Shop Actions-Social Hosts: **Yes.** I. A social host may be held liable for the actions of an intoxicated minor if the host "knowingly furnishes" intoxicating beverages to such minor. 7 §501(g)(2)<sup>1206</sup>  
II. Also, via common law negligence, a social host who furnishes alcoholic beverages to a visibly intoxicated guest may be liable to a third person for injuries caused by such guests.<sup>1207</sup> *Langle v. Kurkul*, 510 A.2d 1301 (Vt. 1986)  
I. A licensee may be liable for the injuries sustained by an intoxicated patron. *Estate of Kelly v. Moguls, Inc.*, 632 A.2d 360 (Vt. 1993)  
II. However, a social host is not liable for the injuries sustained by an intoxicated guest. *Langle v. Kurkul*, 510 A.2d 1301 (Vt. 1986) **Comment:** Language by

<sup>1203</sup> Students who are 18 years old or older and who are enrolled in post secondary education culinary arts program are exempt from the drinking age limit law. 7 §3

<sup>1204</sup> I. Individuals living with a person who was killed in an automobile accident after becoming intoxicated at two bars have a cause of action against such bars under the Dram Shop Act for damages (loss of support). *Thompson v. Dewey's South Royalton, Inc.*, 733 A.2d 65 (Vt. 1999)

II. A franchisor may or may not be liable under the dram shop law for the actions of a franchisee. The extent of any liability will depend upon the control exercised by the franchisor over the franchisee. *Carrick v. Franchise Associates, Inc.*, 671 A.2d 1243 (Vt. 1995)

<sup>1205</sup> Title 7, §501(g)(1) provides that, except for certain liability for the actions of minors under subsection (g)(2), nothing in the dram shop law shall create a "statutory" cause of action against a social host. However, subsection (g)(1) does provide that it "shall not be construed to limit or otherwise affect the liability of a social host for negligence at common law."

<sup>1206</sup> A minor passenger was killed in motor vehicle accident while riding with an intoxicated minor driver. The driver became intoxicated after consuming alcoholic beverages on property owned by the defendants but where such defendants were neither present at the time of nor any way participated in the serving of such beverages to the driver. The court held that, under these circumstances, the defendant landowners could not be held liable in negligence for the death of the passenger. *Knight v. Rower*, 742 A.2d 1237 (Vt. 1999).

the court in this case seems to indicate that a social host may be liable for the injuries sustained by a minor guest.

Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:

Type of Criminal Action:

**None.** Note: The Vermont Supreme Court has stated that this State "... has no ... statute making it a crime for any person ... to sell or furnish alcoholic beverages to an adult who is visibly intoxicated." *Lange v. Kurkul*, 510 A.2d 1301, 1304 (Vt. 1986)

Term of Imprisonment:

Fine (\$ Range):

Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:

License to Serve Alcoholic Beverages

Withdrawn (Yes/No):

**No**<sup>1208</sup>

Length of Term of License Withdrawal:

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:

Type of Criminal Action:

**Misdemeanor**<sup>1209and1210</sup> 7 §658 and13§1. See Footnote No. <sup>1211</sup> for an exception.

Term of Imprisonment:

**2 years** 7 §658

Fine (\$ Range):

**\$500 to \$2,000** 7 §658

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the

<sup>1207</sup> However, an establishment's liquor license can be revoked if it violates State regulations that either (1) prohibit intoxicated persons from loitering on a premises or (2) require that a licensee maintain control of patrons. *In Re Con-Elec. Corp.*, 716 A.2d 822 (Vt. 1998)

<sup>1208</sup> Under 7 §224(c), "[n]o spirituous liquor shall be sold by a third class licensee to a minor." See 7 §667 for possible sanctions for a violation of 7 §224(c).

<sup>1209</sup> A person commits a felony if he/she sells or furnishes alcoholic beverages to a minor who, as a result of such illegal action, causes either a death or serious bodily injury. Such death or injury can be to either the minor or another person. The sanctions for this offense are incarceration for not more than 5 years and/or a fine of not more than \$10,000. 7 §658(d) and 13 §1

<sup>1210</sup> **Exception:** A second Class licensee employee who violates this requirement during a law enforcement "compliance check" is subject to the following sanctions: for a first offense, a civil penalty of not more than \$100; for a second offense (more than 1 year after the first offense), a civil penalty of \$100 to \$500; for a second offense (within 1 yr) or a third or subsequent offense (within 3 years), an employee is subject to the criminal sanctions noted. 7 §658(c)

Minimum Legal Drinking Age:  
License to Serve Alcoholic Beverages  
Withdrawn (Yes/No):

**Yes Suspension/Revocation** 7 §236(a) {An  
"administrative penalty" of not more than \$2,500 may be  
imposed on a licensee in lieu of suspension/revocation.}  
7 §236(b)

Length of Term License Withdrawal:

**Indeterminate** 7 §236(a)

Anti-Happy Hour Laws/Regulations:

**No**

Laws Prohibiting (1) the Possession of  
Open Containers of Alcoholic Beverages  
and (2) the Consumption of Alcoholic  
Beverages in the Passenger Compartment  
of a Vehicle:

Open Container Law (Yes/No):

**Yes** Drivers and passengers. 23§1134(b) and  
23§1134a(a)

Anti-Consumption Law (Yes/No):

**Yes** Drivers and passengers. 23 §1134(a) and  
23§1134a(a)