COMMONWEALTH of VIRGINIA
Commission
on the
Virginia Alcohol Safety Action Program (VASAP)

Angela D. Coleman
Executive Director

October 30, 2026

The Honorable Scott A. Surovell
Chair, Senate Committee for Courts of Justice
Senate of Virginia
P.O. Box 396
Richmond, Virginia 23218

And

The Honorable Patrick A. Hope
Chair, House Committee for Courts of Justice
Virginia House of Delegates
P.O. Box 406
Richmond, Virginia 23218

Re: Report pursuant to HB 561, Chapter 1112, 2026 Acts of Assembly

Dear Senator Surovell and Delegate Hope:

On behalf of the Commission on the Virginia Alcohol Safety Action Program (VASAP), I am pleased to submit Evaluation of Virginia's DUI Laws and Alcohol Safety Programs, prepared pursuant to Enactment Clause 2 of House Bill 561 (Chapter 1112, 2026 Acts of Assembly), in advance of the November 1, 2026 deadline.

As directed, the work group evaluated Virginia's DUI laws, alcohol safety programs, and ignition interlock requirements, including their protection of public safety and emphasis on prevention; other states' judicial and administrative license suspension practices; penalties for alcohol or drug-related reckless driving; alignment with national highway safety standards, including those of the National Highway Traffic Safety Administration; and other topics deemed relevant by the Commission. The enclosed report incorporates stakeholder feedback and presents findings and recommendations for your consideration.

The work group included the following members:

Angelisa Jennings	Virginia Highway Safety Office
Dr. James Hutchings	Virginia Department of Forensic Science
Dr. Michelle Peace	Institute of Drug and Alcohol Studies at VCU

The Honorable Jody H. Fariss	General District Court in the 10th Judicial Circuit
Danielle Wolfe	Insurance Institute for Highway Safety
Julie Seitz	AllRise
Lt. Christina Williams	Virginia State Police
Janet Baugh	Office of the Attorney General
Clarissa Berry	Virginia Association of Commonwealth Attorneys
Emily Witt	Virginia Department of Motor Vehicles
Ashley Cole	John Tyler ASAP
Angela Coleman	Commission Executive Director
Christopher Morris	Commission Special Programs Coordinator
Charlene Motley	Commission Field Services Supervisor

We appreciate the members' contributions and the assistance of Casanova Powell Consulting and Griffin Research, LLC in preparing this study. Thank you for your consideration of the report and its recommendations.

Sincerely,

Angela Coleman, Executive Director
Commission on the Virginia Alcohol Safety Action Program

Enclosure: Evaluation of Virginia's DUI Laws and Alcohol Safety Programs

EVALUATION OF VIRGINIA'S DUI LAWS AND ALCOHOL SAFETY PROGRAMS

Study Report Pursuant to House Bill 561 (2026)
Prepared by Casanova Powell Consulting & Griffin Research, LLC for the
Commission on the Virginia Alcohol Safety Action Program (VASAP)
November 1st, 2026

Prepared in response to Enactment Clause 2 of House Bill 561 (Chapter 1112, 2026), addressing Virginia's DUI laws and alcohol safety programs, including license suspensions, ignition interlock requirements, alcohol- or drug-related reckless driving, and alignment with national highway safety standards.

Acknowledgements

We extend our sincere appreciation to the members of the work group for contributing their time, expertise, and perspectives to this review of the Commonwealth of Virginia's impaired-driving laws and programs pursuant to House Bill 561. Their participation helped identify strengths, challenges, and opportunities across the Commonwealth's impaired-driving system and informed the findings and recommendations presented in this report.

Members of Working Group:

Virginia Highway Safety Office	Angelisa Jennings
Virginia Department of Forensic Science	Dr. James Hutchings
Institute of Drug and Alcohol Studies at VCU	Dr. Michelle Peace
General District Court in the 10th Judicial Circuit	The Honorable Jody H. Fariss
Insurance Institute for Highway Safety	Danielle Wolfe
AllRise	Julie Seitz
Virginia State Police	Lt. Christina Williams
Office of the Attorney General	Janet Baugh
Virginia Association of Commonwealth Attorneys	Clarissa Berry
Virginia Department of Motor Vehicles	Emily Witt
John Tyler ASAP	Ashley Cole
Commission Staff	Angela Coleman, Executive Director
	Chris Morris, Special Programs Coordinator
	Charlene Motley, Field Services Supervisor

We appreciate the staff of the Commission on VASAP for their assistance in coordinating the working group, responding to requests for information, and providing insights into program operations.

Casanova Powell Consulting & Griffin Research, LLC

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Executive Summary

Pursuant to House Bill 561, the Commission on the Virginia Alcohol Safety Action Program (VASAP) convened a work group to evaluate Virginia's impaired-driving laws and programs. The review combined a fifty-state statutory comparison, stakeholder input, and examination of program operations to assess public safety, prevention, and alignment with national highway safety guidance.

The evaluation found that Virginia has a strong statewide system for offender education, treatment referrals, ignition interlock oversight, and compliance monitoring. VASAP links local programs with courts, licensing authorities, and treatment providers and serves as a national model. Recent reforms clarify Commission authority and local accountability, while creating opportunities to improve consistency and coordination.

Despite these successes, several legislative, data, and safety gaps were identified where Virginia currently falls short of national best practices and peer states. Virginia has the shortest administrative license suspension period for both BAC and refusal-based violations for DUI offenders in the country. While often credited as having an all-offender DUI ignition interlock requirement, a significant loophole exists that allows many first-time offenders to avoid this requirement – even under aggravating circumstances. It was also found that individuals convicted of reckless driving, but suspected of having alcohol or other drug involvement, may also avoid ignition interlock requirements, treatment, and offense tracking for multiple DUI offenses under the current system. Virginia fails to meet NHTSA's funding requirements for an alcohol open container law, which costs the Commonwealth flexibility in spending federal resources. This report makes several statutory recommendations to address these public health areas and bring Virginia into alignment with national best practices. This includes increasing the initial administrative license suspension period, requiring ignition interlocks as a condition of license reinstatement, and strengthening Virginia's open container law.

Drug-impaired driving, especially given the rapidly shifting cannabis legalization and retail sale landscape in Virginia, presents additional challenges for detection, prosecution, and prevention. The report supports continued training for law enforcement, prosecutors, and judges; broader toxicology testing to better identify drug use, including use in combination with alcohol; and statutory authorization for oral fluid drug testing. These recommendations enhance the tools available to address this growing and complex issue.

The report also addresses data gaps, financial assistance, and ASAP program consistency. Traffic safety data remain siloed within the Commonwealth. A comprehensive review of data collection, sharing, and public access is recommended. Finally, two VASAP considerations are recommended. Judicial waivers for VASAP costs can place a burden on the ASAPs relying on this funding; a review is recommended to examine eligibility for financial assistance that directly includes VASAP in the eligibility process. Given the recent legislative enhancements to VASAP, it is also recommended that an evaluation be conducted to assess consistency across ASAPs.

Background and Introduction

Legislative Charge

House Bill 561 (2026 Va. Acts ch. 1112) amended several provisions of Virginia's impaired-driving laws, effective July 1, 2026. Among other changes, the legislation expanded opportunities for eligible offenders to obtain restricted driving privileges subject to the installation of an ignition interlock device (IID), granted credit for qualifying pretrial participation in an ignition interlock program, and eliminated certain waiting periods for restricted licenses. In conjunction with these amendments, the General Assembly directed the Commission on the Virginia Alcohol Safety Action Program (VASAP) to convene a work group to conduct a broader evaluation of the Commonwealth's impaired-driving framework.

The General Assembly directed the work group to evaluate whether existing provisions adequately protect public safety and promote prevention; compare judicial and administrative license suspension practices across states; examine penalties for alcohol- or drug-related reckless driving; and assess consistency with national highway safety standards, including those established by the National Highway Traffic Safety Administration (NHTSA). The directive also authorized the work group to consider additional topics deemed relevant by the Commission.

The legislation required representation from state agencies, the judiciary, prosecutors, the traffic safety industry, and other relevant stakeholders, and directed the Commission to seek stakeholder input throughout the review. This report presents the work group's findings and recommendations to the Chairs of the House and Senate Committees for Courts of Justice, as required by HB 561, for submission by November 1, 2026 (2026 Va. Acts ch. 1112, enactment cl. 2).

The Commonwealth of Virginia in a National Context

Impaired driving remains a significant public safety concern both in Virginia and across the country. Over the most recent five years of data available from the Virginia Department of Motor Vehicles (2021-2025), there were 33,557 crashes involving alcohol and 5,361 involving drugs.[1] Given restrictions on drug testing when a driver is found to have a blood alcohol concentration of 0.10 g/dL or greater, the drug-involved crashes are quite likely significantly undercounted.

While there are not comparable national statistics on drugged driving fatalities (Berning, Smith, Wochinger, and Drexler, 2022), NHTSA's Fatality Analysis Reporting System (FARS) tracks and compares Virginia's alcohol-impaired driving fatalities to other states in the country. In the past five years of FARS data (2020 – 2024), there were 252 alcohol-impaired driving fatalities in Virginia. This equated to 29% of all traffic fatalities. This is slightly below the national average of

[1] These categories are not mutually exclusive; a driver testing positive for alcohol and other drugs would be included in both crash statistics.

31%. Accounting for population and driving exposure, Virginia has an alcohol-impaired driving fatality rate per 100 million vehicle miles traveled (VMT) of 0.28, compared to the national rate of 0.36 (NCSA, 2026). This shows that despite continuing challenges with impaired driving in Virginia, the Commonwealth does perform better than the national average on several key impaired driving statistics.

Objectives

This report examines Virginia's impaired-driving laws and programs to assess their approach to public safety and prevention. As stated in HB 561, its objectives are to:

> *evaluate the provisions governing driving or operating a motor vehicle under the influence of alcohol (DUI), including Virginia's alcohol safety programs and the installation of an ignition interlock system to determine (i) the extent to which such provision protect public safety and reflect a prevention-oriented approach; (ii) other state approaches to judicial and administrative license suspensions as a result of a charge or conviction associated with DUI; (iii) penalties related to a conviction of a reckless driving offense that the court has reason to believe is alcohol-related or drug-related; (iv) the alignment of such provisions with national highway safety standards including standards from the National Highway Traffic Safety Administration; and (v) any other topics deemed relevant by the Commission on VASAP.*

Accordingly, this report compares judicial and administrative license suspensions, restricted-driving privileges, and ignition interlock requirements across states; examines penalties for alcohol- or drug-related reckless driving; and assesses alignment with national highway safety standards, including NHTSA guidance. The review also addresses related issues involving reduced charges and deferred disposition, open-container laws and federal funding, drug-impaired driving, VASAP, and data integration. These findings, together with stakeholder input, provide the basis for recommendations concerning the Commonwealth's impaired-driving framework (2026 Va. Acts ch. 1112, enactment cl. 2).

Methods

The study evaluated the extent to which Virginia's impaired-driving laws, including ignition interlock requirements and VASAP provisions, protect public safety and reflect a prevention-oriented approach.

The evaluation included a review of Virginia statutes and regulations, comparative state legal research, and comparison with NHTSA impaired-driving countermeasures and ignition interlock specifications. Interviews involved representatives of VASAP, DMV, the Highway Safety Office/TREDS, law enforcement, the judiciary, and the Office of the Attorney General, as well as prosecutors, agency counsel, forensic toxicologists, and other subject-matter experts. The study also mapped pre- and post-conviction DUI processes and examined program operations, data availability, ownership and integration, and drug-impaired driving detection practices.

Stakeholder Working Group

A working group was organized in coordination with VASAP. Consistent with HB 561, the working group included representatives identified and invited for their specific roles and expertise within Virginia's impaired driving and traffic safety landscape. The stakeholder working group was intended to foster constructive dialogue among partners representing enforcement, courts, prosecution, treatment, highway safety, transportation, traffic records, public health, technology, and related disciplines. Working group participants included the following Commonwealth of Virginia agencies:

- The Commission on VASAP
- VA Department of Motor Vehicles
- VA Highway Safety Office
- Virginia Department of Forensic Science (DFS)
- Institute of Drug and Alcohol Studies
- Department of Pharmacology and Toxicology - Virginia Commonwealth University
- General District Court in the 10th Judicial Circuit of Virginia
- Virginia State Police - Richmond Division of Field Operations
- Virginia Attorney General's Office
- Virginia Association of Commonwealth Attorneys (VACA)
- John Tyler ASAP

The working group also included representatives from nationally recognized organizations considered subject matter experts regarding impaired driving legislation, policy, and programs, including the Insurance Institute for Highway Safety (IIHS) and Impaired Driving Solutions (IDS), a division of AllRise.

Stakeholder Working Group Meetings

The project held two working group meetings. The first meeting took place on Monday, June 8th at the Commission on VASAP state office. Stakeholder discussions focused on identifying system strengths, implementation challenges, opportunities for enhanced coordination across agencies, and strategies to improve public safety outcomes throughout the Commonwealth. Topics included:

- Impaired driving program operations and coordination
- Ignition interlock compliance and monitoring
- Data quality, linkage, and information-sharing opportunities
- Drug-impaired and polysubstance driving trends
- Regional and jurisdictional implementation considerations
- Potential statutory, policy, and programmatic enhancements
- Best practices and innovative approaches from other states

A final stakeholder working group meeting took place on Thursday, October 29, at the Bank of America Financial Center's 3rd-floor conference room in Richmond, Virginia. The meeting shared the project findings and key elements of the report with the working group.

Stakeholder Working Group Individual Interviews

The team conducted individual interviews with each agency representative. Before the interviews, the team drafted a tailored discussion guide and sent it to each working group member to frame the 60-minute discussion. Individual meeting topics included:

Judicial elements:

- how impaired driving cases move through Virginia's criminal justice system and how prosecutorial decisions interact with the VASAP program. This discussion is intended to better understand:
- current DUI case processing from arrest through disposition
- intersections between prosecution and VASAP
- how information flows among agencies
- where critical data are collected, stored, and exchanged
- timing between important case milestones
- adjudication process strengths
- data tracking elements/linkages
- opportunities for legislative, policy, operational, and technological improvements

VASAP elements:

- overall program flow
- court referral or DMV requirement
- offender intake/enrollment
- screening and assessment of participants
- assignment to education and/or treatment
- ignition interlock coordination when required
- ongoing compliance monitoring
- violation reporting to the court/DMV
- completion certification
- DMV license eligibility review and restoration
- data tracking elements/linkages
- average program time intervals

Meeting notes were compiled, synthesized, and used to inform the final report.

Fifty-State Statutory Comparison

This review examined impaired-driving statutes in all 50 states to identify differences between Virginia law and the approaches adopted elsewhere. It examined topics relevant to the work group's charge under HB 561, including license suspensions and revocations before and after conviction; ignition interlock requirements; alcohol- and drug-related reckless driving and reduced charges; diversion and deferred-disposition programs for first-time offenders; and open-container prohibitions and penalties (2026 Va. Acts ch. 1112, enactment cl. 2).

State statutes located on government and state-specific websites served as the primary sources for the review. The analysis reflects laws in effect as of September 1, 2026, with enacted changes carrying later effective dates identified separately. The analysis compared relevant provisions by statutory triggers, procedural stage, applicable sanctions or restrictions, and eligibility requirements. Where relevant, the analysis distinguished mandatory requirements from discretionary authority and ordinary first-offense provisions from those applicable to repeat offenses or aggravating circumstances.

The analysis compared state approaches to identify common statutory patterns, differences from Virginia law, and alternative approaches within the selected subject areas. National counts were reported for categories examined across all fifty states, while selected state examples illustrate additional statutory approaches. Findings were also assessed against relevant recommendations in the National Highway Traffic Safety Administration's *2025 Highway Safety Program Guideline No. 8: Impaired Driving*, as well as NHTSA's *Model Guideline for State Ignition Interlock Programs*, published in 2013. Other federal guidance, recommendations, and research were considered where relevant. The review is limited to statutory language. State implementation, sentencing guidelines, and enforcement practices were not independently evaluated.

Best Practice Program Review

The review examined state impaired-driving laws, programs, and policies, including practices related to law enforcement training, electronic warrants, ignition interlock programs and offender monitoring, DUI offender screening and risk assessment, toxicology and oral-fluid testing, and behavioral intervention programs. This information was collected through an internet scan of State agency websites, including DMV agencies, State Highway Safety Offices (SHSO), and state judicial websites and website references. Information regarding state impaired-driving laws and programs was collected through access to state government websites containing impaired-driving law statutes and program policies and procedures.

Additionally, a high-level review of the Commonwealth of Virginia impaired-driving data quality was conducted according to NHTSA-adopted state traffic records performance measures: timeliness, completeness, uniformity, accuracy, accessibility, and integration.

Data Requests

The project team requested data from several agencies to identify and evaluate arrests, convictions, administrative license actions, ignition-interlock orders and installations, program completion, violations, crash involvement, and other indicators. The project team requested Traffic Records Electronic Data System (TREDS) data from the VA DMV. The VA DMV confirmed it can produce certain aggregate crash data and several interlock-related measures, including total installations, installations by offense category, out-of-state cases, violations or circumventions through ad hoc queries, and successful interlock completion.

Other requested data, particularly arrest-level outcomes, charge reductions, administrative suspension measures, repeat-offense rates, and complete arrest-to-relicensing timelines, require information maintained outside HSO/TREDS or additional record linkage. These data were pursued through other venues; unfortunately, these requests were unable to be fulfilled within the timeframe needed for this project. Aggregate yearly totals for alcohol-involved crashes and crashes that occurred where drug presence was indicated on the chemical test (see Table 7) were provided. Other crash data found in this table were supplemented by Virginia DMV reports published online. The Virginia DFS also provided de-identified data to the team.

Results

Fifty-State Statutory Comparison

Administrative Suspensions

Administrative license suspensions restrict driving privileges without requiring a criminal conviction. Following an impaired-driving arrest, there are three distinct circumstances that trigger an administrative suspension in Virginia: when a qualifying test shows a blood alcohol concentration (BAC) of 0.08 g/dL or higher, when a qualifying breath test shows a BAC of 0.02 g/dL or higher for a person under the age of 21, or when any person refuses a breath or blood test required under the implied-consent law (Va. Code § 46.2-391.2). This review focuses on administrative suspensions for test refusals and drivers age 21 or older with a BAC of 0.08 g/dL or higher for first offenses. For underage offenders, Virginia is one of thirty-three states to enact low-threshold, pre-conviction suspension laws.[2] For context, Virginia imposes a 60-day administrative suspension for a second offense, or until trial, whichever occurs first. A third or subsequent offense results in suspension until trial (Va. Code § 46.2-391.2(A)).

Virginia's seven-day administrative suspension is the shortest initial suspension period among the 50 states for first-time offenders with a BAC of 0.08 g/dL or higher or a qualifying test refusal. Virginia's initial seven-day administrative suspension is separate from the one-year

[2] These states include Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Texas, Utah, Vermont, Virginia, Washington, and Wyoming (Alaska Stat. §§ 28.15.183, 28.35.280; Ark. Code Ann. §§ 5-65-303, 5-65-304; Cal. Veh. Code §§ 23136, 13353.2, 13388; Colo. Rev. Stat. § 42-2-126; Conn. Gen. Stat. §§ 14-227b, 14-227g; Del. Code Ann. tit. 21, §§ 2742, 4177L; Fla. Stat. § 322.2616; Ga. Code Ann. § 40-5-67.1; Idaho Code §§ 18-8002A, 18-8004(1)(d); 625 ILCS 5/11-501.8; Iowa Code §§ 321J.2A, 321J.12; Kan. Stat. Ann. § 8-1567a; La. Rev. Stat. § 32:667; Me. Rev. Stat. tit. 29-A, § 2472; Md. Code Ann., Transp. § 16-113; Mass. Gen. Laws ch. 90, § 24(1)(f)(2); Miss. Code Ann. § 63-11-23; Mo. Rev. Stat. § 302.505; Nev. Rev. Stat. §§ 483.461, 483.462; N.H. Rev. Stat. Ann. § 265-A:30; N.M. Stat. Ann. § 66-8-111; N.Y. Veh. & Traf. Law §§ 1192-a, 1193(2)(a)(2), 1194-a; N.C. Gen. Stat. § 20-16.5; 2026 Cent. Code § 39-20-04.1; Okla. Stat. tit. 47, § 754; Or. Rev. Stat. §§ 813.300, 813.410; S.C. Code Ann. § 56-1-286; Tex. Transp. Code §§ 524.011, 524.012, 524.022; Utah Code § 53-3-231; Vt. Stat. Ann. tit. 7, § 656; Va. Code § 46.2-391.2; Wash. Rev. Code § 46.20.3101; Wyo. Stat. §§ 31-6-108, 31-7-128(h)).

licensing penalties imposed upon a first DUI conviction or a first civil finding of unreasonable refusal, both of which require court adjudication (Va. Code §§ 18.2-268.3, 18.2-271, 46.2-391.2).

Nationally, for drivers with a BAC of 0.08 g/dL or higher, the most common administrative suspension period is 90 days, established in eleven states. The second most common is 180 days, established in six states. The review identified eight states that use elevated BAC thresholds, ranging from 0.15 to 0.18 g/dL, in their administrative licensing frameworks, including provisions affecting suspension periods or interlock requirements. Because states vary widely, Table 1 shows only the most common BAC administrative suspension periods, along with the states that have elevated BAC provisions in their administrative suspension framework.

Table 1. Administrative Suspension Periods for BAC*

Suspension Period/Provision	Number of States	States
90 Days	11	Alabama, Alaska, Arizona, Idaho, Minnesota, Mississippi, Oregon, Texas, Vermont, Washington, Wyoming
180 Days	6	Indiana, Iowa, Louisiana, Maryland, Nebraska, Oklahoma
Elevated BAC Threshold (0.15 – 0.18)	8	Colorado, Hawaii, Kansas, Louisiana, Maryland, Minnesota, North Dakota, South Carolina

*Note: This table presents selected common administrative licensing provisions. The elevated BAC category overlaps with the suspension period categories.

Ala. Code § 32-5A-304; Alaska Stat. §§ 28.15.165, 28.15.181; Ariz. Rev. Stat. § 28-1385; Colo. Rev. Stat. §§ 42-2-126, 42-2-132.5; Haw. Rev. Stat. §§ 291E-1, 291E-41; Idaho Code § 18-8002A; Ind. Code § 9-30-6-9; Iowa Code § 321J.12; Kan. Stat. Ann. § 8-1014; La. Rev. Stat. § 32:667; Md. Code Ann., Transp. § 16-205.1; Minn. Stat. §§ 169A.52, 171.178; Miss. Code Ann. § 63-11-23; Neb. Rev. Stat. § 60-498.02; 2026 Cent. Code § 39-20-04.1; Okla. Stat. tit. 47, §§ 6-205.1, 754; Or. Rev. Stat. § 813.420, S.C. Code § 56-5-2951; Tex. Transp. Code § 524.022; Vt. Stat. Ann. tit. 23, § 1205; Wash. Rev. Code § 46.20.3101; Wyo. Stat. § 31-6-102.

Administrative penalties for refusal are generally longer than those triggered by BAC. Twenty-seven states establish a one-year suspension or revocation period for qualifying first test refusals through administrative or specifically provided early judicial refusal proceedings that can operate before final disposition of the underlying DUI charge.[3] Tennessee will extend its 18-month revocation period to first-time implied-consent refusals by drivers without prior DUI convictions, effective January 1, 2027 (2026 Tenn. Pub. Acts ch. 1046). West Virginia permits a one-year revocation for a first refusal or, alternatively, a 45-day revocation followed by one year of ignition interlock participation (W. Va. Code §§ 17C-5-7a, 17C-5A-3a). While Virginia

[3] These states include Arizona, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Washington, West Virginia, and Wisconsin (Ariz. Rev. Stat. § 28-1321; Cal. Veh. Code § 13353; Colo. Rev. Stat. § 42-2-126; Del. Code Ann. tit. 21, § 2742; Fla. Stat. § 322.2615; Ga. Code Ann. § 40-5-67.1; Idaho Code § 18-8002; 625 ILCS 5/6-208.1; Ind. Code § 9-30-6-9; Iowa Code § 321J.9; Kan. Stat. Ann. § 8-1014; La. Rev. Stat. § 32:667; Mich. Comp. Laws § 257.625f; Minn. Stat. §§ 169A.52, 171.178; Mo. Rev. Stat. § 577.041; Neb. Rev. Stat. § 60-498.02; Nev. Rev. Stat. § 484C.210; N.M. Stat. Ann. § 66-8-111; N.Y. Veh. & Traf. Law § 1194; N.C. Gen. Stat. § 20-16.2; Ohio Rev. Code §§ 4511.191, 4510.02; Or. Rev. Stat. § 813.420; 75 Pa. Cons. Stat. § 1547; Tenn. Code Ann. § 55-10-407; Wash. Rev. Code § 46.20.3101; W. Va. Code § 17C-5-7a; Wis. Stat. § 343.305).

separately imposes a one-year suspension upon adjudication of a first unreasonable-refusal offense, its refusal statutes do not establish an expedited hearing timetable for imposing that sanction (Va. Code §§ 18.2-268.3, 18.2-268.4).

Virginia's seven-day suspension also falls below the periods recommended in NHTSA's national guidance (NHTSA, 2025). For first-time offenders whose BAC meets or exceeds the legal threshold, NHTSA recommends a prompt and certain license suspension of at least 90 days. An alternative is at least 15 days without driving privileges, followed immediately by at least 75 days of driving restricted to vehicles equipped with an ignition interlock. The guidance also recommends enhanced sanctions for test refusals and high BAC levels, including longer suspensions (NHTSA, 2025).

To put Virginia's administrative licensing framework into perspective, other short initial suspensions include North Carolina's 30-day revocation for a qualifying BAC test result or chemical test refusal and Massachusetts's suspension of up to 30 days or until earlier case disposition following a qualifying BAC test result. Massachusetts imposes longer suspensions of at least 180 days for chemical test refusals. Connecticut imposes a 45-day suspension for either a qualifying BAC test result or chemical test refusal, followed by mandatory ignition interlock participation (N.C. Gen. Stat. §§ 20-16.2, 20-16.5; Mass. Gen. Laws ch. 90, § 24; Conn. Gen. Stat. § 14-227b(i)). While other states may have relatively short suspension windows, they often pair them with expedited hearings to impose longer penalties. Many states provide limited driving privileges alongside longer suspension periods, such as a court-issued hardship license or a conditional license; however, these provisions vary significantly by state.

Beyond suspension length, states differ in when administrative suspensions take effect and how drivers may challenge them. For example, in Arizona, BAC- and refusal-based administrative suspensions generally take effect 30 days after notice. During that period, drivers may request an administrative hearing or, in BAC-based cases, a summary review. A timely request stays the suspension pending the hearing or review decision (Ariz. Rev. Stat. §§ 28-1321, 28-1385).

New York distinguishes between chemical-test refusals and BAC-based suspensions. A reported refusal triggers a temporary court-ordered suspension pending a DMV hearing. If the DMV does not provide a hearing within fifteen days of arraignment, the temporary refusal suspension is lifted pending the hearing. If the DMV finds that the statutory requirements for revocation are satisfied, it revokes the license for at least one year without requiring a conviction on the underlying impaired-driving charge (N.Y. Veh. & Traf. Law § 1194). For a qualifying impaired-driving charge involving a BAC of 0.08 g/dL or higher, the court must suspend the license pending prosecution after finding that the charging instrument is legally sufficient and that the chemical-test evidence establishes reasonable cause for the BAC finding. Suspension occurs at arraignment or, if test results are unavailable, as soon as practicable after the court receives them. The driver must have an opportunity to rebut the required findings (N.Y. Veh. & Traf. Law § 1193).

Kansas combines an initial administrative suspension with a subsequent period of ignition interlock-restricted driving. Kansas generally imposes a 30-day administrative suspension for a first test failure involving a BAC of 0.08 g/dL to less than 0.15 g/dL, followed by 180 days or one year of ignition interlock-restricted driving, depending on the individual's driving history. The suspension takes effect 30 days after service of notice unless the defendant makes a timely hearing request. A hearing must be requested within 14 days, and a timely request accompanied by the required fee extends temporary driving privileges until 30 days after the administrative decision (Kan. Stat. Ann. §§ 8-1014, 8-1015, 8-1020).

In summary, Virginia's seven-day administrative suspension for a first DUI offense is the shortest in the country and falls below NHTSA's recommendations. The Commonwealth may wish to consider a longer initial suspension consistent with that guidance, accompanied by appropriate procedural safeguards and restricted-driving options. Any change should be evaluated alongside the post-conviction revocation period discussed below, with attention to the total time a person's driving privileges are restricted. The goal should be to protect the public while cases are pending, while allowing offenders access to treatment options without delaying adjudication of the underlying DUI charge.

Post-Conviction License Suspensions

Virginia's one-year license revocation for a first DUI conviction exceeds the standard minimum post-conviction suspension or revocation period in most states (Va. Code § 18.2-271). Thirty-two states establish a standard minimum post-conviction suspension or revocation period of less than one year for a first DUI offense. Twelve states, including Virginia, establish periods of one year or longer. Six states do not establish directly comparable fixed post-conviction suspension periods.[4] Table 2 compares all fifty states to Virginia's post-conviction suspension period for standard first-time offenses.

[4] Arkansas imposes a six-month administrative suspension following arrest, while Indiana and Maryland authorize discretionary post conviction suspensions or revocations. New Jersey ties driving restrictions to BAC levels and ignition interlock requirements. Pennsylvania imposes no suspension for certain first DUI convictions but establishes fixed periods for others. In South Carolina, first offenders must enroll in the six-month interlock program to end the suspension and obtain an interlock-restricted license (Ark. Code Ann. § 5-65-104; Ind. Code § 9-30-16-1; Md. Code Ann., Transp. § 16-205; N.J. Stat. Ann. § 39:4-50; 75 Pa.C.S. § 3804(e); S.C. Code § 56-5-2990).

Table 2. Post-Conviction License Suspension or Revocation Periods for a First DUI Offense

Suspension or Revocation Period	Number of States	States
Less than 1 Year	32	Alabama, Alaska, Arizona, California, Colorado, Connecticut, Florida, Idaho, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Rhode Island, South Dakota, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming
1 Year or Longer	12	Delaware, Georgia, Hawaii, Illinois, Louisiana, Massachusetts, New Mexico, North Carolina, Ohio, Oregon, Tennessee, Virginia
Not Directly Comparable	6	Arkansas, Indiana, Maryland, New Jersey, Pennsylvania, South Carolina

Ala. Code § 32-5A-191; Alaska Stat. § 28.15.181; Ariz. Rev. Stat. § 28-1387; Ark. Code Ann. § 5-65-104; Cal. Veh. Code § 13352; Colo. Rev. Stat. § 42-2-125; Conn. Gen. Stat. § 14-227a; 21 Del. C. § 4177A; Fla. Stat. § 322.28; Ga. Code Ann. § 40-5-63; Haw. Rev. Stat. § 291E-61; Idaho Code § 18-8005; 625 ILCS 5/6-205, 5/6-208; Ind. Code § 9-30-16-1; Iowa Code § 321J.4; Kan. Stat. Ann. § 8-1014; Ky. Rev. Stat. § 189A.070; La. Rev. Stat. § 32:414; Me. Rev. Stat. tit. 29-A, § 2451; Md. Code Ann., Transp. § 16-205; Mass. Gen. Laws ch. 90, § 24; Mich. Comp. Laws § 257.319; Minn. Stat. § 171.178; Miss. Code Ann. § 63-11-23; Mo. Rev. Stat. §§ 302.302, 302.304; Mont. Code Ann. § 61-5-208; Neb. Rev. Stat. § 60-6,197.03; Nev. Rev. Stat. § 483.460; N.H. Rev. Stat. § 265-A:18; N.J. Stat. Ann. § 39:4-50; N.M. Stat. Ann. § 66-5-29; N.Y. Veh. & Traf. Law § 1193; N.C. Gen. Stat. §§ 20-17, 20-19; 2026 Cent. Code § 39-06.1-10; Ohio Rev. Code § 4511.19; Okla. Stat. tit. 47, §§ 6-205, 6-205.1; Or. Rev. Stat. § 809.428; 75 Pa.C.S. § 3804; R.I. Gen. Laws § 31-27-2; S.C. Code § 56-5-2990; S.D. Codified Laws § 32-23-2; Tenn. Code Ann. § 55-10-404; Tex. Transp. Code § 521.344; Utah Code § 41-6a-509; Vt. Stat. Ann. tit. 23, § 1206; Va. Code § 18.2-271; Wash. Rev. Code § 46.61.5055; W. Va. Code § 17C-5-2; Wis. Stat. § 343.30; Wyo. Stat. § 31-7-128.

These periods, however, do not capture the full range of licensing consequences. Virginia's seven-day pre-conviction suspension is comparatively short, while other states may impose significantly longer restrictions before a DUI case is resolved. Recent amendments under HB 561 expanded access to ignition interlock-restricted driving, including opportunities for pretrial participation and credit toward subsequent interlock requirements, without altering Virginia's initial seven-day administrative suspension for first offenses (2026 Va. Acts ch. 1112).

Ignition Interlock and License Reinstatement

States also differ in whether first-time DUI offenders must participate in an IID program before regaining unrestricted driving privileges. NHTSA recommends ignition interlock participation for all alcohol-impaired-driving offenders as a condition of license reinstatement but does not prescribe a uniform post-conviction suspension or interlock period (NHTSA, 2013; NHTSA, 2025). Separate federal grant criteria establish a minimum of 180 days of IID use under specified conditions (23 C.F.R. § 1300.23(g)).

In Virginia, eligible first-time DUI offenders can obtain a restricted license with an ignition interlock as the only driving restriction. For a second DUI conviction, the Virginia Code allows the court to grant the same driving privileges if the offender also uses a remote alcohol

monitoring device for the same period as the ignition interlock and does not consume alcohol during that time. This allows offenders to drive for any lawful purpose as long as they comply with both device requirements and the court's order (Va. Code §§ 18.2-270.1(C), 18.2-270.1(E), and 18.2-271.1(E)).

Under Virginia law, a person convicted of a first DUI offense may generally regain unrestricted driving privileges after completing the revocation period and satisfying other reinstatement requirements without installing an IID, including when an elevated BAC triggers enhanced criminal penalties. This is colloquially referred to as the "walk-time" option. IID requirements for restricted driving during the revocation period are separate from the requirements for unrestricted reinstatement (Va. Code §§ 18.2-270.1, 18.2-271.1(C)).

Table 3 shown below compares IID requirements for standard first alcohol-related offenses involving drivers age 21 or older. Thirty-two states permit unrestricted reinstatement without IID participation, twelve require some form of IID participation, and six provide conditional alternatives to installation. These classifications reflect generally applicable requirements; narrow exceptions involving medical conditions, employer vehicles, or IID provider availability do not determine a state's classification.

Table 3. Standard First-Offense IID Requirements for Unrestricted License Reinstatement

Statutory Classification	Number of States	States
Non-Installation Generally Permitted	32	Alabama, California, Colorado[5], Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming
IID Participation Generally Required	12	Alaska, Arizona, Arkansas, Connecticut, Maryland, Nevada, New Mexico, Oklahoma, Oregon, South Carolina, Tennessee, Washington
Conditional Non-Installation Alternatives*	6	Hawaii, Idaho, Kansas, New Jersey, New York, Utah

* These six states generally impose first-offense IID requirements but permit qualifying offenders to regain unrestricted driving privileges without installation under specified conditions. Depending on the state, eligibility may depend on vehicle ownership or access, refraining from driving for a prescribed period, or obtaining judicial or administrative relief. Some alternatives require an extended revocation or restriction period and satisfaction of additional driving-record requirements (Haw. Rev. Stat. § 291E-61(b)(7); Idaho Code § 18-8002(12); Kan. Stat. Ann. § 8-1026; N.J. Stat. Ann. § 39:4-50.17(c); N.Y. Veh. & Traf. Law § 1193(1)(b)(ii); Utah Code § 41-6a-518.2(2)(d)).
Ala. Code § 32-5A-191; Alaska Stat. § 28.35.030; Ariz. Rev. Stat. §§ 28-3319, 28-1461; Ark. Code Ann. § 5-65-118; Cal. Veh. Code §§ 13352, 23575.3; Colo. Rev. Stat. §§ 42-1-102, 42-2-132.5; Conn. Gen. Stat. § 14-227a; Del. Code Ann. tit. 21, §§ 4177A, 4177C, 4177G; Fla. Stat. § 322.2715; Ga. Code Ann. § 40-5-63; Haw. Rev. Stat. § 291E-61; Idaho Code §§ 18-8002, 18-8005, 18-8008; 625 ILCS 5/6-205, 6-208; Ind. Code §

[5] Effective June 1, 2027, Colorado will generally require first-time DUI offenders to complete nine months of interlock-restricted driving before regaining unrestricted privileges (2026 Colo. Sess. Laws ch. 201, § 1).

9-30-5-16; Iowa Code §§ 321J.4, 321J.17; Kan. Stat. Ann. §§ 8-1014, 8-1015, 8-1026; Ky. Rev. Stat. §§ 189A.070, 189A.340; La. Rev. Stat. §§ 14:98.1, 32:378.2, 32:414; Me. Rev. Stat. tit. 29-A, §§ 2411, 2508; Md. Code Ann., Transp. § 16-404.1; Mass. Gen. Laws ch. 90, § 24½; Mich. Comp. Laws § 257.319; Minn. Stat. § 171.178; Miss. Code Ann. §§ 63-11-23, 63-11-30; Mo. Rev. Stat. §§ 302.304, 302.440; Mont. Code Ann. § 61-8-1010; Neb. Rev. Stat. §§ 60-6,197.03, 60-6,211.05; Nev. Rev. Stat. § 484C.460; N.H. Rev. Stat. §§ 265-A:3, 265-A:36, 265-A:36-a; N.J. Stat. Ann. § 39:4-50.17; N.M. Stat. Ann. § 66-5-33.1; N.Y. Veh. & Traf. Law §§ 1193, 1198; N.C. Gen. Stat. § 20-17.8; 2026 Cent. Code §§ 39-06.1-10, 39-06.1-11; Ohio Rev. Code §§ 4510.022, 4510.13; Okla. Stat. tit. 47, §§ 6-205.1, 6-212.5; Or. Rev. Stat. §§ 813.602, 813.635; 75 Pa.C.S. §§ 3804, 3805; R.I. Gen. Laws §§ 31-27-2, 31-27-2.8; S.C. Code §§ 56-5-2941, 56-5-2990; S.D. Codified Laws § 32-23-2; Tenn. Code Ann. §§ 55-10-409, 55-10-425; Tex. Code Crim. Proc. art. 42A.408; Tex. Transp. Code § 521.344; Utah Code § 41-6a-518.2; Vt. Stat. Ann. tit. 23, §§ 1206, 1209a; Va. Code §§ 18.2-270.1, 18.2-271.1; Wash. Rev. Code § 46.20.720; W. Va. Code §§ 17C-5-2, 17C-5A-3a; Wis. Stat. § 343.301; Wyo. Stat. §§ 31-5-233, 31-7-402

Aggravating circumstances can change whether an offender may regain unrestricted driving privileges without completing some form of IID participation. For second and subsequent DUI offenses and cases involving maiming or involuntary manslaughter, Virginia requires twelve consecutive months of violation-free IID use as a condition of license restoration, with separate restoration provisions under § 46.2-391 (Va. Code §§ 18.2-270.1(B), 18.2-271.1(C), 46.2-391(B)–(C)). Virginia's maiming statute requires serious bodily injury caused by intoxicated driving in a manner so gross, wanton, and culpable as to show reckless disregard for human life (Va. Code § 18.2-51.4).

Virginia increases criminal penalties for a first DUI involving elevated BAC or a passenger age seventeen or younger. However, those circumstances do not statutorily, by themselves, make IID participation a condition of unrestricted license restoration. An otherwise eligible first offender may complete the revocation period and satisfy other reinstatement requirements without installing an IID (Va. Code §§ 18.2-270, 18.2-270.1, 18.2-271.1).

Other states use elevated BAC, child passengers, chemical test refusal, property damage, or bodily injury below a serious-injury threshold as triggers for first-offense IID requirements. For example, effective August 28, 2026, Missouri expanded mandatory IID requirements to first offenses involving a BAC of .15 g/dL or higher, property damage, or personal injury. Florida requires at least six continuous months of IID installation for a first DUI involving a passenger younger than eighteen. Louisiana makes installation a condition of reinstatement following qualifying suspensions involving a first test refusal or a child passenger age twelve or younger (Mo. Rev. Stat. §§ 302.304, 302.440; Fla. Stat. § 322.2715(3)(b); La. Rev. Stat. § 32:667(I)).

Among the thirty-two states identified as permitting the walk-time option for a standard first offense, seventeen establish additional IID provisions that apply even when the offense does not involve serious injury or death, reflected in Table 4. Eleven states eliminate the non-installation option for at least one qualifying circumstance. The remaining six establish additional IID provisions but retain alternatives to installation or limit their application to restricted licenses or community supervision.

Table 4. First-Offense Ignition Interlock Requirements for Aggravating Circumstances*

Statutory Classification	Number of States	States
Non-Installation Option Eliminated for Qualifying Aggravating Circumstances	11	Alabama, California, Florida, Louisiana, Minnesota, Missouri, New Hampshire, North Carolina, Rhode Island, West Virginia, Wyoming
Additional Mandatory or Discretionary IID Provisions with Statutory Alternatives or Limited Application	6	Colorado, Massachusetts, Michigan, Pennsylvania, Texas, Wisconsin

*Note: Each state is counted once, according to its strongest qualifying provision. Inclusion requires at least one first-offense trigger that does not depend on serious injury or death. The comparison includes lesser bodily injury and addresses reinstatement and post-disposition requirements; provisions confined to pretrial conditions are excluded. Longer IID terms under an otherwise optional restricted-driving route are not separately counted unless the qualifying circumstance also changes installation requirements.
Ala. Code § 32-5A-191; Cal. Veh. Code §§ 13352, 23153, 23575.3; Colo. Rev. Stat. §§ 42-1-102, 42-2-132.5; Fla. Stat. §§ 316.193, 322.2715; La. Rev. Stat. § 32:667(I); Mass. Gen. Laws ch. 90, §§ 24(1)(c)(1), 24D; Mich. Comp. Laws §§ 257.319, 257.625; Minn. Stat. §§ 171.178, 609.2113; Mo. Rev. Stat. §§ 302.304, 302.440; N.H. Rev. Stat. Ann. §§ 265-A:3, 265-A:36; N.C. Gen. Stat. § 20-17.8; 75 Pa.C.S. §§ 3802, 3804, 3805; R.I. Gen. Laws §§ 31-27-2, 31-27-2.8; Tex. Code Crim. Proc. art. 42A.408; W. Va. Code § 17C-5A-3a; Wis. Stat. § 343.301; Wyo. Stat. §§ 31-5-233, 31-7-402.

Of the states that have additional mandatory or discretionary IID provisions, there are a variety of approaches taken. Colorado permits qualifying individuals who are not seeking early reinstatement to obtain an interlock-restricted license through an affidavit establishing that they neither own nor have access to a vehicle. Pennsylvania provides for certification when no vehicles are owned, registered, or intended to be operated by the individual. Massachusetts permits an IID condition on a hardship license for a first offense involving a BAC of 0.15 g/dL or higher, while Michigan requires IID-equipped driving under its restricted-license option for a qualifying first offense involving a BAC of 0.17 g/dL or higher. Texas mandates installation for offenders with a BAC of 0.15 g/dL or higher when placed on community supervision. Wisconsin permits qualifying sobriety-program participation to count toward the combined statutory period of program participation and interlock restriction (Colo. Rev. Stat. § 42-2-132.5; 75 Pa.C.S. § 3805; Mass. Gen. Laws ch. 90, §§ 24, 24D; Mich. Comp. Laws §§ 257.319, 257.625; Tex. Code Crim. Proc. art. 42A.408; Wis. Stat. § 343.301). These provisions do not uniformly require actual IID participation before unrestricted reinstatement.

Given NHTSA's guidance and the approaches adopted by other states, the Commonwealth may wish to evaluate whether IID participation should be a condition of unrestricted reinstatement for first offenses generally or for those involving specified aggravating circumstances. That review should consider public safety, program costs, and access to lawful driving, including opportunities for early interlock-restricted driving (NHTSA, 2013).

Alcohol- and Drug- Related Reckless Driving

Not all impaired driving charges result in a conviction for DUI. Virginia law acknowledges circumstances in which a DUI charge results in a reckless driving conviction. Although this

provision does not independently authorize a reduction, it preserves the court's limited authority during any related period of license revocation (Va. Code § 18.2-271.1(G))[6].

Reckless driving generally constitutes a Class 1 misdemeanor and encompasses various forms of driving conduct. Courts may suspend driving privileges for ten days to six months, regardless of whether alcohol or drugs were involved. When the court has reason to believe an offense was alcohol- or drug-related, it may also require ASAP completion. If both suspension and ASAP are ordered, the Commissioner must receive certification of enrollment and completion prior to reinstatement of driving privileges (Va. Code §§ 46.2-868, 46.2-392). Courts may also grant restricted driving privileges and, when statutory requirements are met, issue a restricted license that requires ignition interlock as the sole court-imposed driving restriction for at least six consecutive months without any alcohol-related violations (Va. Code §§ 18.2-271.5, 46.2-392).

Other states make certain interventions mandatory for similar qualifying reckless driving offenses. Florida requires DUI education and evaluation when the court has reasonable cause to believe alcohol or drugs contributed to reckless driving, regardless of the original charge (Fla. Stat. § 316.192). Illinois similarly requires evaluation and appropriate treatment following a finding of guilt for an offense arising from a DUI arrest (625 ILCS 5/11-501.01). California and Delaware require documentation of alcohol or drug involvement and impose education or rehabilitation requirements under specified circumstances. Washington requires ignition interlock installation for certain alcohol- and drug-related reckless driving convictions involving prior offenses. These three states also count qualifying reckless driving convictions as prior offenses when determining penalties for a subsequent DUI (Cal. Veh. Code § 23103.5; 21 Del. C. §§ 4175, 4177B; Wash. Rev. Code §§ 46.61.500, 46.61.5055(14)).

States also differ in how they regulate reductions and dismissals of DUI charges. Utah permits qualifying DUI cases to be resolved through a class B misdemeanor impaired-driving conviction while retaining specified intervention requirements (Utah Code § 41-6a-502.5). Oregon prohibits accepting a plea to another offense in exchange for dismissal of a DUI charge but separately allows statutory diversion (Or. Rev. Stat. § 813.170). Kansas prohibits plea agreements intended to avoid mandatory DUI penalties but allows charges to be amended or dismissed when admissible evidence is insufficient to support a conviction (Kan. Stat. Ann. § 8-1567). North Carolina requires prosecutors to document detailed reasons for qualifying reductions or dismissals, including which elements can or cannot be proven (N.C. Gen. Stat. § 20-138.4).

Virginia largely relies on judicial discretion to impose additional conditions for alcohol- or drug-related reckless driving. Other states require specified interventions, count qualifying reckless driving convictions as prior offenses for subsequent DUI penalties, or regulate DUI charge

[6] Virginia prohibits convictions for both DUI under § 18.2-266 and reckless driving under § 46.2-852 arising from the same acts. A conviction under either provision requires dismissal of the other charge (Va. Code § 19.2-294.1). A reckless driving conviction under § 46.2-852 therefore does not necessarily reflect a negotiated reduction of the DUI charge. It may instead result from the available evidence or the Court's determination. This explicit prohibition applies to § 46.2-852, rather than to all reckless driving offenses under Article 7.

reductions and dismissals. The Commonwealth may wish to consider whether specific statutory requirements in these areas should supplement existing discretion.

DUI Diversion and Deferred Dispositions

Under § 19.2-298.02, Virginia permits agreed deferred dispositions in certain criminal cases. These proceedings may ultimately result in conviction of the original charge, conviction of an alternative charge, or dismissal. Although the statute does not expressly exclude DUI offenses, it does not establish a DUI-specific diversion program with standardized eligibility or participation requirements.[7]

The review identified twenty-two states with laws that expressly authorize or regulate diversion or deferred dispositions for qualifying DUI cases.[8] Eleven additional states, including Virginia, have broader statutory provisions for pretrial diversion, deferred disposition, or delayed or stayed imposition of sentence.[9] These mechanisms differ in whether they defer prosecution, judgment, or sentencing; successful completion does not necessarily eliminate a conviction.[10]

States establish different timelines for participation in DUI diversion and deferred-disposition programs. Connecticut and Oregon provide one-year diversion periods (Conn. Gen. Stat. § 54-56r; Or. Rev. Stat. § 813.230). Pennsylvania requires six to twelve months of court supervision (75 Pa.C.S. § 3807). Washington requires two years of treatment, although charges generally

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[7] Effective December 1, 2026, an amendment addressing expungement eligibility for certain dismissed charges will take effect without changing the statute's deferred-disposition authority (Va. Code § 19.2-298.02; 2026 Va. Acts ch. 1127). Virginia's record-sealing framework, effective July 1, 2026, permits certain convictions and deferred-and-dismissed charges to be sealed, restricting public access to those records. However, DUI offenses under § 18.2-266 are excluded from petition-based sealing under § 19.2-392.12, including when deferred and dismissed. Expungement eligibility for charges dismissed by agreement under § 19.2-298.02(D) remains a separate avenue for relief (Va. Code §§ 19.2-298.02(D), 19.2-392.5, 19.2-392.12(A), (L)(1)).

[8] These states include Alabama, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Mexico, Oklahoma, Oregon, Pennsylvania, Texas, Washington, West Virginia, and Wyoming (Ala. Code § 32-5A-191; Colo. Rev. Stat. §§ 18-1.3-102, 42-4-1301.3(5), 42-4-1301.4(6); Conn. Gen. Stat. § 54-56r; Del. Code Ann. tit. 21, § 4177B; Idaho Code §§ 19-3508–19-3509; 730 Ill. Comp. Stat. 5/5-6-1, 5/5-6-3.1; Ind. Code §§ 12-23-5-2, 12-23-5-4–12-23-5-8; Iowa Code § 907.3; Kan. Stat. Ann. §§ 22-2908–22-2909; La. Code Crim. Proc. Ann. art. 894; Md. Code Ann., Crim. Proc. § 6-220; Mass. Gen. Laws ch. 90, § 24D, and ch. 278, § 18; Miss. Code Ann. § 63-11-30(14); Mo. Rev. Stat. § 577.010; N.M. Stat. Ann. §§ 31-20-3, 66-8-102(E); Okla. Stat. tit. 22, § 991c; Or. Rev. Stat. §§ 813.200, 813.215, 813.230; 75 Pa. Cons. Stat. § 3807; Tex. Code Crim. Proc. Ann. arts. 42A.101–42A.102; Wash. Rev. Code §§ 10.05.010–10.05.020; W. Va. Code § 17C-5-2b; Wyo. Stat. Ann. §§ 7-13-301, 31-5-233(f)).

[9] These states include Arizona, Florida, Georgia, Maine, Michigan, Minnesota, New York, Rhode Island, South Dakota, Vermont, and Virginia (Ariz. Rev. Stat. §§ 11-361–11-362, 11-365; Fla. Stat. §§ 948.08, 948.16; Ga. Code Ann. §§ 15-18-80, 40-6-391(c)(1)(B); Me. Rev. Stat. tit. 17-A, §§ 1901–1903; Mich. Comp. Laws § 771.1(2); Minn. Stat. § 609.135; N.Y. Crim. Proc. Law § 390.30(6); R.I. Gen. Laws § 12-19-19; S.D. Codified Laws §§ 23A-27-12.2, 23A-27-14; Vt. Stat. Ann. tit. 13, § 7041; Va. Code § 19.2-298.02).

[10] The comparison focuses on standard first DUI offenses and excludes programs limited to particular defendant populations. General sentencing provisions are classified separately from DUI diversion and deferred-disposition provisions, even when they contain DUI-specific conditions. Inclusion does not establish eligibility in every first-offense case, and delayed or stayed sentencing may leave a conviction intact (Ga. Code Ann. §§ 15-18-80(e), 40-6-391(c)(1)(B); Minn. Stat. § 609.135; N.Y. Crim. Proc. Law § 390.30(6)).

cannot be dismissed until at least five years after deferred prosecution begins, subject to successful completion and continued compliance (Wash. Rev. Code §§ 10.05.120, 10.05.150).

Participation requirements commonly include substance use assessment, education, and treatment. Connecticut requires twelve education sessions or at least fifteen treatment sessions (Conn. Gen. Stat. § 54-56r). West Virginia requires participation in its ignition interlock program for qualifying deferrals (W. Va. Code § 17C-5-2b). Mississippi distinguishes alcohol- and drug related offenses, permitting interlock-restricted driving or suspension for alcohol-related offenses and periodic drug testing or suspension for drug-related offenses during a 120-day period (Miss. Code Ann. § 63-11-30(14)). Eligibility restrictions also vary, particularly regarding prior offenses, commercial driving, injury, and BAC. Delaware and Texas exclude qualifying applicants with a BAC of 0.15 g/dL or higher, while Iowa's threshold is above 0.15 g/dL (21 Del. C. § 4177B; Tex. Code Crim. Proc. art. 42A.102; Iowa Code § 907.3).

Guidelines for model diversion programs include requirements that maintain the DUI arrest and record the dismissal of the charge as well as participation in the diversion program on the driver record. Model diversion program guidelines also allow for a dedicated agency or division to administer and oversee the program. These guidelines include intense supervision and treatment upon the outcome of validated screening and assessments. In addition, model diversion program guidelines require a mandatory ignition interlock requirement for at least 12 months where removal is dependent upon a set duration of compliance with alcohol free tests.

Eligibility criteria often include the following:

- the participant must agree to and sign that they have not been convicted of a felony DUI offense in their state or elsewhere;
- there is no charge pending in their state or any other place for an offense involving operation of a vehicle under the influence of intoxicants, or having a blood alcohol content above the allowable blood alcohol content;
- the participant must not be participating in a DUI diversion program or any similar alcohol or drug rehabilitation program in their state or any other place;
- there is no charge of an offense pending against the participant in their state or any other place for any degree of aggravated vehicular homicide, murder, manslaughter, criminally negligent homicide, or assault that resulted from the operation of a motor vehicle;
- During a designated number of years before the date of the alleged DUI offense and from the time between the alleged DUI offense and the date of signature, the participant has not been convicted in their state or any other place for an offense involving the operation of a vehicle while:
    - under the influence of intoxicants, or
    - having a blood alcohol content above the allowable blood alcohol content
    - The participant cannot have participated in a DUI diversion program or any similar alcohol or drug rehabilitation program in their state or any other place
    - The participant must not hold a Commercial Driver License (CDL). In compliance with the Federal Anti-Masking Rule (49 CFR § 384.226) – "State must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent

> a CLP or CDL holder's conviction for any violation, in any type of motor vehicle, of a State or local traffic control law (other than parking, vehicle weight, or vehicle defect violations) from appearing on the CDLIS driver record, whether the driver was convicted for an offense committed in the State where the driver is licensed or another State."

If Virginia considers implementing a model diversion program, it is recommended that the program follow model diversion program guidelines and be housed under the Commission on VASAP, as VASAP aligns with these current requirements.

Open Containers and Federal Funding

Virginia prohibits drivers from consuming alcohol while driving but does not independently prohibit possession of an open alcoholic beverage container or alcohol consumption by passengers. Although an open container may create a rebuttable presumption of consumption under specified circumstances, possession alone does not establish a violation (Va. Code § 18.2-323.1).

To avoid federal highway funding restrictions, state laws must generally prohibit both possession of open alcoholic beverage containers and alcohol consumption within a vehicle's passenger area, applicable to drivers and passengers, subject to specified exceptions (23 U.S.C. § 154; 23 C.F.R. § 1270.4). For fiscal year 2026, thirty-eight states were not subject to federal open-container penalties, while twelve, including Virginia, were subject to funding restrictions. Approximately $29.5 million of Virginia's federal highway apportionments was affected. These funds are not forfeited but are restricted to eligible highway safety activities, limiting the Commonwealth's discretion over their allocation (Federal Highway Administration Notice N 4510.905, tbl. 2).

Among states not subject to these federal funding restrictions, Texas, North Carolina, and Florida prohibit open-container possession by drivers and passengers regardless of whether alcohol consumption or impairment is established. Texas and Florida expressly extend their prohibitions to vehicles stopped or parked on public roads. Statutory exceptions generally distinguish passenger areas from designated storage compartments and accommodate certain commercial passenger transportation and motor-home living areas (Tex. Penal Code § 49.031; N.C. Gen. Stat. § 20-138.7; Fla. Stat. § 316.1936).

Virginia's treatment of open marijuana containers raises a similar concern pending retail sales. While the Commonwealth prohibits both drivers and passengers from using or consuming marijuana in vehicles being driven on public highways, possession of an open container does not independently establish a violation (Va. Code § 4.1-1107). With licensed nonmedical retail marijuana sales scheduled to begin July 1, 2027, Virginia's restrictions on open marijuana containers in vehicles warrant similar consideration (2026 Va. Acts, Sp. Sess. I, ch. 1).

Several states permitting adult marijuana use expressly prohibit possession of open marijuana containers in vehicles. Massachusetts imposes a civil penalty of up to $500 for open containers in passenger areas, while Washington treats improperly stored open cannabis packages as a

traffic infraction and separately prohibits consumption (Mass. Gen. Laws ch. 94G, § 13(d); Wash. Rev. Code § 46.61.745). Minnesota imposes misdemeanor penalties for possessing opened or improperly packaged cannabis products in vehicles. Its restrictions also extend to certain lower-potency hemp edibles, hemp-derived consumer products, and other cannabinoid products, subject to statutory exceptions (Minn. Stat. § 169A.36).

Drugged Driving

The rapidly shifting drug legalization and retail sales landscape in Virginia warrants the consideration of specific countermeasures and procedures to address drug-impaired driving in the Commonwealth. While cannabis remains an illegal Schedule I drug federally, there has been legislative movement to loosen state-level penalties and access. Virginia decriminalized possession of small amounts of cannabis in 2020 (HB 972/ SB 2) and legalized limited possession and home cultivation for adults 21 and older in 2021 (HB 2312 / SB 1406). Retail sales of marijuana were passed in 2026, with retail sales set to begin on July 1, 2027.

As shown in Table 5, provided by the Virginia DMV, both alcohol- and drug-involved crashes are a significant source of public harm in the Commonwealth. Over the past five years, over 5,000 crashes have occurred that were drug-involved. These drug statistics are likely an undercount given Virginia's protocols for drug testing (discussed in the "Toxicology" section below). Opportunities to address the detection of drug-impaired drivers were specifically addressed to tackle this harm. This included the current status and potential improvements related to law enforcement training, drug toxicology, and oral fluid drug testing.

Table 5. Alcohol- and Drug-Involved Crashes

Year	2021	2022	2023	2024	2025	5-Year Total
Alcohol	6,749	6,910	6,979	6,767	6,152	33,557
Drug	1,238	1,067	1,124	972	960	5,361

Note. Alcohol- and drug-involved crashes are not mutually exclusive. Some crashes are double counted if the crash involved both alcohol and at least one other drug.

Law Enforcement Training

In addition to foundational Standardized Field Sobriety Testing (SFST) training, there are two specialized law enforcement trainings specific to drug detection. This includes the Advanced Roadside Impaired Driving Enforcement Training (ARIDE) – a two-day training that teaches law enforcement to recognize and document signs of impairment from alcohol, other drugs, and drug combinations. It also includes the Drug Evaluation and Classification (DEC) Program – a 72-hour classroom training followed by supervised field certifications. The DEC program trains Drug Recognition Experts (DREs) to use a 12-step evaluation to determine the class or classes of drugs impairing a driver. Both trainings are critical to advancing law enforcement training beyond alcohol-detection and into the detection of other drugs and drug combinations.

Virginia was one of the earliest states to adopt the DRE program in 1988, but the program was only recently re-initiated in 2016. Growth has been substantial over this time. In fact, over the

past five years where data are available (2020-2024), Virginia experienced a 223% growth in the number of certified DREs – the largest increase in the country. Virginia needs to continue investing in both ARIDE and the DEC Program to maximize law enforcement coverage and the detection of drug-impaired drivers.

Toxicology

Toxicology is one of the most foundational sources of data related to alcohol- and drug-involved driving, crashes, and fatalities. Toxicology results are often critical for adjudicating impaired driving cases. Broad toxicology testing in impaired driving casework also provides crucial data to help the Commonwealth track both the magnitude and changing trends in alcohol- and drug-involved driving. Yet, toxicology can often be overlooked in terms of partnerships, collaborations, and funding considerations.

While Virginia has a strong state-run toxicology program through DFS, there are identified areas for improvement. This includes the scope and circumstances of drug testing for DUI casework. In 2022, the National Transportation Safety Board issued a safety recommendation to the Commonwealth of Virginia to enhance its toxicology practices:

> *Require government-funded laboratories that conduct forensic toxicology testing to adopt and routinely apply (regardless of driver alcohol concentration) the American National Standards Institute/American Academy of Forensic Sciences Standards Board Standard for the Analytical Scope and Sensitivity of Forensic Toxicology Testing of Blood in Impaired Driving Investigations, ANSI/ASB Standard 120, and provide funding for equipment, personnel, and training, to facilitate testing meeting that standard (H-22-23).*

This safety recommendation calls upon the Commonwealth to test a minimum set of drugs as a part of impaired-driving investigations in all cases – regardless of driver BAC. It specifically highlights "stop testing," which is the practice of halting additional drug testing if a driver's BAC is found to be over certain legal limits or laboratory thresholds (often 0.08 g/dL or 0.10 g/dL). This practice limits useful information on the full scope of impaired driving in the Commonwealth, limits information in DUI/DUID judicial proceedings, and may give an overall incomplete picture of what was influencing a driver at the time of arrest or a crash.

Virginia has taken an important step towards eliminating stop testing procedures. In 2023, all DUI-arrested drivers in Virginia are now required to have blood samples tested for cannabis – regardless of the individual's BAC. The year after this laboratory policy was changed, there was an almost 15-fold increase in the number of cases testing positive for both alcohol and cannabis (Dunn, Wotring, Nutt, Barnes, and Witcher, 2024). Unfortunately, this makes it difficult to determine how much of the increase in cannabis-positive driving is due to an increase in use by Virginia drivers or due to this shift in laboratory testing protocols. It does highlight how significant the impact of stop limit testing can be on the underlying toxicology data, as well as the remaining blind spot that may still exist for other drugs beyond alcohol and cannabis.

Oral Fluid Drug Detection

Oral fluid drug testing analyzes a sample collected from the mouth, usually with an absorbent swab, to detect drugs or their metabolites. While this is not a new technology, the use of oral fluid drug testing has expanded exponentially in the US over the last decade. Currently, about half of states authorize oral fluid as a specimen for drug testing or have jurisdictional implementation of oral fluid drug testing (NASID, 2026). It is currently not an authorized specimen in Virginia.

For highway safety, oral fluid has two principal applications. First, it can be used in roadside drug screening devices to provide rapid, preliminary results to support an officer's investigation. These devices provide positive or negative results against a common set of drug classes. Second, oral fluid can be collected and sent for laboratory confirmatory testing. Validated laboratory methods exist for analyzing oral fluid to meet all recommendations of the National Safety Council Alcohol, Drugs, and Impairment Division (Sarris et al., 2024; D'Orazio et al., 2026). The advantages to oral fluid are that it is noninvasive, can be directly observed, does not require medical personnel, and can be collected in close proximity to the time of driving.

In a 2022 report by the NTSB, it was found that "oral fluid is a valuable but underutilized biological specimen for the detection of drug use by drivers and can support the enforcement of impaired driving laws (NTSB, 2022)." NHTSA also recently released a report highlighting the successes of five U.S. States in order to "offer guidance for agencies looking to modernize their impaired driving enforcement strategies by adding oral fluid drug testing programs to their impairment detection process (Symoun, 2026)." The accuracy of these devices has long been established (Buzby et al., 2021; Harper et al., 2023; Kelley-Baker et al., 2014; Limoges et al., 2026).

In its 2022 report, the NTSB issued a safety recommendation to the Commonwealth of Virginia to "Modify your impaired driving laws to allow for oral fluid collection, screening, and testing for the detection of drug use by drivers" (NTSB, 2022). Virginia could incorporate oral-fluid testing into § 18.2-267 for preliminary roadside screening and § 18.2-268.2 for post-arrest testing under implied consent. Related amendments or new provisions within §§ 18.2-268.1–18.2-268.12 would address definitions, sample collection and analysis, use of results in court, and any penalties or procedures for refusal. Extending administrative suspension to oral-fluid refusals would also require changes to § 46.2-391.2. If testing extends to commercial motor vehicle operations, corresponding amendments will need to be considered under §§ 46.2-341.24–46.2-341.27.

VASAP

Under Virginia Code § 18.2-271.1, VASAP is one of the model programs for the United States. VASAP is a mandatory requirement for specific court-ordered offenses or for a person convicted of a DUI offense, including first, second, and subsequent offenses, required by the court to enter and successfully complete a certified alcohol safety action program. This establishes an important rehabilitative intervention component alongside criminal and licensing sanctions.

VASAP provides an established intervention infrastructure for impaired driving offender supervision, education, treatment referral, ignition interlock monitoring, and compliance with court-ordered requirements. Stakeholder and working group interviews identified significant strengths within the VASAP program. VASAP's primary distinction among state impaired-driving programs is not any particular process or intervention, but the combination of these functions within a statewide commission-led network of local programs. This represents a significant program strength, providing a unified connection to the courts, DMV, treatment facilities, and ignition interlock programs. In addition, the VASAP Electronic Case Management System (ECM), standardized operational procedures, employee certification requirements, and oversight of local programs provide a notable set of best-practice elements to reduce impaired driving events on Virginia roadways. However, the VASAP program faces many challenges common to state impaired-driving programs nationwide, including high caseloads, staffing and funding difficulties, and varying governance and effectiveness of local ASAP policy boards. The new legislation addresses these challenges.

Florida and Wisconsin share aspects of statewide oversight and local program delivery; however, these programs are not as unified as the VASAP program, especially since the development of VASAP's ECM platform. Washington State Patrol oversees the ignition interlock program and monitors interlock offenders, regulates manufacturers, audits installers, and conducts random compliance checks or home checks of offenders required to install an ignition interlock; however, WSP does not oversee treatment requirements. Florida's impaired driving program also has elements similar to VASAP but has implemented a more robust referral to treatment for assessment. Behavioral interventions are triggered by repeated interlock violations. After repeat violations, offenders complete validated risk assessments to better identify offender risk and need and assign appropriate interventions, including referral to a clinical assessment for treatment. Colorado's interlock and license-reinstatement requirements also incorporate structured education and treatment pathways.

VASAP conducts a program certification process that reviews both individual case files and broader local ASAP operations, including staffing, administrative policies, fiscal procedures, and adherence to statewide requirements. The ECM has substantially improved its ability to conduct these reviews without relying on physical case files. In addition, ASAP employees undergo a certification process that includes certification exams, background checks, annual statewide training through an annual conference, and continuing education expectations. The newly revised Case Management Operational Guidelines were updated February 10th, 2025. This manual is what all case managers must follow and use as a reference when questions regarding case management arise. These processes provide a critical foundation for program consistency.

VASAP is mandated by the Code of Virginia, and the program does provide the option for offenders to pre-enroll for services prior to court. However, offenders who pre-install an ignition interlock on a DUI second charge are currently required to install an ignition interlock only in the vehicles they operate; at post-conviction, an interlock is required on all vehicles registered or titled to the offender. Aligning pre-conviction requirements with the post-conviction standard

would establish consistent ignition interlock installation requirements for all vehicles registered or titled to the offender across both stages.

VASAP Legislative Reforms

The Virginia General Assembly enacted VASAP organizational reforms in 2026. These changes create an important opportunity to build upon the existing VASAP foundation strengthening the Commission's responsibility to administer and supervise the statewide system and establish standards for program operations, performance, finances, personnel, certification, reorganization, and mergers. This will allow for stronger statewide management and adherence to performance standards.

Local programs remain under independent local policy boards, while additional fiscal-agent and locality funding requirements are scheduled to become operational as the reforms are implemented. This new statutory authority establishes annual director performance evaluations, stronger fiscal oversight, expanded Commission responsibilities, and future local funding obligations. These changes directly address several concerns identified during stakeholder interviews, including accountability for management and compliance and more consistent operations among local ASAPs; however, close evaluations should follow implementation. The local financial support requirements under Virginia Code § 18.2- 273.4 (D) and fiscal agent loyalty provisions under Virginia Code § 18.2-273.6 take effect January 1, 2028. Implementation should be accompanied by measurable performance standards and consistent operational expectations across local ASAPs.

Electronic Case Management (ECM)

VASAP incorporates several important elements of an effective statewide impaired driving offender management system. The ECM provides the infrastructure needed to inform offender monitoring and statewide program assessments. The ECM electronically maintains client demographic information, referrals, court-related records, intake documentation, program assignments, treatment information, interlock activities, and case notes. This reduces dependence on physical paper files and provides a platform that facilitates consistency and uniformity across the individual local ASAPs and staff.

The client portal allows online enrollment and payments. Virtual intake and mobile application make it possible for eligible clients to complete certain program requirements without visiting an ASAP office, reducing potential transportation, employment, and childcare burdens, which are documented common challenges among state impaired driving monitoring programs.

The ECM facilitates treatment provider coordination. Here, authorized providers can receive referrals and enter assessments, progress, and final reports through the treatment portal. Case managers can also share compliance concerns with the individual's treatment provider. The ECM also allows for ease of oversight and auditing, where state and local personnel can review electronic files, evaluate documentation, identify deficiencies, and determine whether required

activities have occurred. Weekly meetings with the ECM vendor and the formal ticketing process provide mechanisms to correct problems and incorporate field feedback.

Some limitations within the ECM have been identified, including the following:

- Court information and DMV actions are not integrated with ECM, resulting in manual entry.
- TREDS, ignition interlock vendor information, and ECM require further integration.
- The availability of information in different systems does not necessarily result in automatic notifications to a case manager.
- Staff must manually transfer certain records and completion information between systems.

Judicial Waiver

VASAP fees have not increased since 1987. It is recommended to review the fee structure periodically to determine if revenues are adequate for program operation. Under Virginia Code § 18.2-271.1, the court may reduce or waive the enrollment fee upon finding that a defendant is indigent: "if a judge declares an offender to be indigent, the ASAP shall waive or reduce the ASAP fee as directed by the court." This limits the Commission's ability to independently review these decisions and requires additional administrative work when an individual's financial circumstances are questioned and must be referred back to the court.

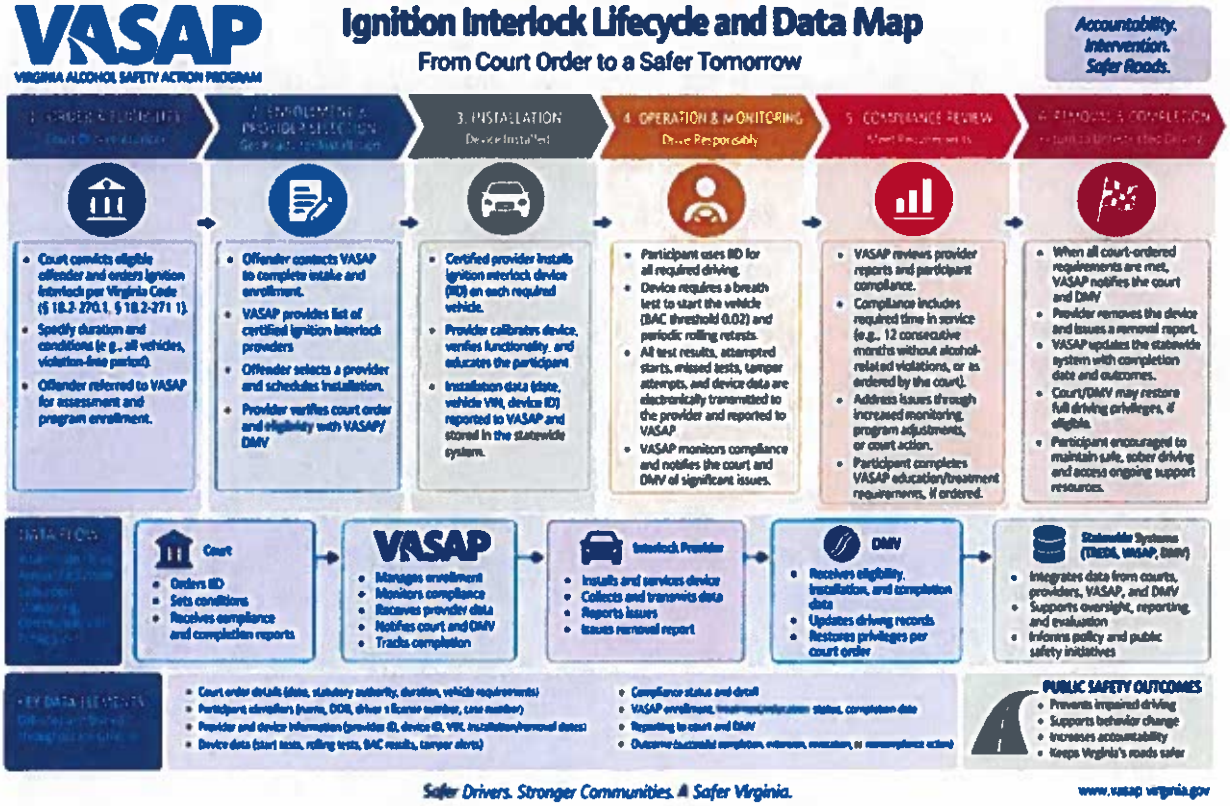
Ignition Interlock Program Operations and Oversight

VASAP provides regulatory and administrative oversight of the ignition interlock program. This includes vendor and device certification, service center inspections, vendor compliance, and operational management. VASAP has developed a centralized infrastructure for statewide oversight and monitoring of the entire ignition interlock program. VASAP has incorporated a specialized mobile and administrative data platform, INSPIRE. This platform allows program managers and field staff the ability to review state ignition interlock regulations, track vendor compliance, and conduct mandatory physical inspections of ignition interlock service stations. It also streamlines operations for local ASAPs by supporting budget reviews, case management tracking, and compliance with financial reporting standards mandated by Virginia statute. This platform bridges the gap between state DMV compliance data, local law enforcement departments, and ignition interlock vendors for statewide administrative oversight and compliance actions.

Ignition Interlock Financial Assistance

Unique to the VASAP program, staff conduct interviews to determine affordability versus indigency based on the participant's financial ability to comply with statutory interlock requirements. Applicants seeking assistance undergo a Commission review process that includes financial documentation, including 90 days of bank statements, to allow a more complete evaluation of the participant's financial circumstances and true ability to afford the interlock requirement and its associated fees.

Figure 1. Ignition Interlock Lifecycle and Data Map



Data Outcomes

Despite significant efforts to request data elements to inform these policies and procedures, the majority of agencies were not able to provide the project team with data within the timeframe needed for this project. Information requested was intended to identify the following:

- Total number of impaired driving offenders eligible to install an ignition interlock (annually)
- Total number of impaired driving offenders who are eligible to install an ignition interlock that do install (annually)
- Number of total interlocks ordered (annually
- Number of interlocks ordered as a restricted license requirement for 1st offense DUIs
- Number of interlocks ordered for 2nd offense (and subsequent) DUIs
- Total number of impaired driving offenders who install an ignition interlock (annually) for each level of offense (1st, 2nd, and subsequent) and refusals.
- Total number of early or pre-conviction installations (for both 1st offense and 2nd and subsequent DUI offenders
- Total number of offenders who require an interlock who reside out of state (annually)
- Total number of offenders who require an interlock who reside out of state that install (annually)
- Total number of interlock violations/circumventions/lockouts/unauthorized removals (annually)
- Total number of calibrations conducted (annually) for those who install on a 1st offense restricted license
- Total number of calibrations conducted (annually) for those who install on a 2nd or subsequent offense
- The time between "eligible to install" and actual install dates:
- 1st offenders who install on a 1st offense restricted license
- 2nd and subsequent offenders
- Total number of removals conducted (annually) for those who install on a 1st offense restricted license
- Total number of removals conducted (annually) for those who install on a 2nd or subsequent DUI offense
- Total number of impaired driving offenders who are terminated for their interlock term (for both restricted license and repeat offenders who are sanctioned) (annually)
- Total number of impaired driving offenders who successfully complete their interlock term (for both restricted license and repeat offenders who are sanctioned) (annually)

These data would have provided critical insight regarding the efficacy of current impaired driving legislation and impaired driving program efforts. The inability to provide accurate and timely data is a significant, if not the most impeding, limitation for the Commonwealth of Virginia and the ability to protect our citizens on our roadways.

Virginia Office of Data Governance and Analytics (ODGA)

Under Governor Northam, the Commonwealth appointed its first Chief Data Officer (CDO) in 2018. Led by the CDO, the Virginia Office of Data Governance and Analytics (ODGA), with oversight from the Secretary of Administration, was formally established in July 2021 under Senate Bill 1365 and made permanent in 2023 through House Bill 1591. The ODGA was created to establish a legal and governance framework for data sharing among agencies and organizations, supporting data-driven decisions and actionable insights throughout the Commonwealth. In May 2025, ODGA was integrated into the Virginia Information Technologies Agency (VITA).

The ODGA is the designated facilitator of the Commonwealth Data Trust, which provides a legal and governance framework and centralized platform for data sharing among Commonwealth agencies, organizations, and public institutions. The Trust provides a streamlined formal mechanism to break down data silos and enhance secure data exchange by implementing common rules for data security, privacy, and confidentiality among participating agencies, supported by advanced analytics services. The ODGA facilitates the technical components for these data to be shared. Agencies that are members of the Trust are provided with access to the ODGA's data governance and data management services, where data-sharing agreements, needs, or direct data-sharing events are supported. Members of the Trust have access to the Commonwealth Data Trust Agreement Portal where an account is created for the data owner and steward of their agency.

Although several discussions of data requests and sharing capabilities with ODGA were conducted, the project team was unable to receive the data in the time allocated for this project. However, the barriers that precluded the study team from accessing these data may not be experienced by those agencies included in the Trust. It is recommended that agencies pursue participation in the Trust and that participating agencies continue efforts to identify ways to not only increase sharing ability between agencies to better inform program successes and reduce impaired driving crashes, injuries, and fatalities on Virginia roadways, but also to improve data quality according to NHTSA Traffic Records Performance Measures.

Open Data Portal

Over 32,000 Commonwealth of Virginia datasets can be found on the Open Data Portal (ODP). The OPD is a centralized data platform intended to provide transparency to the Commonwealth community through open access to state and municipal agency data. Data collection available through these open portals includes transportation and mobility information; health and human services datasets and analytics; environment, natural resources, and resilience data; Geographic Information Systems (GIS) and Mapping; higher education and research; housing, community development, and regional planning; and local government open data portals by county, cities, and towns.
Agency open data portals available on this platform include:

- Virginia Department of Transportation (VDOT)

- Virginia 511
- Department of Rail and Public Transportation (DRPT)
- Hampton Roads PDC & Hampton Roads TPO
- Department of Environmental Quality (DEQ)
- Department of Conservation & Recreation (DCR) - Flood Resilience
- Virginia Institute of Marine Science (VIMS)
- Virginia GIS Clearinghouse
- Arlington GIS Data Portal
- Norfolk Open GIS Data Portal
- Town of Blacksburg GIS Data Portal
- Chesapeake GIS Data Portal
- Auditors of Public Accounts - Data Point

Traffic Records Electronic Data System (TREDS)

As previously stated, the information available from the Commonwealth TREDS, housed within the Virginia Department of Motor Vehicles (DMV), regarding alcohol- and drug-involved crashes was extremely limited (Table 7). Drug presence and alcohol involvement values found in this table are not mutually exclusive; crashes where drug presence was identified are counted in the total for alcohol-related crashes, and vice versa. When creating the indicators to query this information, the alcohol-related value was used as an indicator, where "yes" or "no" was selected based on whether alcohol was related to the crash or not. Regarding drug presence for these crashes, the indicator for presence was the drug collected from the chemical testing conducted for the incident. There are events where polysubstance use was evident, and for this reason, overlap between these numbers does occur.

Most notable is that alcohol-related fatalities alone consist of at least 25% of all fatal crashes in Virginia in 2021 and have consistently been increasing each year. Given that chemical testing for drugs is known to be not only underutilized and underreported but also relies on the ability of the lab to test these drugs. Although drug presence does not indicate impairment, it can be another critical component that impacts road safety. For this reason, these reported numbers could be much lower than what is actually occurring on the Commonwealth of Virginia's roadways.

Table 6. Virginia Total Crashes, Fatalities, and Injuries Including Alcohol-Related and Drug-Related Crashes Annually (2021-2025).

Year	Total Virginia Crashes	Total Virginia Fatalities	Total Virginia Injuries	Alcohol-Related Crashes**	% of Total Crashes	Alcohol-Related Fatalities*	% Total Fatalities	% Total Alcohol-Related Crashes*	Alcohol-Related Injuries*	% Total Alcohol-Related Crashes*	Drug Presence Indicated**	% Drug Presence Indicated for Total Crashes
2021	118,498	968	58,786	6,749	5.7%	247	25 5%	5.7%	4,224	7.2%	1238	-
2022	122,434	1,005	59,404	6,910	5.6%	274	27 3%	5.6%	4,174	7.0%	1067	-
2023	127,597	907	63,876	6,979	5.5%	293	32 3%	5.5%	4,400	6.9%	1124	-
2024	129,244	918	64,086	6,767	5.2%	318	34 6%	5.5%	4,306	6.9%	972	-
2025	-	-	-	6,152	-	-	-	-	-	-	960	-

Source:
*2024 Virginia Traffic Crash Facts - Alcohol Related Crashes -
** Virginia DMV TREDs

Summary

Virginia's impaired-driving laws and VASAP's program operations reflect many nationally recognized best practices for addressing impaired driving. Virginia has lower rates of alcohol-impaired driving fatalities than the national average, but much less is known about the prevalence of other drug-impaired driving due to data limitations. Overall, the Commonwealth has a strong set of laws, programs, and agencies to build upon for continued advancement and improvement.

Nonetheless, the report identified key legislative, data, and programmatic opportunities to bring Virginia up to national best practices. In a few areas, such as administrative license suspensions, Virginia performs last or near last among the other 50 states. Virginia could also update its laws to keep up with advancing technologies, such as oral fluid drug testing. A common theme was that relevant data were siloed across multiple agencies or systems. This lack of integration makes it impossible for any single entity to provide a complete snapshot of the impaired driving landscape within the Commonwealth or track an offender from arrest to adjudication to treatment.

VASAP's existing operational structure provides a substantial foundation for implementing a coordinated, evidence-based impaired driving offender monitoring and management system throughout Virginia. The Commission has developed statewide policies, a comprehensive Electronic Case Management System, established education and treatment referral pathways, ignition interlock oversight procedures, and mechanisms for program certification and quality assurance. These elements align with several core principles identified in NHTSA's impaired driving countermeasure guidance.

The legislative changes enacted in 2026 strengthen this foundation by clarifying the Commission's authority and increasing accountability for local program leadership and operations. In addition, these changes allow for stronger financial oversight and create a framework for improved program funding and sustainability. These changes create an opportunity to enhance program consistency, strengthen performance measurement, and improve coordination among the agencies.

These recommendations directly support NHTSA's uniform guidelines and DWI offender monitoring criteria, which call for secure impaired driver tracking, communication across relevant systems, and the ability to identify noncompliance. VASAP's education, treatment referral, and compliance monitoring align with several NHTSA-recommended impaired driving countermeasures.

Recommendations

1. **Consider extending the administrative license suspension period for both BAC and refusal-based violations for DUI offenders.**

   Virginia should consider extending its seven-day administrative suspension for first BAC- and refusal-based offenses. Virginia's seven-day initial suspension for both BAC- and refusal-based violations is the shortest among all 50 states. For first BAC-based offenses, NHTSA recommends at least 90 days, or at least 15 days followed by 75 or more days of IID-restricted driving. Any extension should preserve procedural safeguards, timely review of contested suspensions, and opportunities for interlock-restricted driving. Administrative and post-conviction restrictions should be reviewed together, including how they interact with the earlier restricted-driving opportunities expanded under HB 561 (Va. Code §§ 18.2-271, 46.2-391.2; NHTSA, 2025).

2. **Mandate ignition interlock installation as a precondition for license reinstatement for all first-time DUI offenders.**

   While Virginia is commonly considered to have an all-offender IID requirement, there is a loophole where first-time DUI offenders, including those with a high BAC or a child passenger, can avoid IID installation by forgoing restricted driving and serving the full one-year license suspension. Driving while suspended remains a concern, with over 10,000 arrests in Virginia over the past five years. The current approach also allows these offenders to regain unrestricted driving privileges without ever completing a period of monitored IID use. Virginia should close this gap by requiring a minimum period of IID use without violations before unrestricted license reinstatement. This would follow NHTSA's recommendation to require IID participation as a condition of reinstatement for all alcohol-impaired-driving offenders (Va. Code §§ 18.2-270.1, 18.2-271, and 18.2-271.1; NHTSA, 2013). A similar loophole exists for under-21 offenses involving a BAC of 0.02 to below 0.08 under § 18.2-266.1, and a requirement for IID installation as a precondition of license reinstatement should also be added for this offense.

3. **Evaluate the process and consequences for reckless driving offenses the court has reasonable cause to believe are related to alcohol and other drugs.**

   Impaired driving may ultimately be adjudicated as reckless driving because of how a case is charged, pleaded, or resolved in court. As a result, offenders convicted of reckless driving where alcohol or drugs were reasonably suspected to be involved, may not be required to complete alcohol- or drug-related education or treatment, or to use an IID. Virginia largely relies on judicial discretion to impose these interventions, and reckless-driving convictions do not count as prior DUI offenses for subsequent DUI penalties. The Commonwealth may wish to consider whether qualifying convictions should carry specified assessment, education, or treatment requirements. Legislative consideration

could also address documentation of alcohol or drug involvement, reasons for qualifying DUI reductions or dismissals, and whether qualifying reckless-driving convictions should count as prior offenses for subsequent DUI penalties. These choices would determine which consequences are established by statute and which remain within judicial or prosecutorial discretion (Va. Code §§ 18.2-271.1(G), 46.2-392).

4. **Strengthen the Commonwealth's open container law to prohibit the possession and consumption by both the passenger(s) and driver of a vehicle.**

   Virginia's current open container law does not meet federal requirements because it prohibits drinking by the driver but does not directly prohibit open-container possession and alcohol consumption by all vehicle occupants. The Commonwealth should amend § 18.2-323.1 to prohibit both activities throughout the passenger area of any motor vehicle located on a public highway or its right-of-way. The law should cover all types of alcoholic beverages and all occupants, allow primary enforcement without requiring another traffic violation, and limit exceptions to those permitted under federal law (Va. Code § 18.2-323.1; 23 U.S.C. § 154; 23 C.F.R. § 1270.4).

5. **Consider marijuana open-container restrictions in preparation for licensed retail sales.**

   Consider whether possession of an open marijuana container within a vehicle's passenger area should constitute a violation independently of consumption. Legislative consideration could address the definition of an open container, permitted storage locations, and appropriate exceptions, drawing on the statutory approaches described in this report (Va. Code § 4.1-1107).

6. **Continue investing in advanced law enforcement training specific to impaired driving and drug detection.**

   Consider providing additional support and resources for law enforcement training and education, including support for ARIDE and the DEC Program, and perform a systematic review to assess how this support could improve statewide access to officers trained to recognize and document drug impairment. The review could address regional coverage, access to DRE evaluations, and the resources needed to maintain training and certification. These efforts should support detection of impairment involving both individual drugs and combinations of alcohol and other drugs (NHTSA, 2025).

7. **Continue to advance prosecutorial and judicial training for drugged driving offenses.**

   Drug-impaired driving prosecutions can be highly complex and require the careful collection and presentation of evidence. Numerous resources exist to help educate and support both prosecutors and judges. This includes working closely with state and national Traffic Safety Resource Prosecutors (TSRPs), state toxicologists from DFS, Regional Toxicology Liaisons (RTLs), and JOLs.

8. **Provide support for the Virginia Department of Forensic Sciences to eliminate "Stop Limit" Testing in impaired-driving investigations.**

   Stop limit testing is the practice of not continuing to test for additional substances if alcohol is detected over a certain cutoff. In Virginia, if a driver is found to have a BAC ≥ 0.10 g/dL, then they are not test for drugs outside of cannabis. Cannabis was only recently exempted from stop-limit testing as of 2023, but this exemption was not made for any other drugs. Stop-testing procedures create a blind spot in tracking drug-positive driving in the Commonwealth. Establishing additional testing requirements without also considering increases to laboratory resources could inadvertently result in greater delays and backlogs in drug testing. This recommendation not only suggests improvements to laboratory procedures to improve public safety but also notes that additional laboratory support must be considered alongside these testing improvements.

9. **Update legislation to authorize the use of oral fluid drug testing.**

   Oral fluid is an accurate and reliable tool to detect recent drug use among drivers. It can help guide impaired driving investigations and support law enforcement efforts. Oral fluid can also be a powerful general deterrent to the public when they know enforcement has access to tools to detect recent drug use. Legislation often focuses on amending the implied consent law to allow for oral fluid as an authorized specimen. Special consideration should be given to both roadside screening devices and confirmatory laboratory testing. (Va. Code §§ 18.2-267, 18.2-268.2, 46.2-391.2; NTSB, 2022).

10. **Conduct a Review of Data Sharing and Data Flow Among Agencies.**

    Impaired driving data systems are complex and involve several state agencies working together throughout the adjudication process. State and municipal tracking systems are critical to follow offenders and provide the appropriate interventions and countermeasures to prevent repeat or subsequent offenses from occurring. Improving data systems to utilize uniform, accurate, and timely data is essential to inform a more reliable transportation system and preserve public safety.

    Many data requests were unable to be fulfilled for this project within the timeframe and scope of this project, highlighting broader challenges related to data availability, accessibility and interagency coordination and collaboration. In addition, significant gaps were identified in agencies' understanding of the data collected and maintained by other entities.

    Across agencies, there was limited knowledge regarding what data are available, where these data are housed, how they can be accessed or shared, and what privacy, legal, or proprietary restrictions may apply. A thorough review of agency data and their ability to

meet standard performance measures (accuracy, timeliness, uniformity, completeness, accessibility and integration) and share pertinent information across agencies is highly recommended. Consideration to explore the mechanisms and interchanges among the ODGA Trust and to identify current challenges that may still exist within these data sharing initiatives is recommended.

11. Amend Judicial Waivers Process to Include VASAP

Judicial waivers currently do not include input from VASAP. Discussions with working group members found that the current process for judicial waivers can be improved. Proposed legislative consideration could include a statutory amendment permitting a defined Commission review of eligibility for VASAP financial assistance to include provisions where a court's indigency-based reduction or waiver is subject to Commission review or approval, similar to the existing approach as described above for interlock assistance. This consideration should be prefaced with legal review of judicial authority, administrative discretion, and potential delays in access to services. In addition, financial screening should not be so burdensome where it discourages individuals from installing an interlock or receiving required treatment.

Under Virginia Code § 18.2-271.1 the court may reduce or waive the enrollment fee upon finding that a defendant is indigent - "if a judge declares an offender to be indigent, the ASAP shall waive or reduce the ASAP fee as directed by the court". This can potentially negatively impact program revenues and cause more administrative work for the courts. Through incorporating the Commission into the review process the Commission can streamline these administrative program processes.

12. Evaluate Consistency Across ASAPS

Through use of the ECM and enhanced certification and performance responsibilities for ASAP oversight and accountability, statewide comparisons should identify promising practices among ASAP procedures as well as potential operational barriers while accounting for differences in caseloads, staffing, rural versus urban geographic regions, jurisdictional resources, and participant risk, needs, and responsivity.

References

Accelerated Rehabilitative Disposition, 75 Pa. Cons. Stat. § 3807 (2026).

Additional Administrative Sanctions, 625 Ill. Comp. Stat. 5/11-501.01 (2026).

Administrative Hearing; Requirements; Procedure, Kan. Stat. Ann. § 8-1020 (2026).

Administrative License Suspension for Driving Under the Influence or for Homicide or Assault Involving a Motor Vehicle; Report; Hearing; Summary Review; Ignition Interlock Device Requirement, Ariz. Rev. Stat. § 28-1385 (2026).

Administrative Suspension of License or Privilege to Operate a Motor Vehicle, Va. Code § 46.2-391.2 (2026).

Alcohol and Drug Violators—Penalty Schedule, Wash. Rev. Code § 46.61.5055 (2026).

Applicability; Suspension of Driving Privileges, Ind. Code § 9-30-16-1 (2026).

Arrest and Testing, N.Y. Veh. & Traf. Law § 1194 (2026).

Berning, A., Smith, R. C., Drexler, M., & Wochinger, K. (2022, March). *Drug testing and traffic safety: What you need to know* (Report No. DOT HS 813 264). National Highway Traffic Safety Administration.

Buzby, D., Mohr, A. L., A., Logan, B. K., & Lothridge, K. L. (2021). *Evaluation of on-site oral fluid drug screening technology* (Report No. DOT HS 812 854). National Highway Traffic Safety Administration.

Cal. Veh. Code § 23103.5 (2026).

Certain Conduct Punishable as Involuntary Manslaughter, Va. Code § 18.2-36.1 (2026).

Compliance Criteria, 23 C.F.R. § 1270.4 (2026).

D'Orazio, A. L., Mohr, A. L. A., Chan-Hosokawa, A., Harper, C., Huestis, M. A., Kerrigan, S., Limoges, J. F., Miles, A. K., Scarneo, C. E., Scott, K. S., & Logan, B. K. (2026). Recommendations for toxicological investigation of drug-impaired driving and motor vehicle fatalities – 2025 update. *Journal of Analytical Toxicology, 50*(1), 1-8.

Deferral of Further Proceedings for Certain First Offenses Upon Condition of Participation in Motor Vehicle Alcohol Test and Lock Program; Procedure on Charge of Violation of Conditions, W. Va. Code § 17C-5-2b (2026).

Deferred Disposition in a Criminal Case, Va. Code § 19.2-298.02 (2026).

Deferred Judgment, Deferred Sentence, or Suspended Sentence, Iowa Code § 907.3 (2026).

Deferred Prosecution for Substance Use Disorder or Mental Health Co-Occurring Disorder—Requirements, Wash. Rev. Code § 10.05.150 (2026).

Devices, Use of, When, Mo. Rev. Stat. § 302.440 (2026).

Dismissal of Charges, Wash. Rev. Code § 10.05.120 (2026).

Dismissal of One of Dual Charges for Driving While Intoxicated and Reckless Driving Upon Conviction of Other Charge, Va. Code § 19.2-294.1 (2026).

Diversion Agreement; Record; Duration; Effect of Denial, Or. Rev. Stat. § 813.230 (2025).

Drinking While Operating a Motor Vehicle; Possession of Open Container While Operating a Motor Vehicle and Presumption; Penalty, Va. Code § 18.2-323.1 (2026).

Driving Motor Vehicle, Engine, etc., While Intoxicated, etc., Va. Code § 18.2-266 (2026).

Driving Under the Influence; Penalties; Disposition of Moneys From Fines and Penalties, Kan. Stat. Ann. § 8-1567 (2026).

Driving While Intoxicated, N.J. Stat. Ann. § 39:4-50 (2026).

Driving While Under Influence of Intoxicating Liquor, etc.; Second and Subsequent Offenses; Punishment; Treatment Programs; Reckless and Unauthorized Driving; Failure to Stop After Collision, Mass. Gen. Laws ch. 90, § 24 (2026).

Dunn, N., Wotring, B., Nutt, M., & Witcher, T. (2024). Analysis of driving under the influence (DUI) Data for the Virginia Department of Motor Vehicles. *Virginia Department of Motor Vehicles*.

Eligibility for Deferred Adjudication Community Supervision, Tex. Code Crim. Proc. art. 42A.102 (2025).

Establishment of and Participation in the Motor Vehicle Alcohol and Drug Test and Lock Program, W. Va. Code § 17C-5A-3a (2026).

Federal Highway Administration. (2025, October 1). *Apportionment of federal-aid highway program funds for fiscal year 2026* (Notice N 4510.905, Table 2). https://highways.dot.gov/laws-regulations/directives/notices/n-4510905

First Offenders; Election in Lieu of Trial, Del. Code Ann. tit. 21, § 4177B (2026).

Fiscal Agent Locality, Va. Code § 18.2-273.6 (2026).

Forfeiture of Driver's License for Driving While Intoxicated, Va. Code § 18.2-271 (2026).

Harper, C. E., Hudson, J. S., Tidwell, K., Boswell, R., Yong, H. L., & Maxwell, A. J. (2023). Implementation of the first comprehensive state oral fluid drug testing program for roadside screening and laboratory testing in DUI cases – A 5-year review. *Journal of Analytical Toxicology, 47*(8), 694-702.

Ignition Interlock, 75 Pa. Cons. Stat. § 3805 (2026).

Ignition Interlock Device, Fla. Stat. § 322.2715 (2026).

Ignition Interlock Systems; Penalty, Va. Code § 18.2-270.1 (2026).

Immediate Civil License Revocation for Certain Persons Charged With Implied-Consent Offenses, N.C. Gen. Stat. § 20-16.5 (2026).

Impaired Driving Countermeasures Grants, 23 C.F.R. § 1300.23 (2026).

Impaired Driving — Penalty — Reporting of Convictions — Sentencing Requirements, Utah Code § 41-6a-502.5 (2025).

Implied Consent; Tests; Refusal to Submit to Test; Order of Suspension; Hearing; Review; Temporary Permit; Notification of Suspension; Special Ignition Interlock Restricted Driver License, Ariz. Rev. Stat. § 28-1321 (2026).

Implied Consent to Test Operator's Blood, Breath or Urine and to Nontestimonial Portion of Drug Influence Evaluation. Testing Procedures. License Suspension. Hearing, Conn. Gen. Stat. § 14-227b (supp. 2026).

Installation of Ignition Interlock Device, Wis. Stat. § 343.301 (2025).

Kelley-Baker, T., Moore, C., Lacey, J. H., Yao, J. (2014). Comparing drug detection in oral fluid and blood: Data from a national sample of nighttime drivers. *Traffic Injury Prevention, 15*(2), 111-118.

Limoges, J. F., Abbott, D. L., McDonough, D. L., & Tracy, S. J. (2026). New York State's evidential oral fluid testing program. *Journal of Forensic Sciences, 71*(5), 2313-2321.

Local Alcohol Safety Action Programs, Va. Code § 18.2-273.4 (2026).

Maiming, etc., of Another Resulting From Driving While Intoxicated, Va. Code § 18.2-51.4 (2026).

Mandatory and Voluntary Restricted Licenses Following Alcohol Convictions — Rules, Colo. Rev. Stat. § 42-2-132.5 (2026).

National Center for Statistics and Analysis (2026, July). *State alcohol-impaired-driving estimates: 2024 data* (Traffic Safety Facts. Report No. DOT HS 813 813). National Highway Traffic Safety Administration.

National Highway Traffic Safety Administration. (2013). *Model guideline for state ignition interlock programs* (Report No. DOT HS 811 859). https://www.nhtsa.gov/staticfiles/nti/pdf/811859.pdf

National Highway Traffic Safety Administration. (2025, March). *Highway safety program guideline no. 8: Impaired driving*. https://www.nhtsa.gov/uniform-guidelines-state-highway-safety-programs/impaired-driving

National Transportation Safety Board. (2022). *Alcohol, other drug, and multiple drug use among drivers* (Safety Research Report SRR-22/02).

Notice of Points — Suspension or Revocation of License, When — Reinstatement, When — Failure to Maintain Proof of Financial Responsibility, Effect — Point Reduction Prior to Conviction, Effect — Surrender of License — Reinstatement of License When Drugs or Alcohol Involved, Assignment Recommendation, Judicial Review — Fees for Program — Supplemental Fees — Ignition Interlock Device, Requirements, Mo. Rev. Stat. § 302.304 (2026).

Open Container Requirements, 23 U.S.C. § 154 (2026).

Open Package Law, Minn. Stat. § 169A.36 (2026).

Operating a Vehicle While Under Influence of Alcohol or Other Drugs; Penalties; Zero Tolerance for Minors; DUI Test Refusal; Aggravated DUI; DUI Child Endangerment; Expunction; Nonadjudication, Miss. Code Ann. § 63-11-30 (2026).

Operating Motor Vehicle While Intoxicated; 'Operating While Intoxicated' Defined; Operating Motor Vehicle When Visibly Impaired; Penalties for Causing Death or Serious Impairment of a Body Function; Operation of Motor Vehicle by Person Less Than 21 Years of Age; 'Any Bodily Alcohol

Content' Defined; Requirements; Controlled Substance; Costs; Enhanced Sentence; Guilty Plea or Nolo Contendere; Establishment of Prior Conviction; Special Verdict; Public Record; Burden of Proving Religious Service or Ceremony; Ignition Interlock Device; Definitions; Prior Conviction; Violations Arising Out of Same Transaction, Mich. Comp. Laws § 257.625 (2026).

Penalties, Mass. Gen. Laws ch. 94G, § 13 (2026).

Penalties, 75 Pa. Cons. Stat. § 3804 (2026).

Penalty for Driving While Intoxicated; Subsequent Offense; Prior Conviction, Va. Code § 18.2-270 (2026).

Plea Agreement Prohibited, Or. Rev. Stat. § 813.170 (2025).

Possessing or Consuming Cannabis in Vehicle on Highway—Penalty, Exceptions—Definition, Wash. Rev. Code § 46.61.745 (2026).

Possession of Alcoholic Beverage in Motor Vehicle, Tex. Penal Code § 49.031 (2025).

Possession of Open Containers of Alcoholic Beverages in Vehicles Prohibited; Penalties, Fla. Stat. § 316.1936 (2026).

Pretrial Impaired Driving Intervention Program, Conn. Gen. Stat. § 54-56r (Supp. 2026).

Prohibition on Masking Convictions, 49 C.F.R. § 384.226 (2026).

Probation, Education, and Rehabilitation of Person Charged or Convicted; Person Convicted Under Law of Another State or Federal Law, Va. Code § 18.2-271.1 (2026).

Probation of Persons Convicted of Driving Under the Influence; Driver Alcohol Education Program; Alcohol Treatment and Rehabilitation Programs; Fees; Indigents; Gifts and Grants; Report, Mass. Gen. Laws ch. 90, § 24D (2026).

Reckless Driving, Del. Code Ann. tit. 21, § 4175 (2026).

Reckless Driving, Fla. Stat. § 316.192 (2026).

Reckless Driving; General Rule, Va. Code § 46.2-852 (2026).

Reckless Driving; Penalties, Va. Code § 46.2-868 (2026).

Reckless Driving—Penalty, Wash. Rev. Code § 46.61.500 (2026).

Refusal of Tests; Penalties; Procedures, Va. Code § 18.2-268.3 (2026).

Requirement That Prosecutor Explain Reduction or Dismissal of Charge in Implied-Consent Case, N.C. Gen. Stat. § 20-138.4 (2026).

Restricted Permits to Operate a Motor Vehicle; Ignition Interlock Systems, Va. Code § 18.2-271.5 (2026).

Revocation, Denial, and Reinstatement; Driving While Impaired; Criminal Vehicular Homicide and Operation, Minn. Stat. § 171.178 (2026).

Revocation of License for Multiple Convictions of Driving While Intoxicated; Exception; Petition for Restoration of Privilege, Va. Code § 46.2-391 (2026).

Same; Authorized Restrictions of Driving Privileges; Ignition Interlock Device; Completion of Ignition Interlock Device Program, Kan. Stat. Ann. § 8-1015 (2026).

Sanctions, N.Y. Veh. & Traf. Law § 1193 (2026).

Sarris, G. G., Abbott, D. L., Moreno, T. M., Maychack, K. J., & Limoges, J. F. (2024). Development and validation of a simple chromatographic method to screen oral fluid samples for drugs in DUID investigations. *Journal of Analytical Toxicology, 48*(8), 528-534.

Seizure of License; Circumstances; Temporary License, La. Rev. Stat. § 32:667 (2025).

Seizure, Suspension, and Revocation of License; Temporary Permits; Ignition Interlock Restricted License, Ark. Code Ann. § 5-65-104 (2025).

Suspension and Restriction of Driving Privileges for Test Refusal, Test Failure or Alcohol or Drug-Related Conviction; Increased Penalties for Blood or Breath Alcohol Concentration of 0.15 or Greater; Ignition Interlock Device, Kan. Stat. Ann. § 8-1014 (2026).

Suspension of Convicted Person's Driver's License; Period of Suspension, S.C. Code § 56-5-2990 (2026).

Suspension of License; Crimes; Violations; Waiver; Restricted License; 'Prior Conviction' as Used in Subsection (8); 2 or More Convictions; Appeal, Mich. Comp. Laws § 257.319 (2026).

Suspension of License or Issuance of a Restricted License on Conviction of Certain Offenses; Probationary Conditions Required; Generally, Va. Code § 46.2-392 (2026).

Suspension of License to Operate a Motor Vehicle for Refusal of Secondary Test; Refusal Review Hearing, W. Va. Code § 17C-5-7a (2026).

Suspension or Revocation on Conviction of Certain Alcohol- or Drug-Related Offenses, Md. Code Ann., Transp. § 16-205 (2026).

Symoun, J.(2026, October, Revised). *Oral fluid testing program case studies* (Report No. DOT 813 865). National Highway Traffic Safety Administration.

Transporting an Open Container of Alcoholic Beverage, N.C. Gen. Stat. § 20-138.7 (2026).

Trial and Appeal for Refusal, Va. Code § 18.2-268.4 (2026).

2023 Va. Acts ch. 46 (H.B. 1591) (Office of Data Governance and Analytics; repeal of sunset provision).

2026 Tenn. Pub. Acts ch. 1046 (H.B. 2574) (amending Tenn. Code Ann. § 55-10-407; effective Jan. 1, 2027).

2026 Va. Acts ch. 1112, enactment cl. 2 (H.B. 561) (establishing the impaired-driving work group).

2026 Va. Acts ch. 1127 (S.B. 230) (amendments affecting deferred disposition and expungement; effective Dec. 1, 2026).

2026 Va. Acts, Sp. Sess. I, ch. 1 (marijuana regulation; pertinent retail provisions effective July 1, 2027).

Use of Ignition Interlock Device, Tex. Code Crim. Proc. art. 42A.408 (2025).

Using or Consuming Marijuana or Marijuana Products While in a Motor Vehicle Being Driven Upon a Public Highway; Penalty, Va. Code § 4.1-1107 (2026).