



State:

West Virginia

Statute/Law:

§17C-5-2: *Driving under influence of alcohol, controlled substances or drugs.*

Per Se Law?:

No

Statute/Law Language:

(a) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug;

(g) Any person who:

(1) Knowingly permits his or her vehicle to be driven in this State by any other person who:

(B) Is under the influence of any controlled substance; or

(C) Is under the influence of any other drug; or

(D) Is under the combined influence of alcohol and any controlled substance or any other

(2) Is guilty of a misdemeanor...

(h) Any person who knowingly permits his or her vehicle to be driven in this state by any other person who is a habitual user of narcotic drugs or amphetamine or any derivative thereof, is guilty of a misdemeanor...



Penalties Following Conviction:

For first offense: Up to 6 months imprisonment (no mandatory), along with \$100 (mandatory) - \$500 fine; for first death-related DUI without reckless disregard offense: 90 days (mandatory) - 1 year, along with \$500 (mandatory) - \$1000 fine; for second offense, 6 month (mandatory) - 1 year imprisonment, along with \$1000 (mandatory) - \$3000; for third or subsequent offense (felony) - 1 year (mandatory) - 3 years, \$3000 (mandatory) - \$5000; for any death-related DUI with reckless disregard offense (felony): 1 year (mandatory) - 10 years, along with \$1000 (mandatory) - \$3000 fine.

Discretionary Court-Ordered Penalties:

The court may order electronically-monitored home incarceration, or participation in a weekend jail program, a work assignment program, or a community service program in lieu of either a fine or incarceration. May require restitution to be paid directly to a victim. Certain fees and costs that fund the Crime Victims Compensation Fund are assessed against defendants.

For more information:

<http://www.legis.state.wv.us/wvcode/ChapterEntire.cfm?chap=17c&art=5§ion=2>

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Current as of ~~March 2013~~August 2016

