

27 Laws to Lose By

Current South Carolina Laws Related to Alcohol Use

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Laws Related to Alcohol Use Among Youth

Purchasing or possessing beer or wine if you are under the age of 21

A fine of \$25 to \$100

Suspension of driver's license for 90 days for the first offense and six months for a second or subsequent offense

S.C. Code Ann. Sections 20-7-8920, 56-1-746

Purchasing or possessing liquor if you are under the age of 21

A fine of \$100 to \$200 or imprisonment for up to 30 days

Suspension of driver's license for 90 days for the first offense and six months for a second or subsequent offense

S.C. Code Ann. Sections 20-7-8925, 56-1-746

Lying or providing false information about your age to purchase beer or wine

A fine of \$50 to \$200 or imprisonment for up to 30 days

Suspension of driver's license for 90 days for the first offense and six months for a second or subsequent offense

S.C. Code Ann. Sections 61-4-60, 56-1-746

Lying or providing false information about your age to purchase liquor

A fine of \$100 to \$200 or imprisonment for up to 30 days

Suspension of driver's license for 90 days for the first offense and six months for a second or subsequent offense

S.C. Code Ann. Sections 20-7-8925, 56-1-746

Possessing an altered or invalid driver's license or personal identification card

A fine of up to \$200 or imprisonment for up to 30 days for the first offense and a fine of up to \$500 or imprisonment for up to six months for a second or subsequent offense

S.C. Code Ann. Sections 56-1-510(1), 56-1-746

Lending a driver's license or personal identification card to any other person

A fine of up to \$200 or imprisonment for up to 30 days

Suspension of driver's license for 90 days and a fine of up to \$500 for the first offense or imprisonment for up to six months and suspension of driver's license for six months for a second or subsequent offense

S.C. Code Ann. Sections 56-1-510(2), 56-1-746

Providing false information on an application to obtain a driver's license or personal identification card

A fine of up to \$200 or imprisonment for up to 30 days

Suspension of driver's license for 90 days and a fine of up to \$500 for the first offense or imprisonment for up to six months and suspension of driver's license for six months for a second or subsequent offense

S.C. Code Ann. Sections 56-1-510(5), 56-1-746

Altering a driver's license

A fine of up to \$2,500 or imprisonment for up to six months – or both

Suspension of driver's license for 90 days for the first offense and six months for a second or subsequent offense

S.C. Code Ann. Sections 56-1-515(1), 56-1-746

Selling or issuing a false driver's license

A fine of up to \$2,500 or imprisonment for up to six months – or both

Suspension of driver's license for 90 days for the first offense and six months for a second or subsequent offense

S.C. Code Ann. Sections 56-1-515(1), 56-1-746

Using someone else's driver's license or personal identification card

A fine of up to \$100 or imprisonment for up to 30 days

Suspension of driver's license for 90 days for the first offense and six months for a second or subsequent offense

S.C. Code Ann. Sections 56-1-515(2), (4), 56-1-746

Using an altered driver's license or identification card containing false information

A fine of up to \$100 or imprisonment for up to 30 days

Suspension of driver's license for 90 days for the first offense and six months for a second or subsequent offense

S.C. Code Ann. Sections 56-1-515(2), (4), 56-1-746

Giving beer, wine or liquor to anyone who is under the age of 21, including serving anyone in your home except your child or spouse

A fine of up to \$200 or imprisonment for up to 30 days

Suspension of driver's license for 90 days for the first offense and six months for a second or subsequent offense

S.C. Code Ann. Sections 56-1-515(2), (4), 56-1-746

Selling beer, wine or liquor to anyone under the age of 21

A fine of \$100 to \$200 or imprisonment for 30 to 60 days – or both

S.C. Code Ann. Sections 61-6-4080, 61-4-50

Purchasing beer or wine for someone who cannot lawfully buy these beverages

A fine of \$50 to \$100 or imprisonment for up to 30 days

Suspension of driver's license for 90 days for the first offense and six months for a second or subsequent offense

S.C. Code Ann. Sections 61-4-80, 56-1-746

Refusing to submit to testing to determine your blood alcohol concentration (BAC) level if you are under the age of 21

Suspension or denial of issuance of driver's license for six months or one year if you have been convicted of driving under the influence (DUI) or driving with a BAC of .02 percent or higher while under the age of 21, within the five years preceding the violation

Mandatory enrollment and completion of an Alcohol and Drug Safety Action Program (ADSAP) if license is suspended

S.C. Code Ann. Section 56-1-286

Driving a motor vehicle with a BAC of .02 percent or higher if you are under the age of 21

Suspension of driver's license for three months
Suspension of driver's license for six months if you have had a DUI conviction within the past five years

Mandatory enrollment and completion of an ADSAP if license is suspended

S.C. Code Ann. Section 56-1-286

Violating any alcohol-related laws if you are a student

Additional penalties (besides those cited previously) include:

- ineligibility for state-funded grants and/or scholarships (e.g., the LIFE Scholarship) for one year; and
- ineligibility for the refundable state individual income tax credit.

S.C. Code Ann. Sections 59-149-90, 12-6-3385

Laws Related to Alcohol Use Among the General Population

Having an open container of beer or wine in a moving vehicle of any kind, except in the trunk or luggage compartment

A fine of up to \$100 or imprisonment for up to 30 days

S.C. Code Ann. Section 61-4-110

Having an open container of liquor anywhere except in a private residence, hotel or motel room, licensed minibottle establishment, the luggage compartment of a vehicle or a legally constituted private gathering

A fine of up to \$100 or imprisonment for up to 30 days

S.C. Code Ann. Sections 61-6-2600, 61-6-4020, 61-6-4710

Being grossly intoxicated on any highway or at any public place or public gathering

A fine of up to \$100 or imprisonment for up to 30 days

S.C. Code Ann. Section 16-17-530

Operating a motor vehicle while under the influence of alcohol. If you have a BAC of .08 percent or higher, it will be inferred that you were driving while under the influence of alcohol. A BAC that is at least .05 percent but less than .10 percent may be considered with other evidence to determine guilt or innocence.

A fine of up to \$300 and/or imprisonment from 48 hours to 30 days *and* suspension of driver's license for six months for a first offense

A fine of \$2,000 to \$5,000 and imprisonment from 48 hours to one year *and* suspension of driver's license for one year for a second offense

A fine of \$3,500 to \$6,000 and imprisonment from 60 days to three years, *and* suspension of driver's license for two years for a third offense

Imprisonment from one to five years and permanent revocation of driver's license for a fourth or subsequent offense

If the third offense occurs within five years of the first offense, the driver's license is suspended for four years.

If the third or subsequent offense occurs within 10 years of the first offense, the vehicle used must be confiscated if the offender is the owner or a resident of the household of the owner.

Mandatory enrollment and completion of an ADSAP if license is suspended

A third or subsequent offense is considered a felony offense.

The name and address of any person whose license is suspended shall be released to the public.

S.C. Code Ann. Sections 56-5-2930, 56-5-2990, 56-5-2940, 56-5-3000, 56-5-6240, 56-5-2933

Driving a motor vehicle with a BAC of .15 percent or higher

Mandatory suspension of driver's license for 30 days

Suspension of driver's license for 60 days if you have had a prior DUI conviction within the past 10 years

S.C. Code Ann. Sections 56-5-2950, 56-5-2951

Refusing to submit to chemical testing to determine BAC

Suspension of driver's license for 90 days

Suspension of driver's license for 180 days if you have had a prior DUI conviction within the past 10 years

S.C. Code Ann. Section 56-5-2951

Driving a vehicle while under the influence of alcohol or other drugs and causing great bodily injury to any other person

Mandatory fine of \$5,000 to \$10,000 and imprisonment for 30 days to 15 years

This crime is considered a felony offense.

S.C. Code Ann. Section 56-5-2945

Driving a vehicle while under the influence of alcohol or other drugs and causing death to any other person

Mandatory fine of \$10,000 to \$25,000 and imprisonment for one to 25 years

This crime is considered a felony offense.

S.C. Code Ann. Section 56-5-2945

Commission of a felony DUI offense

Additional penalties (besides fines and imprisonment as identified above) include:

- ineligibility to vote until sentence is served (including probation and parole);
- may be denied entry into the armed forces or be restricted in regard to certain jobs within the armed forces;
- ineligibility to work for a federal law enforcement agency;
- may be denied employment at federal or state agencies; and
- ineligibility to file to run for any office in the state or its political subdivisions until 15 years or more after the completion of sentence (including probation and parole).

S.C. Code Ann. Sections 7-5-170, 7-5-120, AETC 36-2002, AR-601-210 S.C. Const. Art. VI, §1, Art. III, §7

Consuming alcoholic liquor in a public conveyance

A fine of up to \$100 or imprisonment for up to 30 days

S.C. Code Ann. Section 61-6-4720

Additional Consequences and Information

All convictions are placed in a permanent criminal record.

For underage drinking violations, offenses can be "stacked." In other words, a person charged and convicted of three separate offenses can receive all three fines or jail terms.

Individuals convicted of a first DUI offense are required to:

- show proof of financial responsibility to the South Carolina Department of Motor Vehicles (DMV), usually in the form of a guarantee of high-risk insurance coverage, for three years; and
- complete an Alcohol and Drug Safety Action Program before becoming eligible to apply to DMV for reinstatement of their driver's licenses.

The law enforcement agency with jurisdiction is required to investigate all vehicle crashes resulting in the injury or death of a person under age 21 as a result of a DUI.

Charges for DUI do not qualify for the pre-trial intervention program.

Source: South Carolina Department of Revenue

South Carolina
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