

Irresponsible use of alcohol can lead to very real consequences...

# What Are You Prepared to Lose?

## Current South Carolina Offenses Related to Alcohol Use

# What Are You Prepared to Lose?

### Offenses Related to Alcohol Use Among Underage Youth

*NOTE: Likely actual fines (including court costs and administrative fees) are provided in colored italics for many penalties.*

**Possessing, consuming, purchasing or attempting to purchase beer, wine, or liquor if you are under the age of 21 (In instances where beer or wine is discovered in the presence of minors [e.g., at a party], but no one is holding the beverages and no one claims ownership, law enforcement in some jurisdictions have charged all those present with "constructive possession," carrying the same penalties as for actual purchase or possession.)**

A fine of \$100 to \$200 [*\$260 to \$465*] and/or imprisonment for up to 30 days for the first offense  
Mandatory completion of alcohol prevention intervention/education program

S.C. Code Ann. Sections 63-19-2440, 63-19-2450, 56-1-746

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

A fine of \$100 to \$200 [*\$260 to \$465*] and/or imprisonment for up to 30 days

S.C. Code Ann. Sections 61-4-60, 63-19-2450, 56-1-746

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

A fine of up to \$200 [*\$465*] or imprisonment for up to 30 days

A fine of up to \$500 [*\$1,090*] or imprisonment for up to six months

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 [*\$465*] or imprisonment for up to 30 days

A fine of up to \$500 [*\$1,090*] or imprisonment for up to six months

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

In addition to the penalties outlined in this brochure, individuals convicted of the following offenses will also have their driver's licenses suspended for 120 days for a first offense and one year for a second or subsequent offense:

*Possessing, consuming, purchasing or attempting to purchase beer, wine, or liquor if you are under the age of 21 • Lying or providing false information about your age to purchase beer, wine, or liquor • Lending a driver's license or personal identification card to any other person • Providing false information on an application to obtain a driver's license or personal identification card • Altering a driver's license • Selling or issuing a false driver's license • Using someone else's driver's license or personal identification card • Using an altered driver's license or identification card containing false information*

#### Altering a driver's license

A fine of up to \$2,500 [*\$5,250*] or imprisonment for up to six months – or both

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 [*\$5,250*] or imprisonment for up to six months – or both

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 [*\$260*] or imprisonment for up to 30 days

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 [*\$260*] or imprisonment for up to 30 days

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

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

A fine of up to \$200 [*\$465*] or imprisonment for up to 30 days for the first offense, and a fine of up to \$500 [*\$1,090*] 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

### Underage Youth and DUI

**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% 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% 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 upon second conviction; and*
- *ineligibility for the refundable state individual income tax credit.*

S.C. Code Ann. Sections 59-149-90, 59-149-20, 59-113-20, 59-142-10, 12-6-3385

### Providing Alcohol to Underage Youth and Allowing Underage Drinking

**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 \$200 to \$300 [*\$465 to \$675*] and/or imprisonment for up to 30 days for the first offense

(over)

A fine of \$400 to \$500 *[\$880 to \$1,090]* and/or imprisonment for up to 30 days for a second or subsequent offense

S.C. Code Ann. Sections 61-4-90, 61-6-4070

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

A fine of \$200 to \$300 *[\$465 to \$675]* and/or imprisonment for up to 30 days for the first offense

A fine of \$400 to \$500 *[\$880 to \$1,090]* and/or imprisonment for up to 30 days for a second or subsequent offense

Mandatory completion of an approved merchant education program

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

### **Purchasing beer, wine, or liquor for someone who cannot lawfully buy these beverages**

A fine of \$200 to \$300 *[\$465 to \$675]* and/or imprisonment for up to 30 days for the first offense

A fine of \$400 to \$500 *[\$880 to \$1,090]* and/or imprisonment for up to 30 days for a second or subsequent offense

S.C. Code Ann. Sections 61-4-80, 61-6-4075

### **Allowing underage drinking to occur in a hotel/motel room you have rented**

A fine of up to \$500 *[\$1,090]* or imprisonment for up to 30 days

S.C. Code Ann. Section 45-2-40

## **Offenses Related to Alcohol Use Among the General Population**

*NOTE: Likely actual fines (including court costs and administrative fees) are provided in colored italics for many penalties.*

### **Open Containers**

#### **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 *[\$260]* or imprisonment for up to 30 days

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

#### **Having an open container of liquor anywhere that is not allowed by state law. (Examples of approved locations include private residences, hotel/motel rooms, licensed establishments, etc.)**

A fine of up to \$100 *[\$260]* or imprisonment for up to 30 days

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

## **DUI**

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

A fine of up to \$400 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 five days to one year *and* suspension of driver's license for one year for a second offense

A fine of \$3,800 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, 56-5-2950, 56-5-2990, 56-5-6240, 56-5-2933

### **Driving a motor vehicle with a BAC of .15% 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 six months

Suspension of driver's license for nine months if you have had a prior DUI conviction within the past 10 years; 12 months for a third DUI conviction; and 15 months for a fourth conviction

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 \$5,100 to \$10,100 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 \$10,100 to \$25,100 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);*
- *possible denial of entry to the armed forces or restriction in regard to certain jobs within the armed forces;*
- *ineligibility to work for a federal law enforcement agency;*
- *possible denial of employment by 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

## **Public Drinking**

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

A fine of up to \$100 *[\$260]* or imprisonment for up to 30 days

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

### **Consuming alcoholic liquor in a public conveyance**

A fine of up to \$100 *[\$260]* or imprisonment for up to 30 days

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

## **Selling or Possessing Kegs**

### **Selling a keg of beer without the proper tag or forms**

A fine of \$200 to \$300 *[\$465 to \$675]* for the first offense and a fine of \$400 to \$500 *[\$880 to \$1,090]* for a second or subsequent offense

S.C. Code Ann. Section 61-4-1920

### **Possessing a keg of beer that does not have the proper tag**

A fine of up to \$500 *[\$1,090]* and/or imprisonment for up to 30 days

S.C. Code Ann. Section 61-4-1930

### **Removing, altering, or obliterating the tag on a keg of beer**

A fine of up to \$500 *[\$1,090]* and/or imprisonment for up to 30 days

S.C. Code Ann. Section 61-4-1940

## **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.

The South Carolina Supreme Court has clearly ruled that if an adult allows underage drinking on his/her property and one of the young people ends up causing damage, injury, or death to himself or others, then the adult can be held civilly liable.

Individuals convicted of a first DUI offense are required to:

- show proof of financial responsibility to the S.C. 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 the DMV for reinstatement of their driver's licenses.

Second or subsequent DUI offenders must have an ignition interlock device placed on their vehicle(s) for a minimum of two years.

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: S.C. Department of Revenue

South Carolina  
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