



The Underage Drinking Prevention and Social Marketing Project

Enforcing Underage Drinking Laws through a Statewide Marketing Campaign

WV LAWS CONCERNING UNDERAGE DRINKING

West Virginia Underage DUI Laws state:

If you are under the age of 21 and are arrested with a blood alcohol level of .02% or greater you can anticipate the following consequences:

- 1st offense: fined up to \$100
- 2nd or subsequent offenses: fined \$100 - \$500 plus court costs.
- In addition to paying fines and spending time in jail, you will lose your privilege to drive in WV. The suspension periods are as follows: Under 21 with a BAC level of .02%--60 days.

Underage Drinking Penalties as of July 1, 2007:

Underage Drinking in West Virginia is considered an unlawful act. With the adoption of W.Va. State Code §49-5-13c, the following penalties apply to those who drink under the age of 18.

- Upon a first adjudication, he or she shall be ordered to perform community service for not more than eight hours or fined not more than twenty-five dollars, or both.
- Upon a second adjudication, he or she shall be ordered to perform community service for not more than sixteen hours or fined not more than fifty dollars, or both.
- Upon a third or subsequent adjudication, he or she shall be ordered to perform not more than twenty-four hours of community service or fined not more than one hundred dollars, or both.

In addition, any child adjudicated a second time for consumption of alcoholic liquor or nonintoxicating beer shall have his or her **license to operate a motor vehicle suspended for a definite term of not less than five (5) nor more than ninety (90) days.**

Any child adjudicated a third or subsequent time for consumption of an alcoholic liquor or nonintoxicating beer shall have his or her **license to operate a motor vehicle suspended until he or she attains the age of eighteen (18) years.**

Other W.Va State Codes

§60-3A-24a1

Any person who is eighteen or over but under the age of twenty-one years who purchases, consumes, sells, serves or possesses alcoholic liquor is guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not to exceed five hundred dollars or shall be incarcerated in jail for a period not to exceed seventy-two hours, or both fined and imprisoned or, in lieu of such fine and incarceration, may, for the first offense, be placed on probation for a period not to exceed one year.

§60-3A-24b

Any person under the age of twenty-one years who, for the purpose of purchasing liquor from a retail licensee, misrepresents his or her age or who for such purpose presents or offers any written evidence of age which is false, fraudulent or not actually his or her own or who illegally attempts to purchase liquor from a retail licensee is guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not to exceed fifty dollars or imprisoned in jail for a period not to exceed seventy-two hours, or both fined and imprisoned or, in lieu of such fine and imprisonment, may, for the first offense, be placed on probation for a period not exceeding one year.

§60-3A-24c

Any person who knowingly buys for, gives to or furnishes to anyone under the age of twenty-one to whom he or she is not related by blood or marriage any liquor from whatever source is guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not to exceed two hundred fifty dollars or imprisoned in jail for a period not to exceed ten days, or both fined and imprisoned.

For more info on laws in West Virginia, visit the State Legislative Web Site <http://www.legis.state.wv.us>

To compare our laws with the laws of other states go to <http://alcoholpolicy.niaaa.nih.gov/stateprofiles/>

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