



BICYCLE FRIENDLY STATE

BICYCLING UNDER THE INFLUENCE LAWS

Bicycling Under the Influence (BUI) laws provide specific penalties for bicyclists that are found to be riding while under the influence of drugs or alcohol. In most cases, BUI laws differ from Driving Under the Influence (DUI) laws by providing for less severe penalties and by not affecting a person's driver's license. In states without BUI laws it can be difficult to understand whether a DUI law may or may not apply to a person riding a bicycle due to the way that DUI statutes are written and how bicycles are defined. Learn more at bikeleague.org/bike-law-university.

State	BUI-specific Rules			Potential Reasons DUI language may or may not apply to Bicyclists			DUI statute likely applies	DUI statute may not apply	Relevant Cases about BUI
	BUI Statute or Exemption	Bicyclists exempt from all or part of DUI statute	BUI-specific Penalty	Bikes are Vehicles	DUI statute written for 'motor vehicles'	DUI statute written for 'vehicles'			
Alabama				Yes		Yes	Yes		
Alaska				Yes	Yes			Yes	
Arizona				No		Yes		Yes	
Arkansas				No	Yes			Yes	
California	VC 21200.5	Yes	Yes	No		Yes		Yes	Clingenpeel v. Municipal Court, 108 Cal.App.3d 394 (1980) [DUI law does not apply to bicycles]
Colorado				Yes		Yes	Yes		
Connecticut				Yes	Yes		Yes		
Delaware	§ 4198J	Yes	Yes	No		Yes		Yes	
District of Columbia				Yes		Yes	Yes		Everton v. DC, 993 A.2d 595 (2010) [DUI law applies to bicyclists]
Florida				Yes		Yes	Yes		State v. Howard, 510 So.2d 612 (1987) [DUI law applies to bicyclists]
Georgia	40-6-291			Yes		Yes	Yes		
Hawaii				Yes		Yes	Yes		
Idaho				Yes	Yes			Yes	
Illinois				No		Yes		Yes	People v. Schaefer, 654 N.E.2d 267 (1995) [affirms motion to dismiss DUI charge because a bike is not a vehicle]
Indiana				Yes		Yes	Yes		

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Iowa				No	Yes			Yes	
Kansas				No		Yes		Yes	Wichita v. Hackett, 275 Kan. 848 (2003) [State Supreme Court says state DUI law does not apply to bicycles, although Wichita's city DUI ordinance does]
Kentucky	KRS 189.520; 189.990 (penalty)	Yes	Yes	Yes	Yes			Yes	
Louisiana				Yes		Yes	Yes		Louisiana v. Carr, 761 So.2d 1271 (2000) [LA Supreme Court says DUI law does not apply to bicycles as they are not an "other means of conveyance"].
Maine				No	Yes			Yes	
Maryland				Yes		Yes	Yes		
Massachusetts				No	Yes			Yes	
Michigan				No		Yes		Yes	Hullett v. Smiedendorf, 52 F. Supp. 2d 817 (1999) ["the implied consent statute does not apply in this case because a bicycle is not a "vehicle" governed by the implied consent statute"]
Minnesota	169A.35 (exception for group beer bikes)			Yes	Yes			Yes	
Mississippi				Yes		Yes	Yes		
Missouri				No	Yes			Yes	

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Montana	61-8-401(3)(b)	[alters meaning of "vehicle"]	No	Yes		Yes	Yes		State v. Delap, 772 P.2d 1268 (1989) [DUI law does not apply to snowmobile - may mean DUI law does not apply to bicycles]
Nebraska		60-4,182 [points system does not apply to bicyclists]		No	Yes			Yes	
Nevada				No		Yes		Yes	
New Hampshire				Yes		Yes	Yes		
New Jersey				No	Yes			Yes	State v. Tehan, 190 N.J. Super. 348 (1982) [Drunk bicyclists are obligated to stay off roadway, but only subject to certain penalties]. But see State v. Machuzak, 227 N.J. Super. 279 (1988); State v. Johnson, 203 N.J. Super. 436 (1985) [DUI law does not apply to bicycles]
New Mexico				No		Yes		Yes	
New York				No	Yes			Yes	State v. Szymanski, 63 Misc.2d 40 (1970) [DUI law does not apply to horse-drawn carriages - mentions bicycles as an analogous transportation method]
North Carolina				Yes		Yes	Yes		Bicycles were excluded under 20-138.1(e) until 2006
North Dakota				Yes		Yes	Yes		Lincoln v. Johnston, 2012 ND 139 (2012) [DUI applies to bicycles as vehicles].
Ohio		4511.52 [points system does not apply to bicyclists, except in the case of 4511.19 (DUI)]		Yes		Yes	Yes		Ohio v. Hilderbrand, 40 Ohio App. 3d 42 (1987) [DUI law applies to bicycles, but license could not be suspended under prior law]. Ohio v. Shepard, 1 Ohio App. 3d 104 (1981) [DUI law applies to bicycles]
Oklahoma				Yes	Yes			Yes	

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Oregon				Yes		Yes	Yes		State v. Woodruff, 726 P.2d 396 (1986) [DUI law applies to bicycles, but implied consent law which referred to "motor vehicles" did not].
Pennsylvania				Yes		Yes	Yes		Commonwealth v. Brown, 423 Pa. Superior Ct. 264 (1993) [DUI law applies to bicycles as vehicles]
Rhode Island				Yes		Yes	Yes		
South Carolina				No	Yes			Yes	
South Dakota	32-23-22	No	No	Yes		Yes		Yes	State v. Bordeaux, 710 N.W.2d 169 (2006) [prior to new law, found DUI law applicable to bicycles as vehicles]
Tennessee				Yes	Yes			Yes	
Texas				Yes	Yes			Yes	
Utah	41-6a-1102(2)	No	No	Yes		Yes	Yes		
Vermont	23 VSA §1200(6)	No	No	No		Yes		Yes	
Virginia				Yes	Yes			Yes	
Washington	46.61.790	Yes	Yes	Yes		Yes	Yes		Montesano v. Wells, 902 P.2d 1266 (1995) [holds that DUI was meant to apply to motor vehicles only]
West Virginia				No		Yes		Yes	
Wisconsin				Yes	Yes			Yes	
Wyoming				Yes		Yes	Yes		

Doing a better job of recognizing and dealing with BUI can be part of a road safety agenda, but our current legal system does not seem to be equipped to deal with the issue. To be taken seriously as road users, with the same rights and responsibilities as the operators of motor vehicles, means that cyclists should avoid BUI. However, the potential harm of BUI is not readily comparable to the well documented dangers of DUI. The normalization of bicycles as a legitimate transportation mode does not mean that bicyclists should be fit into the pre-existing framework for motor vehicles, but that they should be treated with the same seriousness. BUI and DUI are separate public policy issues that deserve separate public policy responses.