



Bicycling Under the Influence

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State	BUI statute or exemption from DUI statute	Bikes are vehicles	DUI statute written for motor vehicles (or other)	DUI statute written for all vehicles	Bicyclists subject to DUI statute by construction	Bicyclists exempt from DUI statute by construction	Bicyclists exempt due to DUI statute language	Bicyclists exempt due to vehicle definition	Bicyclists exempt from all or part of DUI statute by statute	BUI-specific penalty
Alabama		Yes		Yes	Yes					
Alaska		Yes	Yes			Yes	Yes			
Arizona		No		Yes		Yes		Yes		
Arkansas		No	Yes			Yes	Yes	Yes		
California	VC 21200.5	No		Yes		Yes		Yes	Yes	Yes
Colorado		Yes		Yes	Yes					
Connecticut		Yes	Yes		Yes					
Delaware	§ 4198j	No		Yes		Yes		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						
Hawaii		Yes		Yes	Yes					
Idaho		Yes	Yes			Yes	Yes			
Illinois		No		Yes		Yes		Yes	People v. Schaefer, 654 N.E.2d 267 (1995) [affirms motion to dismiss DUI charge because a bicycle is not a vehicle]	
Indiana		Yes		Yes	Yes					
Iowa		No	Yes			Yes	Yes	Yes		
Kansas		No		Yes		Yes		Yes	City of Wichita v. Hackett, 275 Kan. 848 (2003) [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	Yes	Yes		
Maryland		Yes		Yes	Yes					
Massachusetts		No	Yes			Yes	Yes	Yes		
Michigan		No		Yes		Yes		Yes	Hullett v. Smiedendorff, 52 F. Supp. 2d 817 (1999) ["It is not a crime to operate a bicycle while intoxicated"]	
Minnesota	169A.35 (exception for group beer rides)	Yes	Yes			Yes	Yes			
Mississippi		Yes		Yes	Yes					
Missouri		No	Yes				Yes	Yes		
Montana	61-8-401(3)(b) [alters meaning of "vehicle"]	Yes		Yes	Yes				Yes	No
Nebraska	60-4,182 32-23-22	No	Yes			Yes	Yes	Yes	1 (points system does not apply to bicyclists)	
Nevada		No		Yes		Yes		Yes		
New Hampshire		Yes		Yes	Yes					
New Jersey		No	Yes			Yes	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		Yes		
New York		No	Yes			Yes	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					
North Dakota		Yes		Yes	Yes				Lincoln v. Johnston, 2012 ND 139 (2012) [DUI applies to bicycles as vehicles].	
Ohio		Yes		Yes	Yes				Ohio v. Hilderbrand, 40 Ohio App. 3d 42 (1987) [DUI law applies to bicycles].	
Oklahoma		Yes	Yes			Yes	Yes			
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" does 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	Yes	Yes		
South Dakota	32-23-22	Yes		Yes		Yes				
Tennessee		Yes	Yes			Yes	Yes		Yes	No
Texas		Yes	Yes			Yes	Yes			
Utah	41-6a-1102(2)	Yes		Yes	Yes				Yes	No
Vermont	23 VSA §1200(6) (changes definition of vehicle)	No		Yes		Yes		Yes	Yes	No
Virginia		Yes	Yes			Yes	Yes			
Washington	46.61.790	Yes		Yes	Yes				No	Yes
West Virginia		No		Yes		Yes		Yes		
Wisconsin		Yes	Yes			Yes	Yes			
Wyoming		Yes		Yes	Yes					