

Substance	Statutory Language	Statute	Court Interpretation
Alcohol	0.08 or more BAC per se	1201(a)(1)	<p>The Court has interpreted the statute under the plain language doctrine, meaning under 1201(a)(1), the prosecution has to produce evidence of the defendant's blood/breath alcohol content. Then the prosecution must relate that content back to the time of the operation. <i>State v. Dumont</i>, 146 Vt. 252 (1985); <i>State v. Rollins</i>, 141 Vt. 105 (1982)</p>
Alcohol	0.04 BAC per se for those operating a Commercial Vehicle	1201(a)(4)	<p>This section is construed by the court in the same way as 1201(a)(1).</p>
Alcohol	0.02 or more BAC per se for a person operating a school bus	1201(a)(1)	<p>The Court has interpreted 1201(a)(1) under the plain language doctrine, meaning under this section, the prosecution has to produce evidence of the defendant's blood/breath alcohol content.</p>
Alcohol	Under the influence	1201(a)(2)	<p>Section 1201(a)(2) is satisfied "if [the] defendant [is] under the influence of intoxicating liquor to the slightest degree." <i>State v. Frigault</i>, 151 VT 537, 561 (1989); See <i>State v. Hedding</i>, 114 Vt. 212 (1945).</p>
Other Drugs or other drugs & alcohol	Incapable of driving safely	1201(a)(3)	<p>Section 1201(a)(3) requires the operator to be under the influence and the drug's influence must be to a degree which renders the person incapable of driving safely. This is a higher standard than section 1201(a)(2). <i>State v. Rifkin</i>, 140 Vt. 472, 476-77 (1981); See <i>State v. Frigault</i>, 151 VT 537, 538 (1989).</p>