

HB

1

7

Directions: Please circle the best options

OPTION:	SB 61	CSHB 17 (Jud)am	SB 226	Current Law	Recommendations / Explanations
ENFORCEMENT 1. Selective enforcement roadblocks	no provision	no provision	no provision	no provision	Anchorage Muni. Prosecutor, Allen Baily, suggested that this program be implemented at the municipal level (see attachment 1). <i>Baily Ross</i>
2. Mandatory breath alcohol content tests for those stopped for moving violations	no provision	no provision	no provision	PBTs are used in the Anch. area	Dennis Kelso, and Larry Ross recommended this as a successful deterrent (see attachment 2).
3. Implied consent	no provision	no provision	no provision	consent for BAC tests is given upon receiving driver's license	
4. back up crews to decrease police officer off-road time.	no provision	no provision	no provision	no provision	increase enforcement efforts (see attachment 3).
5. purchase more accurate breathalizers	no provision	no provision	no provision	no provision	evidence in court would be more reliable

Field testing

ADJUDICATION AND SANCTIONING	SB 61	CSHB 17(Jud) am	SB 226	Current law	Recommendations /Explanations
1. Minimum fines for DWI or Breath test refusal	✓ 1st conviction \$250min, \$500max. 2nd conviction \$500min, 1000max. 3rd conviction \$1000min, 2500max.	no provision	no provision	no provision	recommended by many as appropriate sanction. was recommended as a deterrent (see attach. #4)
2. Minimum Incarceration for DWI and breath test refusal	✗ 1st conviction 72 consec. hrs. 2nd conviction 20 consec. days 3rd or subsequent conviction 30 consec. days min.	no provision	no provision	1st conviction 72 consec. hrs. 2nd conviction w/in 1yr 20dy. w/in 5yr 10dy.	recommended by many as appropriate sanction. --very expensive. success was questioned at at hearings (see attach. #5).
3. Presentence Investigation report	✓ no provision	no provision	no provision	no provision	recommended by many as way to increase DWI conviction rate
4. Increase penalty for causing death or bodily injury	✗ no provision	no provision	no provision	no provision	recommended in hearings as appropriate retribution
5. make sanctions for driving while license revoked equal to DWI	✓ 14 consecutive days, \$500 min.	no provision	no provision	no provision	recommended as a deterrent for drunk driving, and driving in violation of license revocation
6. driver's license suspensions	✗ no provision	no provision	no provision	no provision	recommended as one of the most successful deterrents

? 30 day / 90 day?

how differ from 7. & 8. ?

ADJUDICATION/ SANCTIONING	SB 61	CSHB17(Jud)am	SB 226	Current Law	Recommendations/ Explanations
7. driver's license revocations	1st conviction DUI or refusal 90 day minimum 2nd conviction 1 yr license revocation, 3rd or subs. conviction permanent revocation	no provision	no provision	1st conviction DUI-30 day min, or 60 day limited license /revocation combination 2nd conviction w/in 1 yr license revoc./ no limited lic. 3rd conviction no lim. lic. for 3 years.	recommended as one of the most successful deterrents
8. administrative license revocation	enf. officer shall seize license. (see attach #6)	no provision	no provision	no provision	recommended by Allen Baily as as one of the most successful deterrents.
9. community service.	no provision	no provision	no provision	no provision	cheaper than incarceration/ similar effect.
10. automobile impoundment	car being used when apprehended shall be impounded for 3rd or subsequent conviction	no provision	no provision	Anchorage Muni. Judges may impound auto used for no less than 30 days upon 2nd conviction, and no less than 60 days for 3rd convict.	constitutional questions have been raised concerning this sanction.
11. automobile forfeiture	car being used when apprehended may be forfeited	no provision	no provision	no provision	was recommended numerous times during hearings as appropriate sanction

under judge determines...

under what circumstances

DECREASE ALCOHOL BEVERAGE CONSUMPTION	SB 61	CSHB 17(Jud)am	SB 226	Current Law	Recommendation/Explanation
1. raise the minimum drinking age. ?	no provision	raises to 21. contains advisory vote provision. Those under 21 may work in estab. serving alcohol. KELLY-CS	no provision	no provision	recommended for general deterrence. May decrease alcohol related accidents by 28%.
2. increase the excise tax on liquor X	no provision	no provision	no provision	no provision	a 50¢ increase per 5th is said to decrease alcohol consumption by 5%. if do - drastic increase
3. prohibit open alcohol containers in automobiles ✓	no provision	no provision	no provision	prohibited in Muni. of Anch.	recommended by many as most obvious way to decrease drunk driving
4. decrease bar hours X	no provision	no provision	no provision	no provision	would decrease amount of time for persons to consume alcohol
5. distribute alcohol licenses which are similar to driver's licenses. ? look into further	no provision	no provision	no provision	no provision	allow regulation of problem drinkers and habitual drinkers who drive.
6. increase the price of liquor licenses X	no provision	no provision	no provision	no provision	accord. to some, this would decrease the number of alcohol estab.

DECREASE ALCOHOL BEVERAGE CONSUMPTION		SB 61	CSHB 17(Jud)am	SB 226	Current Law	Recommendation/ Explanation
7. mandatory food service between certain hours	X	no provision	no provision	no provision	no provision	this would decrease the rate at which one became intoxicated.
ENGINEERING EFFORTS/ DRIVING SAFETY		SB 61	CSHB 17(Jud) am	SB 226	Current Law	Recommendations
1. mandatory seat-belt use	X	no provision	no provision	no provision	no provision	According to Larry Ross this would drastically reduce the number of auto fatalities
2. child safety restraints	X	no provision	no provision	no provision	no provision	this measure drastically reduces the number of infant fatalities.
3. lower the speed limit to 50mph	X	no provision	no provision	no provision	no provision	lowering the speed limit was one of the two most successful highway safety measures in the '70's.
4. mandatory auto insurance	X	no provision	no provision	no provision	no provision	would make driver's more respons. for their actions. increased ins. rates would be a natural deterrent.
5. require digital add on equip. for car ignitions	X	no provision	no provision	no provision	no provision	would make it virtually impossible to start autos when intoxicated
6. curfew licenses for drivers under 17	X	no provision	no provision	§5 driving prohibited for 16-17 year olds between 12am and 5am(see Attach 7)	no provision	could decrease fatalities for those covered under bill by as much as 63%

upon DWI conviction

REHABILITATION TREATMENT/ EDUCATION	SB 61	CSHB 17(Jud)am	SB 226	Current law	RECOMMENDATION
1. provide rehabilitation in incarceration facilities	no provision	no provision	no provision	no provision	recommended by Judge Andrews as necessary for habitual offenders
2. court mediator or hotline for problem drinkers	no provision	no provision	no provision	no provision	some felt that this was necessary. for those who have no where to turn
3. teenage treatment program or facilities	no provision	no provision	no provision	no provision	treatment for teens should be tailored differently than that for adults.
4. rehabilitation treatment	offender shall undertake rehabilitation or education specified by the court	no provision	no provision	treatment administered with judicial discretion	
5. education	offender shall undertake rehabilitation or education specified by the court	no provision	will provide education in high schools (see attach 7).	provided as treatment at discretion of courts	

ATTACHMENT 1

April 16, 1983

Selective enforcement roadblocks

Selective enforcement roadblocks have been implemented in a number of countries, and in the United States.

A pilot project was implemented in the state of Maryland to aid in the detection and apprehension of intoxicated drivers. The program is anticipated to be a deterrent for potential drunk drivers.

The safety of citizens as well as Public Safety personnel will be considered in the selection of the sites. The sites will also be selected based on time of day, day of week location, and the number of accidents located in that area. The sites must also have a safe area in which cars can stop.

The Maryland project does not use barricades to block oncoming traffic. All traffic approaching the checkpoint will pass through the checkpoint where the car will be approached by a police officer who will hand the driver a brochure prepared to explain the selective roadblock. If the officer detects alcohol while the car is stopped, the driver will be detained and required to present their driver's license and vehicle registration. They may also be required to give a preliminary breath test. If sufficient evidence of intoxication is developed, the driver will be arrested.

No action will be taken against a driver for merely turning off the roadway before the checkpoint.

ATTACHMENT 2

April 16, 1983

Mandatory Breathalyzer tests

A number of states give preliminary breath alcohol tests for all persons who are stopped for moving violations or who are involved in car accidents. The probable cause to give the test is simply that alcohol impairment may have caused the accident or the illegal driving pattern.

This was recommended by Dr. Dennis Kelso during the April 9, 1983 hearing as one of the best ways to increase enforcement efforts.

The lack of adequate enforcement was established as one of the largest loopholes in the drunk driving situation.

ATTACHMENT 3

April 16, 1983

Backup crews to assist police officers

Currently, the Alaska state trooper must spend at least one hour with the car of the apprehended person until the car can be impounded.

Using backup crews to come and wait with the car was recommended during the April 9 hearing as one way to decrease their down time which would ultimately increase enforcement.

ATTACHMENT 4

April 16, 1983

Mandatory minimum fines

Many opposing views were expressed on this option during the hearings. For instance, Anchorage Municipal Prosecutor Allen Baily suggested that fines would be an appropriate deterrent for drunk driving. District Court Judge, Elaine Andrews, expressed her concern about the difficulties in trying to collect the fine when the person is unable to pay.

ATTACHMENT 5

April 16, 1983

Mandatory Minimum incarceration

Included with this attachment are copies of the request we made from the Division of Corrections regarding the costs of installing and operating new or used modular minimum security facilities. Also included is a letter recommending the Harborview Disability Center as a minimum security facility.

Clearly, these suggestions have been made because of the strain already existing on the correctional facilities in the state.

Many persons during the hearings testified in favor of mandatory incarceration, and they generally stated it was a successful and warranted deterrent. Dr. Ross, on the other hand, stated that in England during the Road Safety act, there was no mandatory incarceration. The sanction for DWI was suspension of the driver's license. He suggested that the primary deterrent decreasing the fatality rate was the public's perception that they would be caught-- alcohol related accident fatalities rose within months of the implementation of the act with the change in the public perception.

DEPT. OF HEALTH AND SOCIAL SERVICES
OFFICE OF THE COMMISSIONERPOUCH H 01
JUNEAU, ALASKA 99811

PHONE:

DOCUMENT NO. 83-154

April 15, 1983

The Honorable Vic Fischer
Senate State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Fischer:

On Thursday April 7, 1983, your Committee requested that Corrections provide information regarding capital and operating costs for an institution which would house offenders convicted for drunk driving offenses (DMVI or DWI). In a short time we have reviewed available data and have formulated what we believe to be reasonable assumptions. This response is offered to your Committee with an understanding that the Sheffield Administration has not addressed the question as to whether this concept would be appropriate to pursue, and that funds are not available within current operating or capital requests to create an institution for this purpose. Further, this response is based on current statutes and law enforcement practices. Proposed changes under consideration could increase the numbers of offenders.

Sufficient numbers of offenders for a specialized facility to confine drunk drivers are only found in the southcentral region of the State. From data presently available we believe that a fifty five bed capacity would be necessary. It is likely that a site in the Matanuska Valley will be acquired for correctional purposes. Assuming the purchase of a 55 bed pipeline camp for transfer and setup it is estimated that capital costs for acquisition and site development would total \$3,350,000.

Twelve month operating costs for a 55 bed facility are estimated to be \$1,213,700. This figure includes a staff of nineteen, purchase and operation of two vans for transporting offenders to and from population centers, and routine operating costs.

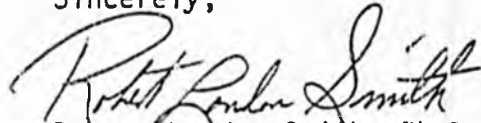
Programmatic issues for a specialized facility of this type have not been fully addressed. Many believe that those serving short sentences of three or ten days for drunk driving are not necessarily candidates for alcohol treatment programs. Some argue that the punitive impact of incarceration is most appropriate, while others believe that needs assessment and referral are the proper goals for this setting and population. Still others support a full educational and treatment effort. Two Social Worker III positions have been included in the proposed staff to provide on site alcoholism counseling. With staggered shifts and days of work, the counseling can be provided seven days a week.

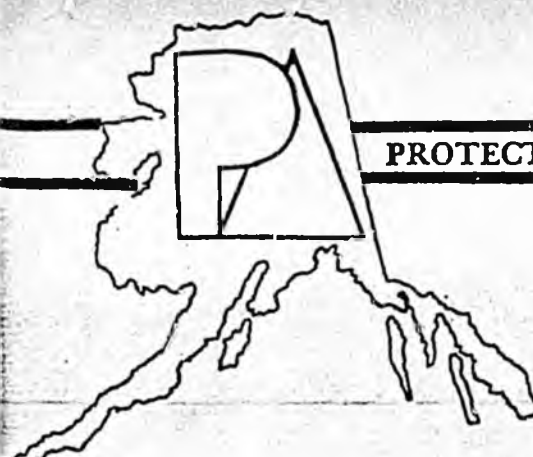
The Honorable Vic Fischer
Page 2

While funding for a 110 bed minimum custody facility has not been identified in budget requests, future planning calls for a facility of this size and custody classification. Due to initial site development and core facility costs for the first 55 bed facility, the remaining 55 bed capacity could be added for a comparatively small sum. Estimates to erect housing and core facility pipeline structures for the second 55 inmates at the same site are \$400,000, for a total capital investment of \$3,750,000. Twelve month costs for a 110 bed facility with a staff of 36 and related operational/inmate costs would total \$2,332,500. The additional 55 beds could be used for housing misdemeanor and minimum custody felony inmates.

It is my hope that this information is responsive to your inquiry. I wish to reiterate that the Administration has not developed a position regarding the appropriateness of a specialized facility for drunk drivers, nor would operating or capital funds be available for such a project within the Governor's FY'84 requests.

Sincerely,


Robert London Smith, Ph.D.
Commissioner



PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED

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April 13, 1983

Senator Vic Fischer
Pouch V
Mail Stop 3100
Juneau, Alaska 99811

Dear Senator Fischer:

This letter concerns the need for the State of Alaska to obtain a minimum security facility for the treatment of drunk drivers.

I noticed in the papers that it has been suggested that surplus pipeline camps be purchased and renovated for this purpose. It is my suggestion that the state first look to existing facilities that are not being appropriately utilized. The most notable example of this type of facility is Harborview Developmental Center for the developmentally disabled in Valdez.

Harborview currently provides residential care for up to 96 developmentally disabled Alaskans. Unfortunately, Harborview was constructed before it was realized that the developmentally disabled could be better served in community settings. This has resulted in the unnecessarily institutionalization of many Alaskans. There is a tremendous loss of human dignity and potential which occurs because of this state policy of institutionalization. In addition, the \$85,000 per person per year spent on this primarily custodial care is staggering at a time when community services have been set back for three years in a row. There is a strong consensus growing that the people in Harborview must be returned to their families and communities as soon as possible. As a result, the state will need to find alternative uses for this building.

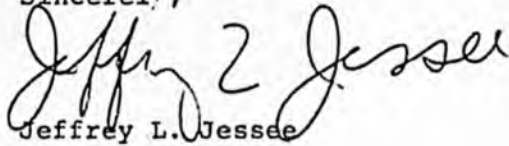
Harborview would be well-suited for use as a minimum security facility. Constructed after the earthquake of poured reinforced concrete, it contains a large cafeteria and laundry. In addition, each exterior door has an alarm system in place and the activities on each hall can be monitored from central nursing stations. The

local hospital is also located in the other end of the building. Renovations currently underway will result in a more efficient heating system and a new roof.

Alaskan's now believe that it is the drunken drivers that should be removed from the community, not the handicapped. I can think of no better expressions of this long overdue realization than by changing the use of Harborview.

Thank you for your consideration of this idea and please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey L. Jesse". The signature is written in dark ink and is positioned above the typed name.

Jeffrey L. Jesse
Staff Attorney

JLJ:bk

ATTACHMENT 6

April 16, 1983

Administrative license revocation

SB 61 states that if a person under arrest refuses to take the breathalyzer test, or if their BAC is above the legal limit, the enforcement officer shall seize that persons driver's license. The officer shall read and deliver to the person arrested a notice advising him or her that: 1) the state intends to revoke their driver's license; 2) the person has a right to obtain a court review of the revocation; 3) the notice is a temporary driver's license expiring seven days from date of notification; 4) the revocation of the person's driver's license shall take effect upon the expiration of the temporary driver's license unless that person within seven days initiates court proceedings to rescind the revocation.

ATTACHMENT 7

April 16, 1983

Curfew license provisions in SB 226

This bill creates three different stages of driver's licenses, and decreases the hours in which a person having a permit only can drive according to the outline below.

SB 226:

1) prohibits those automobile drivers with learning permits (as opposed to licenses) from driving between the hours of 9pm and midnight on Friday and Saturday, and prohibit them from driving between midnight and 5am every morning.

2) provides in the state driver's manual a more substantial section on the dangers of combining driving and alcohol-- including a portion on how to recognize an intoxicated driver, and create a corresponding section in the written examination.

3)creates a Stage 1 license--

-- this license would apply to 16 year old persons, and to those who are 17 years old who have not had driver's education.

-- persons with this license would be prohibited from driving between the hours of midnight and 5am unless accompanied by a parent or a spouse 18 years of age or older, or unless traveling to or from work or in the course of employment with a signed affidavit in hand from the employer.

-- two moving violations, 1 DWI, or driving in violation of the curfew would result in the revocation of this license, but would allow them to apply for a learner's permit.

4)creates a Stage 2 license--

--this license would apply to 17 year olds who have passed driver's education.

--to qualify for this license a 17 year old must have 6 consecutive months prior to application with no moving violations, and no DWIs or curfew violations.

--a moving violation, a DWI, or a curfew violation results in the revocation of the Stage 2 license. The person would, however, be able to apply for a stage 1 license.

--this Stage 2 license would not have any driving curfew.

5) creates a Stage 3 license equal to the current Alaska State driver's license in every way except that you must be 18 to be eligible for that license--

--any Alaska State resident currently eligible for a driver's license, and who is 18 years of age would be eligible for a Stage 3 license.

--traffic violations obtained with a permit, stage 1 license, or a stage 2 license shall be applied to the stage 3 license in compliance with current Alaska law when that license is obtained on or after their 18th birthday.

6) provides an effective date of January 1, 1984

--those who receive their driver's licenses before January 1, 1984 would have a three month period in which to obtain the appropriate license after the effective date of the bill before their license automatically expires.

7) in accordance with this bill, driver's education courses must be available to all persons under 18 through the high school curriculum.

HB 6 :

1st conviction DWI or refusal

driver' license seized at time of arrest .
and revoked or suspended for 90 days. (~~limited license~~)

72 hours in jail

minimum \$250 fine

mandatory treatment

2nd conviction

20 days incarceration

license revoked for one year

minimum \$500 dollar fine

mandatory treatment

3rd conviction

30 days incarceration

license is revoked for 10 years

mandatory treatment

minimum \$1000 dollar fine

may have to forfeit vehicle involved in the offense.

Also in the bill (Finance version)

preliminary Breath tests (section 16 of finance version)

administrative license revocation (section 3)

---sobriety checkpoints (in statae affairs--deleted in Judiciary)

---open container provision (Also deleted in Judiciary)

Chemical test may be administered to an unconscious person (section 22 of finance version of the bill).

proof of financial responsability must be shown to obtain a new driver's license once your license has been revoked etc...(section 12).

four hour provision for measuring BAC at time of arrest (section 13).

alcohol and drug section added to the written portion of the driver's license examination (section 2).

H-B 6
~~CSSB 61~~ (State Affairs)

	PRESENT LAW	SB 61	
Grounds for Immediate revocation of Driver's license.	Refusal of chemical test of breath was not included.	Adds the refusal to submit to a chemical test of breath to the grounds for the immediate revocation of a driver's license	Same as SB 61
License suspensions, revocations, and limitations for DWI	1st conviction: license revoked for 30 day minimum, or limited license and revocation for 60 days minimum. 2nd conviction: license is revoked for one year minimum. No limited license privileges. 3rd or subsequent conviction: license is revoked for 3 years. No limited license privileges.	1st conviction: driver's license is seized at the time of arrest if driving a motor vehicle. License is revoked or suspended for 90 days. No limited license privileges. 2nd conviction: driver's license is seized at the time of arrest. License is revoked for one year. No limited license privileges. 3rd or subsequent conviction: Driver's license is seized at the time of arrest. License is revoked permanently.	1st conviction: driver's license is seized at the time of arrest. License is revoked for 90 days. Limited License privileges may be granted for the last 60 days. 2nd conviction: same as SB 61. 3rd or subsequent conviction: Driver's license is seized at time of arrest. License is revoked for 10 years. No limited license privileges.
Imprisonment for DWI or refusal of breath test.	1st conviction: not less than 72 consecutive hours. 2nd conviction: not less than 10 consecutive days if offense was committed within 5 years of previous conviction, or, not less than 20 consecutive days if the offense was committed within one year of previous conviction.	1st conviction: same as present law. 2nd conviction: not less than 20 consecutive days. 3rd or subsequent conviction: not less than 30 consecutive days.	1st conviction: same as SB 61. 2nd conviction: same as SB 61. 3rd or subsequent conviction: same as SB 61.

PRESENT LAW

SB 61

HB 6
~~SSB-61~~ (State Affairs)

License suspensions, revocations, and limitations for refusal of breath test

1st offense: ineligible for a driver's license or permit for a three months' period unless the court finds hardship and modifies the suspension or revocation.
2nd conviction: if there is a conviction for DWI or refusal of breath test, revocation is for one year.

All penalties for refusal to submit to a chemical test of breath are identical to the above penalties for driving while intoxicated.

All penalties for refusal to submit to a chemical test of breath are identical to the above penalties for DWI.

Fines for DWI or refusal of breath test

Not more than \$1000.00

1st conviction \$250 minimum-- \$500 maximum fine.
2nd conviction: \$500-- \$1,000
3rd conviction: \$1,000-- \$2,500

1st conviction: not less than \$250.
2nd conviction: \$500 minimum.
3rd conviction: \$1,000 minimum.

Impoundment of vehicle

no provision

1st offense: 15 days
2nd offense: 90 days

impoundment section has been deleted (see amendment to this bill).

Forfeiture of vehicle

no provision

If a person has been convicted more than once of DWI or refusing to submit to a chemical test of breath, the court may order the forfeiture of a motor vehicle.

Adds new sections. An additional provision is made for the remission of forfeitures, a procedure to allow a person with ownership or security interests in a forfeited motor vehicle to claim the vehicle or interest in the vehicle through court proceedings. A municipality is granted the authority to provide for impoundment and forfeiture of a motor vehicle in similar circumstances.

	PRESENT LAW	SB 61	HB 4 CSSB 61 (State Affairs)
Administrative revocation of driver's license	no provision	On refusal to submit to a chemical test for breath or if a test indicates an alcohol concentration of 0.10 or more, the law enforcement officer shall seize the driver's license. The officer reads the a notice and give the driver a copy of the notice. The notice explains the revocation procedure. The notice is a temporary driver's license that expires in 7 days unless the driver initiates court proceedings to rescind the revocation of the license.	Adds additional language which will stay a revocation if the person initiates a court action to rescind the Department of Public Safety's action. Procedures for court review of an administrative revocation are set out.
Use of preliminary breath testing (PBT)	no provision	No provision	Section 15 requires a person involved in an accident or who commits certain serious traffic offenses, or who drives in a manner that creates a risk to a person or property to submit to a preliminary breath test that may be used by an officer in determining whether to arrest the person. Refusal to submit to the test is a violation punishable by a fine.
Driving while license is cancelled, suspended, revoked, or in violation of limitation.	not less than 10 days. no provision for a fine.	not less than 14 consecutive days. Fine- not less than \$500 nor more than \$1,000.	section 11 in CSSB 61 (State Affairs) provides a minimum penalty of 30 days imprisonment and a fine of \$500 for driving when driving privileges have been revoked for DWI or refusal to submit to a chemical test if the person has been convicted once within the last 10 years. If the person has been convicted more than once of DWI or refusal to submit to a chemical test and continues to drive while privileges have been revoked, the minimum penalty is 90 days imprisonment and a fine of \$1,000.

(3)

Offered: 2/8/83
Referred: Finance

Original sponsors: Martin, M.W.Miller,
M.M.Miller, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 17 (Judiciary) am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act authorizing an advisory vote on the drinking
7 age; raising the drinking age to 21; allowing employ-
8 ment of certain minors in licensed premises; and
9 amending other provisions of law relating to the
10 drinking age."

11

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12

* Section 1. AS 04.11.090(f) is amended to read:

13

(f) The area designated as the licensed premises under a bever-
14 age dispensary license issued to a bowling alley may include the
15 concourse or lane areas of the bowling alley. Notwithstanding AS 04.-
16 16.049, the board may, upon application, authorize access by persons
17 under 21 [19] years of age to the concourse or lane areas designated
18 part of the bowling alley's licensed premises during hours when no
19 alcoholic beverages are being sold, served, or consumed.

20

* Sec. 2. AS 04.11.110(g) is amended to read:

21

(g) Notwithstanding AS 04.16.049, the board may authorize access
22 by persons under 21 [19] years of age to a club's licensed premises
23 during hours when no alcoholic beverages are sold, served, or con-
24 sumed.

25

* Sec. 3. AS 04.11.460(c) is amended to read:

26

(c) For the purposes of this section, "permanent resident" means
27 a person 21 [19] years of age or older who has established a permanent
28 place of abode.

29

* Sec. 4. AS 04.16.049(a) is repealed and reenacted to read:

1 (a) A person under the age of 21 years may not knowingly enter
2 or remain in premises licensed under this title unless

3 (1) accompanied by a parent, guardian or spouse who has
4 attained the age of 21 years;

5 (2) the person is at least 16 years of age, the premises
6 are designated by the board as a restaurant for the purposes of this
7 section, and the person enters and remains only for dining; or

8 (3) the person is under the age of 16 years, is accompanied
9 by a person over the age of 21 years, the parent or guardian of the
10 underage person consents, the premises are designated by the board as
11 a restaurant for the purposes of this section, and the person enters
12 and remains only for dining.

13 * Sec. 5. AS 04.16.049(b) is amended to read:

14 (b) Notwithstanding (a) of this section, a licensee or an [,
15 HIS] agent [,] or employee of the licensee may refuse entry to a
16 person under the age of 21 [19] years to that part of licensed prem-
17 ises in which alcoholic beverages are sold, served, or consumed, may
18 refuse service to a person under the age of 21 [19] years, or may
19 require a person under the age of 21 [19] years to leave the portion
20 of the licensed premises in which alcoholic beverages are sold, serv-
21 ed, or consumed.

22 * Sec. 6. AS 04.16.049(c) is amended to read:

23 (c) Notwithstanding any other provision in this section, a
24 person between 16 and 19 years of age may enter and remain within the
25 licensed premises of a hotel, restaurant, or eating place in the
26 course of [HIS] employment if (1) the employment does not involve the
27 serving, mixing, delivering, or dispensing of alcoholic beverages; (2)
28 the person has the written consent of a parent or guardian; and (3)
29 an exemption from the prohibition of AS 23.10.355 is granted by the

1 Department of Labor. The board, with the approval of the governing
2 body having jurisdiction and at the licensee's request, shall design-
3 nate which premises are hotels, restaurants, or eating places for the
4 purposes of this subsection.

5 * Sec. 7. AS 04.16.049 is amended by adding a new subsection to read:

6 (d) Notwithstanding any other provision in this section, a
7 person 19 years of age or older may be employed within the licensed
8 premises of a hotel, restaurant or eating place, may enter and remain
9 within those premises for the purpose of employment, and may in the
10 course of employment, serve, deliver or dispense alcoholic beverages.

11 * Sec. 8. AS 04.16.050 is amended to read:

12 Sec. 04.16.050. POSSESSION OR CONSUMPTION BY PERSONS UNDER THE
13 AGE OF 21 [19]. A person under the age of 21 [19] years may not
14 knowingly consume, possess, or control alcoholic beverages except
15 those furnished persons under AS 04.16.051(b).

16 * Sec. 9. AS 04.16.051(a) is amended to read:

17 Sec. 04.16.051. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS
18 UNDER THE AGE OF 21 [19]. (a) A person may not furnish an alcoholic
19 beverage to a person under the age of 21 [19] years.

20 * Sec. 10. AS 04.16.052 is amended to read:

21 Sec. 04.16.052. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS
22 UNDER THE AGE OF 21 [19] BY LICENSEES. A licensee or an [, HIS] agent
23 [,] or employee of the licensee may not with criminal negligence

24 (1) allow another person to sell, barter, or give an alco-
25 holic beverage to a person under the age of 21 [19] years within
26 licensed premises;

27 (2) allow a person under the age of 21 [19] years to enter
28 and remain within licensed premises except as provided in AS 04.16.-
29 049;

1 (3) allow a person under the age of 21 [19] years to con-
2 sume an alcoholic beverage within licensed premises;

3 (4) allow a person under the age of 21 [19] years to sell
4 or serve alcoholic beverages. *except as provided in AS 04.16.049(d)*

5 * Sec. 11. AS 04.16.060 is amended to read:

6 Sec. 04.16.060. PURCHASE BY PERSONS UNDER THE AGE OF 21 [19].

7 (a) A person under the age of 21 [19] years may not purchase alco-
8 holic beverages or solicit another to purchase alcoholic beverages for
9 the person under the age of 21 [ON HIS BEHALF].

10 (b) A person may not influence the sale, gift, or service of an
11 alcoholic beverage to a person under the age of 21 [19] years, by
12 misrepresenting the age of that person.

13 (c) A person may not order or receive an alcoholic beverage from
14 a licensee, an [HIS] agent or [,] employee of the licensee, or another
15 person, for the purpose of selling, giving, or serving it to a person
16 under the age of 21 [19] years.

17 (d) A person under the age of 21 [19] years may not enter li-
18 censed premises where alcoholic beverages are sold and offer or pre-
19 sent to a licensee or an [, HIS] agent [,] or employee of the licensee
20 a birth certificate or other written evidence of age, that [WHICH] is
21 fraudulent or false or that [WHICH] is not actually the person's [HIS]
22 own, or otherwise misrepresent the person's [HIS] age, for the purpose
23 of inducing the licensee or an [, HIS] agent [,] or employee of the
24 licensee to sell, give, serve, or furnish alcoholic beverages contrary
25 to law.

26 (e) A person [WHO HAS ATTAINED THE AGE OF 19 YEARS ACCOMPANYING
27 A PERSON] under the age of 21 [19] who is seeking to enter and remain
28 in a licensed premises under AS 04.16.049(a)(2) ^{or (3)} may not misrepresent the person's
29 age or having obtained the consent of the parent or guardian required by that

1 section [OF THE PERSON UNDER THE AGE OF 19 YEARS].

2 * Sec. 12. AS 04.16.200(b)(2) is amended to read:

3 (2) the sale or offer for sale was made to a person under
4 21 [19] years of age; or

5 * Sec. 13. AS 04.16.200(c) is amended to read:

6 (c) It is an affirmative defense to a prosecution under (a) of
7 this section that no profit was involved in the solicitation or re-
8 ceipt of an order for the delivery of an alcoholic beverage. However,
9 the affirmative defense created under this subsection is not available
10 in a prosecution of a person charged with selling or offering for sale
11 alcoholic beverages to a person under 21 [19] years of age.

12 * Sec. 14. AS 04.21.020(1) is amended to read:

13 (1) the alcoholic beverages are provided to a person under
14 the age of 21 [19] years in violation of AS 04.16.051, unless the
15 licensee, agent, or employee secures in good faith from the person a
16 signed statement, liquor identification card, or driver's license
17 meeting the requirements of AS 04.21.050(a) and 04.21.050(b), that
18 [WHICH] indicates that the person is 21 [19] years of age or older; or

19 * Sec. 15. AS 04.21.050(a) is amended to read:

20 (a) If a licensee [,] or an agent or employee of the licensee
21 questions or has reason to question whether a person entering [A]
22 licensed premises, or ordering, purchasing, attempting to purchase, or
23 otherwise procuring or attempting to procure alcoholic beverages, has
24 attained the age of 21 [19] years or is entering without consent in
25 violation of AS 04.16.049(a)(3) ~~and has not attained the age of 16 years.~~ that licensee, agent, or employee
26 shall require the person to furnish proof of age acceptable under (b)
27 of this section or proof of consent in a form determined by the board.
28 If the person questioned does not furnish proof of age acceptable
29 under (b) of this section, or if a licensee, agent, or employee

1 questions or has reason to question the validity of the proof of age
2 furnished, the licensee, employee, or agent shall require the person ^{or 16}
3 to sign a statement that the person [HE] is over the age of 21 ^{as appropriate} [19]
4 years. This statement shall be made on a form prepared by and fur-
5 nished to the licensee by the board.

6 * Sec. 16. AS 04.21.050(c) is amended to read:

7 (c) A licensee, or an agent or employee of the licensee, may not
8 be charged for a violation of AS 04.16.051 - 04.16.052 if a signed
9 statement as provided in (a) of this section is secured in good faith,
10 or a valid driver's license or identification card is presented indi-
11 cating that the owner and possessor of the presented driver's license
12 or identification card is 21 ^{or 16} [19] years of age or over. ^{as appropriate}

13 * Sec. 17. AS 23.10.355 is amended to read:

14 Sec. 23.10.355. PERSONS UNDER 21 [19]. No person under 21 [19]
15 may be employed or allowed to sell or serve alcoholic beverages or to
16 work [IN ANY ROOM OR OTHER PLACE WHERE ALCOHOLIC BEVERAGES ARE SOLD
17 FOR CONSUMPTION] on a licensed [THE] premises, except as provided in
18 AS 04.16.049 ^(c).

19 * Sec. 18. The lieutenant governor shall place before the qualified
20 voters of the state at the next statewide election a question advisory to
21 the legislature as to whether the legislature should maintain the age of
22 majority at 21 years of age or enact laws that would lower the age of
23 majority to 19 years of age for the purpose of regulation of the sale,
24 consumption, possession, furnishing, barter, purchase, gift and delivery of
25 alcoholic beverages. The question shall appear on the ballot in the fol-
26 lowing form:

27 Q U E S T I O N

28 Shall the drinking age be at age 19 or age 21?

29 Leave at age 21 []

Lower to age 19 []

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 21, 1983

SUBJECT: Drinking age
(CSHB 17 (Judiciary) am)

TO: Senator Vic Fischer

FROM:  Russ Josephson
Legislative Counsel

You have asked for a sectional analysis of CSHB 17 (Judiciary) am, which follows.

Please note, as well, that there were some omissions in the floor amendments to CSHB 17 (Judiciary). Primarily, they were phrases and references that appeared in CSHB 17 (Finance) and should have been included when sections of that bill were substituted into CSHB 17 (Judiciary). A copy of CSHB 17 (Judiciary) am with the necessary changes indicated, has been enclosed.

Section 1. Changes the age reference in AS 04.11.090(f), pertaining to bowling alleys, from 19 to 21.

Section 2. Changes the age reference in AS 04.11.110(g), pertaining to access to clubs during times when no alcoholic beverages are sold, from 19 to 21.

Section 3. Changes the age reference in AS 04.11.460(c), pertaining to prior public approval of new or transferred liquor licenses, from 19 to 21.

Section 4. Repeals and reenacts AS 04.16.049(a), pertaining to access of underaged persons to licensed premises. Paragraph (1) of the existing law, allowing access if accompanied by a parent, guardian or spouse, is changed only in the age reference, from 19 to 21.

Paragraph (2) in this bill will allow a person 16 years of age or older to enter a licensed premise designated as a restaurant for purposes of dining only. The present law, by

contrast, specifies no age limiter for the underaged person but requires the underaged person to be accompanied by a person over the age of 19 years and to have the consent of a parent or guardian.

Paragraph (3) provides for access to a restaurant by a person under the age of 16 years, if accompanied by a person over the age of 21 years, if the parent or guardian of the underaged person consents, and if the underaged person enters and remains only for dining. It is similar to existing paragraph (2) except for the specification of the age of 16.

Section 5. Amends AS 04.15.049(b) to clarify that the employee referred to in the provision that allows refusal of entry to underaged persons is the employee of the licensee. Makes the age change as well.

Section 6. Amends AS 04.16.049(c), pertaining to the access of underaged persons to licensed premises, to adjust to the other changes in AS 04.16.049. (The access here is for work not involving serving, mixing, delivering, or dispensing of alcoholic beverages.)

Section 7. Adds a new subsection (d) to AS 04.16.049 to allow a person 19 years of age or older to be employed in a licensed premise and to service, deliver or dispense alcoholic beverages. (Incidentally, both this subsection and subsection (c) ought to include the word "sell", as that word is used specifically in AS 23.10.355, which refers to AS 04.16.049.)

Section 8. Amends AS 04.16.050, pertaining to the possession or consumption of alcoholic beverages by an underaged person, by changing the age reference from age 19 to 21.

Section 9. Amends AS 04.16.051, pertaining to furnishing alcoholic beverages to underaged persons, by changing the age reference from age 19 to 21.

Section 10. Amends AS 04.16.052, pertaining to furnishing alcoholic beverages to underaged persons by licensees. Makes the wording sex neutral and changes the age reference from 19 to 21. Paragraph (4) of this section should have the phrase "except as provided in AS 04.16.049(d)" added at the end (page 4, line 4, following "beverages").

Section 11. Amends AS 04.16.060, pertaining to the purchase of alcoholic beverages by an underaged person, by making the language sex neutral and changing the age reference from 19 to 21. Note that subsection (e), pertaining to misrepresentation of age or consent of a parent or guardian, needs some amendments to make sense and to reflect the provisions of AS 04.16.049 as they appear in this bill. The changes are noted on page 4, lines 28 and 29, of the bill.

Sections 12 and 13. Amend AS 04.16.200, pertaining to unlicensed persons, by changing the age reference from 19 to 21.

Section 14. Amends AS 04.21.020, pertaining to civil liability of persons providing alcoholic beverages to another, by changing the age reference from 19 to 21.

Sections 15 and 16. Amend AS 04.21.050, pertaining to proof of age, by changing the age reference from 19 to 21, by making references to the new provisions in AS 04.16.049 (secs. 4 through 7 of the bill), and by providing for the Alcoholic Beverage Control Board to determine what form the consent required by AS 04.16.049 should take.

Allows the licensee or the agent or employee of the licensee to request not only proof of age, as at present, but to request proof of consent when required by AS 04.16.049. Note that there are two consents required in that section for two different purposes, one in subsection (a)(3) and one in subsection (c).

Please note that some phrases required in this section by the other amendments to this bill were not amended into this bill. These overlooked phrases are noted on the bill at pages 5 and 6 (page 5, line 25; page 6, lines 3 and 4).

Section 17. Amends AS 23.10.355, pertaining to employment of underaged persons to sell or serve alcoholic beverages or to work on a licensed premise. Changes the age reference from 19 to 21 and simplifies the language referring to licensed premises. Please note that the reference on page 6, line 18, ought to be to AS 04.16.049 rather than to AS 04.16.049(c). This reference change was missed when the bill was amended on the House floor but is necessary because subsection (c) is not the only subsection of AS 04.16.049 with a provision relating to AS 23.10.355. As was mentioned above, because of the wording of this section, the wording of AS 04.16.049 ought to be amended to include the word "sell".

Senator Vic Fischer

Page 4

March 21, 1983

Section 18. Calls for an advisory vote at the next state-wide election to indicate a preference for maintaining the drinking age at 21 or for a return to age 19.

RJ:ljb

Enclosure

10/027

MEMORANDUM

TO: Senate State Affairs Committee

FROM: Senate State Affairs Staff

RE: Digital add-on equipment for cars

DATE: May 4, 1983

Dennis Kelso mentioned digital add-on equipment during the April 9th hearing in Anchorage on drunk driving. With the digital add-on device on a car, a person would have to push a sequence of numbered buttons in a certain amount of time for the car to start. The intent for this device was to make it impossible for persons impaired with alcohol to start their automobile.

The device referred to by Dr. Kelso is called the General Motors Phys Test. It was in an experimental stage twelve years ago, and was shelved because it didn't really measure impairment. Certain people never failed the test no matter what their BAC level.

Systems Technologies of San Diego is currently working with that city on a pilot project called the critical tracking test. The pilot project uses convicted DWI offenders whose licenses were restricted to the use of the cars with the add-on equipment.

This test measures impairment by forcing a person to keep a needle in the middle of a meter for 30 seconds using the steering wheel. If the person fails the test, that person can still start the car but the "alarm" goes off. When the car is driven below 10mph, "the alarm" is constituted by automatic flashing of the emergency lights. If the impaired driver attempts to drive over 10mph, the horn begins to rhythmically honk.

The pilot project is nearly finished. System Technologies is next going to build the device to be marketable. They expect it to be about the same size and price as a car stereo.

Senator Ray

Directions: Please circle the best options

OPTION:	SB 61	CSHB 17 (Jud)am	SB 226	Current Law	Recommendations / Explanations
<u>ENFORCEMENT</u>					
1. Selective enforcement roadblocks	no provision	no provision	no provision	no provision	Anchorage Muni. Prosecutor, Allen Baily, suggested that this program be implemented at the municipal level (see attachment 1). ✓
2. Mandatory breath alcohol content tests for those stopped for moving violations	no provision	no provision	no provision ✓	PBTs are used in the Anch. area	Dennis Kelso, and Larry Ross recommended this as a successful deterrent (see attachment 2).
3. Implied consent	no provision	no provision	no provision	consent for BAC tests is given upon receiving driver's license ✓	
4. back up crews to decrease police officer off-road time.	no provision	no provision	no provision	no provision	increase enforcement efforts (see attachment 3). ✓
5. purchase more accurate Breathalizers	no provision	no provision	no provision	no provision	evidence in court would be more reliable ✓

ADJUDICATION AND SANCTIONING	SB 61	CSHB 17(Jud) am	SB 225	Current law	Recommendations /Explanations
1. Minimum fines for DWI or Breath test refusal	1st conviction \$250min, \$500max. 2nd conviction \$500min, 1000max. 3rd conviction \$1000min, 2500max.	no provision	no provision	no provision	recommended by many as appropriate sanction. was recommended as a deterrent (see attach. #4) ✓
2. Minimum Incarceration for DWI and breath test refusal	1st conviction 72 consec. hrs. 2nd conviction 20 consec. days 3rd or subsequent conviction 30 consec. days min. ✓	no provision	no provision	1st conviction 72 consec. hrs. 2nd conviction w/in 1yr 20dy. w/in 5yr 10dy.	recommended by many as appropriate sanction. --very expensive. success was questioned at at hearings (see attach. #5).
3. Presentence investigation report	no provision	no provision	no provision	no provision ✓	recommended by many as way to increase DWI conviction rate
4. increase penalty for causing death or bodily injury	no provision	no provision	no provision	no provision ✓	recommended in hearings as appropriate retribution
5. make sanctions for driving while license revoked equal to DWI	14 consecutive days, \$500 min. ✓	no provision	no provision	no provision	recommended as a deterrent for drunk driving, and driving in violation of license revocation
6. driver's license suspensions	no provision	no provision	no provision	no provision	recommended as one of the most successful deterrents ✓

ADJUDICATION/ SANCTIONING	SB 61	CSHB17(Jud)am	SB 226	Current Law	Recommendations/ Explanations
7. driver's license revocations	1st conviction Dwl or refusal 90 day minimum 2nd conviction 1 yr license revocation, 3rd or subs. conviction permanent re- vocation ✓	no provision.	no provision	1st conviction Dwl-30 day min, or 60 day limited license /revocation combination 2nd conviction w/in 1 yr license revoc./ no limited lic. 3rd conviction no lim. lic. for 3 years.	recommended as one of the most successful deterrents
8. administrative license revocation	enf. officer shall seize license.(see attach #6). ✓	no provision	no provision	no provision	recommended by Allen Baily as as one of the most successful deterrents.
9. community service.	no provision	no provision	no provision	no provision	cheaper than incarceration/ similar effect.
10. automobile impoundment	car being used when apprehended shall be impounded for 3rd or subsequent conviction.	no provision	no provision	Anchorage Muni. Judges may impound auto used for no less that 30 days upon 2nd conviction, and no less than 60 days for 3rd convict.	constitutional questions have been raised concerning this sanction. MUNICIPAL OPTION ✓
11. automobile forfeiture	car being used when apprehended, may be forfeited ✓	no provision	no provision	no provision	was recommended numerous times during hearings as appropriate sanction

DECREASE ALCOHOL BEVERAGE CONSUMPTION	SB 61	CSHB 17(Jud)am	SB 226	Current Law	Recommendation/Explanation
1. raise the minimum drinking age.	no provision	raises to 21. contains advisory vote provision. Those under 21 may work in estab. serving alcohol.	no provision 2 b	no provision	recommended for general deterrence. May decrease alcohol related accidents by 28%.
2. increase the excise tax on liquor	no provision	no provision	no provision	no provision	a 50¢ increase per 5th is said to decrease alcohol consumption by 5%. B.S.!
3. prohibit open alcohol containers in automobiles	no provision	no provision	no provision	prohibited in Muni. of Anch.	recommended by many as most obvious way to decrease drunk driving ✓
4. decrease bar hours	no provision	no provision	no provision ✓	no provision	would decrease amount of time for persons to consume alcohol
5. distribute alcohol licenses which are similar to driver's licenses.	no provision	no provision	no provision	no provision	allow regulation of problem drinkers and habitual drinkers who drive. ✓
6. increase the price of liquor licenses	no provision	no provision	no provision ✓	no provision	accord. to some, this would decrease the number of alcohol estab.

DECREASE ALCOHOL BEVERAGE CONSUMPTION		SB 61	CSFB 17(Jud)am	SB 226	Current Law	Recommendation/ Explanation
7. mandatory food service between certain hours	no provision	no provision	no provision	no provision	no provision	this would decrease the rate at which one became intoxicated
ENGINEERING EFFORTS/ DRIVING SAFETY		SB 61	CSFB 17(Jud) am	SB 226	Current Law	Recommendations
1. mandatory seat-belt use	no provision	no provision	no provision	no provision	no provision	According to Larry Ross this would drastically reduce the number of auto fatalities
2. child safety restraints	no provision	no provision	no provision	no provision	no provision	this measure drastically reduces the number of infant fatalities.
3. lower the speed limit to 50mph	no provision	no provision	no provision	no provision	no provision	lowering the speed limit was one of the two most successful highway safety measures in the '70's.
4. mandatory auto insurance	no provision	no provision	no provision	no provision	no provision	would make driver's more respons. for their actions. increased ins. rates would be a natural deterrent.
5. require digital add on equip. for car ignitions	no provision	no provision	no provision	no provision	no provision	would make it virtually impossible to start autos when intoxicated
6. curfew licenses for drivers under 18	no provision	no provision	no provision	driving prohibited for 16-17 year olds between 12am and 5am(see Attach 7)	no provision	could decrease fatalities for those covered under bill by as much as 63%

REHABILITATION TREATMENT/ EDUCATION	SB 61	CSHB 17(Jud)am	SB 226	Current law	RECOMMENDATION
1. provide reha- bilitation in incarceration facilities	no provision	no provision	no provision ✓	no provision	recommended by Judge Andrews as necessary for habitual offenders
2. court mediator or, hotline for problem drinkers	no provision	no provision	no provision ✓	no provision	some felt that this was necessary. for those who have no where to turn
3. teenage treatment program or facilities	no provision	no provision	no provision	no provision	treatment for teens should be tailored differently than that for adults. ✓
4. rehabilitation, treatment	offender shall undertake rehabilitation or education specified by the court	no provision	no provision	treatment administered with judicial discretion ✓	
5. education	offender shall undertake rehabilitation or education specified by the court	no provision	will provide education ✓ in high schools (see attach 7).	provided as treatment at discretion of courts	

ATTACHMENT 1

April 16, 1983

Selective enforcement roadblocks

Selective enforcement roadblocks have been implemented in a number of countries, and in the United States.

A pilot project was implemented in the state of Maryland to aid in the detection and apprehension of intoxicated drivers. The program is anticipated to be a deterrent for potential drunk drivers.

The safety of citizens as well as Public Safety personnel will be considered in the selection of the sites. The sites will also be selected based on time of day, day of week location, and the number of accidents located in that area. The sites must also have a safe area in which cars can stop.

The Maryland project does not use barricades to block oncoming traffic. All traffic approaching the checkpoint will be pass through the checkpoint where the car will be approached by a police officer who will hand the driver a brochure prepared to explain the selective roadblock. If the officer detects alcohol while the car is stopped, the driver will be detained and required to present their driver's license and vehicle registration. They may also be required to give a preliminary breath test. If sufficient evidence of intoxication is developed, the driver will be arrested.

No action will be taken against a driver for merely turning off the roadway before the checkpoint.

ATTACHMENT 2

April 16, 1983

Mandatory Breathalyzer tests

A number of states give preliminary breath alcohol tests for all persons who are stopped for moving violations or who are involved in car accidents. The probable cause to give the test is simply that alcohol impairment may have caused the accident of the illegal driving pattern.

This was recommended by Dr. Dennis Kelso during the April 9, 1983 hearing as one of the best ways to increase enforcement efforts.

The lack of adequate enforcement was established as one of the largest loopholes in the drunk driving situation.

ATTACHMENT 3

April 16, 1983

Backup crews to assist police officers

Currently, the Alaska state trooper must spend at least one hour with the car of the apprehended person until the car can be impounded.

Using backup crews to come and wait with the car was recommended during the April 9 hearing as one way to decrease their down time which would ultimately increase enforcement.

ATTACHMENT 4

April 16, 1983

Mandatory minimum fines

Many opposing views were expressed on this option during the hearings. For instance, Anchorage Municipal Prosecutor Ailen Bailly suggested that fines would be an appropriate deterrent for drunk driving. District Court Judge, Elaine Andrews, expressed her concern about the difficulties in trying to collect the fine when the person is unable to pay.

ATTACHMENT 5

April 16, 1983

Mandatory Minimum incarceration

Included with this attachment are copies of the request we made from the Division of Corrections regarding the costs of installing and operating new or used modular minimum security facilities. Also included is a letter recommending the Harborview Disability Center as a minimum security facility.

Clearly, these suggestions have been made because of the strain already existing on the correctional facilities in the state.

Many persons during the hearings testified in favor of mandatory incarceration, and they generally stated it was a successful and warranted deterrent. Dr. Ross, on the other hand, stated that in England during the Road Safety act, there was no mandatory incarceration. The sanction for DWI was suspension of the driver's license. He suggested that the primary deterrent decreasing the fatality rate was the public's perception that they would be caught-- alcohol related accident fatalities rose within months of the implementation of the act with the change in the public perception.

STATE OF ALASKA
DEPT. OF HEALTH AND SOCIAL SERVICES
OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH H 01
JUNEAU, ALASKA 99811

PHONE:

DOCUMENT NO. 83-154

April 15, 1983

The Honorable Vic Fischer
Senate State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Fischer:

On Thursday April 7, 1983, your Committee requested that Corrections provide information regarding capital and operating costs for an institution which would house offenders convicted for drunk driving offenses (OMVI or DWI). In a short time we have reviewed available data and have formulated what we believe to be reasonable assumptions. This response is offered to your Committee with an understanding that the Sheffield Administration has not addressed the question as to whether this concept would be appropriate to pursue, and that funds are not available within current operating or capital requests to create an institution for this purpose. Further, this response is based on current statutes and law enforcement practices. Proposed changes under consideration could increase the numbers of offenders.

Sufficient numbers of offenders for a specialized facility to confine drunk drivers are only found in the southcentral region of the State. From data presently available we believe that a fifty five bed capacity would be necessary. It is likely that a site in the Matanuska Valley will be acquired for correctional purposes. Assuming the purchase of a 55 bed pipeline camp for transfer and setup it is estimated that capital costs for acquisition and site development would total \$3,350,000.

Twelve month operating costs for a 55 bed facility are estimated to be \$1,213,700. This figure includes a staff of nineteen, purchase and operation of two vans for transporting offenders to and from population centers, and routine operating costs.

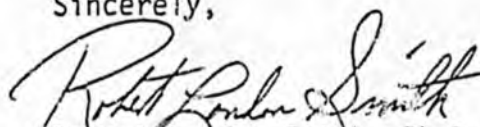
Programmatic issues for a specialized facility of this type have not been fully addressed. Many believe that those serving short sentences of three or ten days for drunk driving are not necessarily candidates for alcohol treatment programs. Some argue that the punitive impact of incarceration is most appropriate, while others believe that needs assessment and referral are the proper goals for this setting and population. Still others support a full educational and treatment effort. Two Social Worker III positions have been included in the proposed staff to provide on site alcoholism counseling. With staggered shifts and days of work, the counseling can be provided seven days a week.

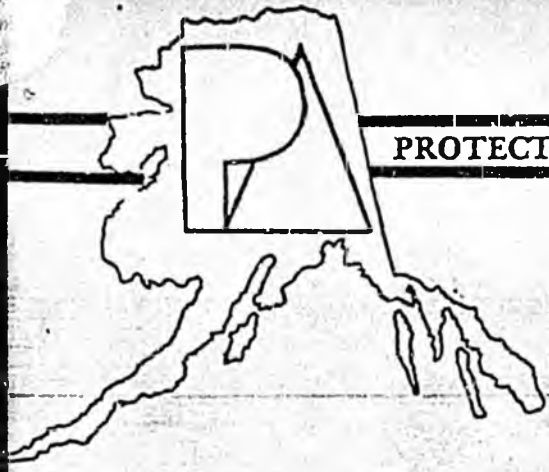
The Honorable Vic Fischer
Page 2

While funding for a 110 bed minimum custody facility has not been identified in budget requests, future planning calls for a facility of this size and custody classification. Due to initial site development and core facility costs for the first 55 bed facility, the remaining 55 bed capacity could be added for a comparatively small sum. Estimates to erect housing and core facility pipeline structures for the second 55 inmates at the same site are \$400,000, for a total capital investment of \$3,750,000. Twelve month costs for a 110 bed facility with a staff of 36 and related operational/inmate costs would total \$2,332,500. The additional 55 beds could be used for housing misdemeanor and minimum custody felony inmates.

It is my hope that this information is responsive to your inquiry. I wish to reiterate that the Administration has not developed a position regarding the appropriateness of a specialized facility for drunk drivers, nor would operating or capital funds be available for such a project within the Governor's FY'84 requests.

Sincerely,


Robert London Smith, Ph.D.
Commissioner



PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED

David Maltman-Director
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Annely Girard-Coordinator
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763 7th Ave.
Fairbanks, AK 99701
(907)456-1070

April 13, 1983

Senator Vic Fischer
Pouch V
Mail Stop 3100
Juneau, Alaska 99811

Dear Senator Fischer:

This letter concerns the need for the State of Alaska to obtain a minimum security facility for the treatment of drunk drivers.

I noticed in the papers that it has been suggested that surplus pipeline camps be purchased and renovated for this purpose. It is my suggestion that the state first look to existing facilities that are not being appropriately utilized. The most notable example of this type of facility is Harborview Developmental Center for the developmentally disabled in Valdez.

Harborview currently provides residential care for up to 96 developmentally disabled Alaskans. Unfortunately, Harborview was constructed before it was realized that the developmentally disabled could be better served in community settings. This has resulted in the unnecessarily institutionalization of many Alaskans. There is a tremendous loss of human dignity and potential which occurs because of this state policy of institutionalization. In addition, the \$85,000 per person per year spent on this primarily custodial care is staggering at a time when community services have been set back for three years in a row. There is a strong consensus growing that the people in Harborview must be returned to their families and communities as soon as possible. As a result, the state will need to find alternative uses for this building.

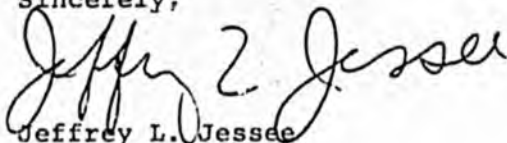
Harborview would be well-suited for use as a minimum security facility. Constructed after the earthquake of poured reinforced concrete, it contains a large cafeteria and laundry. In addition, each exterior door has an alarm system in place and the activities on each hall can be monitored from central nursing stations. The

local hospital is also located in the other end of the building. Renovations currently underway will result in a more efficient heating system and a new roof.

Alaskan's now believe that it is the drunken drivers that should be removed from the community, not the handicapped. I can think of no better expressions of this long overdue realization than by changing the use of Harborview.

Thank you for your consideration of this idea and please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey L. Jessee". The signature is written in dark ink and is positioned above the typed name.

Jeffrey L. Jessee
Staff Attorney

JLJ:bk

ATTACHMENT 6

April 16, 1983

Administrative license revocation

SB 61 states that if a person under arrest refuses to take the breathalyzer test, or if their BAC is above the legal limit, the enforcement officer shall seize that person's driver's license. The officer shall read and deliver to the person arrested a notice advising him or her that: 1) the state intends to revoke their driver's license; 2) the person has a right to obtain a court review of the revocation; 3) the notice is a temporary driver's license expiring seven days from date of notification; 4) the revocation of the person's driver's license shall take effect upon the expiration of the temporary driver's license unless that person within seven days initiates court proceedings to rescind the revocation.

ATTACHMENT 7

April 16, 1983

Curfew license provisions in SB 226

This bill creates three different stages of driver's licenses, and decreases the hours in which a person having a permit only can drive according to the outline below.

SB 226:

1) prohibits those automobile drivers with learning permits (as opposed to licenses) from driving between the hours of 9pm and midnight on Friday and Saturday, and prohibit them from driving between midnight and 5am every morning.

2) provides in the state driver's manual a more substantial section on the dangers of combining driving and alcohol-- including a portion on how to recognize an intoxicated driver, and create a corresponding section in the written examination.

3)creates a Stage 1 license--

-- this license would apply to 16 year old persons, and to those who are 17 years old who have not had driver's education.

-- persons with this license would be prohibited from driving between the hours of midnight and 5am unless accompanied by a parent or a spouse 18 years of age or older, or unless traveling to or from work or in the course of employment with a signed affidavit in hand from the employer.

-- two moving violations, 1 DWI, or driving in violation of the curfew would result in the revocation of this license, but would allow them to apply for a learner's permit.

4)creates a Stage 2 license--

--this license would apply to 17 year olds who have passed driver's education.

--to qualify for this license a 17 year old must have 6 consecutive months prior to application with no moving violations, and no DWIs or curfew violations.

--a moving violation, a DWI, or a curfew violation results in the revocation of the Stage 2 license. The person would, however, be able to apply for a stage 1 license.

--this Stage 2 license would not have any driving curfew.

5) creates a Stage 3 license equal to the current Alaska State driver's license in every way except that you must be 18 to be eligible for that license--

--any Alaska State resident currently eligible for a driver's license, and who is 18 years of age would be eligible for a Stage 3 license

--traffic violations obtained with a permit, stage 1 license, or a stage 2 license shall be applied to the stage 3 license in compliance with current Alaska law when that license is obtained on or after their 18th birthday.

6) provides an effective date of January 1, 1984

--those who receive their driver's licenses before January 1, 1984 would have a three month period in which to obtain the appropriate license after the effective date of the bill before their license automatically expires.

7) in accordance with this bill, driver's education courses must be available to all persons under 18 through the high school curriculum.

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



MEMORANDUM

TO: Senate State Affairs Committee Members

FROM: Senator Vic Fischer, Chair
Senate State Affairs

RE: Enclosed Backup materials

DATE: 4/5/83

I am sure you are well aware that the problem of drunk driving will not be controlled by one or even a handful of measures quickly contemplated.

For this reason, the Senate State Affairs Committee will be holding a number of hearings in an effort to understand all the options open to us for getting a handle on the problem of drunk driving. My intent is that these hearings will act as a catalyst for a more systematic and conclusive approach to this problem.

Enclosed you will find an agenda for the hearings.

As backup for these hearings you will find sections on:

1. Alaska statistics
2. current laws pertaining to drunk driving (Title 28)
3. SB 61, including fiscal notes, a sectional analysis, and position papers
4. SB 226, including fiscal notes, a sectional analysis, and position papers
5. CSHB 17(Jud) am, including fiscal notes, a sectional analysis, and position papers
6. license curfews
7. raising the drinking age
8. educational programs
9. licensing procedures
10. community service
11. roadblocks
12. habitual offenders
13. impoundment and forfeiture of automobiles

Other measures relating to drunk driving will be addressed during the hearings.

SENATE STATE AFFAIRS COMMITTEE
MEETING SCHEDULE
(3/31/83)

April 5, Tuesday 3:00pm (Butrovich Room, Capitol Bldg.)

- SB 27 Toll-free telephone calls
- SB 115 Individual rights of peace officers
- SB 153 Citizens who assist peace officers
- SB 218 Disclosure of information
- SJR 13 Urging repeal of the Jones Act

April 7, Thursday 3:00pm (Butrovich Room, Capitol Bldg.)

Drunk driving and related issues (SB 61, HB 17, and SB 226)
Invited testimony only. See attached agenda for details.

TELECONFERENCE (Listening only):
South Central, Southeast, and Fairbanks.

April 9, Saturday 9:00am - 4:00pm (AST) (Anchorage Municipal Assembly
Chambers, 3500 E. Tudor)

Drunk driving and related issues (SB 61, HB17, and SB 226)
See attached agenda for details.

April 11, Monday 7:30pm (PST) (Butrovich Room, Capitol Bldg.)

Drunk driving and related issues (SB 61, HB 17, and SB 226). +
See attached agenda for details.

TELECONFERENCE:
South Central (except Anchorage), Southeast and Interior.

April 12, Tuesday 1:30pm (PST) (Senate Finance Room, Capitol Bldg.)

Drunk driving and related issues (SB 61, HB 17, and SB 226).
Invited testimony only. See attached agenda for details.

TELECONFERENCE (Listening only):
South Central, Southeast, and Fairbanks.

SENATE STATE AFFAIRS COMMITTEE

AGENDA FOR DRUNK DRIVING HEARINGS

REVISED April 4, 1983

APRIL 7, 1983 3:00pm Butrovich room

INVITED TESTIMONY

- I. DRIVING UNDER THE INFLUENCE: AN OVERVIEW OF THE PROBLEM IN ALASKA
 - A. a statistical look at the situation
 - B. Legal examination of Title 28, Motor Vehicles

- II. THE SYSTEM FROM APPREHENSION TO THE SANCTIONING OF DRUNK DRIVERS IN ALASKA
 - A. current enforcement practices
 - B. court proceedings; conviction rates, and penalties issued in court
 - C. actual penalties served, incarceration and treatment

- III. INTRODUCTION OF LEGISLATION BEFORE THE COMMITTEE
 - A. SB 61, An act related to driving a motor vehicle
 - B. CSHB 17 (Jud) am, Raising the Drinking Age
 - C. SB 226, Training and licensing of drivers

APRIL 9, 1983 in ANCHORAGE AT THE MUNICIPAL ASSEMBLY
CHAMBERS from 9:00am--12:00, 1:00pm--4:00pm
INVITED AND PUBLIC TESTIMONY

I. INTRODUCTION

II. PREVENTION OF DWI AND AUTO RELATED ACCIDENTS
testimony will include:

- A. the importance of public awareness as a deterrent
- B. curfew licenses for drivers under 18 years of age
- C. raising the drinking age
- D. the use of roadblocks as a deterrent
- E. educational programs
- F. licensing procedures as sanctions and deterrents
 - 1. suspensions
 - 2. revocations
 - 3. limited licenses

III. TREATMENT
testimony will include:

- A. different kinds of alcohol treatment
- B. success of mandatory treatment as a sanction
- C. the Alaska Alcohol Safety Action Program (AASAP)
screening program

IV. COURT/DMV RECORD SYSTEMS
testimony will include:

- A. problems with state record systems related to DWI
- B. National Driver's Register as a record system

April 11, MONDAY at 7:30pm (PST) Bulovich room

TELECONFERENCE for Southeast, Southcentral (except Anchorage), and Interior portions of the state on drunk driving, related issues, SB 61, CSHB 17(Jud) am, and SB 226.

April 12, Tuesday 1:30pm Senate Finance room
INVITED TESTIMONY

I. INTRODUCTION

II. PENALTIES

testimony will include:

- A. the use of fines as a sanction
- B. automobile impoundments and forfeitures
- C. the effectiveness of incarceration
- D. community service
- E. other

III. ALTERNATIVE APPROACHES FOR DETERRING THE DRINKING/DRIVING BEHAVIOR

testimony will include:

- A. limiting the circulation of alcohol
- B. transportation alternatives to and from drinking establishments

IV. ENFORCEMENT

testimony will include:

- A. public perception of size of police force as a deterrent
- B. mandatory breathalyzer test for all persons pulled over for a moving violation

V. SPECIFIC PROBLEM AREAS CONCERNING DRUNK DRIVING
testimony will include:

- A. the habitual offender
- B. the effect of mandatory penalties when they are too severe

VI. ROAD SAFETY MEASURES TO DECREASE ACCIDENT
FATALITY RISK
testimony will include:

- A. increased amount of street lights to decrease accidents
- B. child restraints
- C. use of road signs designed to mitigate the injuries received from accidents
- D. mandatory seat belt use

VII. CONCLUSIONS

For additional information contact Suzanne Tryck 465-4954

AN OVERVIEW OF THE DRUNK DRIVING SITUATION

APRIL 5, 1983

This section contains information on:

1. Facts on Alcohol and Highway Safety
2. OMVI arrests in Alaska
3. Fatal accidents in Alaska
4. accident/alcohol statistics
5. overall statewide problem analysis

The Problem

Overview:

Drunk driving continues to be one of our nation's most serious public health and safety problems. Some 50 percent of all drivers killed each year have blood alcohol concentrations in excess of the legal limit, 0.10 percent. In single vehicle fatal crashes, where it is more certain who is at fault, upwards of 65 percent of those drivers who die were legally drunk. Over the past 10 years, the proportion of highway deaths involving alcohol has averaged a tragic 25,000 per year. Thus, a staggering one quarter of a million Americans have lost their lives in alcohol-related crashes in the last decade.

The cost of drunk driving has a high economic cost to this country as well. A conservative estimate of the total economic cost of drunk driving is put at 24 billion.

Alcohol and Crashes:

Alcohol is a major contributing factor to fatal (and serious injury) automobile crashes. According to a 1978 review of the literature, approximately 60 percent of fatal crashes involved a driver who had been drinking. Between 40 and 55 percent of such crashes involved a driver who had a blood alcohol concentration (BAC) greater than .10 percent (w/v).

With regard to alcohol and responsibility for fatal crashes, the drinking driver problem is even more significant. In one study drivers judged to be at fault in fatal crashes were six times more likely to have had BAC's greater than .10 percent (w/v) alcohol in their blood than drivers judged not at fault for their crashes (60 percent vs. 10 percent).

This strong relationship between crash responsibility and high alcohol levels is shown further in single vehicle crashes, where responsibility is apparent, and where between 60 and 75 percent (60-75%) of dead drivers have BACs greater than .10 percent (w/v).

The Driver Population:

What the high BAC figures in crashes suggest is that the majority of alcohol related fatal crashes are caused by heavy (problem) drinkers. Some portion of the approximately 15 percent of fatal crashes which involve drivers who have been drinking, but who do not have BACs greater than .10 percent, may be caused by less heavy, less chronic, "social" drinkers.

The majority of drivers are either abstainers or light to moderate (social) drinkers. Even quite liberal estimates suggest that only about 10 to 15 percent of the nation's drivers would be classified as being heavy (problem) drinkers.

Arrested Drunk Drivers:

The average proportion of licenses drivers arrested for drunk driving over a one-year period is estimated to be one percent (1%). This translates to approximately 1.3 million of approximately 130 million licensed drivers.

On a nightly basis, between one in five hundred (1/500) and one in two thousand (1/2000) drivers on the road with a BAC greater than .10 percent (w/v) are arrested for drunk driving. These estimates come from a number of roadside surveys conducted in conjunction with the Alcohol Safety Action Projects (ASAPs) funded by the NHTSA in the 1970's and from the Grand Rapids data reported by Borkenstein and others.

The average BAC of these drinking drivers is approximately .20 percent, double the level for presumed intoxication. Estimating an average period of alcohol consumption at 4-5 hours, this means that the average fatally injured drinking driver had about 15 drinks prior to becoming involved in the crash.

Blood Alcohol and Body Weight

**CHART FOR RESPONSIBLE PEOPLE WHO MAY
SOMETIMES DRIVE AFTER DRINKING!**

(APPROXIMATE BLOOD ALCOHOL PERCENTAGE)

Drinks	Body Weight in Pounds								
	100	120	140	160	180	200	220	240	
1	.04	.03	.03	.02	.02	.02	.02	.02	Influenced Rarely
2	.08	.06	.06	.04	.04	.04	.03	.03	
3	.11	.09	.09	.06	.06	.06	.05	.05	
4	.15	.12	.11	.08	.08	.08	.07	.07	
5	.19	.16	.15	.12	.11	.11	.10	.10	
6	.23	.19	.18	.14	.13	.11	.10	.10	
7	.26	.22	.19	.16	.15	.13	.12	.11	
8	.30	.25	.21	.19	.17	.15	.14	.13	Definitely
9	.34	.28	.24	.21	.19	.17	.15	.14	
10	.38	.31	.27	.23	.21	.19	.17	.16	

But not at .01% for each 40 ounces of drinking
One drink is 1 oz. of 100 proof liquor, 12 oz. of beer, or 4 oz. of table wine.

SUREST POLICY IS ... DON'T DRIVE AFTER DRINKING!

Past Approaches and Current Activities

Federal Action:

Over the last 12 years, the National Highway Traffic Safety Administration (NHTSA), an Agency within the U.S. Department of Transportation, has worked with the States to reduce alcohol related deaths on the highway. NHTSA initiated 35 Alcohol Safety Action Projects (ASAPs) throughout the country from 1971-1976 which resulted in the development of a coordinated systematic approach to deal with drunk driving.

In 12 of the 35 ASAPs, a statistically significant reduction in fatal crashes at night was achieved. Individual projects were able to double, and even triple driving while intoxicated arrests, using such new technology as roadside breath testing. Court procedures were streamlined to handle large caseloads. Roughly a quarter-of-a-million drinking drivers were referred for treatment.

Before the passage of the Highway Safety Act of 1966, few States specified a presumptive level of driving while intoxicated. The Federal standard for alcohol safety prescribed the 0.10 percent blood level that legally defines the legal intoxication limit. Now all the States have laws defining driving under the influence at the 0.10 percent level. The majority of the States now have made some improvements in their law enforcement, court, rehabilitation, and educational efforts.

State Action

Under the Section 402 grant program established by the Highway Safety Act the States are increasing the proportion of funds allocated to alcohol programs. In FY 1982 approximately 35 percent of 402 funds (\$27.8 of 78.6 million) were allocated to drunk driving programs (with an added 30 percent spent on alcohol enforcement activities under Police Traffic Services).

Responding to citizen interest, 21 States and a number of local jurisdictions have established special drunk driving task forces to revitalize State/local programs.

Fifteen States have raised the minimum legal drinking age to reduce alcohol related crashes among youth. Other States such as Maryland have introduced legislation to raise the drinking age during 1982.

Sixteen States have adopted statutes allowing preliminary roadside breath testing to assist officers in establishing probable cause for drunk driving arrests.

Twenty-one States have established illegal per se statutes designed to simplify and streamline the prosecution of drunk drivers by making it illegal simply to operate a motor vehicle with an illegal blood alcohol concentration (above 0.10%).

DRUNK DRIVING FACTS

- o A blood alcohol concentration (BAC) of .10 percent or greater is the level at which a driver is considered legally intoxicated in most states.
- o Approximately 55 percent of fatal crashes involve a driver who has been drinking.
- o In single vehicle crashes, where responsibility is apparent, between 60 and 75 percent of dead drivers have BACs greater than .10 percent.
- o The average BAC of drivers arrested for drunk driving is approximately .20 percent, double the level for presumed intoxication.
- o Over the past 10 years, the proportion of highway deaths involving alcohol has averaged 25,000 per year; one quarter of a million Americans have lost their lives in alcohol-related crashes in the last decade.
- o A conservative estimate of the total economic cost of drunk driving is put at between five and six billion dollars a year.

REALISTIC EXPECTATIONS

Problem Drinkers:

Regardless of what we do with problem drinkers, approximately 1 of 5 will be re-arrested for a drinking-driving offense within one year, 2 of 5 in three years.

Social Drinkers:

Without rehabilitation, 3 of 10 social drinkers will be re-arrested within three years. However, only 2 of 10 entering rehabilitation of some type will be re-arrested.

Source: University of South Dakota,
Program Level Evaluation of ASAP
Diagnosis Referral and Rehabilitation
Efforts. Sept. 1975.

PROBLEM DRINKING DRIVERS

1. The Problem Drinking Driver is someone who *regularly* drives while seriously impaired.
2. In the typical jurisdiction, about two-thirds of persons arrested for DWI are identifiable as Problem Drinkers, either clearly or marginally.
3. Problem Drinking Drivers usually have a high BAC (0.15 percent or above) when arrested. Of course, the BAC on any occasion may be lower.
4. Drivers with a high BAC (0.10 percent or above) are likely to be involved in at least

- Twice as many crashes
- Twice as many property damage crashes
- Five times as many personal injury crashes
- Twelve times as many fatal crashes
- Twice as many traffic violations
- Three times as many license suspensions

as the average driver.

5. Social Drinkers rarely achieve the high BAC (0.10 percent or above) which problem drinkers achieve very often.
6. A person can learn to "drive while drunk" i.e., to compensate partially for the impairment caused by alcohol up to a point. The learning takes a lot of practice.

Social Drinkers don't get that much practice. They are likely to judge themselves "too drunk to drive," or to drive very badly at lower BACs.

Therefore, a person who drives reasonably well at a high BAC, or who can drive at all at a very high BAC (0.20 percent or above), is likely to be a Problem Drinker.

7. Problem Drinking Drivers tend to lead troubled lives, as is shown in:
 - The probability of their having previous and subsequent DWI arrests.
 - The frequency of their contacts with social agencies.
 - Their emotional profiles.
 - The frequency of their family and economic problems.

This makes it possible to identify them by record checks and personality tests.

ACCIDENTS IN ALASKA

In 1975, alcohol-related highway accidents cost \$19.5 million.

In 1977, 62 Alaskans died in alcohol-related highway accidents. About 80% of highway fatalities in Anchorage are alcohol-related.

OMVI ARRESTS IN ALASKA

The drivers being arrested are very heavy drinkers - had to have had ten drinks in an hour to reach the blood alcohol levels recorded. Most have so much alcohol in their system that they are still drunk when they go to work the next day.

Most people never drink enough to reach the illegal BAC level. Most people arrested for OMVI regularly drink large amounts.

At most one out of four arrested for OMVI are "normal" drinkers who have had too much just this night. The rest are used to drinking and driving - in fact one out of three people arrested for OMVI has previously been convicted.

Few of the arrests for OMVI are borderline cases - the average blood alcohol concentration is twice the level proscribed by law.

FATAL ACCIDENTS

1976 - 1981

1976	111 fatal accidents 67 alcohol involved	127 fatalities
1977	130 fatal accidents 64 alcohol involved	138 fatalities
1978	112 fatal accidents 54 alcohol involved	127 fatalities
1979	80 fatal accidents 48 alcohol involved	90 fatalities
1980	79 fatal accidents 50 alcohol involved	88 fatalities
1981	90 fatal accidents 55 alcohol involved	100 fatalities
Totals	602 fatal accidents 338 alcohol involved	670 fatalities

Information provided by:

Highway Safety Planning Agency
Pouch N
Juneau, AK 99811

I N J U R Y A C C I D E N T S

ALCOHOL INVOLVED

1978 - 1980

1978 3,381 injury accidents 4,836 people injured

1979 3,285 injury accidents 4,634 people injured

1980 3,457 injury accidents 5,030 people injured

Totals 10,073 injury accidents 13,347 people injured

Information provided by:

Highway Safety Planning Agency
Pouch N
Juneau, AK 99811

ALASKA HIGHWAY SAFETY PLANNING AGENCY TRAFFIC ACCIDENT PROJECTION

	YEAR 1	TOTAL ACCIDENTS 2	INJURY ACCIDENTS 3	FATALITIES 4	RATE	PROPERTY DAMAGE 5	
1	1977	15,086	5,085	136	4.5	20,348,441	1
2	1978	12,962	4,827	127	4.5	18,775,536	2
3	1979	13,521	4,560	91	3.5	19,365,424	3
4	1980	13,165	4,993	98	3.8	20,793,629	4
5	1981	13,500	5,500	100	4.0	22,250,000	5
6	1982	14,000	6,000	107	4.5	23,750,000	6
7							7
8							8
9							9
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3.
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4.

FROM: DEPT. OF PUBLIC SAFETY PLANNING AGENCY

OVERALL STATEWIDE PROBLEM ANALYSIS

TRAFFIC RECORDS

Because of the problems described in the following paragraphs and the fact that current data is unavailable, there were no attempts made to perform a statistical analysis of the old data. This analysis has been performed on available data in past years and would only be redundant. Therefore, with the exception of the narrative in the traffic records section, the Overall Statewide Problem Analysis remains unchanged from the FY1982 highway safety plan. No further attempt to perform problem identification through statistical analysis will be done until current and accurate data becomes available.

The Alaska traffic records system continues to be plagued with many of the same problems that have prevented timely and accurate retrieval of accident data for the past few years. Excessive delays are still experienced in all aspects of the collection, entry, editing and retrieval of the accident and driver license data. Even though the driver license system is an automated on-line system, accurate statistical data for calendar year 1981 are not available at this time. Errors in data collection, as well as in the data entry, continue to contribute to the excessive delays in obtaining accident data.

Because of the changing philosophical views within the department, all attempts to utilize the "DART" traffic records software package have been abandoned. There is presently no individual within the department available that can utilize this system and at this time no efforts to revitalize the system are planned.

Even though a project was implemented in the department to alleviate many of the problems of the traffic records system, no progress of any consequence can be expected. The fact that the system spans two departments, neither of which has total responsibility, only complicates all efforts to upgrade the system. As the accident system remains a low priority within the department, we do not anticipate any improvement to the system during FY1983.

Because of these problems and the lack of reliable traffic data, emphasis will be placed on working with the Department of Public Safety to develop a more responsive outlook towards the traffic records system. This will include suggestions to move the responsibility of data entry from DOT/PF to the Department of Public Safety and to assign the system responsibilities to an individual in the department capable of overseeing and maintaining the system needs. With a commitment from the Department, traffic data and problem identification could be eliminated as a major obstacle in the preparation of the annual highway safety plan.

From Highway Safety Planning, 1983

STATE ACCIDENT ANALYSIS

<u>YEAR</u>	<u>INJURY ACCIDENTS</u>	<u>FATALITIES</u>	<u>TOTAL ACCIDENTS</u>	<u>M.D.R. (1)</u>	<u>PROPERTY DAMAGE (\$)</u>
1976	5,765	124	18,154	4.1	20,220,195
1977	5,085	136	15,086	4.5	20,348,441
1978	4,822	127	12,962	4.5	18,775,536
1979	4,560	90	13,521	3.2	19,365,424
1980	4,993	88	13,165	3.3	20,793,029

(1) Mileage Death Rate

1981 DATA NOT AVAILABLE AT THIS TIME

As shown by the preceding table, the total accident picture for Alaska in 1980 was one of increased risk to the motorist when compared to 1979. Accidents increased from 45 per 1,000 licensed drivers in 1979 to 48 per 1,000 licensed drivers in 1980. The mileage death rate increased from 3.2 per hundred million miles traveled in 1979 to 3.3 in 1980. The death rate per 1,000 motor vehicle accidents increased from 6.66 in 1979 to 6.68 in 1980.

Overall, there were more accidents per driver and per miles traveled than in 1979, with greater accident severity causing a higher injury and fatality rate. As a public health concern, the motor vehicle death rate per 100,000 population increased from 21.78 in 1979 to 21.97 in 1980 while the motor vehicle injury rate increased from 1,103.6 per 100,000 population in 1979 to 1,246.8 per 100,000 population in 1980.

STATE TRAFFIC ANALYSIS

<u>YEAR</u>	<u>POPULATION</u>	<u>LICENSED DRIVERS</u>	<u>VEHICLES (1) REGISTERED</u>	<u>MILES (2) TRAVELED</u>
1976	413,289	216,079	259,615	30.67
1977	411,211	294,926	283,973	30.34
1978	416,500	283,733	276,918	28.22
1979	413,200	299,818	262,549	27.90
1980	400,481	272,472	257,491	26.58

(1) Excludes trailers, commercial trailers and snowmachines.

(2) Represented as 100 million vehicle miles traveled.

As shown by the above table, Alaska's population remained stable through 1976-1979, with the exception of 1978 when it reached its highest level. The state experienced a 4% decline in population between 1978 and 1980.

The number of licensed drivers increased significantly in 1977, 36%, followed by another increase in 1979, but declined in 1980.

The number of vehicles registered shows a steady decrease since 1977, with a similar trend occurring in miles traveled since 1976.

LICENSED DRIVERS BY AGE AND SEX (1980)

The following table displays licensed drivers by age and sex. As is obvious, the majority of drivers licensed in Alaska (56.3%) are under 35 years of age. Thirty-one percent of all licensed drivers are young (under 35) males: the group most at risk in highway traffic accidents.

<u>AGE</u>	<u>NUMBER OF ALCOHOL ACCIDENTS</u>	<u>PERCENT INVOLVEMENT</u>	<u>PERCENTAGE OF LICENSED DRIVERS</u>
15-18	220	11.3	3.4
19-29	922	47.2	36.5
30-39	407	20.9	27.8
40-49	238	12.2	15.2
50-59	134	6.9	10.3
60 +	31	1.6	2.5

During 1979, alcohol was indicated in 1,952 traffic accidents. Drivers aged 19-29 were the most frequent offenders: 47.2% of the alcohol-related accidents involved drivers in this age group who had been drinking or who were suspected of drinking.

Drivers between the ages of 15 to 18, inclusive, who make up only 3.4% of the licensed driver population, accounted for 11.3% of the alcohol-related accidents, or more than 3 times their distribution in the general driver population.

Alcohol was a factor in 70% of the fatal accidents that occurred during 1979. Further analysis is not possible because of contradictory bivariate data, although there is some indication that young drivers are, again, over-represented. Inexperienced both in driving and in drinking, the young driver also has a predilection for high speeds, and the combination is lethal.

Alcohol enforcement and diversion to treatment and/or education of the drinking driver will remain the highest priority for Alaska's highway safety program.

SPEED RELATED

The number of speed-related fatalities declined from 80 in 1978 to 61 in 1979. Although the number of fatalities that were speed-related declined, the rate of speed involvement has remained constant at 27%. Speed as a contributing factor in injury accidents declined from 21% in 1978 to 16% in 1979.

CURRENT ALASKA LAWS PERTAINING TO DRUNK DRIVING
(TITLE 28)

April 5, 1983

This section contains a short outline of Alaska laws pertaining to drunk drivers.

TITLE 28, LAWS PERTAINING TO DRIVING WHILE INTOXICATED

Backup information for "Drunk Driving" hearings
April 7 to April 12, 1983
Senate State Affairs Committee

DWI is a class a misdemeanor, 28.35.030(b), for which the punishment is:

1st conviction of DWI or refusal to submit to a breath alcohol test:

1. Mandatory license revocation for 30 days, but a limited license may be granted at the discretion of the court for 60 days, 28.15.18(c), 28.32.035(c).
2. Mandatory incarceration for not less than 72 hours, 28.35.030(e), 28.35.032(g).
3. Mandatory treatment, 28.35.030(c), 28.35.032(g).

2nd conviction or refusal within 1 year:

1. Mandatory 1 year license revocation with no limited license option, 28.15.181(c).
2. Mandatory 20 day incarceration period, 28.35.030(c).
3. Mandatory treatment, 28.35.030(c), 28.030.032(g).

2nd conviction or refusal within 5 years:

1. 1 year license revocation, 28.15.181(c).
2. 10 day mandatory incarceration period, 28.35.030(c).
3. Mandatory treatment, 28.35.030(c).

Implied consent provision, 28.35.031

Persons who operate motor vehicles, water crafts, or aircrafts within the boundaries of this state are considered to have given their consent to a chemical test of their breath.

Illegal Per Se law, 28.35.033

.10 grams of alcohol per 210 liters of a person's breath shall be

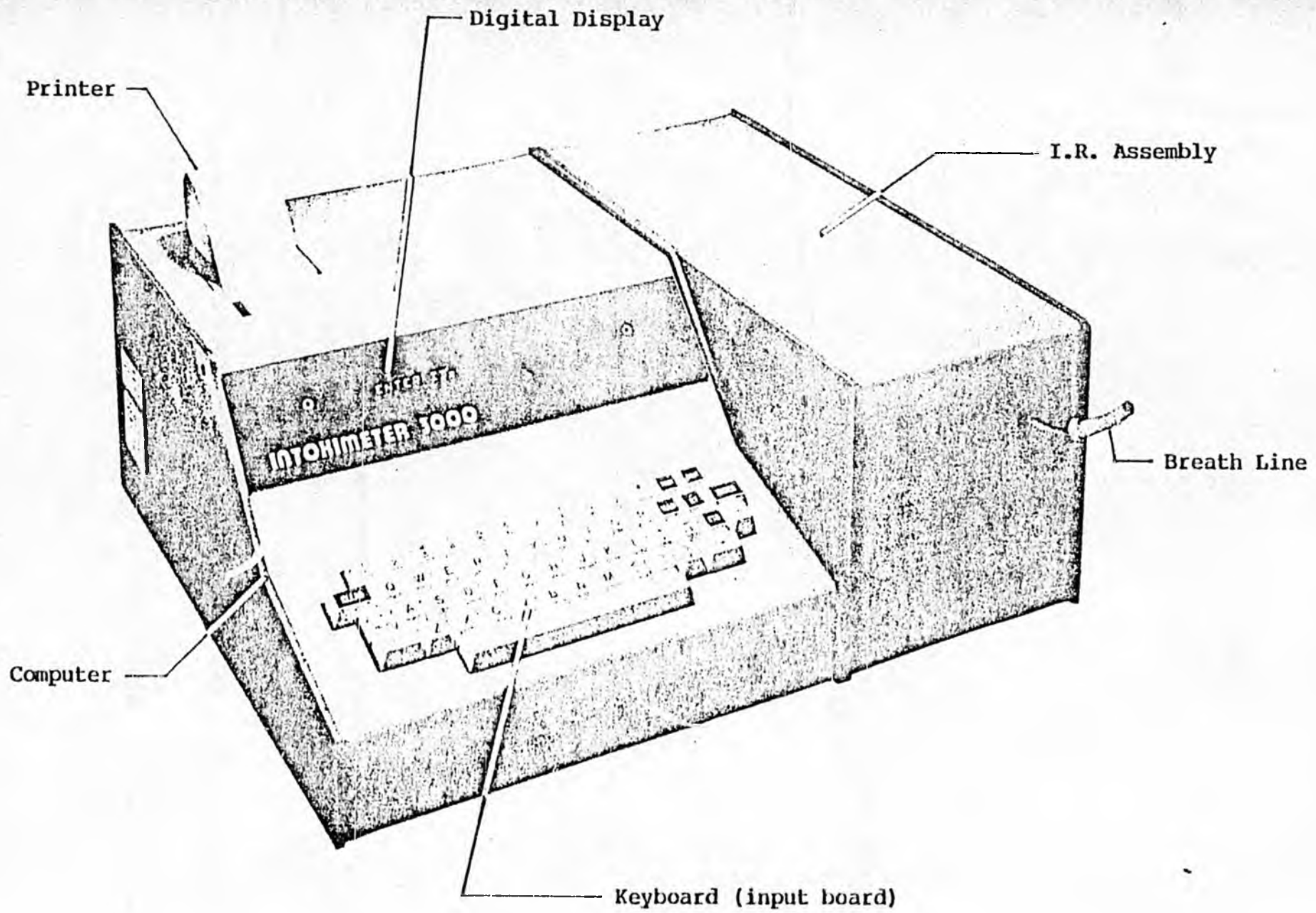
*Prepared by
Susan Fryck
April 1983*

presumptive evidence that the person is intoxicated. The chemical analysis must conform to methods approved by DHSS.

When the breath alcohol content (BAC) is between .05 and .10 grams/210 liter, no presumptions shall be made as to the intoxication of the person. When the BAC is below .05, it will be presumed that the person in question is not intoxicated.

The person tested may have someone of their choice administer a chemical test in addition to the one administered at the direction of the police officer.

If a person is under arrest for DWI, and the arrest was the result of an accident, a chemical test may be administered without the consent of the arrested individual. Persons who are unconscious or otherwise unable to refuse to take the test are considered not to have withdrawn their consent-- a chemical test may be administered.



INTRODUCTION

THE INTOXIMETER MODEL 3000 H/S COMBINED THE SIMPLICITY AND SPEED OF INFRARED ABSORPTION AND MODERN COMPUTER TECHNOLOGY TO PRODUCE THE MOST ACCURATE, VERSATILE, AND COMPLETE BREATH ALCOHOL TESTING INSTRUMENT AVAILABLE TODAY.

THE PROGRAM IS UNDER FULL COMPUTER CONTROL. THE STANDARD OPTIONS THAT YOUR SUPERVISOR CAN SELECT TO INDIVIDUALIZE YOUR PARTICULAR REQUIREMENTS ARE LISTED BELOW. ONCE THESE SELECTIONS ARE MADE, THEY BECOME A PERMANENT PART OF YOUR PROGRAM.

THE PRINTER MAY BE PROGRAMMED TO DELIVER FROM 1-9 COPIES OF THE TEST RESULT WHEN THE PRINT KEY IS PRESSED.

THE PRINTER AND DIGITAL DISPLAY MAY BE PROGRAMMED TO DISPLAY THE RESULTS IN EITHER TWO OR THREE DIGIT ACCURACY.

THE TEST SEQUENCE IS PROGRAMMED TO RUN A NALCO ALCOHOL STANDARD BEFORE EACH SERIES OF SUBJECT TESTS. THE EXTERNAL STANDARD MAY BE PROGRAMMED FOR THE EXACT VALUE OF THE NALCO STANDARD.

THE PROGRAM MAY BE REQUESTED TO ASK THE OPERATOR UP TO 10 ADDITIONAL QUESTIONS WHICH THE AGENCY CAN DESIGNATE. BOTH THE QUESTIONS AND RESPONSES CAN EACH BE 20 CHARACTERS IN LENGTH.

THE PRINT-OUT CAN BE PRE-PROGRAMMED TO AUTOMATICALLY TYPE IN THE AGENCY OR DEPARTMENT NAME.

A RETAINED SAMPLE OPTION MAY BE SELECTED WHICH WILL AUTOMATICALLY ASK THE OPERATOR IF THE SUBJECT'S BREATH SAMPLE IS TO BE PRESERVED. IF SO, THE INSTRUMENT WILL INSTRUCT THE OPERATOR AS TO HOW TO CONNECT AND DISCONNECT THE RETAINED SAMPLE.

A BATTERY BACK-UP PREVENTS THE LOSS OF A PROGRAM AND ANY TEST STORED IN MEMORY FOR UP TO TWO HOURS IN THE EVENT OF A POWER FAILURE.

A TYPICAL PRINT-OUT IS SHOWN ON THE FOLLOWING PAGES, INCLUDING A DESCRIPTION OF THE TEST. IN ADDITION TO RUNNING THE STD (STANDARD), BLK (BLANK TEST), SUBJ (SUBJECT TEST), AND SECOND STANDARD, THE IR 3000 AUTOMATICALLY PURGES AND RUNS A BLANK BEFORE AND AFTER EACH ONE OF THE TESTS SHOWN ON THE PRINT-OUT.

PRINTOUT RECORD - EXPLANATION OF TERMS

TEST RECORD

INTOX S/N 1000
NONE P.D.
SUN JAN 01, 1982

OPER NAME
JOE SMITH

I.D. NO. = AK3123

SUEJ NAME =
GERALD MICHAELS

O.L. NO. =
CA 1234567

DEPT./AGENCY =
STATE TROOPERS

EXT STD S/N = 1234

EXT STD TARGET VALUE
.12

TEST VALUE TIME

EXTSTD .12 01:45
BLK .00 01:45

SUEJ .15 01:46

BLK .00 01:47
EXTSTD .12 01:47

INSTRUMENT SERIAL NUMBER
HEADING
DATE

OPERATOR'S NAME

OPERATOR'S I.D. NUMBER

SUBJECTS'S NAME

OPERATOR'S LICENSE NUMBER

DEPARTMENT OR AGENCY

EXTERNAL NALCO TANK SERIAL NUMBER

VALUE OF NALCO STANDARD

CALIBRATION CHECK
ASSURES INSTRUMENT IS CLEAN

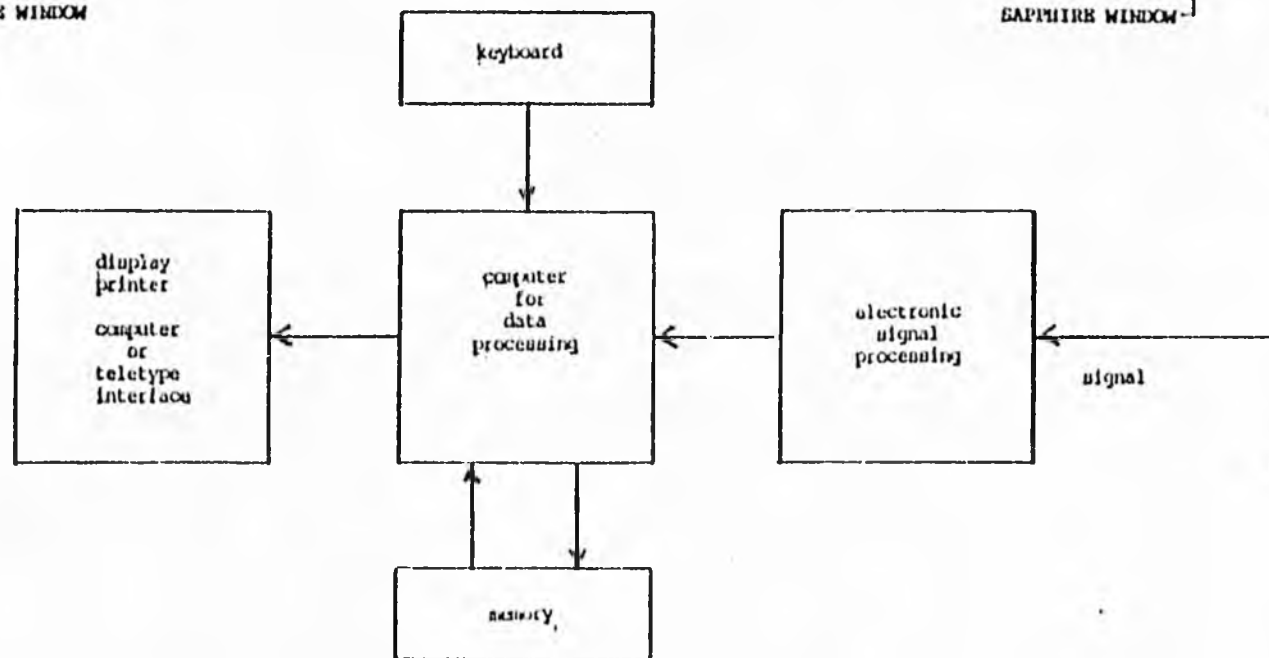
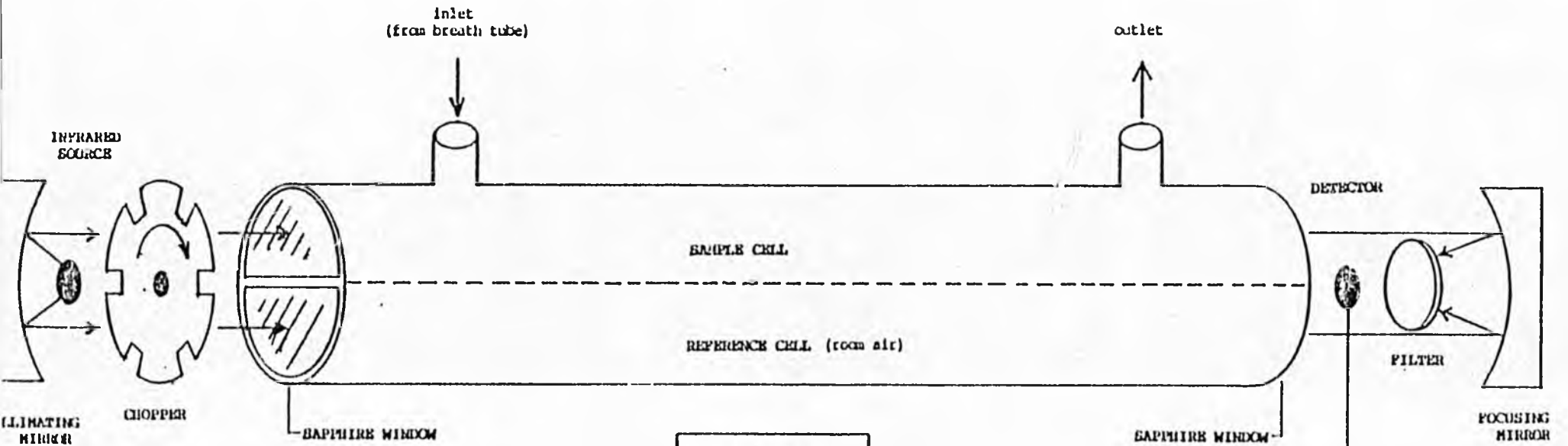
SUBJECT TEST RESULTS

FINAL BLANK AND STANDARD

RUNNING A SUBJECT:

1. TURN ON THE MAIN VALVE ON THE NALCO ALCOHOL STANDARD TANK.
CHECK THAT:
 - A. THE HIGH PRESSURE GUAGE READS GREATER THAN 300 PSI.
 - B. THE LOW PRESSURE GUAGE READS BETWEEN 10 AND 20 PSI.
2. CONNECT A CLEAN MOUTH PIECE TO THE BREATH LINE.
3. PRESS THE START KEY.
4. DISPLAY WILL REQUEST OPER NAME =.
THE OPERATOR SHOULD ENTER HIS NAME IN THE ORDER OF LAST, FIRST,
USING A MAXIMUM OF 20 CHARACTERS.
5. DISPLAY WILL REQUEST I.D. NO. =.
ENTER THE OPERATOR'S I.D. NO.
6. DISPLAY WILL REQUEST SUBJ NAME =.
ENTER THE SUBJECT'S NAME IN THE ORDER OF LAST NAME, FIRST NAME,
MIDDLE NAME OR INITIAL, USING A MAXIMUM OF 20 CHARACTERS.
7. DISPLAY WILL REQUEST O.L. NO. =.
ENTER THE OPERATOR'S LICENSE NUMBER.
8. DISPLAY WILL REQUEST DEPT./AGENCY =.
ENTER THE DEPARTMENT OR AGENCY CONDUCTING THE TEST.
9. DISPLAY WILL REQUEST EXT STD S/N =.
ENTER THE NALCO SERIAL NUMBER MARKED ON THE NALCO TANK.
10. DISPLAY WILL REQUEST EXT STD TARGET VALUE =.
ENTER THE ALCOHOL VALUE LISTED ON THE NALCO TANK.
11. THE INSTRUMENT WILL NOW AUTOMATICALLY RUN A PURGE AND BLANK SEQUENCE.
"XST" WILL FLASH WHILE THE INTOXIMETER 3000 IS RUNNING THE NALCO
STANDARD. AFTER THE STANDARD HAS BEEN RUN, THE DISPLAY WILL FLASH
"BLK", INDICATING THAT A BLANK TEST IS BEING CONDUCTED. WHEN THE
BLANK TEST IS COMPLETE, THE DISPLAY WILL BE READ BLOW UNTIL STAR
WITH "SUB" FLASHING. THE SUBJECT SHOULD BLOW INTO THE BREATH LINE.
IF THE SUBJECT IS BLOWING HARD ENOUGH A DASH (-) WILL APPEAR ON THE
LEFT SIDE OF THE DISPLAY AND THE HARDER THE SUBJECT BLOWS THE MORE
DASHES (- - - -) WILL APPEAR.
12. THE SUBJECT SHOULD CONTINUE TO BLOW INTO THE INSTRUMENT UNTIL THE
OPERATOR OBSERVES A FLASHING STAR "*" IN THE RIGHT-HAND CORNER OF
THE DISPLAY. THE STAR "*" INDICATES THAT A PROPER SAMPLE HAS BEEN
TAKEN. THE TEST RESULTS WILL BE DISPLAYED IN A FEW SECONDS.* THE
INTOXIMETER 3000 WILL AUTOMATICALLY PURGE, RUN A BLANK, AND THEN RUN
A SECOND NALCO STANDARD. THE RESULTS WILL THEN BE PRINTED OUT.

* If the subject's breath sample to be preserved - follow the procedure
on the opposite page.



OPERATING PRINCIPLES:

The Intoximeter Model 3000 breath analyzer employs the well-established principles of nondispersive infrared (NDIR) molecular absorption. Each compound in the breath absorbs infrared energy in a combination of absorption bands at frequencies unique to the compound. The position of these absorption bands do not change. However, the strength of a given absorption band will vary in direct relation to the change in the number of molecules within a fixed path.

The analyzer use a narrow band pass interference filter to isolate an absorption band at 3.39 microns; which is one of the strong absorption bands for alcohol. A heated element sends infrared energy through a two-chambered gas sample cell of fixed path length. With no absorbing gas in the sample half of the cell, the energy of the sample beam is ratioed against the energy passing through the reference half of the cell. The ratio is used to set and establishes the zero set point. The presence of alcohol in the sample cell will absorb some of the sample beam energy. The amount of energy attenuated is proportional to the number of alcohol molecules in the sample cell.

THE INFRARED SOURCE:

The source is a nichrome helix around a ceramic core. This assembly is then resistance-heated to 800 degrees C. A single source is used to simplify the optics and electronics and to insure stability. It is used so that any change in source character will have no net effect on the system. Extensive source check-out and burn-in yields high reliability in operation.

THE CHOPPER:

The source energy is modulated at 180 Hz and 300 Hz in the sample and reference beams by a slotted chopper wheel.

THE SAMPLE CELL:

The Sample Cell is a unique two-chamber design. The upper portion is a sample chamber and is ported close to each end to allow rapid sample transfer. The lower portion is the reference chamber.

The energy transmitted through the sample chamber is compared to the energy transmitted through the reference chamber. This establishes the zero and

automatically corrects for any changes in the cell sensitivity. No reflective optics or surfaces are used inside the sample cell. Consequently, particulates or other coatings will not affect the cell sensitivity.

Polished sapphire flats are used as cell-end windows. Diamond is the only other IR window material which is harder or more chemically inert than sapphire.

The unique two-chamber design minimizes optics and does not require critical alignment, which permits rapid cell interchange.

The sample cell is heated to prevent water condensation. The temperature is typically set to 45 degrees C.

THE INTERFERENCE FILTER:

A specially selected narrow band pass interference filter transmits infrared energy where the sample gas absorbs, while blocking all energy where interfering gases absorb. The filter is mounted on the detector for maximum stability.

The transmission characteristics of the filter do not change with time, ensuring long-term stability. Careful filter selection provides a readout free from interferences.

THE DETECTOR:

A solid-state photoconductive detector was chosen for its sensitivity and fast response. The detector is extremely rugged, and is insensitive to mechanical shock and vibration.

WHAT IF:

1. THE DISPLAY IS BLANK: PRESS THE CLEAR KEY AND HOLD DOWN FOR AT LEAST 2 SECONDS AND RELEASE. IF THE CIRCULATING MESSAGE DOES NOT APPEAR, NOTIFY THE ALCOHOL SUPERVISOR.
2. THE SUBJECT NAME IS MISPELLED: IF THE DATA IS STILL IN THE DISPLAY, THE DEL KEY MAY BE PRESSED THE CORRECT NUMBER OF TIMES TO ELIMINATE THE ERROR AND THEN RE-TYPED. IF THE ENTER KEY HAS BEEN PRESSED BEFORE THE MISTAKE IS NOTICED, THE CLEAR KEY MUST BE PRESSED AND THE TEST SEQUENCE RESTARTED.
3. MORE THAN 20 CHARACTERS ARE ENTERED FOR THE SUBJECT'S OR OPERATOR'S NAME: THE 20th CHARACTER WILL BE THE LAST CHARACTER RECORDED. FOR THIS REASON, IT IS RECOMMENDED TO ENTER THE LAST NAME FIRST AND TO NOT INCLUDE PERIODS(.) AFTER INITIALS.
4. AN ALCOHOL SIMULATOR IS LEFT CONNECTED TO THE BREATH INLET LINE: THE IR WILL CONTINUE TO ALTERNATE BETWEEN THE PURGE "PRG" AND THE BLANK "BLK" CYCLES.
5. DISPLAY SHOWS "STD .089 LO ABORT": STANDARD RESULTS ARE OUTSIDE THE NORMAL $\pm .009$ gm% LIMITS. CHECK THAT THE NALCO TANK IS TURNED ON, RUN A STD ONLY - CHECK THAT THE RESULTS ARE WITHIN .009 OF THE VALUE MARKED ON THE TANK. IF A HIGH OR LOW ABORT IS STILL PRESENT, THE STANDARD VALUE HAS BEEN ENTERED INCORRECTLY.
6. DISPLAY SHOWS "STD .111 HI ABORT": STANDARD RESULTS ARE HIGH.
7. PRINTED RESULTS SHOW: SUBJ NAME =, SUBJ NAME =: THE ENTER KEY WAS PRESSED WHEN THE "SUBJ NAME =" REQUEST WAS IN THE DISPLAY. REMEMBER, WHEN THE ENTER KEY IS PRESSED, THE CONTENTS IN THE DISPLAY WILL BE ENTERED AS DATA.
8. DISPLAY AND PRINT-OUT SHOW AN ACETONE PRINT-OUT: VERIFY THAT THE SUBJECT DID NOT SMOKE 15 MINUTES PRIOR TO TESTING.
9. DISPLAY SHOWS ENTER I.D. =: A SUPERVISOR MUST BE CALLED TO PROGRAM THE INSTRUMENT.
10. DISPLAY SHOWS "LOW TEMP": THE INSTRUMENT IS NOT WARMED UP. WAIT UNTIL THE "LOW TEMP" MESSAGE GOES OFF. PRESS CLEAR KEY.
11. TIME AND DATE MESSAGE IN DISPLAY DOES NOT MOVE: PRESS THE CLEAR KEY FOR 2 SECONDS. IF THIS DOES NOT CORRECT THE DISPLAY, NOTIFY YOUR SUPERVISOR.

ACETONE

The IR3000 has a second alcohol-acetone sensor of the semi-conductor type. The semi-conductor (SC) detector is about 3 to 5 times as sensitive for acetone as the IR detector. The computer uses this characteristic to compute the amount of acetone present and correct the IR reading. The sensitivity of the semi-conductor detector is automatically adjusted by comparing the IR and SC detector outputs. This calibration factor is averaged over the last 4 analysis and stored in memory.

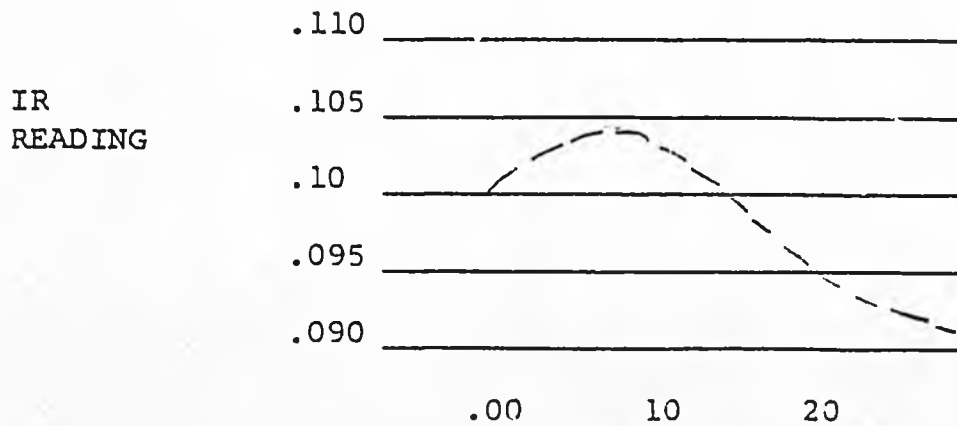
When the IR3000 is first programmed or after being in the factory mode, about 6 alcohol samples in the range of .08 to .25 gm% must be analyzed to calibrate the SC detector for acetone. Also 6 alcohol samples must be analyzed after each test where acetone is present.

Acetone standards can be prepared using the same formula as used for alcohol standards, ie 7.7 ML made up to 100 ML with distilled water. One ML of this stock solution made up to 500 CC will make a 10 MG% BAL acetone standard.

If checking the IR3000, a .10 gm% BAL alcohol standard with up to 2 ML (20 mg%) acetone stock can be used. At acetone levels of 30 mg% and higher, there is almost no chances of having alcohol present.

A more realistic test for these levels would be to prepare straight acetone standards. Acetone levels up to 60 mg% have been reported in the literature for diabetics.

The figure below shows a typical correction curve for acetone. Notice that the alcohol reading will increase slightly at low levels of acetone and then drop slightly at the higher levels of acetone.



mg% acetone in .10 gm% alcohol

SB 226, An act relating to training and licensing of drivers...

April 5, 1983

This section contains the backup information for SB 226 which includes:

1. a copy of the bill
2. a memo explaining the bill
3. a fiscal note from

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

REQUEST

Bill/Resolution No.: SB - 226
 Title: ...Training...of drivers
 Sponsor: Sen. Fischer
 Requestor: Senate State Affairs

II. FISCAL DETAIL

Agency Affected: Education
 Program Category Affected: Elem. & Secondary
 B/J, Program of Subprogram(s) Affected: State Contract Programs

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC		1,250.9	1,325.9	1,405.5	1,489.8	1,579.2
TOTAL OPERATING		1,250.9	1,325.9	1,405.5	1,489.8	1,579.2
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		1,250.9	1,325.9	1,405.5	1,489.8	1,579.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not provided by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Steve Hole
 Division: Management, Law, & Finance
 Approved by Commissioner: Marshall L. Lind
 Department: Education

Phone: 465-2865
 Date: _____
 Date: 4-8-83

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

3/8/83

I. REQUEST

Bill/Resolution No.: SB 226
 Title: Training & licensing of drivers
 Sponsor: Senator V. Fischer
 Requestor: Senate State Affairs

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Life & Prop.
 BRU, Program of Subprogram(s) Affected: Driver/Vehicle Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES	0	71.3	103.1	109.3	115.9	122.9
200 TRAVEL	0	1.0	2.0	2.1	2.2	2.3
300 CONTRACTUAL	0	39.4	22.4	25.3	28.1	29.8
400 COMMODITIES	0	.3	.3	.3	.4	.4
500 EQUIPMENT	0	5.1	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	117.1	127.8	137.0	146.6	155.4
CAPITAL						
REVENUE	0	59.8	49.5	49.5	49.5	49.5

FUNDING: (Thousands of Dollars)

GENERAL FUND		117.1	127.8	137.0	146.6	155.4
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	0	3	3	3	3	3
PART-TIME						
TEMPORARY		3				

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not identified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis (2 pages attached)

Prepared By: Bill Brown Phone: 465-4335
 Division: Motor Vehicles Date: 4-6-83
 Approved by Commissioner: [Signature] Date: 4-6-83
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

Fiscal note based on following:

1982 statistics: 2,622 16 year old licensed drivers
 4,461 17 year old licensed drivers
 5,932 18 year old licensed drivers

1980 statistics: 1,115 16 year old drivers received 1,596 citations
 2,894 17 year old drivers had total of 4,333 citations

Therefore, approximately 7,000 16 and 17 year olds must obtain new provisional license by April 1, 1984.

500 16 year olds will have provisional license revoked and apply for Instruction Permit.

500 Reissuance of provisional license after three months.

1,000 17 year olds will have provisional license revoked and apply for Stage One license.

800 17 year olds will have Stage Two license reissued.

4,500 17 year olds with provisional license will obtain regular license at age 18 years, annually.

2,600 16 year olds will change from Stage One to Stage Two provisional license each year.

Detail: FY 84

100 Personal Services

1 - Document Processing Clerk II, 1/2 year	13.3	
1 - Motor Vehicle Rep. II, 1/2 year	14.1	
1 - Driver Improvement Specialist, 1/2 year	21.3	
3 - Motor Vehicle Rep II (Nonpermanent - 4 months)	22.6	
	TOTAL	71.3

200 Travel

Hearing Officers travel to various cities to conduct revocation hearings.	1.0	1.0
---	-----	-----

300 Contractual

310 - postage (All revocation notices and insurance cancellation notices must be sent via certified, return receipt mail at \$1.55 each)	2.4	
320 - advertising/publicity	10.0	
360 - equipment rental (2 AJIS terminals)	16.0	
380 - professional services (contract at \$.75 per drivers license issued)	9.0	

382a - DP Chargeback (programming and maintenance) 2.0

Total 39.4

400 Commodities

480 - Normal office supplies .3 .3

500 Equipment

3 typewriters 3.7

2 file cabinets .5

1 desk .4

3 chairs .5

Total 5.1

TOTAL 117.1

REVENUE

Revenue figure is based on assumption each different stage or class of license will require a \$5.00 fee per schedule outlined in AS 28.15.271. 11,950 licenses in FY84 = \$59.8. 9,900 licenses in FY85 = \$49.5.

GENERAL COMMENTS:

- A. AS 28.15.055(b) mentions Stage Two Provisional License if person has driver ed, and no citations within six months. If person has citation within six months is he then disqualified for license? Individual would not be eligible under proposed AS 28.15.055(a), as only 17 year olds without driver ed are mentioned. As written a 17 year old who has never been licensed before, and who has one moving violation, is not eligible for a provisional license if he has had driver ed, however, is eligible if he has not had driver ed.
- B. Question arises on AS 28.15.055(c) where it states "if the person is qualified". If an individual had a stage one provisional license revoked, and did not obtain an instruction permit as required by AS 28.15.213(c), would that person be qualified? Same with stage two and AS 28.15.213(d) - would that person be required to obtain a stage one first? Or once a person becomes 18 years of age, are all revocations of provisional licenses under AS 28.15.213 invalid?
- C. Question also arises on AS 28.15.055(a) where it indicates a holder of a provisional license has all the rights and privileges of a person with an "unrestricted" license, except hours. Does this possibly void any restriction we may impose for medical or other reasons? If AS 28.15.055(d) is the escape clause, it seems contradictory.

1.	POSITION TITLE Motor Vehicle Rep. II				RANGE/STEP 9B	BARG. UNIT GC	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 7-15	LEG.		
3.	CONTINUATION LEVEL				ADDITION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		20,400							
6.	Benefits		3,582							
7.	Supplemental Benefits		1,251							
8.	Fixed Benefits		2,880							
9.	TOTAL PERSONAL SERVICES		01		28,113					
10.	Travel		02							
11.	Contractual		03							
12.	Commodities		04		100					
13.	Equipment		05		1,408					
14.	Other									
15.	TOTAL COST				29,621					
JUSTIFICATION										
<p>This position will work in the field office and be responsible to issue driver's licenses. It is estimated this bill will generate issuance of 9,900 additional licenses each year, plus an additional 7,000 required by Section 9 of the bill, for a total of 16,900 the first year. Approximately 50% of these will be in Anchorage.</p> <p>Requested equipment breakdown is as follows: Typewriter - \$1,245 Chair - 163 Total \$1,408</p> <p>Prepared showing full year costs. Only 1/2 year reflected on fiscal note for FY84.</p>										
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		29,621						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

13 REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 PROGRAM Life and Property Protection
 BRU Driver/Vehicle Services
 COMPONENT Field Services

Page _____ of _____
 Revised Date _____

FY 84

1.	POSITION TITLE Document Processing Clerk II				RANGE/STEP 8B	BARG. UNIT GG	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEC.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		19,176							
6.	Benefits		3,367							
7.	Supplemental Benefits		1,175							
8.	Fixed Benefits		2,880							
9.	TOTAL PERSONAL SERVICES		01		26,598					
10.	Travel		02		-					
11.	Contractual		03		-					
12.	Commodities		04		100					
13.	Equipment		05		1,724					
14.	Other									
15.	TOTAL COST				28,422					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		28,422						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								

Will handle processing of paperwork related to revocations required by proposed AS 28.15.213. Will prepare and send out notices; handle certified copies for court and prosecutors; and maintain necessary files. Will also proof of insurance filings required by AS 28.20.240 after each revocation for a period of three years. It is estimated this bill will generate an additional 1,500 administrative revocations annually, which after three years will require proof of insurance be maintained on 4,500 individuals. Each time insurance is cancelled the individual must be sent a letter, or if not renewed, their license withdrawn.

Equipment breakdown is as follows:
 Typewriter - \$1,245
 File Cabinet - 291
 Chair - 188
 Total \$1,724

Prepared showing full year costs, Only 1/2 year reflected on fiscal note for FY84.

FOR B&M USE ONLY
4A KEY NUMBER

13 REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 PROGRAM Life and Property Protection
 BRU Driver/Vehicle Services
 COMPONENT Driver Services

Page of
 Revised Date

FY 84

1.	POSITION TITLE Driver Improvement Specialist				RANGE/STEP 16B	BARG. UNIT GG	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 7-15	LEG.		
3.	CONTINUATION LEVEL	ADDITION			JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>This position will be responsible to hold hearings under driver license administrative suspension programs. Each time a provisional license is revoked under proposed AS 28.15.213, the department must offer a hearing per AS 28.05.131. It is estimated this bill will generate an additional 1,500 administrative license actions annually. In addition to holding hearings would be responsible to maintain current records concerning the hearings.</p> <p>Travel is based on two trips to Fairbanks annually, two trips to Southeastern annually, and two trips to the Kenai Peninsula annually.</p> <p>Requested equipment breakdown is as follows: Typewriter - \$1,245 Desk - 426 File Cabinet - 235 Chair - 163 Total \$2,069</p> <p>Prepared showing full year costs. Only 1/2 year reflected on fiscal note for FY84.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	32,040								
6.	Benefits	5,626								
7.	Supplemental Benefits	1,964								
8.	Fixed Benefits	2,880								
9.	TOTAL PERSONAL SERVICES	01	42,510							
10.	Travel	02	1,900							
11.	Contractual	03								
12.	Commodities	04	100							
13.	Equipment	05	2,069							
14.	Other									
15.	TOTAL COST		46,579							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts	1002							
17.		G.F. Match	1003							
18.		General Funds	1004	46,579						
19.		I-A Receipts	1005							
20.		Program Receipts	1028							
21.		Other								
FOR B&M USE ONLY 4A KEY NUMBER _____										

13 REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 PROGRAM Life and Property Protection
 BRU Driver/Vehicle Services
 COMPONENT Driver Services

Page _____ of _____
 Revised Date _____

FY 84

1.	POSITION TITLE Motor Vehicle Rep. II				RANGE/STEP 9A	BAR. UNIT GG	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.						
2.	TYPE OF POSITION NON PERM	STAFF MONTHS 4	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT 18-21	LEG.								
3.	CONTINUATION LEVEL				JUSTIFICATION											
4.	TYPE OF EXPENDITURE			AMOUNT	<p>This position will work in the field office and be responsible to issue driver's licenses during the start up period when all 16 and 17 year olds must obtain a different license.</p>											
	PERSONAL SERVICES															
5.	Salary		7,448													
6.	Benefits		725													
7.	Supplemental Benefits															
8.	Fixed Benefits															
9.	TOTAL PERSONAL SERVICES	01		8,173												
10.	Travel	02														
11.	Contractual	03														
12.	Commodities	04														
13.	Equipment	05														
14.	Other															
15.	TOTAL COST															
	RECEIPT CODE	FUNDING SOURCE														
16.		Federal Receipts 1002														
17.		G.F. Match 1003														
18.		General Funds 1004		8,173												
19.		I-A Receipts 1005														
20.		Program Receipts 1028														
21.		Other														
FOR B&M USE ONLY																
4A KEY NUMBER _____																

13 REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
PROGRAM Life and Property Protection
BRU Driver/Vehicle Services
COMPONENT Field Services

FY 84

Page of
Revised Date

1.	POSITION TITLE Motor Vehicle Rep. II			RANGE/STEP 9A	BARC. UNIT GG	FORM PAGE/LINE	GOV	APPROV.	DISAPP.
2.	TYPE OF POSITION NON PERM	STAFF MONTHS 4	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 7-15	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	6,596							
6.	Benefits	642							
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES	01	7,238						
10.	Travel	02							
11.	Contractual	03							
12.	Commodities	04							
13.	Equipment	05							
14.	Other								
15.	TOTAL COST								
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts	1002						
17.		G.F. Match	1003						
18.		General Funds	1004	7,238					
19.		I-A Receipts	1005						
20.		Program Receipts	1028						
21.		Other							
FOR B&M USE ONLY									
4A KEY NUMBER _____									

This position will work in the field office and be responsible to issue driver's licenses during the start up period when all 16 and 17 year olds must obtain a different license.

13 REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
PROGRAM Life and Property Protection
BRU Driver/Vehicle Services
COMPONENT Field Services

Page _____ of _____
Revised Date _____

FY 84

1.	POSITION TITLE Motor Vehicle Rep. II				RANGE/STEP 9A	BARG. UNIT GG	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.		
2.	TYPE OF POSITION NON PERM	STAFF MONTHS 4	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 7-15	LEG.				
3.	CONTINUATION LEVEL				JUSTIFICATION							
4.	TYPE OF EXPENDITURE				<p>This position will work in the field office and be responsible to issue driver's licenses during the start up period when all 16 and 17 year olds must obtain a different license.</p>							
	1		2								3	
	PERSONAL SERVICES											
5.	Salary		6,596									
6.	Benefits		642									
7.	Supplemental Benefits											
8.	Fixed Benefits											
9.	TOTAL PERSONAL SERVICES		01								7,238	
10.	Travel		02									
11.	Contractual		03									
12.	Commodities		04									
13.	Equipment		05									
14.	Other											
15.	TOTAL COST											
	RECEIPT CODE										FUNDING SOURCE	
16.					Federal Receipts 1002							
17.					G.F. Match 1003							
18.					General Funds 1004							
19.					I-A Receipts 1005							
20.					Program Receipts 1028							
21.					Other							
FOR B&M USE ONLY												
4A KEY NUMBER _____												

13 REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
PROGRAM Life and Property Protection
BRU Driver/Vehicle Services
COMPONENT Field Services

Page _____ of _____
Revised Date _____

FY 84

REQUEST

Bill/Resolution No.: SB - 226
 Title: ...Training...of drivers
 Sponsor: Sen. Fischer
 Requestor: Senate State Affairs

II. FISCAL DETAIL

Agency Affected: Education
 Program Category Affected: Elem. & Secondary
 BRU, Program of Subprogram(s) Affected: State Contract Programs

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC		1,250.9	1,325.9	1,405.5	1,489.8	1,579.2
TOTAL OPERATING		1,250.9	1,325.9	1,405.5	1,489.8	1,579.2

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		1,250.9	1,325.9	1,405.5	1,489.8	1,579.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not provided by sponsor.

IV. ANALYSIS: Attach - separate page for any Analysis

Prepared By: Steve Hole
 Division: Management, Law, & Finance
 Approved by Commissioner: Marshall L. Lind
 Department: Education

Phone: 465-2865
 Date: _____
 Date: 4-9-83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor, introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

PROJECTED COST OF A HIGH SCHOOL DRIVER EDUCATION PROGRAM 1983-84

For 1982-83 school year, there are 19,311 students enrolled in grades 10-12.

A realistic percentage would be 25-28% enrollment in driver education for any given school year. The 1982-83 percentage of enrollment in schools offering the program is 23.7 %.

28% of 19,311 students would be 5407 students per year.

The average salary for a secondary school teacher for 1982-83 school year is \$35,103. Based on 180 days worked, this is \$195.02 per day. The average hourly rate, based on a 6-hour day, would be \$32.50.

The average gasoline consumption per student is 6 gallons. Based on an estimated cost of \$1.80 per gallon, this would amount to \$10.80 per student.

Vehicle cost: Based on an initial cost of \$9000 with a 5-year life-expectancy, the yearly cost would be \$1800. With a usage of 90 students per year, the cost per student would be \$20.00.

COST ANALYSIS:

Teachers' salaries for 5407 students for 6 hours Behind-the-wheel training @ \$32.50 per hour:	\$1,654,365
Gasoline costs for 5407 students: 6 gallons per student @ \$1.80	58,396
Vehicle costs for 5407 students @ \$20.00 per student:	108,140
In-Service Training Workshops for new Driver Education Teachers:	<u>30,000</u>
	\$1,250,901

Post FY 84 inflated 6% per annum.

Assumptions and Considerations:

1. The present Department of Education requirements for an approved program must be met in order for a school to participate in the program. See Exhibit A. The minimum legal licensing age is 16 years. Driver education should be offered at the earliest age possible so the student can learn the correct habits and skills at the onset. If students are legally driving and then take driver education, some bad habits have to be changed.
2. A flat reimbursement rate for each student completing a DOE approved program will be used.
3. Many of the schools that do not plan to offer a driver education program for the 1983-84 school year could not do so even if funding beyond the foundation program were available. They do not have teachers trained in driver education, nor vehicles, and could not get them in time. Many curricula for the 1983-84 school year will be established by the end of May, 1983.
4. The classroom portion of the program (minimum of 30 hours) will be funded through the present foundation program.
5. No consideration is given to increased teachers salaries, cost of living, etc. for succeeding years. Student enrollment will remain constant or decline slightly.
6. Many schools will be able to secure dealer loan cars at no or low cost for the program. Most of the schools with programs already own their vehicles. Some of the schools that would be adding driver education own vehicles that could be used in the program.
7. No consideration is given to fringe benefits for teachers or indirect costs.
8. Few foundation increases will be realized by the school because if the students were not in driver education (behind-the-wheel training), they would have to be somewhere with a teacher funded through regular sources.
9. Teaching time is based on a 6 period per day schedule.
10. No repair, maintenance or insurance costs are considered as these amounts would probably be covered by the proposed gasoline and vehicle costs as shown in the analysis section.
11. No salvage value is considered for vehicles after 5th year, although there would be a fair value.
12. Some of the smaller high schools will continue to offer driver education every other year or only one semester per year as an economy measure.

13. Due to the lack of trained teachers and lead time in scheduling, it is estimated that a maximum of 4,000 students would complete a driver education course for the 1983-84 school year. This is based on school size and past program experience. There would be a maximum of 26 new programs offered. If the same percentage of present driver education enrollment were to hold true statewide for total enrollment in grades 10-12, there would be 4584 students enrolled.
14. Driver education programs would not likely be conducted in communities where there are no roads nor in the very small high schools, especially one teacher schools and those with fewer than 15-20 students because it is not economically feasible.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

April 7, 1983

The Honorable Vic Fischer
Chairman, Senate State Affairs
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Fischer:

This is in reply to your request for a departmental position paper on SB-226 entitled "An Act relating to the training and licensing of drivers; and providing for an effective date".

Percentage wise, the youthful driver is involved in more motor vehicle traffic accidents than older/experienced drivers. I do not have any figures which would reflect whether or not midnight to 5 a.m. is a high accident period for 16 and 17 year old drivers, however, I doubt that it is. Therefore, at this time I am maintaining a neutral position on SB 226. It would be quite burdensome to the young driver and to administer, while the curfew would probably have little effect on the overall accident rate.

Under SB-226 licenses in possession of 16 and 17 year olds will become invalid April 1, 1984. This will require reissuance of approximately 7,000 licenses in a short time frame. We estimate an increase of an additional 9,900 licenses to be issued per year due to age change, and/or receipt of citations for moving violations. We also anticipate a large increase in license revocations and hearings, plus factors which are a result thereof, such as requirement to show proof of insurance for three years after a license revocation as required by AS 28.20.240.

Sincerely,


Robert J. Sundberg
Commissioner

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



April 5, 1983
Senate State Affairs Committee
Prepared by Suzanne Tryck

SECTIONAL ANALYSIS SB 226

- Section 1; provides for a driver's education program in each high school.
- Section 2; provides for a section in the DMV driver's manual on alcohol and driving.
- Section 3; is a technical section adding to the list of other classified licenses the youth provisional licenses.
- Section 4; provides a curfew preventing persons with only driving permits from driving between the hours of 12 midnight and 5:00am daily, and between 9:00pm and midnight on Friday and Saturday evenings.
- Section 5; (a) provides a stage one provisional license for licensed drivers age 16, and for 17 year old drivers who have not had driver's education. Those holding this stage one provisional license will not be able to drive between the hours of 12 midnight and 5:00 am unless:
1. accompanied by a parent, guardian or spouse 18 years or older who has held a valid driver's license for a year.
 2. traveling to or from work, or in the course of employment, and in the possession of a signed affidavit from their employer.
- (b) provides a stage 2 provisional license for those age 17 who have successfully completed the high school driver's education course, and who have had no moving violations, DWIs, or breath test refusals for 6 months prior to applying for the Stage 2 provisional license.
- (c) states persons age 18 or older are eligible for an unrestricted and unlimited license if qualified under current statute.

MEMORANDUM

TO: State Affairs Committee Members

FROM: Suzanne Tryck, Staffperson to
Senator Vic Fischer

RE: SB 226, An act relating to the training and licensing of
drivers

DATE: 03/31/83

This bill:

1) prohibits those automobile drivers with learning permits (as opposed to licenses) from driving between the hours of 9pm and midnight on Friday and Saturday, and prohibit them from driving between midnight and 5am every morning.

2) provides in the state driver's manual a more substantial section on the dangers of combining driving and alcohol-- including a portion on how to recognize an intoxicated driver, and create a corresponding section in the written examination.

3) creates a Stage 1 provisional driver's license--

- this license applies to 16 year old persons, and to those who are 17 years old who have not had driver's education.
- persons with this license would be prohibited from driving between the hours of midnight and 5am unless accompanied by a parent or a spouse 18 years of age or older, or unless traveling to or from work or in the course of employment with a signed affidavit in hand from the employer.
- two moving violations, 1 DWI, or driving in violation of the curfew would result in the revocation of this license, but would allow them to apply for a learner's a permit.

4) creates a Stage 2 Provisional driver's license --

- this license would apply to 17 year olds who have passed driver's education.

--to qualify for this license a 17 year old must have 6 consecutive months prior to application with no moving violations, and no DWIs or curfew violations.

--a moving violation, a DWI, or a curfew violation results in the revocation of the Stage 2 provisional license. The person would, however, be able to apply for a stage 1 provisional license.

--this Stage 2 provisional license would not have any driving curfew.

- 5) When an Alaskan resident reaches the age of 18--regardless of which type of provisional license or permit they have-- they become eligible for an unrestricted and unlimited driver's license unless ineligible by some other statute.

--traffic violations obtained with a permit, stage 1 provisional license, or a stage 2 provisional license shall be applied to the unrestricted and unlimited in compliance with current Alaska law when that license is obtained on or after their 18th birthday.

- 6) provides an effective date of January 1, 1984

--those who receive their driver's licenses before January 1, 1984 would have a three month period in which to obtain the appropriate license after the effective date of the bill before their license automatically expires.

- 7) in accordance with this bill, driver's education courses on the combination of alcohol and driving an automobile must be available to all persons under 18 through the high school curriculum.

CURFEW LICENSES FOR YOUNG DRIVERS

April 5, 1983

This section contains:

1. a newspaper article on curfews for teen drivers
2. a report called, "Restrictions on Teenage Drivers."
3. a report called, "The Effect of Curfew Laws on Motor Vehicle Crashes."

Mindy Thursday, January 20, 1983

THE CHRISTIAN SCIENCE

INDIANA

USA Today

1/26/83

More states consider curfews for teen drivers

One study shows that such measures 'substantially' reduce number of crashes

By George B. Merry

Staff writer of The Christian Science Monitor
Boston

Putting the brakes on nighttime driving by teen-agers is a road-safety idea whose time may have finally come — or at least is on the way.

Proposals to restrict the use of motor vehicles by youths to daytime and early evening hours are expected to surface in several states in the next few years, if not months, according to those close to the scene. Such laws are in force in 12 states.

Lawmaker interest in some type of curfew legislation appears to have been spurred by the somewhat startling results of a study, involving crashes by 16-year-old motorists, released last fall by the Insurance Institute for Highway Safety (IIHS).

The analysis comparing the nighttime road-accident records in four of the states with some kind of partial driving ban on youths, concludes that such measures "substantially reduce" the number of crashes.

In Pennsylvania, for example, the researchers project that the more than decade-old curfew law there contributed to 69 percent fewer vehicle accidents during curfew hours than otherwise might be the case, based on crashes by 16-year-old drivers in neighboring Ohio, where there is no such restriction.

The study similarly estimates that such measures in New York has helped hold down night crashes by 62 percent. For Maryland and Louisiana, the other two curfew states studied, there were 40 and 25 percent fewer road accidents respectively during the driving restriction hours.

In Maryland, where the comparison in-

volved the average crash rate involving 16-year-olds between 1974 and 1978 (when the law was enacted) and 1979 and 1980, the annual number of crashes dropped by 338.

While declining to speculate how passage of such laws in other states might boost highway safety, William Haddon Jr. MD, president of the IIHS, views these curfews as a significant "way to put a dent in drunk driving and crashes by teen-agers."

He and other boosters of strong laws warn that having one on the books is only a partial step. To be effective it must be followed by rigid enforcement.

Many of the present measures, most of which are more than a decade old, "are very weak" Dr. Haddon asserts. Even the toughest measures include exceptions. For example, young drivers are often permitted to drive during the curfew hours if on the way to or from work or school.

Curfew hours vary widely from state to state. It is 9 p.m. to 5 a.m. in New York, 11 p.m. to 5 a.m. in Louisiana, midnight to 5 a.m. in Pennsylvania; and 1 a.m. to 6 a.m. in Maryland.

Some foes say curfews would not be necessary if the minimum drinking age is raised and enforced, since the lion's share of youth-involved traffic accidents are liquor related. Others suggest that restricting the hours a teen-ager can drive is unfair to young people who are responsible when they get behind the wheel.

Backers of curfew legislation, however, cite National Safety Council statistics which show that teen-agers, who comprise 8 percent of the licensed drivers, account for 21 percent of the traffic accidents.

Besides Louisiana, Maryland, New York, and Pennsylvania, states with some sort of driving hour restrictions for youths include Illinois, Indiana, Massachusetts, Michigan, South Carolina, South Dakota, Wisconsin, and Wyoming.

Indianapolis — A driving curfew for teen-agers was approved by a state Senate panel. The bill would prohibit 16- and 17-year-olds from driving midnight-5 a.m. unless driving to or from work or in an emergency. ... Hundreds of officers attend.

RAISING THE DRINKING AGE

April 7, 1983

This section contains:

1. a memo from the Arizona Legislative Council
2. a memo to Rep. Barnes on dispensing alcohol to minors
3. a fact sheet on the drinking age
4. an article titled, "Impact of Legislation Raising the Drinking Age..."
5. a number of newspaper articles on raising the drinking age



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

South Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

April 2, 1982

MEMORANDUM

TO: Representative Ramona Barnes

FROM: Felicity Watt, Research Staff *FW*

RE: Dispensing Alcohol to Minors
Research Request No. 82-80

Dave Stancliff of your office recently asked us to survey other states' laws as they pertain to dispensing alcohol to minors. He noted that you are particularly interested in those states that have harsher penalties than Alaska's. To obtain information on this subject we contacted six national alcoholic beverage organizations, three university research groups, and five alcoholism and drug abuse agencies in Alaska and the Alcohol Beverage Control Board. Jody Buckley of the Distilled Spirits Council of the United States provided us with much of the information that specifically addresses this request. For your information, the attached appendix includes a list of the addresses and telephone numbers of the organizations we contacted.

Alaska Law

Furnishing alcohol to minors. The legal minimum drinking age in Alaska is 19. Furnishing alcohol to minors is addressed in AS 04.16.052 which states that licensees (bar or package store owners) are prohibited from allowing another person to sell, barter, or give an alcoholic beverage to a person under 19. Licensees are also prohibited on their licensed premises from allowing any person under 19 to enter and remain on the premises, or to consume an alcoholic beverage, or to sell or serve alcoholic beverages.

The offense of ordering an alcoholic beverage for the purpose of furnishing it to a minor is addressed in AS 04.16.060, which also prohibits a person from misrepresenting that another person is over 19 years of age for the purposes of obtaining entrance to a licensed premise, or to pretend to have obtained parental consent to escort a person under 19 years of age.

A person who furnishes an alcoholic beverage to a minor is considered guilty of the offense of contributing to the delinquency of that minor. AS 11.51.130, which addresses contributing to the delinquency of a minor who is under 18 years of age, includes a prohibition against aiding, inducing or encouraging a minor to violate a State law.

The penalties for dispensing alcohol to minors in these eight states are listed below.

CONNECTICUT (CT Law, Sec. 30-86 & 30-113)

fine of not more than \$1,000 or imprisonment for not more than one year or both

MARYLAND (MD Law, Sec. 118 & 200)

fine of not more than \$1,000 or imprisonment for not more than 2 years in the House of Correction, or jail, or both fine and imprisonment

MISSOURI (MO Law, Sec. 311.310 & 311.760)

fine of not less than \$100, nor more than \$1,000, or imprisonment in the county jail for not less than 30 days or more than 1 year; or by both fine and imprisonment

MONTANA (Mo Code Annotated 16.06.305)

fine not to exceed \$1,500 and imprisonment for up to one year

NORTH DAKOTA (ND Law, Title 5, Chap 5-01, Sec.5-01-09)

fine of up to \$1,000 or imprisonment for not more than one year or both.

TEXAS (TX Law, Chap 106, Sec. 106.03)

fine of not less than \$500 or confinement in jail for not more than one year, or both.

VERMONT (VT Law, Chap 21, Sec. 658)

fine of not more than \$200 or imprisonment for not more than one year.

VIRGINIA (VA Law, Title 3.1, Chap 20, Sec. 4-62 & 4.92)

fine not exceeding \$500 or confinement in jail not exceeding 12 months, or both in the discretion of the jury or trial justice or the court trying the case without a jury.

In our conversations with state legal counsel in both North Dakota and

debate, usually centering on the public health consequences of different minimum drinking ages. We spoke with Alexander Wagenaar of the Highway Safety Research Institute at the University of Michigan, who had compiled the most recent information we have found on the legal minimum drinking ages of the states. Table 1, showing each state's minimum legal drinking age, is attached in the appendix.

Thirty states, including Alaska, lowered their legal minimum drinking age as part of a nationwide trend in the 1970's to lower the age of majority. However, between 1976 and 1981, fifteen of those thirty states reversed their previous actions and raised their minimum drinking ages (although not necessarily to the same ages as before). These fifteen states are shown in Table 2 of the appendix.

=====

Mr. Garrity, of the legal division of the Montana Department of Revenue, suggested that we make a written request to his office for more information regarding his state's laws. We would be happy to make such a request of Montana and other states if you wish. If you have any questions or we can be of further assistance, please do not hesitate to contact us.

FW/bf
Attachments: Appendix A


TABLE 1
Current Drinking Ages in All States

STATE	Beer		Wine		Distilled Spirits
	3.2% or Less Alcohol	Over 3.2% Alcohol	Light	Fortified	
Alabama	19	19	19	19	19
Alaska	19	19	19	19	19
Arizona	19	19	19	19	19
Arkansas	21	21	21	21	21
California	21	21	21	21	21
Colorado	18	21	21	21	21
Connecticut	18	18	18	18	18
Delaware	20	20	20	20	20
District of Columbia	18	18	18	21	21
Florida	19	19	19	19	19
Georgia	19	19	19	19	19
Hawaii	18	18	18	18	18
Idaho	19	19	19	19	19
Illinois	21	21	21	21	21
Indiana	21	21	21	21	21
Iowa	19	19	19	19	19
Kansas	18	21	21	21	21
Kentucky	21	21	21	21	21
Louisiana	18	18	18	18	18
Maine	20	20	20	20	20
Maryland	18 ^e	18	18	21	21
Massachusetts	20	20	20	20	20
Michigan	21	21	21	21	21
Minnesota	19	19	19	19	19
Mississippi	18 ^a	21	18 ^a	21	21
Missouri	21	21	21	21	21
Montana	19	19	19	19	19
Nebraska	20	20	20	20	20
Nevada	21	21	21	21	21
New Hampshire	20	20	20	20	20
New Jersey	19	19	19	19	19
New Mexico	21	21	21	21	21
New York	18	18	18	18	18
North Carolina	18	18	18	21	21
North Dakota	21	21	21	21	21
Ohio	18	21	21	21	21
Oklahoma	18 ^b	21	21	21	21
Oregon	21	21	21	21	21
Pennsylvania	21	21	21	21	21
Rhode Island	20	20	20	20	20
South Carolina	18	18	18	18	21
South Dakota	18	21	21	21	21
Tennessee	19	19	19	19	19
Texas	19	18	18	18	18
Utah	21	21	21	21	21
Vermont	18	18	18	18	18
Virginia	18 ^c	18 ^c	21	21	21
Washington	21	21	21	21	21
West Virginia	18	18 ^d	18	18	18
Wisconsin	18	18	18	18	18
Wyoming	19	19	19	19	19

Source: Alexander Wanegaar, Highway Research Institute (April 1982).

TABLE 2
States That Have Raised Their Drinking Age
Since 1976

Florida.....	18 to 19 - all beverages	10/80
Georgia.....	18 to 19 - all beverages	9/80
Illinois.....	19 to 21 - beer and wine only	1/80
Iowa.....	18 to 19 - all beverages	7/78
Maine.....	18 to 20 - all beverages	10/77
Massachusetts.....	18 to 20 - all beverages	4/79
Michigan.....	18 to 21 - all beverages	12/78
Minnesota.....	18 to 19 - all beverages	9/76
Montana.....	18 to 19 - all beverages	1/79
Nebraska.....	19 to 20 - all beverages	5/80
New Hampshire.....	18 to 20 - all beverages	5/79
New Jersey.....	18 to 19 - all beverages	1/80
Rhode Island.....	18 to 19 - all beverages	7/80
Rhode Island.....	19 to 20 - all beverages	7/81
Tennessee.....	18 to 19 - all beverages	6/79
Texas.....	18 to 19 - all beverages	9/81
Virginia.....	18 to 19 - off-premises beer only	7/81



Impact of Legislation Raising the Legal Drinking Age in Massachusetts from 18 to 20

RALPH W. HINGSON, ScD, NORMAN SCOTCH, PhD, THOMAS MANGIONE, PhD,
ALLAN MEYERS, PhD, LEONARD GLANTZ, JD, TIMOTHY HEEREN, MS, NAN LIN, PhD,
MARC MUCATEL, MA, AND GLENN PIERCE, MS

Abstract: On April 16, 1979, Massachusetts raised its legal drinking age from 18 to 20 years. Massachusetts was compared with New York State, exclusive of New York City and Nassau County. New York State retained an 18-year-old drinking age. Random telephone surveys with approximately 1,000 16-19 year olds in each state were undertaken prior to the law's enactment and twice at yearly intervals after the law to assess the law's impact on teenage drinking, driving after drinking, and non-fatal accident involvement. Fatal crash data reported to the US Department of Transportation by each state from April 16, 1976-April 15, 1981 were also analyzed. After the law, although the modes of procuring alcohol changed. No significant changes were observed in Massachusetts relative

to New York in the proportion of surveyed teenagers who reported that they drank or in the volume of their consumption. The proportion of teenagers who drove after drinking heavily (six or more drinks at one time) did not decline in Massachusetts relative to New York. However, the frequency that teenagers reported driving after any drinking declined significantly in Massachusetts. Frequency of teenage driving after marijuana use and non-fatal teenage accidents declined at comparable rates in both states. The numbers of teenage nighttime single vehicle fatal accidents declined more in Massachusetts than New York, in the 18-19 year age group. Overall fatal accident trends among 16-19 year olds in the two states were similar. (*Am J Public Health* 1983; 73:163-170.)

Introduction

From 1970 to 1975 at least one-half of the states, including Massachusetts, passed laws which lowered their legal drinking age.¹ When Massachusetts also lowered its drinking age from 21 to 18 years of age in 1973, lively public debate arose about whether this change increased the likelihood of teenagers being involved in fatal accidents.

Studies in other states²⁻⁵ lowering their drinking ages have suggested that reductions in the legal drinking age produced increases in the 18-20 year old fatal traffic accident rates. However, research results on the impact of lowering the drinking age in Massachusetts have been contradictory.⁶⁻⁹ None of these studies compared Massachusetts with control states that did not lower their drinking ages.

Between 1976 and 1981, 16 states reversed the prior

trend by raising their legal drinking ages. Massachusetts did so effective April 16, 1979.

An analysis comparing nine states which raised their legal drinking ages to states whose statutes were not changed has concluded that states which raise their drinking age can expect a 28 per cent reduction in nighttime fatal accidents among drivers targeted by such changes.¹⁰ In Massachusetts state officials reported 39 per cent fewer teenage alcohol-related fatal accidents in 1980 compared to 1978.¹¹ However, no comparison was made to a state where the drinking age was not changed. Consequently, other factors which may be responsible for declines were not considered, e.g., reduced driving because of gasoline price increases and shortages, changes in the types of vehicles driven, or enforcement of other traffic safety laws.

This paper examines the impact of raising the drinking age in Massachusetts during the initial two years after enactment.

Methods and Materials

Data from Massachusetts are compared with those from New York State, exclusive of New York City and Nassau County. In New York State, the legal drinking age remained at 18. New York City and Nassau County were excluded

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TABLE 1—Response Rates in Random Digit Dialing Telephone Surveys of Teenagers in Legal Drinking Age Study

	Massachusetts			New York		
	Before	After		Before	After	
	(1979)	(1980)	(1981)	(1979)	(1980)	(1981)
Completed Interviews (N)	1023	1006	976	984	1007	999
Response Rate (%)	80	87	84	83	82	85
Non-Interview						
Refusals (%)	9	6	7	3	3	3
Never Contacted Households (%)	8	5	3	11	12	9
Other Reasons (%)	3	2	6	3	3	3

NOTE: "Before" and "After" refer to Massachusetts raising its legal drinking age from 18 to 20 years

because of differences in urban density and age of driving licensure. At the time Massachusetts raised its legal drinking age from 18 to 20, the two states had similar laws regarding age of driving licensure and penalties for driving while intoxicated (see Appendix). Being contiguous, the two states also have roughly similar weather patterns.

An anonymous random digit dialing telephone survey of approximately 1,000 16-19 years olds was conducted in Massachusetts prior to enactment of the law on April 16, 1979. Teenagers were asked about their personal characteristics, drinking practices, procurement of alcohol, use of psychoactive drugs, driving after drinking, and non-fatal accident involvement. A similar survey was conducted in Upstate New York during April and May of 1979. Twice at

yearly intervals following the law, these surveys were repeated in each state using the same sampling approach. Interviews were attempted with all eligible teenagers in each household contacted. Table 1 indicates response rates in the six surveys. The demographic characteristics and driving practices of respondents in each state were remarkably similar before and after passage of the law (Table 2).

The survey samples were large enough that there would be only a 1 in 100 chance of failing to detect a 10 per cent post law reduction in the numbers of Massachusetts teenagers who drove after drinking and only a 1 in 5 chance of failing to detect a statewide reduction of 4 non-fatal accidents per 100 drivers in Massachusetts relative to New York.

Log-linear analysis was used on the survey data to test

TABLE 2—Comparison of Respondent Demographic Characteristics in Massachusetts and New York Surveys 1979-1981

Demographics	Massachusetts			New York		
	Before	After		Before	After	
	(1979) (N = 1023)	(1980) (N = 1006)	(1981) (N = 976)	(1979) (N = 984)	(1980) (N = 1007)	(1981) (N = 999)
	%	%	%	%	%	%
Age 16	25	27	28	31	32	30
17	30	29	31	29	26	26
18	23	25	22	23	22	23
19	21	19	19	17	20	21
Sex—Male	52	51	49	48	51	51
Student	81	79	82	81	76	83
Licensed	81	78	79	81	78	79
Married	3	3	1	2	2	2
Drove Last Year						
Car	87	85	86	87	84	85
Truck	19	23	20	30	30	30
Motorcycle	18	19	17	21	20	19
Miles Driven						
None	17	20	18	17	20	20
100	36	30	31	34	31	34
100-500	29	33	31	32	33	29
500+	19	17	14	17	16	16
Condition of Car						
Poor-Fair	18	20	18	18	19	19

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TABLE 3—Teenage Reported Drinking and Alcohol Procurement, Legal Drinking Age Study

	Massachusetts			New York		
	Before	After		Before	After	
	(1979) (N = 1023)	(1980) (N = 1006)	(1981) (N = 976)	(1979) (N = 984)	(1980) (N = 1007)	(1981) (N = 999)
Average Drinks Daily	%	%	%	%	%	%
None	7	10	7	9	9	9
.01-.99	59	61	64	61	63	62
1-1.99	10	10	8	11	10	9
2-2.99	13	10	11	10	10	10
3-3.99	4	4	4	4	3	4
4-4.99	2	2	2	2	2	2
5+	5	4	5	4	4	4
Where Most Often Obtains Alcohol						
Liquor Store/Grocery*	44	31	27	31	29	30
Bars-Clubs-Restaurants*	19	7	6	23	22	22
Home‡	7	12	11	12	11	11
Others Buy*	21	39	43	19	23	20
Parties-Friends' Homes	9	10	12	15	15	18
Drank Last Month 5+ Times						
Parties‡	15	13	18	11	12	11
Car	18	17	18	14	16	14
Bar	21	9	7	20	18	20
For those who drank in past year						
Bought liquor last month*	50	30	24	43	40	43
Has Fake ID	7	8	7	8	7	8
Never Asked Age at Liquor Store/Attempted to Purchase Liquor	27	35	35	33	32	28

*p < .01

‡p < .05

(Testing the hypothesis that reductions were greater in Massachusetts than New York after the law.)

whether the law had any impact on the dependent variables in Tables 3, 4, and 5. The analysis compares Massachusetts to New York with respect to changes in the dependent variable, say driving after drinking, from the pre-law survey

to the post-law surveys, adjusting for possible initial differences between the states on the dependent variable. Relations are cited as significant if p < .05.

In addition, data from the US Department of Transport-

TABLE 4—Respondents Who Drive After Drinking or Drug Use in the Last Month, Legal Drinking Age Study

	Massachusetts			New York		
	Before	After		Before	After	
	(1979) (N = 843)	(1980) (N = 809)	(1981) (N = 795)	(1979) (N = 817)	(1980) (N = 799)	(1981) (N = 791)
Any Drinking*	51	42	40	39	39	41
Drinking 6+ drinks at one time**	11	12	11	8	8	10
Smoking Marijuana	29	25	21	20	18	18
Drinking and Smoking Marijuana	18	15	12	13	11	10
Using Other Psychoactive Drugs	6	6	4	3	4	4
Drinking and Using Other Psychoactive Drugs	4	4	3	2	3	3

*p < .01

**refers to the most recent occasion teenagers drove after drinking.

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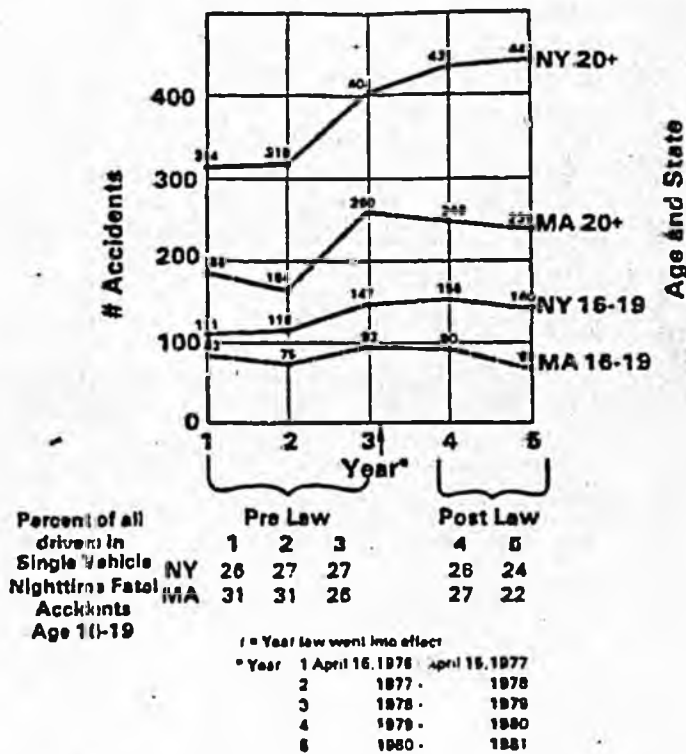


FIGURE 1—Single Vehicle Nighttime Fatal Accidents According to Age of Driver, State, and Year

Massachusetts teenagers said someone had purchased liquor for them in the previous month; two-thirds of these purchasers were over age 20 (not shown in Table).

The average daily consumption of alcohol in the 16-19 year old age group during the two years after the law did not decline in Massachusetts compared to New York. Nor did teenagers report shifts to the use of other psychoactive drugs. Consistent with trends nationwide, both states experienced significant reductions in the use of marijuana (not shown in Table).

Table 4 indicates the proportion of respondents who drove after drinking, psychoactive drug use, or drinking and drug use in combination during the month preceding the interview. After the law, the proportion of teenagers who reported driving after drinking heavily (six or more drinks) did not decline in either state. However, the frequency that teenagers reported they drove after any drinking declined significantly more in Massachusetts. Both states experienced comparable declines in the percentages of teenagers who drove after marijuana use.

In both states, the incidence of non-fatal accidents reported by 16-19 year old drivers dropped after the law (Table 5).^{*} The decrease was not significantly greater in Massachusetts compared to Upstate New York.

Prior to the enactment of the law, some legislators indicated doubts about whether the law would reduce drink-

^{*}Rates of accidents reported by respondents who drove motor vehicles during the year preceding the surveys exceeded the rates calculated from Registry of Motor Vehicle data per licensed teenage driver in each state. Neither Massachusetts nor New York require all non-fatal accidents to be reported to the police or registry.

ing and accidents among 18 and 19 years olds who had previously been entitled to drink. However, they anticipated that 16 and 17 years olds would find alcohol even more difficult to obtain because they would become even further removed from the legal drinking age. Analyses of survey data on drinking, driving after drinking, and non-fatal accidents did not identify a significantly greater impact of the law on 16 and 17 year olds compared to 18 and 19 year olds. (Data available on request from the authors)

Fatal Accidents

Analyses which focused on teenage single vehicle nighttime fatal accidents (Figure 1) revealed a 5 per cent drop in such accidents in Massachusetts during the two years after the law compared to the preceding three years. In New York, such accidents rose 19 per cent after the law. It should be noted that single vehicle nighttime fatal accidents among drivers above age 20 also rose at a 7 per cent higher rate in New York than in Massachusetts after the law even though it is unlikely that non-teenage drivers in single vehicle accidents would be affected by the drinking age change.

Three separate statistical procedures tested whether these teenage accident trends in Massachusetts were significantly different from the trends in New York. The accident totals for each age group and each year were fitted to a log-linear model using the methods of Bishop, Fienberg and Holland.¹² The data were also fitted to a regular analysis of variance model with log number of accidents as the dependent variable and age group, year, and state as factors. Finally, the data were fitted to an analysis of covariance model with log number of accidents in Massachusetts as the dependent variable and log number of accidents in New York as an independent variable. The teenage single vehicle nighttime fatal accident changes in Massachusetts relative to New York did not achieve statistical significance when tested using log linear analysis ($p > .1$) but were significant when tested by analysis of variance and covariance ($p < .05$).

Analyses were repeated separately for 18 to 19 year olds and for 16 to 17 year olds. Among 18 to 19 year olds in Massachusetts, single vehicle nighttime crashes dropped 15 per cent after the law, whereas in New York they rose 16 per cent ($p < .05$ based on analysis of variance and covariance). However, after the law such accidents among 16 to 17 year olds in both states actually rose by 20 per cent-30 per cent. (Data are available upon request from the authors.)

Figure 2 shows the total numbers of fatal accidents in Massachusetts and New York according to the age of the youngest driver. In both states, teenage accident totals were the highest during the last year before the law. When the average of teenage fatal accidents during the three years preceding the law was compared to the average of the two years following the law, Massachusetts dropped 1 per cent while New York rose 5 per cent. The three methods of statistical analysis indicated no significant difference between the two states in the overall teenage fatal accident trends. The results were the same when 16-17 year olds and 18-19 year olds were analyzed separately.

To control for possible confounding effects which might

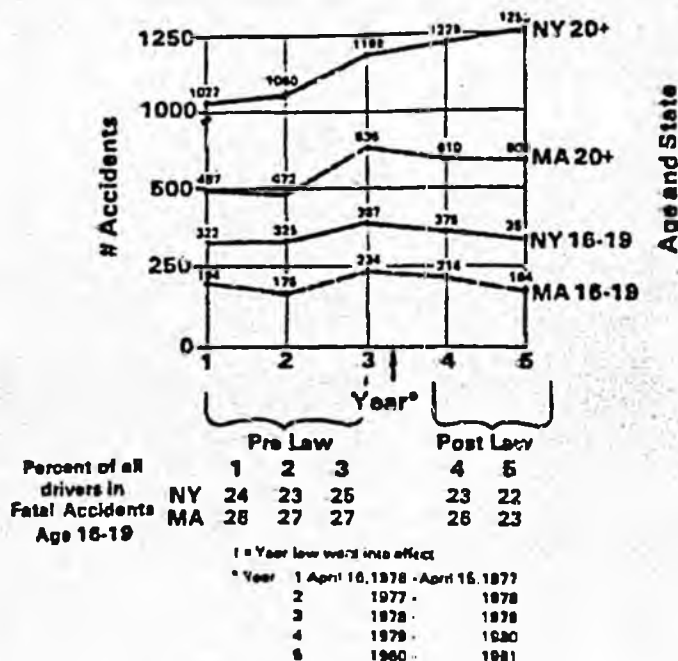


FIGURE 2—Fatal Accidents According to the Age of the Youngest Driver, State, and Year

be produced by Massachusetts teenagers crossing the border into New York in search of alcohol and then having accidents in New York, the analyses were repeated for 16-19 year olds excluding all New York and Massachusetts counties along their common border. Since less than 2 per cent teenage fatal accidents in those border counties involved drivers from the neighboring state, there was still no significant difference between overall teenage fatal accident trends in Massachusetts and New York.

Police and Enforcement of the Law

Arrest data and interviews with law enforcement officers in Massachusetts suggest possible explanations for these modest effects. Although most officers supported the new law, inspection of uniform crime reports (UCR) revealed that the frequency with which teenagers were arrested for driving under the influence did not significantly change in Massachusetts during the first year after the law compared to the previous two years. In New York, driving under the influence arrests for teenagers showed a steady increase over time throughout the study.

Predictably during the first year after the law when it became illegal for not just 16 and 17 year olds, but also 18 and 19 year olds to purchase alcohol in Massachusetts, arrests in that state among 16-19 year olds for all other alcohol-related offenses such as illegal purchase, possession, or public intoxication rose over 150 per cent. However, the intensity of enforcement varied widely from community to community. In 1980, the Massachusetts communities with over 100,000 inhabitants, recorded fewer than 10 arrests per every 1,000 teenage residents whereas more than 20 arrests

per 1,000 teenagers were recorded in the rest of the state.

The police interviews revealed that in some jurisdictions the police actively patrolled areas near liquor outlets and arrested observed violators of the law. In many other communities, however, officers used the law primarily in response to neighborhood complaints about public drinking by teenagers. Charges were not uniformly levied against teenage offenders. Often the teenagers' alcohol was either confiscated by the police for later disposal or disposed of while the violators watched. Frequently, violators were sent or taken home by the police with a warning only, or brought to police stations to be met by parents but not arrested. Arrests were generally reserved for known repeat violators, those who engaged in other law violations while drinking, teenagers who were abusive or uncooperative, or persons the police wished to arrest on other charges but lacked sufficient evidence for arrest.

The reasons most often cited for the variability in enforcement of the law among communities across the state was the lack of personnel and competing priorities, particularly in some high crime inner-city jurisdictions. Moreover, many officers did not perceive teenage purchasing of alcohol or drinking per se as a sufficiently serious crime to stigmatize juveniles by putting an arrest on their records. Parenthetically, several officers said they had behaved the same way when they were teenagers.

Finally, there were sometimes political deterrents to uniform enforcement. In at least one community, systematic enforcement of the law was abandoned and a special enforcement group was dissolved in response to complaints from other police officers, and town officials, whose children were arrested.

Enforcement of the law focusing on the sellers was minimal and sporadic. The year the law went into effect, the ABCC had only 24 inspectors to patrol the more than 12,000 liquor outlets statewide. Only three inspectors operated at night. Random checks of liquor outlets at night were discontinued during 1979 and inspections were made only in response to complaints (usually filed by competing liquor outlets or neighbors). The frequency of license revocations by the state did not increase after the law. Licenses were suspended only after a pattern of violations had been identified. Even then, a standard ABCC compromise procedure enabled the violating liquor outlets to remain open if 15 per cent of their daily profits were paid to the state during what would have been the suspension period.

Discussion

Several features of our study should be considered in interpreting these results. First, the study examined the first two years following enactment of the law. During this time period, the 18 and 19 year old age groups who had previous been allowed to drink had that privilege revoked. One could hypothesize that the previous drinking habits of this group would be resistant to change. Data from subsequent years may indicate whether people who were never allowed to drink will be more strongly affected by the law as they enter into the 18-20 year old age groups.

6 of 20

Second, one must be cautious about reports of drinking and psychoactive substance use based on survey self-reports. However, consistencies between the survey data and the accident data favor the validity of the survey results. To illustrate, according to the surveys, both Massachusetts and New York teenagers drove less frequently after drinking and after marijuana use during the two years after compared to the year before the law. Predictably, both states experienced declines in teenage single vehicle nighttime fatal accidents and overall fatal accidents during that period. Also, when Massachusetts and New York were compared, both the survey data and the accident data identified greater declines in Massachusetts on only some of these outcomes.

Third, whenever the null hypothesis is confirmed the likelihood of a type II error must be considered. Power calculations indicate that there is only a 13 per cent chance of failing to identify a 15 per cent reduction in the likelihood of overall teenage fatal accidents in Massachusetts relative to New York using a .05 level test. These calculations are based on the availability of two complete years of post-law fatal teenage accident data. Moreover, our current survey samples are sufficiently large that we have even greater confidence that there was no reduction in overall teenage drinking and non-fatal accidents in Massachusetts compared to New York after the law.

The results suggest that raising the drinking age reduced single vehicle nighttime but not overall fatal accidents in Massachusetts relative to New York among 18 and 19 year olds. We did not detect an impact on 16 and 17 year olds.

The state's law provides a symbolic statement to teenagers that its citizens disapprove of their drinking, and fears the accidents they may cause when they drive after drinking. The study results prompt us to ask whether the law could have had a greater impact among all Massachusetts teenagers if enforcement efforts were more consistent in all communities and if greater attention were paid to preventing the common practices of non-teenagers purchasing alcohol for teenagers or liquor outlets not requiring age identification? Without sufficient resources and coordination of enforcement efforts, those police who actively strive to enforce the law in one community may find their efforts negated by minimal enforcement in the next. Under these circumstances, will 16-19 year olds be offered an opportunity at a young age to learn that at least some laws can be violated or circumvented with little risk of apprehension, conviction, or punishment?

It is ironic that comparably high rates of fatal accidents have been consistently reported among persons in their early twenties, a group whose drinking privileges were not revoked. Moreover, because 18 and 19 year olds are involved in only a small fraction of alcohol-related accidents, even if the change in the legal drinking age had a greater impact on this age group, the tragedy of automobile injuries and fatalities caused by adults as well as 16 and 17 year olds who drink and drive would remain substantially unaltered.

Lack of community resources and variable willingness to enforce laws focused on teenagers raise questions about whether alternative strategies such as increased enforcement of the drunk driving and traffic safety laws aimed at all

drivers, or requirements for safer cars and improved road design would yield greater reductions in nonfatal and fatal accidents both among teenagers and non-teenagers.

The results of this study and others^{10,17,18} suggest that raising the legal drinking age may hold some promise of accident reductions. However, the impact of those legal changes may be diluted without intensive, publicly supported, coordinated enforcement efforts in all communities.

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APPENDIX

Comparison of Relevant Statutory Provisions in Massachusetts and New York* as of April 16, 1979

	Massachusetts	New York
Legal Drinking Age	20	18
Legal Driving Age	16	18
Penalty-selling or giving alcohol to minors	\$200 fine and/or 6 mos in prison	Up to \$500 fine and/or 3 months in prison
Penalty-minor buying alcohol (includes fraudulent ID)	\$300 fine	Mandatory probation no more than 1 year, fine up to \$10
Blood alcohol content proving intoxication	.10	.10
Driving deemed consent to blood alcohol test	Yes	Yes
Refusal to consent to blood alcohol test	Loss of license for 90 days. Refusal not admissible in court proceedings	6 mos revocation; if under 21 revocation for 6 mos or until 21, whichever is longer. Evidence of refusal is admissible in court proceedings
Penalty-driving while intoxicated	Fine of \$35-\$100 and/or 2 wks-2 yrs in prison	Fine up to \$500 and/or up to 1 year in prison
License revocation for driving while intoxicated	First offense—mandatory revocation at least 1 yr. Second offense—in 6 yrs, 5 yrs revocation. If a death results, at least 10 yrs revocation	First offense—mandatory revocation at least 6 mos, second offense or when personal injury results mandatory permanent revocation
Possibility of legally driving while in alcoholic rehabilitation	Yes, judge may continue case, dismiss charges after successful completion	May be given "conditional" license for limited purposes and may apply for a "restricted use" license if necessary for employment
Liquor dealer's license may be suspended or revoked for sale to minors	Yes	Yes

*Excluding Nassau County and New York City.

National Symposium on Genetic Disorders and Birth Defects

A National Symposium entitled "Genetic Disorders and Birth Defects in Families and Society: Toward Interdisciplinary Understanding" will be held April 25-26, 1983 at the Baltimore Hyatt-Regency. The symposium is sponsored by the Division of Medical Genetics and the Department of Social Work, Johns Hopkins Medical Institutions and supported by the March of Dimes Birth Defects Foundation, the Genetic Diseases Services Branch, Office of Maternal and Child Health, and the Mead-Johnson Company.

The purpose of this symposium is to heighten sensitivity to psychological and social implications of genetic disorders and birth defects as they affect individuals, families, and society.

For additional information, contact Program Coordinator, Office of Continuing Education, 720 Rutland Avenue, Turner 22, Baltimore, MD 21205. Telephone 301/955-6046.

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FINAL REPORT
THE EFFECTS OF LOWERING THE LEGAL DRINKING
AGE IN VIRGINIA

by

Cheryl Lynn
Research Scientist

Prepared by the Virginia Highway and Transportation Research
Council Under the Sponsorship of the
Department of Transportation Safety

(The opinions, findings, and conclusions expressed in this
report are those of the author and not necessarily those of
the sponsoring agencies.)

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ABSTRACT

On July 1, 1974, an amendment went into effect which lowered Virginia's legal drinking age for beer to 18 years; the minimum drinking age for wine and hard liquor was kept at 21. This move to extend adult drinking privileges to persons of military age had already been made in one form or another in about 30 other states. The most common practice among these states was to allow the purchase of all alcoholic beverages at one particular age. Virginia is the only state which discriminates between beer and wine/hard liquor in its treatment of minimum ages. While it is recognized that the possible effects of lowering the legal drinking age may be far reaching, the sole purpose of the research reported here was to examine the effect of reducing the legal drinking age on the highway safety environment in Virginia. This was accomplished through a review of the literature and an examination of Virginia crash data. It was found that lowering the legal drinking age resulted in increased alcohol-related accidents for young persons, and it was concluded that a more protective stand should be taken toward persons 18 to 20 years old with regard to the legal drinking age in Virginia.

SUMMARY OF FINDINGS AND CONCLUSIONS

It has been previously determined that young persons have traditionally had the worst driving record of all age groups, and that drinking even small amounts of alcohol drastically increases their probability of being involved in a motor vehicle accident. (This is not the case among older drivers, who must drink considerably more alcohol to increase their chances of accident involvement as much.) Considering that young persons are also more likely to combine alcohol with psychoactive drugs such as marijuana than are older drivers, it can be safely said that substance abuse while driving was a potentially serious problem for young persons even before the legal drinking age was lowered.

The actual effects of lowering the drinking age were then examined. First, it was found that the purchase and consumption of alcohol beverages increased for newly enfranchised persons 18 to 20 years old. This was especially true of draught beer consumed in restaurants and taverns, which indicated that the young persons would be more likely to drive after drinking than if they were consuming the beverages at home. Increases in consumption of alcohol were also noted among persons as young as 13, probably because their older schoolmates were legally purchasing the beverages for them.

The ultimate impact of the new drinking age law on highway safety must be measured in terms of accidents. Significant increases in alcohol-related accident experiences associated with the change in the drinking age have been noted, not only for persons 18 to 20 years old but also for persons 16 to 17 years old. These increases have not been noted for non-alcohol-related accidents nor for accidents involving older, and thereby unaffected, drivers. Also, increases have not been noted in states that did not change their drinking age laws. An analysis of Virginia crash data yielded similar results; there were significant increases in alcohol-related crashes for persons 16 to 19 years old subsequent to the lowering of the legal drinking age. No significant increases were noted for non-alcohol-related teenage crashes. At the same time, both alcohol-related and non-alcohol-related crashes significantly decreased for older drivers, probably as a result of the 1974 energy crisis.

It can be concluded from the examination of both the available literature and Virginia accident statistics that lowering the legal drinking age has had an adverse effect upon the accident experience of young persons. From a purely safety standpoint, then, a more protective public policy toward 18 to 20 year olds should be adopted.

RECOMMENDATIONS

It is recommended that the Department of Transportation Safety actively support legislation to raise the legal drinking age which includes the following provisions.

1. That the legal drinking age be raised incrementally for the next three years, so that the drinking age for beer would become 19 years in 1981, 20 years in 1982, and 21 years in 1983. In this way, no group would be disenfranchised, i.e., be permitted to purchase and consume beer during one year and not permitted to do so the next, and the most beneficial step of returning the legal drinking age to 21 years would be assured without requiring subsequent legislative action.
2. That an evaluation of the effects of raising the legal drinking age be required to determine whether this change in age improves the highway safety environment for young persons 18 to 20 in Virginia.

Alternately, should these provisions not be incorporated into proposed legislation, it is recommended that the Department support legislation raising the legal drinking age to 19, and then seek additional legislation in subsequent General Assembly sessions to raise the legal drinking age to 21 years.

FINAL REPORT
THE EFFECTS OF LOWERING THE LEGAL DRINKING
AGE IN VIRGINIA

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BACKGROUND

On April 7, 1974, the Virginia General Assembly passed a law lowering the legal drinking age in the state. This legislation, which allowed persons 18 years and older to legally buy beer, went into effect July 1, 1974. Such an action came as the result of a nationwide trend to extend adult privileges such as voting to persons between the ages of 18 and 21. Prior to 1970, only New York and Louisiana had drinking ages lower than 21. Between 1970 and 1973, half of the states amended their drinking laws to allow younger persons to buy and consume various types of alcoholic beverages. While several states have since raised their drinking ages, reversals have still been relatively rare. As noted in Table 1, at this writing 13 states allow the purchase of all alcoholic beverages at 18 years, 9 states allow this privilege at 19 years, 4 allow it at 20 years, and 21 allow it at 21 years. Four states differentiate between types of alcoholic beverages in setting drinking ages. Maryland, North Carolina, and South Carolina allow persons 18 years old to drink both beer and wine, while drinking hard liquor is reserved until 21. Virginia is the only state to allow beer drinking at 18 but to require a person to be 21 before being allowed to drink both wine and hard liquor.

The trend toward lowering legal drinking ages was probably an indirect result of the participation of then minors in the Viet Nam conflict in that it was felt that persons who were old enough to serve in the armed forces were old enough to drink. This same trend was responsible for the enfranchisement of 18 year olds as part of recognizing their already adult role in military action overseas. In that this trend reflects both that persons at 18 are capable of responsibility in drinking, which may not be the case, and increased availability of alcohol to the young driver, it can theoretically be expected to produce changes in various types of alcohol-related behaviors within this group. (1,2,3,4)

TABLE 1
CURRENT MINIMUM DRINKING AGES

<u>State</u>	<u>Beer</u>	<u>Wine</u>	<u>Liquor</u>	<u>3.2 Beer</u>
Alabama	19	19	19	-
Alaska	19	19	19	-
Arizona	19	19	19	-
Arkansas	21	21	21	-
California	21	21	21	-
Colorado	21	21	21	-
Connecticut	18	18	18	18
Delaware	20	20	20	-
D. C.	18	18	18	-
Florida 1	18	18	81	-
Georgia 2	19 (18, 7/1/81)	19 (18, 7/1/81)	19 (18, 7/1/18)	-
Hawaii	18	18	18	-
Idaho	19	19	19	-
Illinois 3	21	21	21	-
Indiana	21	21	21	-
Iowa	18	18	18	-
Kansas	21	21	21	-
Kentucky	21	21	21	-
Louisiana	18	18	18	-
Maine	20	20	20	-
Maryland	18	18	21	-
Massachusetts 4	20	20	20	-
Michigan 5	21	21	21	-
Minnesota	18	18	18	-
Mississippi	21	21	21	-
Missouri	21	21	21	-
Montana	19	19	19	-
Nebraska	19	19	19	-
Nevada	21	21	21	-
New Hampshire 6	20	20	20	-
New Jersey	21	21	21	-
New Mexico	21	21	21	-
New York	18	18	18	-
North Carolina	18	18	21	-
North Dakota	21	21	21	-
Ohio	21	21	21	18
Oklahoma	21	21	21	-
Oregon	21	21	21	-
Pennsylvania	21	21	21	-
Rhode Island	18	18	18	-
South Carolina	18	18	21	-
South Dakota	21	21	21	18
Tennessee	19	19	19	-
Texas	18	18	18	-
Utah	21	21	21	-
Vermont	18	18	18	-
Washington	21	21	21	-
West Virginia	18	18	18	-
Wisconsin	18	18	18	-
Wyoming	19	19	19	-
Virginia	18	21	21	-

- 1 Lowered from 21 in 1978.
- 2 Lowered to 19 as of 9/1/80; will be lowered to 18 on 7/1/81.
- 3 Raised to 21 from 19 on January 1, 1980.
- 4 Raised to 20 from 18 in 1979.
- 5 Raised to 21 from 18 in 1978.
- 6 Raised to 20 from 18 in 1979.

PURPOSE AND SCOPE

It is clear that there is more potential for change as a result of changing the drinking age than just in the area of highway safety; other aspects of the behavior of young persons could be affected, such as educational and school-related activities, parental and peer relations, vocational interests, and sexual or criminal activities, all of which should be examined to determine the impact of lowering the drinking age. It is the sole purpose of this report, however, to discuss only the highway safety implications of this change in drinking laws both in Virginia and in other states. This will be done through a review of the literature concerning drinking among young persons and through an analysis of crash data for Virginia teenagers.

RESULTS

Literature Review

Based upon this analysis, a number of issues relating to the impact of lowering the drinking age were addressed, including (1) the susceptibility of young persons to the effects of alcohol and drug usage, (2) the impact of lowering the legal drinking age on the purchase and consumption of alcoholic beverages, (3) the effect of lowering the drinking age on accidents among persons 18 to 20 years old as well as its impact on persons 16 to 17, and (4) changes in the highway safety environment in Virginia concurrent with lowering the legal drinking age for beer to 18 years.

In previous studies it has been well documented that persons aged 16 to 20 years are more susceptible to having traffic accidents than are persons in any other age group.⁽⁵⁾ Indeed, they tended to have the worst driving records of all age groups even before alcohol was made more readily available to them. Persons 18 and 19 years old traditionally incur the most traffic violations and have the highest accident rates. At one time it was believed that this abnormally high accident rate resulted from a lack of driving experience. However, this peak in accidents at 18 or 19 occurred not only among new drivers but also among those who had begun driving at 15 or 16, and who thus had several years' experience.^(6,7) This would indicate that there is something associated with being 18 or 19 that is also associated with or causes an increase in accidents. It has been hypothesized that these extremely high accident rates may result from stress caused by significant life changes and pressure to make and be responsible for various types of decisions, such as high school graduation, concern over vocational choices, pressure to be accepted at a good college, entry into the

working world, concern over personal problems, possible marital choices, sexual anxiety, and concern over military service.(8) In any case, the increased susceptibility to stress and distraction at this age also makes this group a possible target for alcohol problems, especially when the choice of whether or not to drink is added to their other decisions.(5) For all these reasons, young persons would be expected to have an unusually high rate of involvement in alcohol-related traffic crashes.

This high rate of involvement in drinking and driving crashes has been clearly demonstrated through rigorous study. Alcohol-impaired drivers at 18 or 19 are about twenty times more likely to die in a motor vehicle crash than the average non-impaired driver, and about twice as likely to die in a crash as the impaired adult driver.(6) Even more serious is the fact that young people having had only one or two drinks (and thus not considered to be impaired) are still significantly more likely to have accidents. Low concentrations of alcohol in the blood are significantly associated with crash involvement for young people, but not for older drivers.(9) Two explanations for this are hypothesized: some researchers attribute this sensitivity to a lack of experience in coping with the effects of alcohol, while others feel that young persons may simply be more sensitive to the toxic effects of alcohol.(10,11) In any case, it appears to take less alcohol to significantly increase the probability of accident involvement for young drivers than for older ones.(5)

Compounding this problem is the marked preference toward drug usage among young persons. It has been shown that combining psychoactive drugs with alcohol always results in impairment and that the effects can often be additive or synergistic.(12) Young drivers mix psychoactive drugs and alcohol more often than do their older counterparts, and this leads them into increased impaired driving and drug related collisions.(3,14,15,16) In one study of college age students (18-20), over half had used marijuana, and of these, 60% had combined alcohol and marijuana at least occasionally. About 39% combined the two half of the time and 14% used alcohol and marijuana together at least once a week. Of the impaired driving done by these students, 25% was done under the influence of both alcohol and marijuana.(17) Since these figures are now several years old and since they represent self-reported admissions of illegal behavior, it is likely that they underestimate the marijuana/alcohol problem. Additionally, there is little information concerning the actual use of alcohol and other psychoactive drugs such as amphetamines, barbiturates, and cocaine that may have become more available in the last few years.

From the preceding discussion, it is clear that the problem of impaired driving by young persons was already an increasingly serious one even when the purchase of any type of alcoholic beverage was illegal until age 21. Increasing the availability of alcohol for teenagers can accelerate the rising trends in drinking and driving, if it results in increased consumption of alcoholic beverages. In areas where drinking ages have been lowered, commensurate increases in alcohol purchases have been noted, (17,18) often bringing consumption by young people to the same level as that of the adult population. (19) While off-premise sales have increased somewhat, on-premise purchases by young persons in restaurants and taverns have been most affected. (20,21) This increase is most marked with regard to the purchase of draught beer. (21) These increases in beer purchases are especially significant in that (1) beer is the most popular alcoholic beverage among persons 18-20, accounting for 70% of all alcohol consumed by this group; (2) beer drinking plays "a large role in youthful crash fatalities"; (22) and (3) all of the currently amended drinking laws, including Virginia's, have made it legal to drink beer at a lowered age.

Increases in the consumption of alcoholic beverages, however, are not limited to 18 to 20 year olds. There have also been dramatic increases in consumption by persons as young as 13 found in a study of students in the 7th, 9th, 11th, and 13th grades. In another study, increases in alcohol consumption concurrent with changing drinking laws were found to be greater for persons 16 to 17 years old than for persons 18 to 20 years old. (18) This effect is commonly referred to as "spillover", and it applies not only to the consumption of alcohol but also to increased involvement in motor vehicle accidents for 16 to 17 year olds. The spillover in drinking is thought to be caused by newly enfranchised 18 year olds, usually high school seniors, purchasing alcoholic beverages for their younger cohorts, or by underage individuals passing for 18, when previously it would have been impossible for them to pass for 21. In any case, it must be recognized that the potential impact of reduced drinking ages is not limited to those who are permitted to drink but also to this much younger group.

The ultimate measure of the highway safety impact of changing the legal drinking age on driving is accident involvement, particularly alcohol-related accident involvement of young persons. There have been significant increases for both the 18-to-20-year old group and the 16-to-17-year-old group. (23) Many of the earliest studies of this phenomenon were conducted in Michigan, where the legal drinking age was lowered to 18 in 1972. Subsequent to this change, blood-alcohol concentrations (the standard measure of alcohol in the bloodstream) increased significantly among teenage drivers as measured in

random roadside surveys.⁽⁴⁾ Concurrent with this increase in youthful drinking and driving, alcohol-related crashes among persons 18 to 20 rose 119%, while for older drivers they rose only 14%.⁽⁴⁾ Also, young drivers experienced an 88% increase in alcohol-related fatal crashes compared to an 8% to 9% increase for older drivers.⁽²⁴⁾ Later studies in Michigan noted that significant increases in alcohol-related crash involvement were found for 17 year olds. It also was noted that increases in alcohol-related crash rates for 18 to 20 year olds were more pronounced than the increase normally experienced by 21 year olds when they were allowed alcohol and the effects did not wear off as they had with persons who were 21.^(25,26) From these data, it would appear that drinking and driving behavior among persons 18 to 20 approximates and sometimes surpasses that for older drivers, and does not decline over time.⁽¹⁾ Similar findings have been noted in other states, such as Illinois,⁽²⁷⁾ Wisconsin,⁽²⁸⁾ and Massachusetts, where vehicle "operation after drinking" fatalities increased 75% after passage of the drinking age amendment and where this legislative change accounted for 5 additional fatalities per month for 18-20-year-old drivers.^{(14,29)*} Only one study found less significant increases in crash rates after enfranchisement. In an area where the drinking privileges for young persons were extended from only beer to all alcoholic beverages, alcohol-related fatalities increased in proportion to all crash experiences for persons 18 to 20, while no increases were found for older drivers.⁽³¹⁾ It was hypothesized that this effect was subtle because the major impact of lowering the drinking age had already been experienced.

Increases in crash rates for young persons attributable to changes in the legal drinking age have also been noted in other countries, in particular in Ontario, Canada,^(23,32) where there was as much as a fourfold increase in the alcohol-related crash involvement of 18 year olds after the enactment of legislation.⁽¹³⁾ These results are presented in Table 2. The largest increases in alcohol-related crashes occurred for persons 18 and 19 years old, followed by those for persons who were 16 or 17. No such dramatic increase was noted for the control group, which was made up of 24 year olds. There appeared to be considerable "spillover" of the effect of reducing the drinking age from persons 18 to 20 to those who were younger. Fatal crashes increased significantly for persons 16 to 17, and arrests for driving under the influence increased more for persons under 18 years than for persons 18 to 20. Finally, it was

*It is interesting to note that in 1978 the Michigan legislature raised the legal drinking age to 21 years, based in part on studies confirming the effect on teenage drinking, driving, and collision involvement. Political attacks have thus far failed to result in a re-lowering of the Michigan drinking age.⁽³⁰⁾

TABLE 2

PERCENTAGE INCREASES IN CRASH INVOLVEMENT AFTER REDUCING THE LEGAL DRINKING AGE — ONTARIO, CANADA

	<u>Age Groups</u>				
	<u>16-17</u>	<u>18</u>	<u>19</u>	<u>20</u>	<u>24</u>
Increase in Alcohol Crash Involvement	304	469	445	187	54
Increase in Proportion of Alcohol-Related Crashes	172			20	

Source: Reference 1.

noted that this trend involving underage drinking tends to become more severe for the first several years after passage of legislation as the effects "filter down" to this younger age group.

These studies indicate that lowering the legal drinking age has resulted in serious accident problems for young persons. However, it has been argued that these deleterious effects are actually a manifestation of some previously existing trend or are caused by some aspect of the highway safety environment other than the lowered drinking age. This question has been extensively studied by comparing crash trends in states where drinking ages were reduced to trends for similar states where they were not. Theoretically, since these states are more or less equivalent in aspects other than drinking age, any differences in crash rates and trends could be attributable to the lowered drinking age. Several studies have documented such differences. Douglass et al., in a number of studies of various aspects of the drinking age problem, found consistent increases in alcohol-related crash involvement for newly legalized 18 to 20 year olds in states where drinking laws were changed, but not for older drivers and not for young drivers in states where the drinking ages were not changed. (21,33,34,35,36) (The only exception to this in the Douglass studies was the state of Vermont, where no significant increase in crashes was noted. It was speculated that since Vermont was a border state to three states that previously had lowered their legal drinking ages, including New York, where drinking had always been legal at 18, it experienced a change in drinking habits prior to the time its drinking age law was amended. (30)) Through interpolation, Douglass projected that the changes in drinking age

were responsible for 4,600 more crashes and 89 more fatal crashes resulting in one or more deaths between 1972 and 1975.(21) In Illinois, where the drinking age was lowered to 19, persons 19 to 20 years old were involved in 62% more crashes than persons in states where drinking ages had not been reduced. Researchers hypothesized that the change in the drinking law contributed to an increase of 41 alcohol-related crashes and 44 fatalities in 1975.(27) Williams discovered similar trends in Ontario, Wisconsin, and Michigan in comparing their crash rates to those for states where drinking ages remained unchanged.(28) Also, Williams noted that crash rates increased for 15 to 17 year olds in reduced-drinking-age states but not in others, again confirming the existence and validity of the spillover effect.

A number of conclusions can be drawn from these studies. First, they have demonstrated that reducing the minimum legal drinking age has had an adverse effect on the crash involvement and accident-related death rate for young persons through increased consumption of alcohol (primarily beer) and increases in the incidence of drinking and driving. Second, this adverse effect on crash involvement extends to children as young as 15 years old, while the increased consumption of alcohol extends to children as young as 13. Third, through application of these study findings to Virginia, it would be expected that increases in both alcohol consumption and crash involvement would have occurred in Virginia as a result of lowering the legal drinking age for beer to 18.

Analysis of Virginia Data

To test the above stated hypothesis, Virginia crash data for the period from 1969 to 1979 were examined. These data were derived from the Virginia State Police crash tape and were broken down by whether the crash was alcohol-related and by the age of the driver. With regard to age, the classifications used were not ideal; age groups were (1) less than 16 years, (2) 16 to 19 years, and (3) 25 years and older (the 20-to-24-year-old group was omitted because it contained persons 21 and older who were able to drink both before and after the age change). While this age breakdown allowed for the discrimination between young, newly emancipated drivers and older drivers, it did not allow the discrimination of persons 18 and over who could purchase beer and those who were underage (16 to 17). Thus, it was not possible to detect any spillover effects from lowering the drinking age on this age group. It should also be recognized that since the 16-to-19-year-old age group contained both persons who could legally drink and those who could not, the effect of changing the drinking age was underestimated in the analysis.

For each group, a time series analysis was conducted. Historical trends were generated based upon crash data from 1969 to 1973. This pre-reduced drinking age trend was then projected into the period following the change in the drinking age to provide some idea of what crash patterns would have existed had no change been made. Significant differences between the projection of historical trends from 1974 through 1979 and the actual crash patterns for that period could be a result of lowering the drinking age. It would also be expected, if the reduced drinking age had had an effect on traffic safety, that alcohol-related accidents for teenagers would be found to have increased more than expected while non-alcohol-related ones would not.

As seen in Table 3, these hypotheses were borne out. Beginning in 1974, at which time drinking beer at 18 was legal for half the year, the numbers of alcohol-related crashes increased significantly more than would have been expected based on previous trends. (These increases in crashes for teenagers are especially serious in light of the fact that alcohol-related crashes for their adult counterparts actually decreased significantly during this period.) Rather than tapering off, these increases in alcohol-related crashes continued through 1979. The percentage of teenage crashes that were alcohol-related also increased more dramatically than would have been expected had the drinking age not been reduced, as did the percentage of all accidents and all alcohol accidents incurred by this group. All of this information indicates that something which happened in 1974 significantly and consistently caused teenagers to experience increased accident involvement.

A similar analysis was conducted for persons 15 years and under. As seen in Table 4, only two significant increases were noted. The percentage of all crashes involving persons less than 16 years old was significantly higher than expected in 1975, the first full year of the reduced drinking age, as was the percentage of crashes for this age group that were alcohol-related. Although these findings are suggestive, it must be concluded that for the period studied there was no consistent or significant effect of reducing the drinking age on drivers under 16.

Similar crash statistics for persons 25 years and older appear in Table 5. In 1974 and 1975, the numbers of both alcohol-related and non-alcohol-related crashes decreased significantly compared to pre-1974 trends. This most likely occurred due to the energy crisis. It is interesting to note that while the energy crisis reduced the numbers of crashes among older drivers, it did not prevent the dramatic increase in alcohol-related crashes among teenagers. It is also possible that had there been no energy crisis in 1974-1975, the increases in teenage alcohol-related crashes might have been much greater. By 1978, the decreasing trends in the numbers of adult crashes had reversed themselves, and there were more alcohol and

non-alcohol-related crashes than would have been expected had there been no energy crisis. The percentage of all adult crashes that were alcohol-related increased slightly but significantly in 1974 and 1975, indicating that the energy crisis reduced non-alcohol-related crashes more than alcohol-related ones. Why these drinking and driving crashes proved so resistant to the beneficial effect of the energy crisis is unknown.

Comparisons of adult and teenage accident statistics with relation to the change in the legal drinking age are quite revealing. The absolute numbers of alcohol-related accidents for both groups appear in Figure 1. Clearly, adult drivers had more drinking and driving crashes; however, whereas the number of adult alcohol-related accidents decreased about the time the drinking age was lowered, the number of such crashes involving young persons began increasing at a faster rate. With regard to the percentage of all crashes for each age group that were alcohol-related, Figure 2 shows that while a smaller percentage of accidents involving young persons were alcohol-related before the change in the drinking age, youths experienced a higher percentage of alcohol-related crashes than did adults after the change. Young persons continue to have a higher percentage of alcohol-related crashes than do their older counterparts.

TABLE 3

CRASH STATISTICS FOR PERSONS 16 TO 20 YEARS OLD
1969-1979 (EXCLUDING 1977)

Year	No. Alcohol-Related Crashes	No. Non-Alcohol-Related Crashes	% Crashes Which Are Alcohol-Related	% of All Alcohol-Related Crashes	% of All Crashes
1969	1,535	16,492	8.51	10.88	0.693
1970	1,406	17,226	7.55	10.09	0.607
1971	1,614	20,145	7.43	11.14	0.659
1972	1,732	23,228	6.94	11.39	0.652
1973	1,904	24,335	7.26	12.53	0.711
1974	2,603*	22,757	10.27*	16.43*	1.061*
1975	2,970*	20,094	10.36*	18.60*	1.376*
1976	3,508*	30,350	—	18.25*	1.543*
1977	—	—	10.51*	—	—
1978	4,122*	35,715	12.10*	18.04*	1.775*
1979	4,310*	31,307	—	14.43*	1.979*

*Significantly higher than expected given previous trends, $p < .05$

TABLE 4

CRASH STATISTICS FOR PERSONS UNDER 16 — 1969-1979
(EXCLUDING 1977)

Year	No. Alcohol-Related Crashes	No. Non-Alcohol-Related Crashes	% Crashes Which Are Alcohol-Related	% of All Alcohol-Related Crashes	% of All Crashes
1969	18	339	5.04	0.128	0.8
1970	13	284	4.38	0.093	0.6
1971	20	348	5.43	0.138	0.8
1972	37	552	6.28	0.243	1.4
1973	26	397	6.15	0.171	1.0
1974	46	656	6.55	0.290	1.9
1975	63	572	9.92*	0.399	2.9*
1976	50	490	9.26	0.260	2.2
1977	—	—	—	—	—
1978	52	769	6.33	0.319	2.6
1979	57	734	7.21	0.396	2.2

*Significantly higher than expected based on previous trends,
p < .05.

TABLE 5

CRASH STATISTICS FOR PERSONS 25 YEARS AND OLDER
1969-1979 (EXCLUDING 1977)

Year	No. Alcohol-Related Crashes	No. Non-Alcohol-Related Crashes	% Crashes Which Are Alcohol-Related	% of All Alcohol-Related Crashes	% of All Crashes
1969	8,964	66,005	11.96	65.54	4.045
1970	9,103	69,879	11.53	65.34	3.929
1971	9,344	75,725	10.98	65.49	3.816
1972	9,890	82,149	10.74	65.07	3.721
1973	9,781	82,254	10.63	64.36	3.657
1974	9,739*	73,904*	11.64**	61.47*	3.971
1975	8,990*	63,016*	12.48**	56.91*	4.164
1976	10,980	100,816	9.82	57.11	4.829
1977	—	—	—	—	—
1978	12,792**	121,418**	9.53	56.36	5.508
1979	12,971**	113,368**	10.27**	55.01	5.956

*Significantly lower than expected based on previous trends,
p < .05.

**Significantly higher than expected based on previous trends,
p < .05.

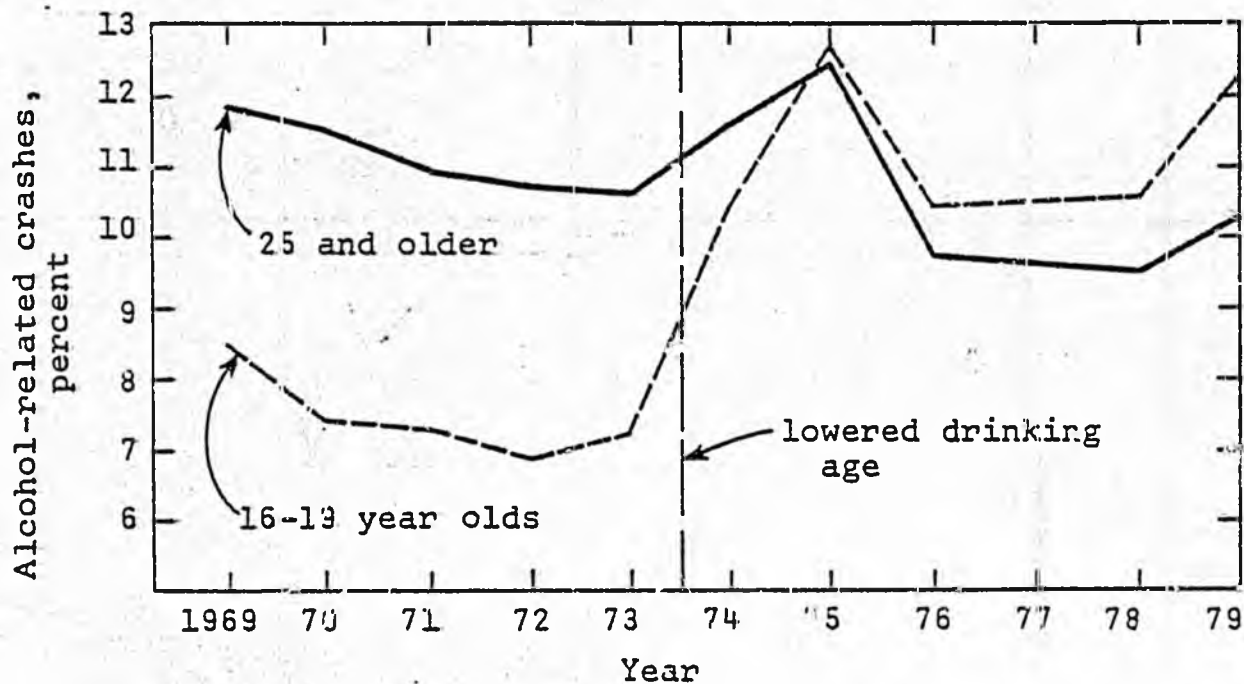


Figure 1. Percentage of alcohol-related crashes over time for young and older drivers.

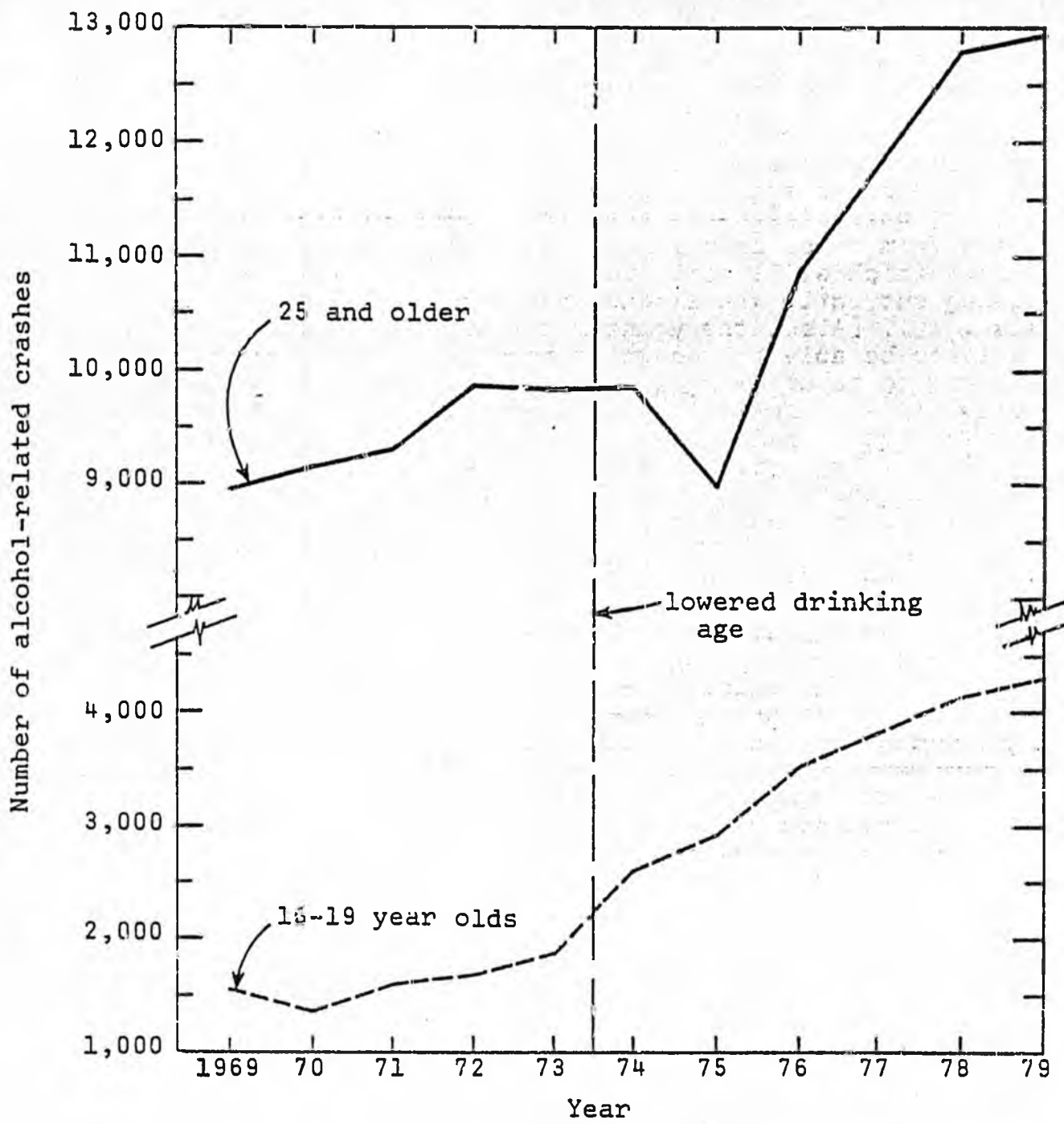


Figure 2. Numbers of alcohol-related crashes over time for youthful and older drivers.

FINDINGS AND CONCLUSIONS

In summary, the adverse impact on driving of reducing the drinking age has been well documented in both the United States and Canada. The consumption of alcohol, particularly the consumption of draught beer, has risen significantly among the newly enfranchised drinkers and among their younger cohorts. Further, these beverages are most often being consumed at restaurants and taverns, which indicates that young persons are most likely driving to and from these drinking spots. These young drivers, because of curfews which still apply to them, "do not have the advantage of staying out until the alcohol has been eliminated from their systems [Also] the younger the drinker, the less likely he or she is to be able to recognize personal limits, and the more likely they are to be drinking in situations where peer pressure leads to excess."⁽³⁷⁾ Since it takes very little alcohol to increase a young person's chance of being killed in a motor vehicle accident, and since young persons tend to mix psychoactive drugs and alcohol more often than do adults, these increases in alcohol consumption and driving are indicators of a serious problem.

Serious increases in alcohol-related motor vehicle accident involvement as well as increases in teenage fatalities have been noted for young persons in states where drinking ages have been reduced. No increases have been noted for older drivers, who are unaffected by the legislative change, nor in states that have not lowered their drinking ages. In Virginia alone, the reduced drinking age contributed to an increase of over 600 alcohol-related crashes among drivers 16 to 19 years old during the first six months that the new legislation was in effect, and during the next two years the reduced drinking age contributed to an increase of about 2,900 alcohol-related crashes for this group. It is not known how many of these crashes were fatal, but it can be safely said that each crash resulted in some sort of emotional or financial hardship to the teenagers involved or to their parents.

It is clear from this analysis that from the safety standpoint alone, a more protective stand toward 18 to 20 year olds, and their underage cohorts, should be taken. The most protective stance, of course, would be to raise the legal drinking age to 21 as soon as possible; this, however, would involve disenfranchising young persons who currently have the right to purchase beer in the Commonwealth, and may be politically infeasible.

In a discussion of the social implications of youthful drinking, Whitehead et al. address the overall problem with several interesting legislative suggestions, including the lowering of the presumptive limit to a blood-alcohol concentration of 0.04% for youthful drivers

in light of the low tolerance levels of young people and the increasing use of marijuana with alcohol. With specific reference to the change in the legal drinking age, it has been suggested that the most acceptable solution is to

raise the drinking age in areas where it has already been lowered and to retain the current legal age in areas where it remains unchanged. Raising it to age 19 for the time being would be less disruptive and perhaps more effective than reverting to age 21 immediately. This approach would virtually eliminate legal drinking among secondary school students and hence the effect of their drinking behavior on their underage schoolmates. Further increases, if desired, could be staged in single-year increments to make the change more palatable to members of the target group. Both fairness and the appearance of fairness would be enhanced.(5)

What is to be expected from such a change in the legal drinking age? Intuitively, it would be expected that raising the legal drinking age in yearly increments would result in stepwise decreases in alcohol-related accidents. In Michigan, which raised its legal drinking age first to 19 and then to 21 in 1978, significant improvements in the crash experiences of young persons were noted after the drinking ages were raised.(38) However, raising the legal drinking age cannot be expected to solve all the alcohol-related safety problems of this age group. Many factors that affect drinking behavior have changed during the six years since the drinking age was lowered, as is evidenced by the increase in alcohol-related accidents for adults in 1978 and 1979. While it has been shown that lowering the legal drinking age in 1974 was responsible for increases in the youth crash problem at that time, changes in the economy, which may be correlated with the drinking behavior of adults; changes in the pressures on young persons; and changes in drug use patterns are only three of many factors that have since compounded this problem. Additionally, it may be impossible to reverse the poor drinking habits learned through early access to alcohol which exist among adults who are enfranchised at 18, since crash rates for these persons tend to increase at 18 and to stay at those higher levels. In any case, it is expected that raising the legal drinking age will result in a dramatic reduction in the involvement of young persons in alcohol-related crashes, but it is not expected that the rates of involvement will return to pre-1974 levels for persons 18 to 20.

RECOMMENDATIONS

Based upon this analysis, it is recommended that the Department of Transportation Safety support legislation to raise the legal drinking age in Virginia. Still in question, however, is what particular type of legislation is preferred. House Bills Nos. 188 and 133 (see Appendix), which were introduced during the last session of the General Assembly and were carried over for consideration this session, would raise the legal drinking age to 19, and 21, respectively. While these bills are more than adequate from a legal standpoint, both have drawbacks. While immediately raising the legal drinking age to 21 represents the ultimate safety goal with regard to this problem and would do the most to protect young persons, it would involve disenfranchising a large number of young voters. However, raising the legal drinking age to 19 this year would still require legislative action in subsequent General Assembly sessions to bring it up to 21 years. In addition, neither bill stipulates that the effect of raising the legal drinking age be evaluated, an important step in justifying this action. Ideally, the Department of Transportation Safety should most strongly support the amendment of proposed legislation to include the following provisions:

1. That the legal drinking age be raised incrementally in July of each of the next three years, so that the drinking age would become 19 years in 1981, 20 years in 1982, and 21 years in 1983. In this way, no group would be disenfranchised and the ultimate goal of returning the legal drinking age to 21 would be assured.
2. That an evaluation of the effects of raising the legal drinking age be required to ensure that this move accomplishes the purpose of improving the highway safety environment for young persons.

If at all possible, this type of legislation should be most actively pursued. However, should these suggestions not be incorporated into current legislation, it is recommended that the Department support legislation raising the legal drinking age to 19 years in 1981, and then encourage additional legislative action in subsequent General Assembly sessions to raise the legal drinking age to 21 years.

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APPENDIX

HOUSE BILLS NO. 188 AND 133

EDUCATIONAL PROGRAMS

April 5, 1983

This section contains:

1. a report titled, "Is High School Education Necessary..."
2. a report titled, "We Have The Answer to Your Curriculum Needs."
3. a response to the question concerning the effects of High School driver's education.
4. a newspaper article on the effects of driver's education
5. conclusions concerning Driver's education from Connecticut DMV.

these older facilities. Not a week goes by but there are new victims of the unforgiving road.

The two bus disasters in Texas and New Mexico, caused by narrow dilapidated bridges could be repeated in almost any community in the country. These dangerous facilities must be put into condition to handle today's traffic demands.

The car too plays an important role in the total traffic safety picture. If your youngster is planning to take the family car out for an evening, you should work up a check list, just like an airplane pilot, to make sure it is in top condition. Pay particular attention to the tread depth and tire pressure; clean the road film from the headlights; replace worn windshield wiper blades; check for fan belt slippage. Sure it takes time, but isn't your youngsters' safety worth it?

You are failing your responsibility as parents if you don't give more personal attention to your youngsters' driving skills, the vehicles they drive, and the roads they will travel. Not only are you failing your responsibility, you are courting disaster and heartbreak. ⚠

(UNDERLINES ADDED FOR EMPHASIS.)

distributed as a public service
by your local Automobile Club



AMERICAN AUTOMOBILE ASSOCIATION
8111 Gatehouse Road
Falls Church, Virginia 22042



IS HIGH SCHOOL DRIVER EDUCATION NECESSARY, OR IS "PASSING A ROAD TEST" ENOUGH?

"Why driver education? Do we need it? Should it be taught in schools? Does it really work? Do the teachers do more than merely ride around in cars all day?"

Parents, administrators, students and community leaders are asking these and other probing questions in a mood of accountability and dollars and cents effectiveness. Many of these same people are wondering—could commercial driving instructors adequately train students? Should driver ed be dropped to keep school taxes down?

Driver education *does* work, primarily because the responsible, qualified school professionals who teach it demand much more of their students than the ability to "pass a road test." These dedicated teachers recognize their student's urgent "need" to get a license, and harness that interest to achieve a learning experience unique in the high school setting. Students acquire not only knowledge of rules of the road and basic driving skills, but learn also to survive in modern traffic through the use of sophisticated perceptual and decision/making methods, emergency driving techniques, and a heightened awareness of their own limitations, as well as those of other highway users.

High school driver education goes well beyond the simplistic "pass the road test" approach used in other courses. Far from being a frill, it is *the single most important course a high school student can take*, and the one most immediately useful.

The following reprinted article, written by *Highway User* Regional Editor John T. Newman, is a moving statement advocating intensified driver education courses, and increased parental involvement in those courses. We hope you'll not only agree, but do something about it.

Sample Computations Showing Rates for Male and Female Drivers age 16, 17, and 18; Principal or Occasional Operators; With and Without Driver Training, (Applicable for Industrial Indemny Company, Kemper and Great American Insurance Companies. Nationwide Insurance Company, State Farm and Insurance Company or North America give a 10% discount for driver education for high school students.

A1 - Underage Female
Principal or Occasional
Without Driver Training

Age	16 - 17	(1.75)
Bodily Injury	25/50	147
Property Damage	10	4
Uninsured Motorist		<u>1</u>
		1

Age 18		(1.60)
BI	25/50	134
PD	10	141
UM		<u>11</u>
		286

A2 - With Driver Training

Age	16 - 17	(1.60)
BI	25/50	134
PD	10	141
UM		<u>11</u>
		286

Age 18		(1.50)
BI	25/50	126
PD	10	132
UM		<u>11</u>
		269

B1 - Underage Male
Occasional Operator
Without Driver Training

Age	16 - 17	(2.70)
BI	25/50	227
PD	10	238
UM		<u>11</u>
		476

Age 18		(2.50)
BI	25/50	210
PD	10	220
UM		<u>11</u>
		441

B2 - With Driver Training

Age	16 - 17	(2.25)
BI	25/50	189
PD	10	198
UM		<u>11</u>
		398

Age 18		(2.10)
BI	25/50	176
PD	10	185
UM		<u>11</u>
		372

C1 - Underage Male
Principal Operator
Without Driver Training

Age	16 - 17	(3.50)
BI	25/50	294
PD	10	308
UM		<u>11</u>
		613

Age 18		(3.30)
BI	25/50	277
PD	10	290
UM		<u>11</u>
		578

C2 - Principal Operator With
Driver Training

Age	16 - 17	(3.10)
BI	25/50	260
PD	10	273
UM		<u>11</u>
		544

Age 18		(2.90)
BI	25/50	244
PD	10	255
UM		<u>11</u>
		510



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Enter 455 H Street - Mail to P.O. Box 2315, Anchorage, Alaska 99510

February 25, 1981

Mr. Ronald W. Kosh
Director, Field Operations
AMERICAN AUTOMOBILE ASSOCIATION
8111 Gatehouse Road
Falls Church, Virginia 22047

Re: Driver Education

Dear Mr. Kosh,

Thank you for your recent letter. I will now ask a favor of you.

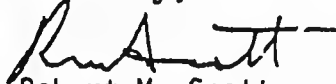
We have attempted to convince the Anchorage school administration they should provide behind the wheel driver education in our city. So far, we have failed. We work with Mr. Tom Bibeau, Safety Office for the District. Tom sent us the enclosed this past week. He and the District Planning and Development Division have picked-up on this old Yale University research.

Do your driver education people have some answers to refute those conclusions?

Maybe we should prove shop courses are dangerous by citing the number of young people who are injured by table saws, etc.

If you would kindly refer this to your driver education people, we will be most grateful for anything they might provide.

Cordially,



Robert M. Scott

cc: Ray Coxe
Vern Smith
Dave Anderson
Jay M. Smith

P.S. For your driver education people: We have Highway Users 'Driver Education Support Handbook'; ADTSEA publications and have ordered the AAA books from Rand-McNally. Enclosed is notice of HUFA campaign at Alaska State level to promote statewide funding for driver education. At present, Anchorage is the only major community in Alaska not providing behind the wheel training. And, we probably need it the most.

Added cc: Bill Cushman

BOARD OF DIRECTORS:

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Ten Frequently Asked Questions About High School Driver Education

By Gerald Bastarachue,
Highway Users Federation

*Editor's Note: This article was released by the Highway Users' Federation in the spring of 1979 when Driver Education was under severe attack nationwide.

About four million American teenagers will reach driver licensing age this year, and most will begin to experience the pleasures and responsibilities of driving a car. If a teenager is going to drive, concerned parents begin asking questions about what sort of preparation their children ought to get.

The Highway Users Federation, with the help of the American Driver and Traffic Safety Education Association, has supplied answers to the following frequently asked questions about driver education.

1. Is driver education taught in every high school?

No. But it is taught in about 17,000 high schools around the country, four out of every five.

2. Is high school the best place to teach young drivers?

They can pay for private lessons offered by commercial driving schools, or, for better or worse, be taught by parents or friends. But in most cases, modern, well-equipped high schools offer the best combination of competent staff, administrative capacity, materials and facilities for quality courses. The public agrees. A recent survey found that three of four people think that high school is the best place to teach young people how to drive safely.

3. Couldn't I teach my children to drive as well as a professional instructor could?

Sure, if you are well-schooled in how to teach beginning drivers safe and fuel-efficient driving techniques, traffic laws, signs, signals and markings, motorists responsibilities, vehicle handling characteristics, vehicle maintenance, hazard perception and

decision-making skills, and are willing to put in the necessary time and effort. Remember, learning how to drive safely involves more than mastering the mechanics of operating a car. You may also have a bad driving habit or two that your child could pick up.

4. How much does high school drivers education cost the public?

An average of \$90 per student, which covers instructors' salaries, textbooks, films, cars, and other teaching equipment.

5. Where do they get the cars?

The majority are provided by local new car dealers at little or no cost to schools, students or taxpayers. During the 1977-78 school year, out of 44,780 motor vehicles used in high school drivers education, more than 37,000 were dealer-loaned.

6. Couldn't we save a lot of gasoline by abolishing these courses, or at least the practice driving involved?

On the contrary, abolishing driver education would actually INCREASE

Continued on page 9

We Have the Answer to Your Curriculum Needs!



Aetna's natural interest in traffic safety has led to the development of a full line of effective, reasonably-priced software. Aetna can meet all your program curriculum needs.

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Program selection and implementation assistance is available. For further information contact Robert L. McDaniel, Driver Education Services, Aetna Technical Services, Inc., 2111 W. Plum St., Aurora, Illinois 61706. Tel: (312) 859-6556

Also contact us if you need information on Aetna's Demonstrator and Demonstrator Systems. A joint venture in safety with



FUEL MANAGEMENT INSIGHTS

Taken from Driver Education Newsletter - Chicago Public Schools

Like all programs, the Chicago Public Schools are very conscious of the amount of fuel consumption for Driver Education. Below are some figures which indicate the progress being made. A similar study for your local program might be revealing. (The Editors are interested in compiling the results, so if you have data, please send it to us.)

TEN FREQUENTLY ASKED QUESTIONS ABOUT HIGH SCHOOL DRIVER EDUCATION

Continued from page 8

our use of gasoline. Fuel-saving techniques which last a lifetime are taught in driver education. One study found that if ALL drivers practiced the fuel-saving measures taught in high school driver education, the country could achieve a ten percent reduction in gasoline use. Moreover, a parent teaching a youngster how to drive in the family car uses more gasoline than the instructor in the driver education car. All the high school driver education classes in the country consume less than two-hundredth of one percent of all highway fuel used in the country, a very small investment for saving lives AND fuel.

7. Doesn't high school driver education encourage youngsters who might not otherwise drive to get a car?

No more than teaching home-economics encourages house-buying. Driver education is a "survival" course. Eight out of ten American adults are licensed, and the percentage is growing. Most young people want to drive, and many NEED to for occupational or other reasons. Driver education teaches them how to do properly what they are likely to do anyway.

8. Does high school driver education pay off?

The evidence says yes. Youths who have completed driver education courses are cited for fewer moving violations and are involved in fewer accidents than those without instruction. That's why many insurance companies offer reduced premiums to driver education graduates. In many states, 16 or 17 year-olds cannot get a regular driver's license unless they complete a driver education course.

9. How are those classes organized?

In most schools, classes begin in the tenth grade. They are a combination of classroom and laboratory instruction. In the classroom, textbooks and other materials are used to supplement lectures, study, and discussions as with any academic subject. The laboratory part is "practice driving," in which the student gains actual driving experi-

Chicago Public High School Driver Education Fuel Management Statistics

Two consecutive months:	May 1979	June 1979	
Total miles driven	61,114 miles	61,772 miles	
Total gallons used	5,963 gallons	7,913 gallons	
Average miles per gallon	10.2 mpg	11.5 mpg	
Average cost per gallon trend	7.1c increase from May through June		
Same month, different years:	June 1978	June 1979	
Total miles driven	116,969 miles	61,772 miles	
Total gallons used	13,796 gallons	7,913 gallons	
Average miles per gallon	8.5 mpg	11.5 mpg	
Average cost per gallon trend	17.9c higher this June than in 1978		
Two consecutive years:	1977-78	1978-79	Difference
Total miles driven	1,096,863 mi.	952,973 mi.	-143,890 mi.
Total gallons used	129,089 gals.	99,029 gals.	-30,060 gals.
Average miles per gallon	8.4 mpg	9.6 mpg	+1.2 mpg.
Average cost per gallon trend	7.9c increase over last year		

GAS WATCHER'S MATCHING QUIZ (Chicago Driver Education)

Write the letters of the CASUAL FACTORS before the appropriate EFFECT.
(Answers at bottom of page)

Causal Factor	EFFECT
a. Increased emphasis in fuel management techniques	1. Decrease in the number of gallons used.
b. Increased emphasis in fuel efficient driving performance	2. Increase in the average number of miles per gal.
c. Increase in simulation mode	3. Decrease in the number of miles driven.
d. Reduction in range mode	4. Increase in the average cost per gallon.
e. Increase in traffic mode	
f. Declining enrollment	
g. Winter of '79	
h. Decrease in available number of driver education vehicles	
i. Domestic fuel production	
j. OPEC	
k. Iran	

Answers to Gas Watcher's Matching Quiz:
(1) a, b, c, d, f, g, h; (2) a, b, d, e; (3) c, f, g, h; (4) i, j, k.

Continued on page 10

TEN FREQUENTLY ASKED
QUESTIONS ABOUT HIGH
SCHOOL DRIVER EDUCATION

Continued from page 9

ence under the guidance of the instructor. Some schools also use driving simulators in the classroom for additional "life-like" experience.

10. How can I help my teenager become a better driver?

Insist on a quality driver education course taught by qualified instructors using up-to-date materials and equipment. You can set a good example, particularly in driving courtesy and attitude. And, you can supplement your child's practice driving by allowing him or her to gain experience under your guidance in night driving, or under various weather and traffic conditions which might not be possible in the school's program.

For further information on high school driver education, and what you can do to help, write the Highway Users Federation, 1776 Massachusetts Ave., NW, Washington, D. C. 20036, for the free booklet, "Who Needs Driver Education?" The Federation is a national, nonprofit organization promoting traffic safety and highway transportation efficiency.

Executive Committee Are School Childre Summer Meeting Really Safe? Highlights

By Jane E. Berthold

Jane E. Berthold is a graduate student at Illinois State University in the Traffic Safety Department. She previously taught three years in the Springfield School district.



A terrible menace prowls streets and by-ways, taking the lives of thousands of children each year. This menace will continue to threaten the well-being of our children if we do not band together and take action to prevent its growth.

I'm not speaking of crime, even though this is a major concern to many of us. I am referring to the threat of injury and death brought about by a lack of traffic safety awareness and responsibility. Absence of the necessary skills and attitudes can result in a lack of necessary risk-taking and accident involvement. Our children are falling prey to situations that frighten, maim, and kill them. Many of the accidents occur because children lack the skills, education, and experience that could help them avoid dangers.

Safety experts state that traffic accidents are the leading cause of death among children three through fourteen. This tragic fact is often overlooked unconsciously. Too many people, adults as well as children, think of a traffic crash as something that happens to someone else. However, the sad fact is that no one is immune to traffic accidents. Further, the risk posed by these accidents is greatest for those children who have little knowledge of traffic to help them make good decision-making.

If safety records of children are to improve, traffic safety education must begin with the very young and

Continued on page 11

—The IHSCDEA will work in cooperation with the IOE to co-sponsor the activities for the Illinois Youth - Traffic Safety Conference for the 1979-80 year. Ed O'Farrell was appointed to represent the IHSCDEA to work with Jim Churchill of IOE.

—The 1980 Annual Spring Conference will be held April 23-25, 1980 at the Peoria Hilton in Peoria. The management will set aside 50 rooms for Wednesday (4/25) and another 100 for Thursday (4/24). New parking facilities will be available across the street.

—All new legislation related to Driver Education appeared to have been defeated. An exception is a motorcycle law allowing 16 year olds to operate any size motorcycle is still in the legislation process.

—The IHSCDEA has been a member of the Illinois Conference of Women Leaders for Traffic Safety.



CHICAGO MOTOR CLUB



American
Driver and Traffic Safety
Education Association
1201 Sixteenth Street, N.W. • Washington, D.C. 20036
202/833-4140

RECEIVED JUL 10 1981

June 26, 1981

The following statement was forwarded to ADTSEA today (at our request) by the Public Affairs Office of NHTSA. Officials at the Office inform us that the statement has been released (verbally) to the Associated Press and to United Press International.

RESPONSE TO INQUIRIES ON DRIVER EDUCATION STORY

1. The reporter draws conclusions that our data do not support. Contrary to the reporter's conclusion that the study "indicates that drivers' education does not prevent or reduce the incidence of traffic accidents at all," the NHTSA project director Mr. Hall told him specifically that the "data available so far are very tentative and may change, and that therefore no conclusion should be drawn at this time as to program effectiveness or noneffectiveness."
2. As a matter of fact, Mr. Hall told the reporter that although the figures are statistically insignificant, if anything there has been a modest trend in favor of driver education.
3. Mr. Hall did not say that he expects "the preliminary numbers to be born (sic) out in the rest of the study..." He has no basis on which to make any judgment as to what the data may show at the end of three more years.

The response relates to the story "Driver Training Found Not to Cut Auto Accidents" written by Phillip J. Hilts and appearing in the June 25 edition (page one) of the WASHINGTON POST.

The story, under various headlines appeared in other newspapers across the country on June 25, among them the KANSAS CITY STAR, the SAN JOSE MERCURY NEWS, and the ATLANTA JOURNAL. In some cases it was lightly edited but in all that have come to our attention to date, it was attributed to the WASHINGTON POST.

Today, July 26, the story was carried on page one of the WALL STREET JOURNAL.

Also today, the WASHINGTON POST printed the following correction on page two:

In yesterday's edition, a traffic safety specialist with the National Safety Council, Ray Burneson, was quoted as being critical of a study on driver's education made by the National Highway Traffic Safety Administration; his critical remarks were directed at a study made by Leon Robertson of Yale University.

Driver Training Found Not to Cut Auto Accidents

By Philip J. Hilts
Washington Post Staff Writer

For years the auto insurance industry has given huge insurance discounts for children who take drivers' education courses, because statistics show that they have fewer accidents.

The preliminary results of a new major study, however, indicate that drivers' education does not prevent or reduce the incidence of traffic accidents at all.

Many researchers conclude that drivers' education students have lower accident rates not because of their training but because the sort of children who volunteer for it have different social backgrounds and upbringing from those who don't. One study, for example, shows that students who get high grades have fewer accidents than those who don't.

In a study of about 17,500 children in DeKalb County (Atlanta), Ga., the National Highway Traffic Safety Administration finds no difference in the number of accidents and traffic violations between children who take the standard high school drivers' education course, or its equivalent, and

See DRIVERS, A11, Col. 1

Driver Education Found Not to Curb Traffic Accidents

DRIVERS, From A1

those who have no drivers' education at all.

These results back controversial studies that show drivers' education not only does not decrease accidents among 16 to 18 year olds, but actually may cause thousands of additional traffic deaths every year, according to Leon Robertson, a Yale University researcher.

He did a study of 10 Connecticut towns that eliminated drivers' education from their schools which showed that "about 75 percent of the 16-17 year olds who could be expected to have been licensed if they had taken high school driver education waited until they were 18 or older to be licensed when high school training was no longer available."

The result of having fewer licensed children on the road, according to Robertson, was a large decrease in the number of serious accidents in those Connecticut towns.

The Robertson study has begun to have some effect on drivers' education around the country, and at least one community — Farmington, Conn. — has eliminated the course largely on the basis of Robertson's work, according to Farmington school superintendent William Streich.

"We were encouraging [teen-agers] to drive by offering the course in high schools. By not offering it, we may discourage it and postpone licensure," Streich said.

In the \$4.2 million NHTSA study, students who volunteered for drivers' education were divided into three groups: those who would get no formal drivers' education, those who would get the common course and those who would get a special, intensive 72-unit course including training on a special driving track.

The director of the NHTSA study, Clay Hall, said it showed "no statistically significant difference" in accident figures among all the groups after three years of the study's six-year run. He said he expected the preliminary numbers to be born out in the rest of the study, but that the interim report would draw no final conclusions.

Robertson's study has been attacked by a number of groups, including the professional association of drivers' education teachers, as unsound statistically.

Ray Burneson, traffic safety specialist with the National Safety Council, criticized the study, saying that it was a product of a group (NHTSA) that was run by people who believe "that you can't do anything to train drivers. You can only improve medical facilities and build stronger cars for when the accidents happen This knocks the whole philosophy of education."

Hall said the study would note the "favorable trend" that children in the special course are getting 16 percent fewer traffic tickets than those who haven't taken a drivers' education course. He said this shows that drivers' education can have a positive effect, one that may in later life even have a positive effect on accident rates.

The training part of the program is now finished and the period in which the records of the children are followed in regular highway driving has begun. The interim report is due out next week and the final report is planned for 1993.

CONNECTICUT STATE DEPARTMENT OF MOTOR VEHICLES

Wethersfield, Connecticut

This study, which covers the period from June, 1962, through to October 1, 1963, a total of 15 months, pertains to the motor vehicle violation involvement of 48,628 provisional license holders who participated in one of the three driver training programs permitted under Connecticut Statutes; i.e., parent training, commercial school training and secondary school training, which training is a prerequisite for obtaining a Connecticut operator's license for applicants between 16 and 18 years of age.

The purpose of conducting this study was to determine whether or not the involvement of the youngsters differed depending upon the type of training received.

I. SECONDARY SCHOOL TRAINED

Male operators	6,892	Violators - male	558	8 %
Female operators	6,942	Violators - female	107	1.5%
	13,834		665	4.8%

II. PARENT TRAINED

Male operators	13,158	Violators - male	1,517	11.5%
Female operators	7,985	Violators - female	154	1.9%
	21,143		1,671	7.9%

III. COMMERCIAL SCHOOL TRAINED

Male operators	8,566	Violators - male	1,111	12.9%
Female operators	5,085	Violators - female	97	1.9%
	13,651		1,208	8.8%

Also, approximately nine per cent of these 48,628 operators were involved in accidents during the first nine months of 1963; and it is to be noted that youngsters who participated in the training in the secondary schools were involved in less of the so-called "serious type violations" than those youngsters participating in the other two phases of driver training, as the following tabulation indicates:

Secondary school	1.1%
Parent training	2.1%
Commercial school	2.1%

To broaden this study, the records of all provisional licenses were checked to determine their involvement during this same period; i.e., June, 1962, through to October 1, 1963, and it was determined that of the sum total of 187,408 provisional licensees, approximately 10.6 per cent were involved in some type of motor vehicle violation in this period.

It is to be noted that provisional licensees represent approximately 11 per cent of the driving population in Connecticut; and further that of these 187,408 provisional license holders, in the vicinity of 130,000 obtained their licenses since 1958 and, thus, participated in one of the three phases of training.

Illinois Study Shows Value of Driver Education

Illinois teenagers who have studied driver education are involved in only half as many accidents and convicted of only one-third as many violations as those who have not taken the course, according to a recent study made by Charles F. Carpentier, Illinois Secretary of State.

Using an electronic data processing system, Carpentier screened the records of 516,776 of the state's licensed drivers, aged 16-20. Data on traffic violations included convictions for moving offenses only, which state courts are required to report to the Secretary. Accident data was obtained from the state's Division of Highways, which receives reports of all accidents involving death, personal injury or property damage of more than \$100.

Of the half-million licensed minors surveyed, 176,832 had studied driver education. This group showed a rate of 171 convictions per 1,000 drivers as compared with a rate of 493 convictions for the non-driver-educated group. Driver-educated youngsters were involved in accidents at a rate of 56 per 1,000, while non-driver-educated youngsters had an accident rate of 111 per 1,000.

The records of drivers in the 21-26 age group were also run through the electronic brains. It was found that the traffic offense conviction rate for non-driver-educated motorists increased more sharply with age than it did for those who had the course.

New York Study Shows Value of Driver Education

New York State youngsters who have passed full high school driver education courses have fewer accidents and traffic violations than untrained young drivers. This is the finding of the Department of Motor Vehicles in a survey of the accident and violation records of 1,920 high school graduates of 1959 and 1960. Half of them had taken driver training courses while in school. Their records for the 18-month period between January, 1961, and June, 1962, were checked by the Department's Division of Research.

The DMV said the study showed untrained drivers had 22 per cent more accidents and 50 per cent more driving violations than those who had taken driver education. It turned out that academic standing played a significant role in traffic safety; those in the upper half of their classes, both trained and untrained, had fewer violations than did those in the lower half. Strikingly, women without training in the upper half of their class were less prone to violations than any group of men - with or without training. The statistics indicate that men are involved in from three to five times as many accidents as women. "It is reasonably assumed that exposure to accidents is greater with the men," the DMV said. "It is probable that they drive more miles under more severe weather conditions and hence suffer from greater fatigue."

Students from 20 secondary schools throughout the state were checked. Twelve of the schools are located in urban areas and the other eight in rural areas. Each of the main groups involved included 495 young women and 465 young men.

National Safety Council, March, 1964

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THE
DRIVER EDUCATION
EVALUATION PROGRAM
(DEEP) STUDY

A REPORT TO THE CONGRESS

July 1975

U.S. Department of Transportation
National Highway Traffic Safety Administration



THE DRIVER EDUCATION EVALUATION PROGRAM (DEEP) STUDY
Report to the Congress, July, 1975

U.S. Department of Transportation

National Highway Traffic Safety Administration

p. 85:

The NHTSA has taken the position that an HSDE program that is 10-15 percent effective in reducing the crash involvement probability of persons exposed to it is feasible and represents a reasonable expectation.

NHTSA believes that HSDE offers as much behavior modification and crash reduction potential as any other form of short-term intervention. . . It probably offers more potential than most programs because it intervenes earlier and involves more time than most other approaches.

February, 1981/ADTSEA

LICENSE PROVISIONS

April 5, 1983

This section contains:

1. an article on license suspensions and revocations
2. a pamphlet on Administrative license revocation

more information on license provisions is available through Sen.
Fischer's office

EFFECTIVENESS OF LICENSE SUSPENSION OR REVOCATION FOR DRIVERS
CONVICTED OF MULTIPLE DRIVING UNDER
THE INFLUENCE OFFENSES—AN OVERVIEW OF THREE STUDIES

Roger E. Hagen, Rickey L. Williams, and Edward J. McConnell
State of California Department of Motor Vehicles

Note

This paper is a condensation of a paper presented by the authors at the Symposium on Traffic Safety Effectiveness (Impact) Evaluation Projects, May 19-21, 1981. The unabridged version is published in the Symposium Proceedings available from the National Highway Traffic Safety Administration.

Abstract

Three studies of the effects of licensing action on multiple DUI offenders are reported. The first two assessed the impact of license suspension or revocation compared to no licensing action or participation in an alcohol abuse treatment program. The third study dealt with the effects of licensing action on the DUI offender. The results showed that licensing action for multiple DUI offenders had a more positive traffic safety effect than either no licensing action or treatment programs. Both the magnitude and the duration of this effect are documented.

Introduction

In California, new legislation has made it possible for drivers convicted of multiple driving under the influence (DUI) offenses to receive treatment as an alternative to license suspension or revocation. Previously, the laws of the State required a 12-month license suspension for a driver's second DUI conviction in 5 years and a 3-year license revocation for a third DUI conviction in 7 years. The new alternative offers drivers the opportunity to participate in a 12-month State-approved alcohol abuse treatment program. Drivers convicted of DUI while participating in the program may be dismissed from treatment and subjected to the licensing action (suspension or revocation) for which the treatment was an alternative.

Three studies of the effects of licensing action on multiple DUI offenders are reported here. The first two assessed the traffic safety impact of license suspension or revocation compared to no licensing action or participation in a 12-month treatment program. The third study addressed the effects of license suspension or revocation on the DUI offender.

Method

The following sections describe the methodologies used in the three studies.

1. Suspension/revocation vs. no licensing action.

In the first study, all drivers convicted of second or subsequent DUI offenses during the first 6 months of 1970 were identified. Of these, approximately 10,000 drivers had their licenses suspended or revoked, while another 1650 had similar convictions but received no licensing action (1) because their previous convictions were declared unconstitutional. A subject-for-subject matching procedure (Epperson, Harano, and Peck, 1975) was used to pair drivers from the suspended/revoked group with drivers in the second group. A total of 1501 matched pairs of drivers was included in the analysis.

Driver record data for these subjects were secured from the California Department of Motor Vehicles. Each driver's history was collected for 5 years prior to the 1970 project entry date and 6 years subsequent to it.

Analysis of covariance was used to control for potential between-group differences not accounted for in the matching process. Covariates included age, residence change,

¹ Both groups of drivers received standard fines and/or jail sentences.

and the prior 5-year driving history variables of (1) accidents, (2) had been drinking accidents, (3) DUI convictions, and (4) implied consent actions. A separate analysis was conducted for each subsequent driving history variable. No analysis was conducted if the data did not meet the basic analysis of covariance assumption of equality of slopes.

Survival curve analyses were used to assess the duration of license suspension/revocation treatment effect on subsequent accidents and DUI violations. Statistical tests of the survival curve data were conducted annually during the 6-year follow-up period.

2. Suspension/revocation vs. alcohol treatment.

In this study, four alcohol abuse treatment program demonstration counties were selected through a competitive bid process. A comparison county for each demonstration county was selected using a structured three-phase approach (McDonald and McIntire, 1977). Counties with active alcohol treatment programs were not selected as comparison counties, even if they matched well in other characteristics. The demonstration counties and their respective comparison counties were: Kern/San Joaquin, Santa Clara/San Bernardino, Ventura/Monterey, and Yuba/Nevada.

The sample comprised drivers in eight counties who had a second or subsequent DUI conviction between January 1, 1976, and February 28, 1977. As a result of this conviction, 2874 drivers in the comparison counties and 2442 drivers in the demonstration counties had their licenses suspended or revoked. Another 2571 drivers in the demonstration counties participated in alcohol treatment programs in lieu of licensing action.

Each driver's records were obtained from the California Department of Motor Vehicles for 3 years prior to the above DUI conviction and for 12 months subsequent to it. Analysis of covariance was used to analyze the subsequent driving record data. Covariates were age at conviction and the prior 3-year driving history variables of (1) accidents, (2) nighttime (2100-0300) accidents, (3) drunk driving convictions, (4) reckless driving convictions, (5) "one-count" convictions (speeding, illegal turn, etc.), and (6) implied consent actions. A separate analysis was conducted for each variable

during the 12-month follow-up period. No analysis was conducted if the data did not meet the basic analysis of covariance assumption of equality of slopes.

Three sequences of covariance analyses were conducted. The first assessed the impact of the alcohol treatment program vs. suspension/revocation and compared the following three driver groups: (1) demonstration county treatment program participants, (2) demonstration county suspended/revoked drivers, and (3) comparison county suspended/revoked drivers. This analysis also assessed the impact of including or excluding 388 drivers who dropped out of the treatment program for various reasons and then had their licenses suspended or revoked.

The second series of analyses compared the overall DUI program in the demonstration counties with that in the comparison counties. This sequence involved two driver groups: (1) all demonstration county multiple DUI drivers (treatment program, suspended/revoked, and program dropouts) and (2) comparison county suspended/revoked drivers.

The third series of analyses was conducted because one pair of counties (Santa Clara/San Bernardino) constituted over 50% of the sample. In order to (1) assure that any effects were not solely attributable to differences between these two counties and (2) obtain results that could be more readily generalized to the urban areas in the State, the analyses described above were repeated using only the Santa Clara/San Bernardino data. Because sample sizes in the three remaining pairs of counties were too small for individual analysis, they were analyzed similarly as a group.

Survival curve analyses were used to assess the duration of effect of the treatment program compared to suspension/revocation. Proportional tests were conducted quarterly during the 12-month follow-up period to insure that any differences were not due to chance variation.

3. Effects of suspension/revocation.

The third study analyzed the effects of suspension/revocation and the incidence of driving while under licensing action using (1) survival rates for accidents and DUI convictions and (2) drivers' self-reports.

For the survival rate analysis, a 10% random sample (N=4488) was selected from among all drivers having a first, second, or third-plus DUI conviction in 1974. A third offender was one whose 1974 offense was the third or more in the 7 years prior to and including 1974; a second offender was one whose 1974 offense was the second in 5 years; and a first offender was one who had no DUI convictions during the 5- or 7-year periods.

To be included in the analysis, a third offender had to have received a 36-month license revocation, a second offender a 12-month suspension, and a first offender no licensing action.

The following data were obtained for each sample driver for the 4-year period subsequent to the 1974 conviction: (1) number of days until next DUI conviction, (2) number of days until next reported accident, and (3) number of days until next driver record update (accident, conviction, FTA, or FTP).

To assess further the incidence of driving while under licensing action, a survey was conducted of 2500 drivers whose licenses were being reinstated after suspension or revocation for multiple DUI offenses. These drivers were selected in January through March of 1980 and were not the same drivers used in the survival rate analyses.

Two waves of questionnaires were sent 10 days apart with both the initial and follow-up waves going to all 2500 drivers. Each wave contained two questionnaires—one to be completed by drivers who admitted driving under license suspension/revocation, the other by drivers who denied doing so. Response anonymity was guaranteed.

Respondents who completed both questionnaires were eliminated from the analysis. If it could be determined that a driver had responded to both waves, the wave 2 questionnaire of that driver was eliminated.

Questionnaires were color-coded to distinguish suspended drivers from revoked drivers and drivers with record updates (see above) during their suspension/revocation period from those with no updates. This permitted an assessment of the incidence of driving while suspended/revoked on the basis of self-reports and driver records, as well as a comparison of the two approaches.

Results and Discussion

1. Suspension/revocation vs. no licensing action.

Analysis of covariance was used to assess the traffic safety impact of licensing action versus no licensing action on the post-conviction driving record of the drivers in Study 1. Nine driving history variables for the 6 years following project entry conviction were analyzed: (1) DUI convictions, (2) reckless driving convictions, (3) one-count convictions, (4) two-count convictions, (5) total countable convictions, (6) accidents, (7) had-been-drinking accidents, (8) injury and fatal accidents, and (9) single-vehicle accidents.

Drivers whose licenses were suspended or revoked had significantly ($p < .01$) fewer subsequent reckless driving convictions, one-count convictions, total countable convictions, accidents, and personal injury and fatal accidents than did drivers not subjected to licensing action. Further, the reported frequencies of convictions or accidents for the no-licensing-action group were a minimum of 30% greater than for the suspended/revoked group.

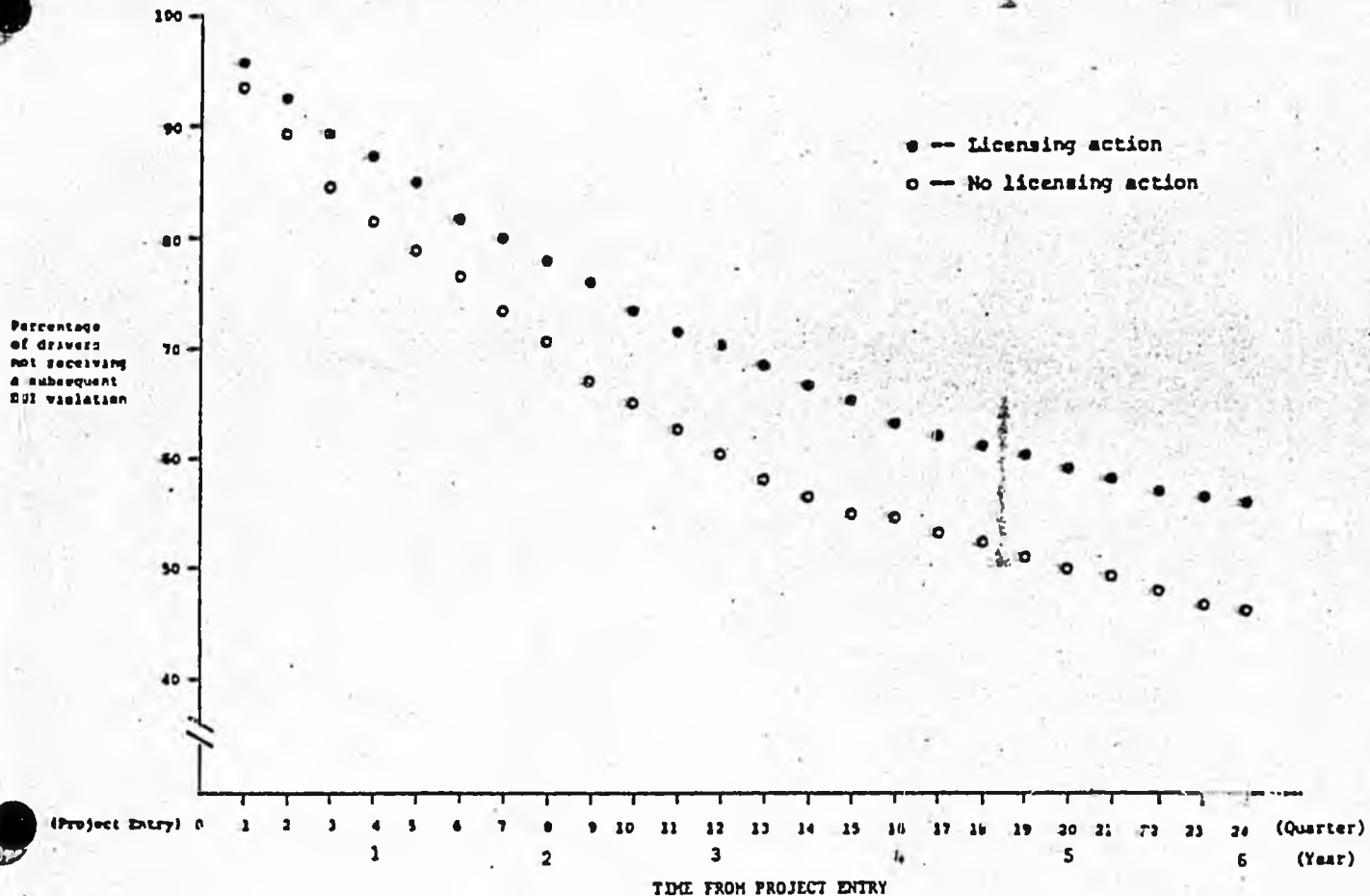
It is apparent from these results that the imposition of licensing controls reduces the driving exposure of drivers convicted of multiple DUI offenses and is thus justified as a traffic safety countermeasure. The duration of this effect is addressed in the following survival curve analysis.

Figure 1 shows the survival curves of the suspended/revoked drivers and the no-licensing-action drivers for the 6 years following project entry. As can be seen, drivers whose licenses were suspended or revoked had fewer subsequent DUI convictions than did drivers not receiving licensing action. Statistical analysis showed the differences in annual survival rates to be significant for each of the 6 follow-up years. In addition, inspection of the survival curves suggests that the treatment effect existed until 42 months (14 quarters) after project entry. At this point, the two curves become parallel, indicating that the impact of license suspension/revocation has ended.

Similar survival curves were plotted for accident involvement with similar significant differences in annual survival rates.

FIGURE 1

Survival Curve for Multiple DUI Offenders Not Receiving A Subsequent DUI Violation after Project Entry



Note: Quarterly survival rates are not adjusted for between-group differences in prior driving history.

The suspension/revocation treatment effect on accidents appeared to diminish about 48 months after project entry.

The 42 and 48-month treatment effects of suspension/revocation on subsequent DUI and accident involvement approximate the 36-month revocation period. Although it was not possible to determine the exact proportion of study drivers who received a 36-month revocation as opposed to a 12-month suspension, we would not expect it to exceed 30%. Since the treatment effects actually exceeded the 36-month revocation period, these effects could not have been simply due to no driving or reduced driving during the suspension/revocation period. The many drivers who drove with suspended/revoked licenses probably did so more carefully and less often to avoid detection. These patterns may have generalized beyond the suspension/revocation period and accounted for the positive effects of licensing action.

2. Suspension/revocation vs. alcohol treatment.

The second study used analysis of covariance to assess the traffic safety impact of licensing action versus alcohol abuse treatment on 12-month post-conviction driving records. The subsequent driving record variables analyzed were: (1) all reported accidents, (2) law-enforcement-reported accidents, (3) had-been-drinking accidents, (4) personal injury and fatal accidents, (5) accidents (2100-0300 hours), (6) accidents (1800-0600 hours), (7) DUI convictions, (8) reckless driving convictions, (9) one-count convictions, (10) two-count convictions, (11) total countable convictions, and (12) implied consent actions. When these variables met the equality of slopes criterion and F values were significant, pair-wise comparisons were conducted to determine the nature of the difference.

The first sequence of analyses compared (1) demonstration county treatment program participants, (2) demonstration county suspended/revoked drivers, and (3) comparison county suspended/revoked drivers, with the 388 treatment program dropouts excluded. Significant ($p < .05$) differences were found among the three groups for the following:

1. Demonstration county program participants had significantly more law-enforcement-reported accidents than did comparison county drivers. Demonstration county suspended/revoked drivers were not significantly different from either of the other two groups.
2. Both demonstration county driver groups had significantly more personal injury and fatal accidents than did the comparison county group.
3. Demonstration county suspended/revoked drivers had significantly more 2100-0300 hours accidents than did comparison county drivers. Demonstration county program participants did not differ significantly from either of the other groups.
4. Both demonstration county driver groups had significantly more 1800-0600 hours accidents than did the comparison group.

The second sequence of analyses compared all demonstration county multiple DUI drivers with comparison county suspended/revoked drivers. The demonstration county drivers had significantly ($p < .05$) higher involvement in all six accident variables than did the comparison county drivers.

The preceding two sequences of analyses were repeated separately from Santa Clara/San Bernardino Counties and for the remaining three pairs of counties. When program participants, demonstration county suspended/revoked drivers, and comparison county drivers were compared, the following significant ($p < .05$) differences were found:

1. Program participants in Santa Clara County had significantly more law-enforcement-reported

accidents and personal and fatal injury accidents than did the San Bernardino suspended/revoked drivers.

2. Both Santa Clara County driver groups had significantly more 2100-0300 hours accidents than did the San Bernardino group.
3. Suspended/revoked drivers in the other three demonstration counties had significantly more implied consent actions than either demonstration county program participants or comparison county drivers.

When all multiple DUI drivers in Santa Clara County were compared with suspended/revoked drivers in San Bernardino, the results virtually duplicated those of the previous all-county comparison. The only exceptions were had-been-drinking accidents, which were not significant in the two-county comparison, and implied consent actions, which were significantly greater for San Bernardino but had no significant difference in the overall comparison. For the remaining three pairs of counties, there was only one significant difference-- drivers in the demonstration counties had more total countable convictions than those in the comparison counties.

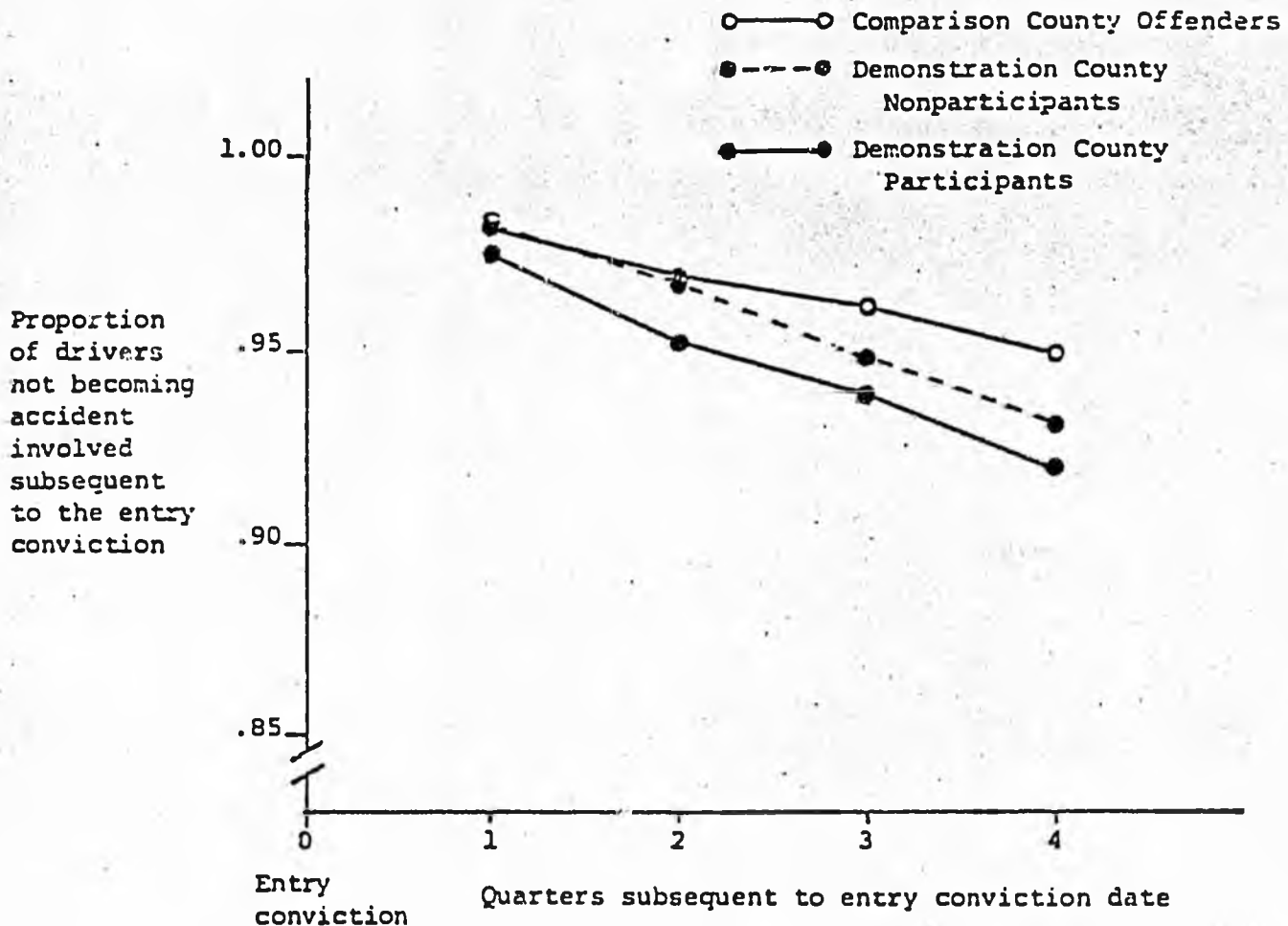
These results indicate that, as a traffic safety countermeasure, the sentencing strategy employed in the demonstration counties is not as effective as license suspension/revocation alone. This does not mean that the alcohol abuse treatment approach is totally ineffective; it is simply less effective in its current format than traditionally imposed licensing controls.

It has been suggested that avoiding licensing action is the principal motive for program participation and that this lack of personal commitment by the driver thus renders the treatment program ineffective. An alternative might be to impose stringent licensing controls at the beginning of the treatment program and to relax them as treatment progressed successfully, thus providing an incentive to complete the program.

The data from the demonstration and comparison counties were also assessed in a survival curve analysis. Figure 2 shows the

FIGURE 2

Accident Survival Curves For Multiple DUI Offenders
 In Demonstration (Participant and Nonparticipant)
 And Comparison Counties



proportions of drivers in each group not becoming accident-involved during the 12-month follow-up period. As can be seen, comparison county drivers had the fewest post-conviction accidents and demonstration county program participants the most. Analysis of the quarterly survival rates showed the differences between the comparison county drivers and the demonstration county program participants to be significant ($p < .05$) throughout the follow-up period. Significant differences were also found between the demonstration county treatment program participants and the demonstration county suspended/revoked drivers, but only for the first 6 months of follow-up.

A similar analysis was conducted for post-conviction DUI involvement. The results again favored the comparison county drivers as opposed to drivers participating in the treatment program.

3. Effects of suspension/revocation.

In the third study, a survival analysis was conducted of the subsequent 4-year driving records of first, second, and third-plus DUI offenders convicted in 1974. Of the 4488 drivers in the sample, 1769 were first offenders who received no licensing action, 1808 were second offenders who received a 12-month license suspension, and 911 were third offenders who received a 3-year revocation.

TABLE 1

Percentage of Drivers Not Being Involved in a Subsequent DUI, by Year and Offender Group, and Z-Scores on Tests of Differences in Survival Rates Between Groups

Offender group	Year			
	1	2	3	4
First offender	81.9	76.2	70.8	67.9
Second offender	88.3	78.3	70.7	66.0
Third or subsequent offender	84.2	73.1	66.0	60.7
	Z-Scores			
First vs. second	-5.40*	1.43	0.02	1.21
Second vs. third	3.02*	3.00*	2.54*	2.71*
First vs. third	-1.48	1.79	2.55*	3.71*

* $p < .05$.

TABLE 2

Annual Percentage of Drivers in Original Group Being Involved in a Subsequent DUI by Offender Group

Offender group	Year			
	1	2	3	4
First offender	18.1	5.7	5.4	2.9
Second offender	11.7	10.0	7.6	4.7
Third or subsequent offender	15.8	11.1	7.1	5.3

TABLE 3

Driving Admission Percentages for Each Driver Group

Group	Total Driving Admissions	Percentage of Driving Admissions
Suspension with update	219	75.5
Revocation with update	134	84.3
Suspension no update	253	55.5
Revocation no update	120	58.3
Total	726	65.3

As Table 1 shows, the first offenders had the lowest DUI survival rate during the first year, while the survival rate for the second offenders was significantly higher than that of the other two groups. By the third year, however, rates for the first and second offenders were virtually identical, with the third offenders having a significantly lower survival rate despite the fact that their licenses were revoked. This trend continued through the end of the 4-year period.

The better record for second offenders during the first year suggests that they either did not drive, drove less, or drove more carefully during the 12-month suspension. After the suspension, their survival rate was similar to that of first offenders.

Table 2 shows that the trend over the 4-year period was for fewer drivers to become recidivists in each successive year. This suggests that there may be a high-risk subgroup of DUI drivers who quickly repeat their offense. These drivers may be a potential target group for countermeasures.

The survival rate analysis was repeated for accidents. First offenders had significantly lower survival rates than second or third offenders throughout the 4-year period. Most of this difference occurred in the first year, however, when both other driver groups were under licensing action. The annual percentages of drivers becoming accident-involved were virtually constant after the first year.

The third study also analyzed the incidence of driving while under licensing action. The time from conviction to first driver record update was calculated for drivers in the 1974 sample. The results showed that nearly 32% of second offenders had at least one record update during their 12-month suspension and 61 percent of third offenders had an update during their 3-year revocation. Since this represents only drivers who were caught, clearly large numbers of drivers are on the road while their licenses are suspended or revoked.

The questionnaire responses were also used to determine the incidence of driving with a suspended/revoked license. Table 3 shows the rates of admission to such driving by the various driver groups.

Finally, the questionnaire responses provided some information about the kinds of

driving done, the transportation alternatives used under licensing action, and the drivers' perceptions concerning suspension/revocation.

There are few differences in terms of alternative transportation or types of driving among the four subgroups responding to the questionnaire. Most relied on public transportation, friends or family members to go to work and on family members for shopping. Drivers who admitted driving did so frequently, although over 65% reported some decrease in their amount of driving. Most of the driving was done to and from work on city streets during the day, and most drivers reported driving more carefully under licensing action than they had previously.

Generally, the majority of suspended/revoked drivers in all categories perceived their licensing action as fair. In terms of penalties for driving with a suspended/revoked license, most respondents perceived the jail sentence to be more severe than it actually is. It appeared that drivers who reported not driving during their suspension/revocation perceived the penalties as being more severe than did drivers who admitted driving.

Conclusions

The results of these studies demonstrate that license suspension/revocation for multiple DUI offenders has a more positive effect on traffic safety than either no licensing action or treatment for alcohol abuse. Both the magnitude and the duration of the treatment effect associated with licensing action are documented. Analyses of the effects of licensing action indicate that drivers who drive under suspension/revocation generally do so less frequently and more carefully.

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McDonald, W.R., & McIntire, J. Senate Bill 330--Demonstration project evaluation match-county correlativity report. Sacramento: Mott-McDonald Associates, Inc. 1977.

Administrative Revocation for Drunk Driving

Public indignation continues to grow. Citizens have made it clear to lawmakers and public officials that they are no longer willing to tolerate the highway carnage caused by drunk drivers.

In 1982 this grass roots sentiment, widely expressed across the country, resulted in the appointment of the Presidential Commission on Drunk Driving. The Commission's interim report was issued in December 1982 so that states could act on its recommendations during 1983 legislative sessions.

Those recommendations cover a wide range of topics, including changes in state drunk driving laws. The Commission recommends enactment of a "per se offense" at .10% BAC, and a presumption of guilt at .08% BAC. It also supports raising the drinking age to 21 and adopting a system for administrative revocation of drivers' licenses.

Other recommendations pertain to minimum jail sentences and legal sanctions against drunk driving. Legal penalties, however, require county attorneys willing to prosecute and judges willing to hand down the sentences mandated by the legislatures. Unfortunately, some county attorneys grant deferred prosecution, allowing those apprehended by police to continue driving. Those who are tried and convicted, or who plead guilty, are often given deferred sentences by the judge.

In all but a handful of states, drivers' licenses are only suspended or revoked after court conviction, so those charged with drunk driving may keep their licenses for months after being apprehended. One of the Presidential Commission's recommendations addresses that problem.

Administrative Revocation, pioneered in Minnesota in 1976 and adopted by Iowa in 1982, means that the driver's license is confiscated by the arresting officer on behalf of the Department of Transportation. Hearing officers are empowered to grant work permits in some cases. Under the "implied consent" portion of the law, licenses are revoked for refusal to take the chemical test, as well as for test failure.

Under this "two-track" system the loss of driving privilege extends to all those apprehended with a blood alcohol level of .10%, regardless of court action or lack of it. Administrative Revocation accomplishes the most important task in the fight against drunk driving. It takes drunk drivers off the road immediately, and serves as a strong deterrent to others.

Because, in almost every state, prosecution and sentencing vary considerably from one county to another, Administrative Revocation is the only predictable penalty for drunk driving. The American Council on Alcohol Problems has produced an 18-minute video tape documentary on Administrative Revocation in Iowa. Below are quotations from the video presentation:

"By the time that bill reached the floor of the House it was pretty clear from sentiment in the Capitol that they had to vote on something. They had to do something in the way of legislation on drunk driving that year because of the clear public sentiment favoring that, and the national trend in that direction. . . . There was massive bipartisan sentiment. The first vote in the House was 97-0, and the first vote in the Senate was 45-0."

Don Mason, Attorney
Prosecuting Attorney's Counsel

"I think that the administrative revocation of a drivers' license for all persons above .10 BAC is extremely important. . . . I think it puts the responsibility for putting people back out on the road back where it belongs — that's back with the state agencies. Since they do the issuing of driver's licenses, they should be responsible for who's out on the road. That's not really a judicial responsibility."

Sven Sterner
Governor's Highway Safety Office

"This is the first time in the history of this ASAP program that people have actually, realistically lost their drivers' licenses when they were arrested for OMVI. . . . We're the ones that initiate the revocation. We take the license right on the spot."

Roger Sanders, Patrolman
Alcohol Safety Action Program
Des Moines Police Department

"In the four and a half months since the law took effect there have been 5,685 drivers' licenses revoked in Iowa."

Bill Kendall, Director
Driver Licensing, DOT

"In the first four months that this law has been on the books there have been 59 fewer alcohol-related fatalities. . . . In that period there were 189 total highway fatalities — 29% of that 189 were alcohol-related. Over the same period a year ago, that percentage was 46%. . . . The sanctions that are applied generally — the fine, community service, some hours in jail — do not carry the deterrent effect on the drinking driver that the sure, immediate loss of their license has."

Gordon Sweltzer, Director
Motor Vehicle Division, DOT

"The one advantage we do have in the acronym game in Iowa with MADD and SADD is that we have GLADD. Now we have Good Laws Against the Drunken Driver."

Col. Frank Metzger, Director
Iowa Highway Patrol

To order a copy of the video tape documentary on Administrative Revocation, complete the order form below and mail to the American Council on Alcohol Problems.

Please send me a copy of the ACAP video documentary on Administrative Revocation.

Check video format:

- 3/4-inch "U-Matic" cassette
 1/2-inch "Beta" cassette
 1/2-inch "VHS" cassette

I've enclosed remittance for:

- two-week rental (\$10.00)
 Purchase of cassette (\$50.00)

Mail to:
American Council on Alcohol Problems
2908 Patricia Drive
Des Moines, IA 50322

name

address

city

state

zip

COMMUNITY SERVICE

April 5, 1983

This section contains:

1. testimony to the Presidential Commission on Drunk Driving on
community service
2. a letter outlining the costs of Community service programs for
counties in California

Testimony to the Presidential Commission on Drunk Driving
Public Hearing August 11, 1982

Denver, Colorado

By Crestienne Van Keulen, Coordinator

CLASP Resource Center & Research Project

Good afternoon, my name is Crestienne Van Keulen, and I am here today to bring your attention to the use of community service sentences for drunk drivers. I represent the California League of Alternative Service Programs, more commonly known as CLASP. CLASP is a grassroots non-profit consortium of community service sentencing programs throughout California. Our job is to interview, place, monitor and report on offenders who have arranged with the courts to perform uncompensated service to the community, most often in lieu of a fine or jail sentence. Drunk drivers compose an enormous segment of our case-loads - when preparing our 1980 Annual Report we found over 75,000 offenders including 35,000 traffic offenders were ordered to perform 4 million hours of work that year. Currently there are 77 community service programs in 56 of California's 57 counties.

Many states like California have or will soon adopt new drunk driving laws designed to impact this horrendous problem. As you all know, drunk driving is a problem of incredible scope and depth that touches every segment of our society without warning and without mercy. Forty to fifty percent of all fatal accidents are alcohol related and some 25,000 alcohol related traffic deaths occur yearly. Like no other single offense it is a crime against society because of the enormous danger the drunk driver puts the community into. Selection of victims is random and tragic and nobody is spared. We are all susceptible and we are all responsible for change because drunk driving is first and foremost a social offense.

of those ordered to community service do more hours than are required. There is something going on here we need to pay attention to.

Community Service is fair. Many of these new drunk driving laws, such as California's, unequally penalize those with lower incomes thus violating a very basic premise of American justice. In California, under the new law which became effective January 1st, judges theoretically have three sentencing choices encompassing four sanctions in various combinations: Fine, Drinking Driver School, Driver's License suspension or restriction, and Jail.

Fines may very well be effective punishment for some drunk drivers - those without sufficient income to pay easily, but with enough income to pay at all. Drinking Driver School may also be a very effective sanction - if the offender is fortunate enough to have the \$600 tuition handy. But seeing how scholarships aren't offered, the lower income citizen is unable to participate and thus goes to jail. Jail is great punishment for some drunk drivers - those with a fear of authority, a distaste for confinement, and the opportunity to serve their sentence in a safe jail. But those of us who have spent time in and around jails can tell you that this is rarely the case - jail is not often a safe deterrant, it is a very risky deterrant because jails are not nice places. People get hurt in jails, every day, by each other and by their keepers. People who are in for just an hour or two, people who are in for just a day or two. Jails are often overcrowded, jailers are overworked, jails are often uncontrollable environments and I cannot believe that to be assaulted and humiliated is fair punishment for drunk driving. Besides which jails are counterproductive - they do nothing to instill the positive or to integrate those on the fringes of society back into society and the community. And only when people feel a part of their community will they obey the laws of their community. Driver's license suspension

Presidential Commission on Drunk Driving
Public Hearing August 11, 1982
Denver, CO.
CLASP - C. Van Keulen

- * CS is suitable for all socio-economic groups and levels of society as social consciousness remains undeveloped on all levels.
- * CS is most suitable for those lacking self-esteem and a social conscious as it can provide them with an opportunity for personal growth and community integration.
- * CS is not suitable for those not acknowledging guilt or wrongdoing because this attitude is too frequently reflected in the quality of their community work.
- * The alcoholic, the addicted, the physically and emotionally disabled are generally not suitable for community service. Although we frequently are able to work with many of these people, community service programs must not be dumping grounds for the courts. Assignments for those with special problems should occur only after consultation with the program as placement opportunities vary widely from community to community.

The offender's skills, interests, available time, transportation and family circumstances are always taken into consideration by the interviewer before placement. Pre-sentence investigation reports including psycho-social histories and prior criminal record are invaluable tools that must be routinely available to programs for the protection of both the community and the integrity of the program.

I am here today not only to bring this valuable sentencing option to your attention, but to call upon you to help. Comprehensive legislation is needed authorizing and institutionalizing this sanction to limit abuses and mis-uses. We need guidelines defining judge's authority, offender's rights and local government's responsibility to develop these programs. We are concerned that community service assignments are too often contingent upon whim and not reason, and we are concerned that these workers receive proper accident insurance coverage. Community service is not for all drunk drivers, and neither is any other sanction. But it deserves your further consideration and support so that as part of an effective drunk driving combatment plan, drunk drivers can be as rare in this country as a budget surplus in a Federal agency. Thank you.

February 4, 1983

Jane Beatty, Executive Director
Volunteer Bureau of Contra Costa County
2116 North Main Street, Suite E
Walnut Creek, CA 94596

RE: Court Referral Program

Dear Ms. Beatty;

In response to your request for information on local program's cost-per-client, I contacted six community service sentencing programs in the Bay Area counties. (Napa program unable to provide figures).

Their cost-per-client (CPC) is as follows. Unless otherwise indicated, the figure was calculated by dividing the total program cost for one year by the number of referrals served.

- (1) Alameda, Community Service Alternatives Program, Volunteer Bureau of Alameda County CPC = \$37. Based on 1982-83 program cost of \$203,000, with 5,500 total anticipated referrals.
- (2) Marin, Alternative Sentence Program, Marin County Probation Department. CPC = \$27. Based on 1981-82 budget. Does not include the following costs: Office rent, photocopying, printing, and some Unit Supervisor's and clerical support time.
- (3) Santa Clara, Court Referral Program, Voluntary Action Center of North Santa Clara County. CPC = \$73. Based on program cost of \$51,000 and 700 referrals.
- (4) Santa Clara, Sentencing Alternatives Program, Volunteer Center of Santa Clara County. CPC = \$39. Program cost minimally estimated to be \$178,000 for 1982-83, with 4,600 referrals anticipated.
- (5) Santa Cruz, Community Options Inc. CPC = \$47. Based on \$75,000 program cost and 1,600 referrals annually.
- (6) Sonoma, Court Referral Program, Volunteer Center of Sonoma County. CPC = \$27, program cost is \$43,000 with 1,600 referrals.

ROADBLOCKS, OR SOBRIETY CHECKPOINTS

April 5, 1983

This section contains:

1. a Maryland Special Order on the implementation of Sobriety checkpoints
2. a Maryland "Advise of Council" on Sobriety Checkpoints
3. an implementation approval from Maryland's AG's office on the implementation of Sobriety Checkpoints
4. selection criteria for checkpoint sites
5. letter from the Governor of Maryland on Sobriety checkpoints



STATE OF MARYLAND

DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONAL SERVICES

MARYLAND STATE POLICE
PIKESVILLE, MARYLAND 21208-3899
AREA CODE 301 486-3101
TTY FOR DEAF AREA CODE 301 486-0677

HARRY HUGHES
GOVERNOR

WILLIAM M. LINTON
DEPUTY SECRETARY

THOMAS W. SCHMIDT
SECRETARY
PUBLIC SAFETY AND
CORRECTIONAL SERVICES

COLONEL W. T. TRAVERS, J1
SUPERINTENDENT
MARYLAND STATE POLICE

December 6, 1982

SPECIAL ORDER NO. 01-82-399

TO: Troop, Installation and Unit Commanders

SUBJECT: D.W.I. Enforcement - Sobriety Checkpoints

In an effort to reduce the number of motor vehicle accidents on Maryland highways in which alcohol has been identified as a contributing factor, a pilot project has been authorized to use sobriety checkpoints to aid in the detection and apprehension of drivers who are intoxicated or under the influence of alcohol. It is anticipated that a beneficial result of this enforcement strategy will be that it will serve as a deterrent to potential drunk drivers. During the term of the pilot project only the Chief of the Field Operations Bureau will have the authority to authorize specific highway sobriety checkpoints at specific locations for a specific time period. The use of this enforcement strategy shall be in conformance with the procedures set forth in this Special Order.

Sobriety checkpoints may be conducted at selected highway locations to monitor traffic for driver sobriety. The selection of highway locations will be based on standard selective enforcement criteria considering the time of day, day of week, location, and the number of fatal and other alcohol related accidents. The relative safety of a particular location for citizens as well as Agency personnel will be a primary consideration when selecting the location. Sites selected shall have a safe area for stopping of motorists and must afford oncoming traffic sufficient sight distance for the driver to safely stop upon sighting the stopping team. The location selected must be approved by the Chief of the Field Operations Bureau.

A Commissioned Officer will be assigned to each sobriety checkpoint operation and shall be on-the-scene to supervise and direct the enforcement activities. Each site will be manned by a sufficient number of uniformed troopers to maintain a safe and effective operation. Troopers will wear Agency issued reflectorized safety vests while engaged in the checkpoint assignment and will be responsible for

STATE OF MARYLAND
MARYLAND STATE POLICE

SPECIAL ORDER NO. 01-82-399 (Continued)

traffic direction and observing traffic conditions. Traffic direction will be conducted by troopers utilizing traffic wands attached to their flashlights. Flares and/or reflectors shall be used to illuminate the site and as an aid to traffic direction. Barricades will not be used to block oncoming traffic. Warning signs designed to give advance notice of the impending stop will be conspicuously displayed. A record will be maintained at each checkpoint of traffic volume passing through the checkpoint.

All traffic approaching the checkpoint will be stopped as long as traffic congestion does not occur. The trooper will approach each motorist and state, "I am Trooper (John Doe) of the Maryland State Police. You have been stopped at a sobriety checkpoint set up to identify drunk drivers." If there is no immediate evidence of intoxication, a traffic safety brochure developed specifically for this enforcement strategy will be given to the motorist. The trooper will suggest to the motorist that he read the brochure at a later time for a more complete explanation of the stop. The motorist will then be assisted to safely proceed.

During the brief stop the trooper will look for articulable facts such as an odor of alcoholic beverage about the driver, slurred speech, the general appearance, and/or other behavior normally associated with D.W.I. violators. A combination of these factors may give sufficient probable cause to believe the person is driving under the influence or intoxicated. In these cases the driver will be detained and required to present his motor vehicle operator's license and vehicle registration. The driver may then be requested to perform certain psycho-motor coordination tests and/or if he consents submit to a preliminary breath test. If sufficient evidence of intoxication is then developed, the driver will be arrested.

As a rule, no action should be taken if a motorist approaching the checkpoint turns around or turns off the highway before approaching the checkpoint.

Generally, sobriety checkpoints will be maintained for a one hour period unless the checkpoint causes significant traffic congestion at the site or circumstances arise that would warrant cancellation of the assignment as determined by the on-scene Commissioned Officer. The location of scheduled checkpoints will be kept confidential but the date, and use of this enforcement strategy should be widely publicized to serve as a deterrent to potential drunk drivers.

STATE OF MARYLAND
MARYLAND STATE POLICE

SPECIAL ORDER NO. 08-82-399 (Continued)

Prior to the use of this enforcement strategy, the Chief of the Field Operations Bureau will consult with the local State's Attorney regarding this procedure. Information used as the basis for the selection of specific checkpoint sites shall be recorded and filed for use should the enforcement strategy be challenged in court. A record of all checkpoint assignments will be maintained by initiating a Complaint Control Card under the A.I.R.S. coding for Traffic Detail #81. If a D.W.I. arrest is effected as a result of this initiative, an additional CC Card will be initiated under A.I.R.S. Code #85 D.W.I. arrest.

During the term of the pilot project all available traffic safety information will be collected and used to evaluate the effectiveness of sobriety checkpoints as an enforcement countermeasure against drunk driving. An Incident Report will be completed for each sobriety checkpoint operation and will include the number of man hours, number of D.W.I. arrests, the number and type of other violations, and all other information relevant to the assignment. The brochure designed for use in this project also will include a citizen survey that will be used to measure public reaction to the use of sobriety checkpoints. The evaluation will also include an analysis of all relevant motor vehicle accident data prior to, during, and after the use of sobriety checkpoints.

By Order Of,

W. J. Travers, Jr.
Superintendent

WTT:dmb

STATE LAW DEPARTMENT

MARYLAND STATE POLICE
MARYLAND STATE POLICE HEADQUARTERS
PIKEVILLE, MARYLAND 21208
(301) 486-3101

DATED 2-22-82

MEMORANDUM:

FILE NO.: 03-82-008-IOP

TO: Lt. Col. J. G. Lough
Field Operations Bureau

FROM: James J. Doyle, III

SUBJECT: Checkpoints for Intoxicated Drivers

You have asked for my opinion of a proposal that the Maryland State Police adopt highway roadblocks/checkpoints as an enforcement technique to aid in the arrest and detection of drunk drivers.

You have provided me with an informal legal opinion prepared by Bruce Sherman, Assistant County Attorney for Montgomery County. I agree with his conclusion that such roadblocks or checkpoints may be used.

In Delaware v. Prouse, 440 U.S. 648 (1979), the Court considered a situation where a police officer stopped an automobile, smelled marijuana, and then seized that substance which was in plain view on the car's floor. The officer had testified at trial that prior to stopping the vehicle, he had observed neither traffic or equipment violation, nor any suspicious activity, and that he made the stop only in order to check the driver's license and registration.

The Court concluded that there was a violation of the Fourth Amendment, holding that:

Except in those situations in which there is at least articulable and reasonable suspicion that a motorist is unlicensed or that an automobile is not registered, or that either the vehicle or an occupant is otherwise subject to seizure for violations of law, stopping an automobile and detaining the driver in order to check his driver's license and the registration of the automobile are unreasonable under the Fourth Amendment.

The Court, however, continued:

This holding does not preclude the State of Delaware or other states from developing methods for spot checks that involve less intrusion or that do not involve the unconstrained exercise of discretion. Questioning of all oncoming traffic at roadblock type stops is one possible alternative.

One Federal Court has relied on Prouse to uphold a search and seizure of eighty-six pounds of cocaine from a Ford Bronco as the result of a New Mexico State Police roadblock on an interstate highway. United States v. Pritchard, 645 F.2d 854 (10th Cir. 1981). The purpose of the roadblock in Pritchard, was to conduct routine license and registration checks. The Court quoted the language from Prouse which suggested roadblock type stops as a permissible police practice. The Court then stated:

In our view, the roadblock stop of the Ford Bronco does not run afoul of the rule of Prouse. While this may not have been a '100 per cent roadblock' of the type referred to in Prouse, it is

nonetheless a long way from the selective, single car stop denounced in Prouse. In the instant case, the New Mexico state police were attempting to stop all west bound traffic on a interstate highway, insofar as was humanly possible. The decision not to stop trucks was reasonable under the circumstances, because, presumably, they had all been stopped at a port of entry. The purpose of the roadblock, i.e., to check driver's licenses and car registration, was a legitimate one. If, in the process of so doing, the officers saw evidence of other crimes, they had the right to take reasonable investigative steps and were not required to close their eyes. Furthermore, allowing all these stopped cars through when traffic became congested was also reasonable and, in our view, non-violative of the rule of Prouse. In sum, the roadblock stop of the Ford Bronco was, under the described circumstances, constitutional.

A Maryland Court of Special Appeals' decision announced shortly before Prouse, Good v. State, 398 A.2d 801 (1979), held that the random stopping a single vehicle by police for a routine check without reasonable suspicion that some violation of law had occurred would be violative of the motorist's constitutional right. However, in a footnote, the Court of Special Appeals stated:

In holding that the selective stopping of a single motor vehicle is unconstitutional, we do not imply that the non-discriminatory stopping of vehicles at a roadblock is prohibited. Where every motorist who passes a given location is stopped, that detention has been sanctioned.

In Prouse, the Court explained that the essential purpose of proscription in the Fourth Amendment is to impose

a standard of reasonableness upon the exercise of discretion by government officials. The Court focused on the degree of intrusion created by the particular law enforcement practice, as well as the amount of discretion vested in the law enforcement officers in the field.

A checkpoint stop, the Court reasoned, intrudes far less upon a motorist's Fourth Amendment interests than roving patrol stops of single cars. At traffic checkpoints, the motorist can see that all other vehicles are being stopped, he can see visible signs of the officer's authority and he is, therefore, much less likely to be frightened or annoyed by the intrusion. For this reason, I feel that it is important that any roadblock/checkpoints be set up in such a manner that a motorist will realize that he is not being singled out, but is being stopped briefly along with all other vehicles.

Thus, in State v. Hilleshiem, 291 N.W.2d 814 (Iowa 1980), the Court disapproved of the actions of two police officers who decided to stop cars at night entering a city park where vandalism had been a problem. The Court suggested minimal standards for setting up a roadblock, including (1) a checkpoint location selected for its safety and visibility to oncoming traffic, (2) adequate advance warning signs, illuminated at night, timely informing the approaching motorist of the nature of the impending intrusion, and (3) uniformed officers and official vehicles in sufficient quantity and visibility to show the police power of the community. Of course, the intrusion should also be brief and courteous. A brief statement

should be made to each motorist explaining the reason for the checkpoint. The motorist should then be allowed to proceed unless the trooper observes evidence that the motorist is intoxicated or has committed some other violation of law. I note that the draft Special Order on Maryland State Police checkpoints incorporates most of these elements. I would, however, suggest that some sort of warning signs be displayed so that a motorist realizes in advance that he is being stopped at a safety checkpoint, and is not being stopped for a traffic violation. The site should also be well illuminated by flares at night, again to dispel any fears of oncoming motorists. Incorporating these features would, I believe, further minimize the intrusion.

In addition to considering the nature of the intrusion, the Prouse court also considered the amount of discretion vested in the law enforcement officer in the field. The Court was concerned with "standardless" and "unconstrained" discretion. See State v. Hilleshiem, supra, where the Court recommended a pre-determination by policy-making administrative officers of the roadblock location, time, and procedures to be employed.

What we certainly want to avoid is authorizing our field personnel to set up roadblocks whenever and wherever they wish. I believe that the Special Order should be amended to provide for selection of the checkpoint and its time of operation and other procedures, to be made by a policy making administrative officer, e.g., the barrack commander. The criteria

to be considered by him in authorizing a checkpoint should also be spelled out in the Special Order. His decision should be clear as to the location and time of the checkpoint. No unauthorized checkpoints should be permitted. All vehicles passing the checkpoint should be stopped.

If these suggested changes are incorporated, I feel that the checkpoint procedure would be legal. Of course, there are also policy concerns, such as success rates, man-hours used in making a DWI arrest, public reaction, etc., that also need to be considered. Before any decision is made, I think that it would be wise to look into the success, or lack of it, of the Montgomery County road/blockcheckpoint program.

James J. Doyle, III
Assistant Attorney General
Counsel, Maryland State Police

ADVICE OF COUNSEL, NOT AN OPINION OF THE ATTORNEY GENERAL

STEPHEN J. BAYNE
DEPUTY ATTORNEY GENERAL
GEORGE A. NELSON
DEPUTY ATTORNEY GENERAL



JAMES J. DOYLE III
ASSISTANT ATTORNEY GENERAL
COUNSEL TO THE
MARYLAND STATE POLICE

THE ATTORNEY GENERAL
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MARYLAND STATE POLICE HEADQUARTERS
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1-800-492-9062

MEMORANDUM

DATED 12-9-82

FILE NO: 03-82-008-IOP

TO: Colonel W. T. Travers, Jr.
Lt. Col. J. G. Lough

FROM: James J. Doyle, III

SUBJECT: Sobriety Checkpoints Special Order
No. 01-8-399

I have reviewed this and believe that it conforms with all the guidelines previously given and, therefore, approve its implementation.

JJD

SOBRIETY CHECKPOINT SITE SELECTION CRITERIA CONSIDERATION

ACCIDENT DATA/ANALYSIS ISSUES

Statewide Administration Summary - MAARS Data trends for 2 years

County Administration Summary - MAARS Data trends for 2 years

Population death rate per county

Registered vehicle death rate per county

Mileage death rate per county

Current fatal accident experience (as evidenced by ledger at CARD)

State Highway high DWI roadway locations

Day and time for implementation

SAFETY ISSUES

Roadway conditions

Site safety concerns for public and agency personnel

Traffic volumes on site road

Weather

LOGISTICAL ISSUES

Conventional enforcement strategies effectiveness in dealing with problem

Manpower/mileage

Local installation concerns and MBO plans regarding, 1) DWI arrests, and 2) alcohol related accident experience

POLITICAL ISSUES

Jurisdictional overlap concerns (county agreements)

Acceptability of Sobriety Checkpoints by local governmental agencies (courts, S/A, etc.)

MOTORIST SURVEY - SOBRIETY CHECKPOINTS

DATE OF REPORT 1/27/83

QUESTION #1 - DID THE SOBRIETY CHECKPOINT CAUSE A SIGNIFICANT DELAY TO YOUR JOURNEY?

ANSWER YES..... 18 NO..... 839
 PERCENT... 2 PERCENT... 90

QUESTION #2 - DO YOU BELIEVE SOBRIETY CHECKPOINTS WILL DETER SOME PEOPLE FROM DRIVING WHILE INTOXICATED?

ANSWER YES..... 798 NO..... 58
 PERCENT... 93 PERCENT... 7

QUESTION #3 - DO YOU BELIEVE THAT SOBRIETY CHECKPOINTS WILL INCREASE A DRUNK DRIVERS RISK OF BEING DETECTED AND ARRESTED?

ANSWER YES..... 784 NO..... 69
 PERCENT... 91 PERCENT... 8

QUESTION #4 - DO YOU APPROVE OF SOBRIETY CHECKPOINTS AS A MARYLAND STATE POLICE ENFORCEMENT MEASURE TO DETECT AND REMOVE DRUNK DRIVERS FROM THE HIGHWAY?

ANSWER YES..... 748 NO..... 112
 PERCENT... 86 PERCENT... 13

QUESTION #5 - DO YOU HAVE ANY COMMENTS ABOUT SOBRIETY CHECKPOINTS?

ANSWER SEE ATTACHMENT.

NO. OF RESPONDENTS	MALE..... 588	NO. OF BROCHURES	
	FEMALE.... 281	DISTRIBUTED.... 4858	
	TOTAL..... 861	PERCENT RETURNED	
	 21	

DATE DISTRIBUTED	NUMBER DISTRIBUTED	NUMBER RETURNED	PERCENT RETURNED
12/17/82	769	138	17
12/18/82	726	178	23
12/26/82	478	186	23
1/81/83	781	216	31
1/82/83	464	93	20
1/86/83	354	85	24
1/21/83	566	61	11
TOTAL	4858	861	21

REPORT PREPARED BY THE MARYLAND STATE POLICE TRAFFIC PROGRAM PLANNING UNIT.

QUESTION #3
COMMENTS

YOU GUYS ARE DOING A GREAT JOB.
DONE IN A VERY PLEASANT MANNER
DON'T BROADCAST CHECKPOINTS IN ORDER TO STOP DRUNK DRIVING

VERY GOOD IDEA
PERSONNEL WERE COURTEOUS AND EFFICIENT. A WELL RUN OPERATION.
IT WILL PROTECT THE INNOCENT.
GREAT IDEA SHOULD USE THEM OFTEN.

I AGREE WITH MADD.
IF CONTINUED IT MAY CAUSE A SIGNIFICANT LOSS TO THE EVENING BUSINESS CAPITAL OF NIGHTCLUBS AND RESTAURANTS.
MORE OF THEM.

TOO VISIBLE.
GOOD CAUSE BUT A WASTE OF TIME AND MONEY.
I DIDN'T COUNT BUT THERE MUST HAVE BEEN AT LEAST 20 TROOPERS THERE. BIG WASTE OF MONEY, TWO OR THREE WOULD HAVE BEEN PLenty.
NEED MORE PROBABLE CAUSE, TIME STOPPED 12" SECONDS.

EXCELLENT. SHOULD BE MADE A LAW
KEEP UP THE GOOD WORK. OFFICERS VERY COURTEOUS.

POLITELY. PROFESSIONALLY DONE.

IF ONLY THE FACT THAT PEOPLE KNOW YOU'RE OUT THERE WILL STOP THEIR DRINKING.

EVEN THOUGH I AGREE WITH THIS ACTION IT SEEMS TO BE UNCONSTITUTIONAL.
I THINK IT IS A WASTE OF TAXPAYERS' MONEY AND POLICEMEN' TIME THAT COULD BE SPENT ON THE ROAD.
I THINK THERE'S A BIG CHANCE OF AN ACCIDENT OCCURRING AND THAT THE DELAY COULD PROVE EXTRA HEADACHES.
SOMETHING HAS TO BE DONE TO GET THE DRUNK DRIVERS OFF THE ROAD. THE NON-DRINKER HAS MORE OF A RIGHT TO SAFETY.

I THINK IT'S A GREAT IDEA.

DO MORE OFTEN.

THIS IS THE BEST THING THAT HAS HAPPENED IN HANFORD COUNTY.

VALIANT EFFORT AT A TOUGH PROBLEM.

THIS IS A GREAT IDEA.
TROOPERS VERY COURTEOUS MADE PEOPLE AWARE OF PROBLEM.
KEEP UP THE GOOD WORK.
DON'T STOP TRYING. GET RID OF COURIOUS BYSTANDERS. THEY ARE A HAZARD.

THREAT OF THE CHECKPOINT ALONE CAUSED ME TO STOP HOLIDAY DRINKING AT PARTY ONE AND ONE-HALF HOUR EARLY.
THEY SHOULD BE USED MORE FREQUENTLY.

CHECKPOINTS LOOK LIKE AN ACCIDENT. NEEDS MORE LIGHTS AND ADVANCE NOTICE.
TRY USING THE WORD PLEASE WHEN MOVING CARS UP.
IT VIOLATED THE FOURTH AMMENDMENT.

COURTS SHOULD BE MORE STRINGENT. COULD WE BE WITNESSING THE ESTABLISHMENT OF A POLICE STATE UNCONSTITUTIONAL. INVASION OF PRIVACY. WOULD NOT STAND UP IN COURT. REMINDS ME OF SECURITY CHECKPOINTS IN NAZI GERMANY. WE NEED STRONGER PENALTIES. I AM CONCERNED I COULD FAIL THE BREATH TEST EVEN THOUGH MY DRIVING IS NOT IMPAIRED. IT'S AGAINST MY CIVIL RIGHTS. I'M NOT SUPE THIS IS THE ANSWER. THIS PRACTICE IS QUESTIONABLE IN A FREE SOCIETY. UNCONSTITUTIONAL AND A WASTE OF TAXPAYERS MONEY.

QUESTION 43

COMMENTS

I STRONGLY FAVOR THESE CHECKPOINTS.
THE SYSTEM SEEMS EFFICIENT AND WELL PLANNED.
THE CHECKPOINTS ARE AN INCONVENIENCE TO THE DRUNK DRIVER ONLY.
CHECK WAS BRIEF AND OFFICERS COURTEOUS.
I THINK IT'S WORTH TRYING EVEN IF IT ONLY SAVED ONE PERSON'S LIFE AT THE PARTY WE WERE AT EVERYONE WAS TALKING ABOUT IT AND WAS VERY CAREFUL ABOUT THEIR DRINKING.
DO PEOPLE TRY TO AVOID THE CHECKPOINT?
IT IS INCONVENIENT FOR THOSE WHO DO NOT DRINK.
I HOPE THE LAW WILL SUPPORT YOU.
PLACE A STOP SIGN AT THE POINT YOU DESIRE THE MOTORIST TO STOP.

WE'RE ALL FOR IT.

GOOD IDEA.
ALSO CHECK FOR DRUGS. PICK UP TRASH ON SIDE OF ROAD FROM FLAMES.
IT'S A GREAT DETERRENT.

GREAT IDEA. LONG TIME OVERDUE.
IT MADE ME THINK OF HOW MUCH I WAS DRINKING.
A DEFINITE DETERRENT.
VERY GOOD. COURTEOUS

TO HELL WITH A.C.L.U.
THEY SHOULD BE DONE ALL YEAR ROUND.
DRUG OR ALCOHOL IMPAIRMENT ONLY.
A GOOD IDEA.
I'M ALL FOR IT.
I WOULD LIKE TO SEE YOU CHECK FOR DRUG USERS AS WELL.
CERTAIN LIMITATIONS SHOULD BE EXERCISED

GOOD IDEA.

EXCELLENT IDEA. HOPE THEY CONTINUE WITH IT.
SOBRIETY CHECKPOINTS SHOULD CONTINUE.
KEEP UP THE GOOD WORK. YEAR ROUND.
I AGREE WHOLEHEARTEDLY.
NURSES WHO WORK NIGHTS ARE WORRIED ABOUT BEING STOPPED.
I HOPE THEY PROVE EFFECTIVE, BUT I HAVE DOUBTS.
VERY NICELY HANDLED. GOOD IDEA
GREAT IDEA. CONTINUE YEAR ROUND.

STATE OF MARYLAND
EXECUTIVE DEPARTMENT
ANNE ARBOR MARYLAND 21404

November 30, 1982

Col. Wilbert T. Travers, Jr.
Superintendent
Maryland State Police
1200 Reisterstown Road
Pikesville, Maryland 21208

Dear Colonel Travers:

I have reviewed the proposal submitted to me by the State Police on sobriety checkpoints. Although we are presently experiencing the greatest decline in traffic deaths in our history, I believe that all lawful and productive means should be employed to identify and remove drunken drivers from our highways.

I realize that the use of sobriety checkpoints has been the cause of some concern, but I believe we need to test this technique to determine if it can help to further improve our traffic safety record.

Accordingly, I authorize you to initiate a pilot sobriety checkpoint program on a limited and selective basis, making sure that the public's convenience and safety are guaranteed. You are to immediately discontinue on-road enforcement activities if operational problems are encountered and until such time as the problems can be resolved.

The pilot program should become operational the week of December 12, to coincide with "National Drunk and Drugged Driving Awareness Week," and should continue for approximately three months. Based on a program evaluation, a decision should then be made on whether to authorize the use of sobriety checkpoints on a continuing basis.

Sincerely,

W. W. [Signature]
Governor

RECEIVE

DEC 2 1982

SUPERINTENDENT'S (

12/1/82

HABITUAL OFFENDERS

April 5, 1983

This section contains:

1. an article on license revocation and alcohol treatment for habitual offenders

License Revocation and Alcoholism Treatment Programs
for Habitual Traffic Offenders

Philip M. Salzberg, Ph.D., Richard Hauser, & Carl L. Klingberg, Ph.D.

Research and Technology Division, Department of Licensing, Olympia, Washington

Abstract

The Washington Habitual Traffic Offender Act was evaluated to determine its effectiveness in reducing traffic violations and accidents. The law requires a 5-year license revocation for drivers who have accumulated three or more major traffic convictions or 20 or more total convictions. The law also permits a stay of the revocation for alcoholic drivers who have undertaken an approved alcoholism treatment program. The study was designed to assess the subsequent driving performance of revoked drivers and stayed drivers compared to control groups of drivers who were eligible for but did not receive these sanctions. It was found that revoked drivers had significant reductions in moving violation convictions and accidents compared to control group drivers. Stay of revocation, however, had no impact on subsequent driving performance. The data were consistent with the possibility that revoked drivers continue to drive during the license denial period but may drive more cautiously in an attempt to avoid detection. The stayed drivers, in contrast, apparently did not modify their driving behavior compared to control group drivers.

Introduction

The Washington Habitual Traffic Offenders Act affirms that it is the policy of the State of Washington to "provide maximum safety for all persons who travel or otherwise use the public highways of this State" by denying the "privilege of operating motor vehicles on such highways to persons who by their conduct and record have demonstrated their indifference for the safety and welfare of others..." (RCW 46.65.010). The Act defines an habitual offender as a driver who has accumulated in a 5-year period three or more convictions for driving while intoxicated (DWI), driving while suspended or revoked, negligent homicide, or a hit and run accident resulting in injury or death. (Reck-

less driving, eluding a police officer, and being in physical control of a motor vehicle while under the influence of intoxicants were added in the 1979 and 1981 revisions of the law.) In addition, drivers who accumulate 20 or more moving traffic convictions in a 5-year period are also subject to habitual offender action.

When a driver's record classifies him or her as an habitual offender, the Department of Licensing (DOL), following a hearing, may revoke the person's driving privilege for 5 years. Some drivers, however, may qualify for a "stay of revocation." If the hearing officer determines that alcoholism is a major contributing factor to the driver's record, and if the driver has undertaken an approved alcoholism treatment program, then the hearing officer may stay (for up to 5 years) the effective date of the revocation, unless the driver is subsequently convicted of one of the major offenses listed above.

At the end of 2 years an habitual traffic offender may petition for early reinstatement. If it is determined through a hearing that the driver has taken positive steps to correct his or her driving behavior, the DOL may authorize reinstatement, imposing such conditions and restrictions as are appropriate.

Prior to the 1979 revision of the law (which transferred administrative responsibility to the DOL), and during the time of the present study, the law was administered by the courts. When a driver met the habitual offender criteria, the DOL sent a copy of his or her driving record to the prosecuting attorney of the person's county of residence. The determination of habitual offender status was made by the court, and the judge then either directed the DOL to revoke the person's license, stayed the revocation in the case of alcoholism, or dismissed the proceedings if there were errors in the driver's record or if the record was that of another person.

The intent of the Habitual Traffic Offenders Act is to discourage the repetition of traffic violations and accidents by individuals who have shown gross disregard for the safety of others using the highways. The law specifies two mechanisms to accomplish this objective. The primary mechanism is revocation of the driving privilege. The second is participation in an alcoholism treatment program. It is presumed that successful participation in treatment will lead to a reduction in subsequent violations and accidents.

The extent to which the objective of the Habitual Traffic Offenders Act has been accomplished has not been quantitatively evaluated. Since the law has a clearly defined intent, it would seem desirable to assess whether its implementation has reduced violations and accidents among habitual offenders. A study of the North Carolina Habitual Offender Law (Li & Waller, 1976) did not find improvements in the subsequent driving records of revoked drivers. In the absence of empirical support demonstrating its effectiveness, questions regarding revision or elimination of the law can be legitimately raised.

The purpose of this study is to provide an empirical evaluation of the Washington Habitual Offender Law. The two major components of the law (revocation and stay of revocation) are assessed for their impact on subsequent driving performance. The driving records of subjects who received these sanctions are compared to control groups of other subjects who met the habitual offender criteria but, for various reasons, did not receive the mandated sanctions. These control groups consisted of: (1) subjects who had been selected for habitual offender prosecution, but for whom apparently no further judicial action was taken; (2) subjects the courts could not locate; and (3) subjects who had the court proceedings dismissed.

Specifically, the study sought to determine whether habitual offenders who received one of the sanctions mandated by law were significantly different from the control group drivers in numbers of: (1) alcohol-related traffic violations, (2) accidents, (3) moving violations, (4) nonmoving violations and (5) major violations.

Method

Subjects. The subjects in this study were drivers who met the habitual traffic offender selection criteria during 1974. These criteria were three or more convictions for DWI, driving while suspended/revoked, hit and run, or negligent homicide, or 20 or more total convictions. All driver records in the State of Washington as of January 1975 were searched, and all records that had an entry of "pending habitual offender" during 1974 were selected. Abstracts of these records were printed. The driver license numbers of these individuals were then compared with all driver records on file as of October 1979. When a match occurred, a second driver record abstract was printed.

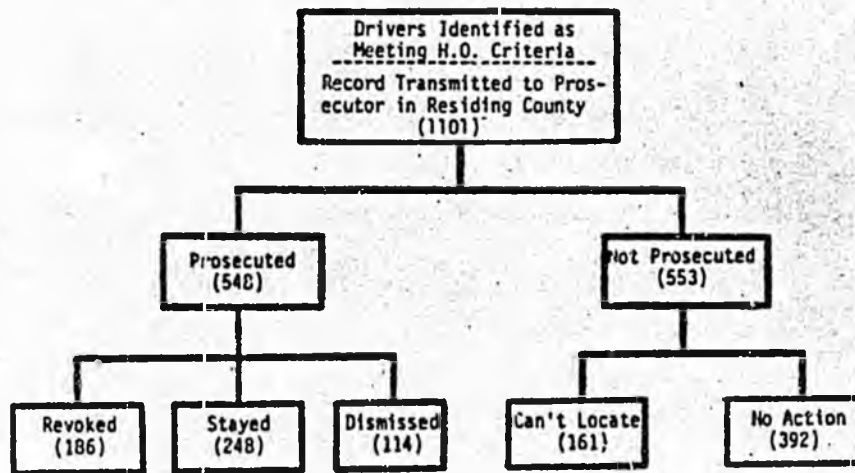
A total of 1140 subjects were thus identified. Of these, 39 (3.4%) were female drivers. Because of this small percentage, it was decided to exclude females from further study. The resulting sample thus comprised 1101 male drivers that the DOL had classified as habitual offenders during 1974. An average 10.8-year driving history was available for each subject covering a time period from January 1969 through October 1979.

Procedure. The action taken by the courts, reported to the DOL, and entered on the driver record determined the group assignment for each subject. There were five groups in the study: (1) subjects who had their licenses Revoked; (2) subjects who received a Stay of revocation and treatment for alcoholism; (3) those who had the action Dismissed; (4) subjects for whom the courts reported "Cannot Locate"; and (5) subjects for whom No Court Action was indicated on the record. Figure 1 graphically represents the system process that determined these five groups.

The data elements coded for each subject included group, county, sex, birth date, habitual offender pending date, action date, and frequency counts of violations and accidents. The violation frequency counts were made separately for DWI, driving while suspended or revoked, moving violations, nonmoving violations, physical control, hit and run, and negligent homicide. Each of the frequency counts were broken down into three time periods: (1) prior to the pending date; (2) between the pending and action

FIGURE 1

Habitual Offender System Flow Resulting In Five Comparison Groups (Sample Sizes in Parentheses)



dates; and (3) subsequent to the action date. The "action date" for the No Action group was arbitrarily chosen as 7 months after the pending date, based on an inspection of abstracts from the other four groups.

Some violation and accident dates on the driving record abstracts were partially missing (e.g., the month and day fields contained zeros). Unless these incidents could be unambiguously assigned to either the prior, pending, or post time period, they were not counted. The missing date incidents that were excluded accounted for less than 3% of all violations and accidents, however.

Results

Sample characteristics. The majority of subjects in the sample (94%) were classified as habitual offenders because they accumulated three or more major violations during the 5 years prior to the pending date. The sample had a mean of 3.47 major violations. Six percent of the sample had 20 or more total violations, and 6% of the subjects met both selection criteria.

Most subjects (87%) had at least one DWI conviction on their records; 22% had only one; 28% had two; 33% had three; and 4% had four or more. The mean number of DWI

convictions was 1.89 for the sample as a whole. Subjects typically had either three DWI convictions, or one or two DWI convictions plus driving while suspended/revoked convictions (mean of 1.54).

Negligent homicide and hit and run convictions were rare (mean of 0.03). Subjects averaged 3.34 moving violations, 2.21 non-moving violations, and 0.73 accidents prior to habitual offender selection. Convictions for being in physical control of a motor vehicle while intoxicated averaged 0.12. The mean age of the sample was 35.4 years.

The duration of the tracking interval varied among subjects due to differences in the pending and action dates. The mean tracking period prior to the pending date was 5.37 years (SD = 0.43); the mean duration of the pending-action time period was 0.53 years (SD = 0.49); and the mean post-action tracking interval was 4.82 years (SD = 0.53). This substantial variability in tracking interval precluded the use of simple frequency counts (of violations and accidents) in the data analysis. Thus, the individual violation and accident counts were conditionalized on tracking interval duration. The resulting dependent measures are expressed as mean number of events per 100 drivers per year.

TABLE 1

Mean Age and Pre-habitual Offender Driving Performance
for the Five Study Groups

Measure	GROUP					p
	Revoked (N=186)	Stayed (N=248)	Dismissed (N=114)	Cannot Locate (N=161)	No Action (N=392)	
Age	33.0	39.3	34.6	35.1	34.4	<.05
DWI	35	44	31	33	32	<.05
Driving while suspended/revoked	29	19	29	36	32	<.05
Moving violations	73	51	66	61	63	<.05
Nonmoving violations	48	24	45	50	44	<.05
Accidents	14	14	12	13	13	NS
Hit & run & Negligent homicide	0.7	0.6	0.3	0.1	0.8	NS

Note: Driving performance is expressed as the mean number of events per 100 drivers per year.

TABLE 2

Mean Age and Pre-habitual Offender Driving Performance
for the Five Study Groups

Measure	GROUP					p
	Revoked (N=186)	Stayed (N=248)	Dismissed (N=114)	Cannot Locate (N=161)	No Action (N=392)	
DWI	9	9	11	7	9	NS
Driving while suspended/revoked	17	12	8	9	9	<.05
Moving violations	14	33	41	33	37	<.05
Nonmoving violations	15	18	20	17	16	NS
Accidents	5	10	10	12	9	<.05
Hit & run & Negligent homicide	0.4	0.4	0.5	0.3	0.6	NS

Note: Driving performance is expressed as the mean number of events per 100 drivers per year.
The data have been adjusted to remove covariate effects.

Study group characteristics. In order to determine the comparability of the five study groups prior to habitual offender selection, an analysis of group composition was conducted. The analysis indicated that numerous between-group differences existed. These data are summarized in Table 1.

The mean age of the subjects differed significantly among groups ($F(4,1096) = 9.10$). The Revoked group was significantly younger and the Stayed group significantly older than the Dismissed, Cannot Locate, and No Action groups, which did not differ from one another.

The mean number of DWI convictions prior to the habitual offender action exhibited an overall significant difference ($F(4,1096) = 16.35$). The three control groups did not differ, while both the Revoked and Stayed groups had significantly more DWI convictions than the combined control groups. In addition, the Stayed group had significantly more DWI convictions than the Revoked group. The inclusion of convictions for physical control exhibited the same pattern.

Convictions for driving while suspended or revoked differed significantly among the study groups ($F(4,1096) = 11.47$). This difference was attributable to significantly fewer convictions in the Stayed group; none of the other four groups differed.

Convictions for moving violations showed significant between-group variability ($F(4,1096) = 4.42$). The Revoked group had significantly more and the Stayed group significantly fewer such convictions than the control groups which did not differ. Nonmoving violation convictions exhibited a significant overall difference ($F(4,1096) = 10.77$), which was attributable to significantly fewer convictions in the Stayed group; the other four groups did not differ. There were no overall differences in either accident involvement ($F < 1$) or hit and run and negligent homicide convictions ($F(4,1096) = 1.40$).

Given these between-groups differences in age and pre-habitual offender driving performance, the analysis of post-habitual offender performance was adjusted to correct for these effects. The statistical tech-

nique used was Analysis of Covariance. In the analysis, post-treatment study group differences were tested only after controlling for the covariate effects of age and prior driving performance.

Post-habitual offender driving performance. Violation and accident measures for the 4.8-year post-habitual offender period are summarized in Table 2. These data have been adjusted to remove the covariate effects of age and prior driving performance. The unadjusted data are shown in Appendix A.

There were no group differences in DWI convictions ($F < 1$). All groups averaged about nine DWI convictions per 100 drivers per year. The same result was obtained when physical control convictions were added to DWI convictions ($F(4,1094) = 1.08$). Each group had a mean of two physical control convictions per 100 drivers per year.

Convictions for driving while suspended or revoked were significantly different among groups ($F(4,1094) = 5.54$). The Dismissed, Cannot Locate, and No Action groups did not differ, while both the Revoked and Stayed groups had significantly more convictions than the combined control groups. In addition, the Revoked group had significantly more convictions than did the Stayed group.

Moving violation convictions were significant ($F(4,1094) = 13.91$), with the Revoked group having the fewest such convictions. The Stayed group did not differ from the combined control groups, nor did the control groups differ from one another. The Revoked group had less than half as many moving violations as the Stayed and Control groups. Nonmoving violation convictions showed no differences among groups ($F < 1$). The pattern of group differences in accidents was the same as moving violations. There was an overall significant difference ($F(4,1094) = 4.47$), which was attributable to significantly fewer accidents in the Revoked group than the other four groups. The control groups did not differ, nor did the Stayed group differ from the controls. Again, the Revoked group was involved in half as many accidents as the other groups. Finally, hit and run and negligent homicide convictions did not differ ($F < 1$).

Additional analyses were conducted on a subgroup of 55 subjects in the Revoked

group who received an early reinstatement of their licenses. These subjects were revoked for an average of 3.16 years and had been reinstated for an average of 1.70 years. During the period of reinstatement, driving performance did not change significantly compared to the period of revocation, with the exception that moving violation convictions increased from 8 to 38 per 100 drivers per year ($F(1,54) = 6.21$). DWI convictions were 4 and 13, nonmoving violations 14 and 27, accidents 4 and 18, and driving while suspended/revoked 18 and 11 for the revocation and reinstatement periods, respectively. None of these differences was statistically greater than might be expected based on chance alone, but the consistent absolute differences for all offenses except driving while suspended/revoked suggest that driving performance deteriorated upon reinstatement.

There were 65 subjects in the Stayed group who received a subsequent revocation for violating the conditions of the stay. These subjects received a revocation an average of 1.45 years after their stay and were under revoked status for 3.42 years of the tracking period. During the period the stay was in effect these subjects had exceptionally poor driving records: 83 DWI convictions, 76 driving while suspended/revoked, 80 moving violations, 39 nonmoving violations, and 26 accidents per 100 drivers per year. This extremely poor driving performance may be causally related to the subsequent license revocation. In contrast, during the revocation period these subjects' records improved significantly and were similar to the Revoked group: 9 DWI convictions, 25 driving while suspended/revoked, 14 moving violations, 19 nonmoving violations, and 6 accidents per 100 drivers per year.

Discussion

The results of this study provide support for license revocation as an effective traffic safety countermeasure. Revocation was associated with significant improvements in particular measures of driving performance. In contrast, the data have failed to provide support for a stay of revocation and concomitant treatment for alcoholism as effective countermeasures.

The driving performance results for the Stayed group replicate a previous finding

(Salzberg & Klingberg, 1981) that diversion of DWI offenders to treatment (deferred prosecution) did not produce a positive effect on DWI recidivism and, in fact, may have had a negative effect. In addition, a California study (Hagen, Williams, McConnell, & Fleming, 1978) found long-term (12-month) alcohol abuse treatment to be inferior to license suspension or revocation in reducing subsequent accidents and DWI recidivism.

The present results along with the findings of Salzberg and Klingberg (1981) and Hagen et al. (1978) suggest that the potential benefits from diversion of DWI offenders to alcoholism treatment programs are not being realized. There are at least three plausible interpretations of this result.

First, it is possible that current alcoholism treatment may not be providing the kinds of services required to change drinking and driving behavior. It is, of course, likely that some treatment approaches are successful while others fail to accomplish their goals. Nevertheless, when considered in the aggregate, the overall net effect of these programs seems inadequate.

Second, the type of individual who petitions for diversion to treatment and/or the type of individual who is selected for participation may be simply "going through the motions." Diversion to treatment may be perceived by such individuals as a means of avoiding legal sanctions.

Finally, it is possible that the "coerciveness" of legal sanctions may detract from a potentially positive impact of treatment. Monitoring of treatment by the courts and/or government agencies may be antithetical to voluntary participation in treatment that would facilitate a positive outcome. Although a definite interpretation cannot be made, the data do suggest that a stay of revocation, while the driver undergoes alcohol abuse treatment, does not produce the desired traffic safety impact.

The other major finding of the study was that license revocation was effective in reducing accidents and moving violation convictions compared to both the Stayed and control groups. An additional supportive finding was that subjects in the Stayed group whose licenses were subsequently

revoked exhibited driving records similar to the Revoked group during the revocation period.

Other research studies have reported similar effects of license revocation. Hagen (1977) found that multiple DWI offenders who received license suspensions or revocations (of 1 or 3 years' duration), in addition to jail and/or fines, had better subsequent accident and DWI recidivism records than subjects who received only the jail and/or fine sanctions. Hagen et al. (1978) reported that drivers who received 1-year suspensions or 3-year revocations had better subsequent accident and DWI records than drivers who participated in long-term alcohol abuse treatment program in lieu of suspension/revocation. Hagen, McConnell, and Williams (1980) compared the subsequent driving records of first and second DWI offenders. Second offenders who received a 1-year license suspension had fewer accidents and DWI reconvictions than did first offenders who were not suspended. Finally, Homel (1977) found a positive effect for license denial.

There are two possible reasons for the positive effect of license revocation. During the period of revocation, there may be reduced driving exposure or individuals may continue to drive but may be more cautious. Hagen et al. (1980) reported that 65 percent of the suspended drivers admitted to driving during the period that their licenses were denied. Most of the drivers reported that they decreased the amount of their driving, however. Additional evidence consistent with reduced exposure was reported by Hagen et al. (1978). They found a stronger relationship between prior and subsequent driving records for nonsuspended/non-revoked drivers than for drivers who received these license actions. It was argued that reduced exposure during the license denial period would tend to decrease the relationship between prior and subsequent records. Thus, Hagen et al. (1978) attributed the positive effect of suspension/revocation to a general decrease in the amount of driving. In contrast, other studies (Finkelstein and McGuire, 1971; Li and Waller, 1976; Paulsruide and Klingberg, 1976) reported high levels of traffic convictions during the period of suspension or revocation as evidence for continued driving.

Although previous data tend to favor a reduced driving exposure hypothesis rather than a cautious driving hypothesis, the present results are more consistent with the latter. If there was a generalized reduction in the amount of driving, then reductions should be observed in all measures of driving performance. In the present study, the Revoked group should have exhibited a decreased probability of conviction for DWI violations and nonmoving violations, as well as for moving violations. This result was not obtained; the Revoked group did not differ from the other groups in either DWI or nonmoving violation convictions. In addition, the significantly greater number of convictions for driving while suspended/revoked does not suggest a decrease in driving. This effect, however, is probably related to the fact that subjects in the Revoked group were denied their licenses to a much greater extent than the other groups.

The present data are consistent with the possibility that the revoked subjects continued to drive during the revocation, but may have driven more cautiously. If these subjects moderated their driving behavior to avoid attracting the attention of law enforcement, a reduction in moving violations would be expected. In addition, such driving behavior could also produce a decreased probability of accident occurrence. This increased caution in driving seems not to have influenced the likelihood of driving after drinking, however.

License revocation appears to be associated with improvements in driving performance. An important question is whether this effect occurs only during the revocation period or continues after the driver's license has been reinstated. The evidence pertinent to this issue is equivocal. Hagen (1977) found that the effect lasted at least two and one half years beyond a 1-year license suspension. In contrast, Finkelstein and McGuire's (1971) data show increases in conviction and accident rates following the period of suspension or revocation for second and third DWI offenders. The present data for the Revoked-Reinstated subjects show similar (but nonsignificant) trends for most of the driving performance measures, although moving violations did increase significantly, suggesting the absence of a carry-over effect. The small sample size ($N = 55$) precludes a definite interpretation of these

data, however. Additional research is required to resolve this issue.

The Habitual Traffic Offender Act was intended to improve the safety of persons using the highways by denying the driving privilege to drivers who have shown gross disregard for traffic laws. The present study was designed to assess the effectiveness of the law. The data lead to the

conclusion that the law is, in part, effective. Diversion of habitual offenders to alcoholism treatment programs has not produced improvements in driving behavior compared to dismissal or no action. In contrast, revocation of the driving privilege was associated with significant improvements in driving. These improvements, however, may be related to continued but more cautious driving rather than a general reduction in the amount of driving.

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APPENDIX A

Unadjusted Post-habitual Offender Driving Performance
for the Five Study Groups

<u>Measure</u>	GROUP					p
	<u>Revoked (N=186)</u>	<u>Stayed (N=248)</u>	<u>Dismissed (N=114)</u>	<u>Cannot Locate (N=161)</u>	<u>No Action (N=372)</u>	
DWI	9	10	10	7	9	NS
Driving While Suspended/Revoked	18	11	9	10	10	< .05
Moving Violations	19	28	43	33	38	< .05
Nonmoving Violations	17	14	21	19	17	NS
Accidents	6	10	10	12	9	.05
Hit & run & Negligent homicide	0.4	0.4	0.5	0.3	0.6	ns

Note: Driving performance is expressed as the mean number of events per 100 drivers per year.

IMPOUNDMENTS AND FORFEITURES

April 5, 1983

This section contains:

1. a memo on the constitutionality of impoundments and forfeitures
2. a newspaper article on impoundments

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3850

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

SUBJECT: Impoundment and forfeiture
(CSHB 6 (State Affairs))

TO: Representative Mitchell E. Abood, Jr.
Chairman, House State Affairs Committee

FROM: Tamara Brandt Cook
Legislative Counsel *TBC*

You have asked whether sec. 28.35.036 providing for the impoundment of motor vehicles under certain circumstances is constitutional. Since there is no provision similar to this in the statutes and the court has not considered the question, it is impossible to say with certainty that the section will be upheld. It is clear that a person may not be deprived of property by the state unless due process requirements are met. I believe that the provisions in subsection (c) for a hearing after impoundment and in subsection (d) for the release of certain vehicles that are impounded satisfies minimum due process requirements and that the section is probably constitutional.

In general it is recognized that impoundment of a motor vehicle is proper and may be necessary when a driver is arrested. South Dakota v. Operman, 428 U.S. 364, 40 L.Ed.2d 1000 (1976); 96 S.Ct. 3092, on remand 247 N.W.2d 673 (South Dakota 1976); Brantley v. State, Cr.; 548 P.2d 675 (Oklahoma 1976); People v. Roddy, 532 P.2d 958 (Colorado 1975); Harper v. State, 296 S.E.2d 782 (Georgia 1982). Statutes that provide for the impoundment of motor vehicles are intended as a means of enforcing the motor vehicle act and may be used in that way. Graham v. State, 184 P.2d 984 (Oklahoma 1947); Serenko v. Bright, 70 Cal. Rptr. 1 (California 1968); People v. Ortiz, 305 P.2d 145 (California 1956). In California, for example, vehicles driven by certain persons convicted of driving while intoxicated may be impounded for 30 days under section 23102(a) of the Vehicle Code.

You have also asked whether sec. 28.35.037 providing for the forfeiture of motor vehicles under some circumstances is constitutional. It appears to be constitutional to provide for the forfeiture of vehicles that have been used in the commission of the offense of driving while intoxicated or refusal to submit to a chemical test for sobriety.

The law of forfeiture is basically statutory in nature. Some statutes provide for the forfeiture of property which is itself unlawful to possess and other provide for the forfeiture of property that is used in connection with an unlawful act. 40 U.S.C. 781 - 789 provide for the forfeiture of vessels, vehicles or aircraft used to transport or conceal certain contraband articles including narcotics. With some exceptions, a motor vehicle is subject to forfeiture regardless of the innocence of the owner, who may apply to the Secretary of Transportation for remission or mitigation. Motor vehicles used in violation of federal liquor laws are subject to forfeiture, with provision for remission or mitigation made under 18 U.S.C. 3617. (For an analysis of cases dealing with this provision, see 14 ALR3d 128.)

There is no constitutional objection to enforcement of a penalty by forfeiture of an offending article. Calero-Toleo v. Pearson Yacht Leasing Co., 416 U.S. 663, 40 L.Ed.2d 452, 94 S.Ct. 2080, rehearing denied 417 U.S. 977, 41 L.Ed.2d 1148, 94 S.Ct. 3187 (1974); United States v. Marathon Pipe Line Co., 589 F.2d 1305 (CA7 Illinois 1978); 36 Am. Jur.2d Forfeitures and Penalties, sec. 15 et seq. The doctrine that property used in the commission of an offense may be forfeited applies to actions of states and other local governments, as well as the federal government. Van Osler v. Kansas, 272 U.S. 465, 71 L.Ed. 354, 47 S.Ct. 133 (1926); Lindsay v. Cincinnati, 174 N.E.2d 96 (Ohio 1961) (see 14 A.L.R.3d 221 on state forfeiture of motor vehicles used in the violation of liquor laws and 50 A.L.R.3d 172 on state forfeiture of motor vehicles used in violation of narcotics laws). On the other hand, forfeitures are not favored in the law and statutes providing for forfeiture are strictly construed. 36 Am Jur.2d Forfeitures and Penalties, sec. 8. Even this limitation may not apply if the statute relates to public safety, as that contained in CSR 6 (State Affairs) arguably does. If the statute providing for forfeiture is considered remedial as well as penal, it will be construed to promote the legislative policy behind the enactment of the statute. Arthur v. Tindel, 96 N.W.2d 208 (Nebraska 1959).

While the Alaska Supreme Court has not approved a specific statutory scheme providing for forfeiture, it has considered the general question. The standards of due process under the state and federal constitution require that deprivation of property be accompanied by notice and opportunity for a hearing at a meaningful time. No notice or hearing is necessary prior to seizure of property used illegally. However, when seized property is used by the owner in earning a livelihood, notice and opportunity to contest the reasons for the seizure most follow seizure ". . . within days, if not hours . . ." F/V American Eagle v. State, 620 P.2d 657 (Alaska 1980). Under CSHB 6 (State Affairs) a motor vehicle may be forfeited only after conviction of an offense. This would appear to provide adequate notice and hearing procedures. It should be noted that F/V American Eagle, *supra*, upheld forfeiture of the catch and a bond posted on a fishing vessel where the owners were, in fact, afforded due process despite possible constitutional inadequacies in the statute involved. The Court refused to consider the constitutionality of that statute.

In State v. Rice, 626 P.2d 104 (Alaska 1981), the Court considered the forfeiture of an airplane used in the violation of a wildlife statute. In that case the Court determined that a remission procedure is mandated under the Alaska Constitution to protect innocent owners and security holders. An opportunity for remission is provided under sec. 29.35.038 contained in CSHB 6 (State Affairs). Under (b) of that section the court is required to order remission upon a showing of innocence on the part of the petitioner. The power of the court to grant relief in those cases may be left discretionary and still satisfy due process requirements. Commonwealth of Pennsylvania v. One 1962 Chrysler Hardtop Sedan, 193 A.2d 636 (Pennsylvania 1968).

It has been recognized that specific notice, hearing, or seizure procedures may vary as a function of the nature of the ownership interest and governmental interest involved and the risk that the property may be removed beyond the reach of the government. Alyeska Pipeline v. The Bay Ridge, 509 F. Supp. 1115 (D. Alaska 1981). Since the Supreme Court in Alaska has not specifically approved any procedure involving impoundment or forfeiture, it cannot be determined with certainty that the procedures established in CSHB 6 (State Affairs) satisfy due process requirements, although they appear to satisfy those requirements articulated by the Court to date.

City seizes 1st vehicle under DWI law

By LARRY CAMPBELL
Daily News reporter

An Anchorage man with a history of drunken driving convictions lost his car Friday in the first application of Anchorage's new drunk driving ordinance that allows the city to confiscate offenders' vehicles.

At the city's request, District Court Judge Elaine Andrews ordered Victor Jackson, 52, to permanently relinquish his 1969 Dodge van to the city after Jackson pleaded no contest to charges of driving while intoxicated and driving with a revoked license.

Andrews also ordered Jackson, who had five drunken driving convictions in 1981 and twice had

his driver's license revoked, to serve a total of one year and three months in jail.

His license also was revoked for another five years.

Andrews further ordered that Jackson undergo alcohol treatment while incarcerated, and she ordered a review of his treatment plan in August.

The decision marks the first time a driver has been forced to give up his vehicle to the city under the new ordinance passed in November.

Because Jackson pleaded no contest to the charges, he is limited to appealing the sentence only on grounds that it is excessive, said Municipal Prosecutor Jim Wolf.

Neither Jackson nor his attorney, Susan Orlan-

sky, could be reached Friday to comment on a possible appeal.

The city had asked the court to impose the confiscation ordinance at a hearing March 11. Andrews delayed action, however, until questions of the vehicle's ownership were cleared up.

Department of Motor Vehicle records did not show Jackson as the registered owner, although Jackson had previously admitted to buying the van.

"We never really did get that cleared up," Wolf said. "We contacted one owner who gave it to his son, then he sold it to an employee of his whose last address was in Quebec. Then, Jackson turned up

See Back Page, MUNICIPALITY

Continued from Page A-1

with it in Anchorage."

Jackson's acknowledgment that he owned the van was finally considered sufficient for Andrews to bring down her ruling.

"It will be a civil problem for the city if someone else comes along saying the van belongs to them," Andrews said.

What the city will do with the van is uncertain now, Wolf said.

"I suppose the police department could use it, if they wanted it. Or any other mu-

nicipal office that laid claim to it," Wolf said. "I don't know what we could do with a '69 Dodge van, though."

The municipal ordinance allows judges to impound for not less than 30 days the automobile of a person twice convicted of drunken driving. Upon the third conviction, a judge could order the car impounded for not less than 60 days.

A fourth conviction allows judges to order an offender to turn over his car for not less than 90 days. The forfeiture can be permanent at the judge's discretion.

S. ST. AFFAIRS 83 34

* see also SB 226 , SB 61 *

I. REQUEST

Bill/Resolution No.: CSHB17(Jud)am
 Title: Age of majority for alcoholic beverages
 Sponsor: House Judiciary
 Requestor: Senate State Affairs Comm

II. FISCAL DETAIL

Agency Affected: REvenue
 Program Category Affected: Public Protection
 BRU, Program of Subprogram(s) Affected: Alcoholic Beverage Control Board

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Patrick L. Sharrock, Director
 Division: Alcoholic Beverage Control Board

Phone: 277-8638

Date: 3/15/83

Approved by Commissioner: Robert D. Heath
 Department: Revenue

Date: 3/30/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

Fiscal Note
CSHB17(Jud)am

The following items are noted for possible further clarification:

1. Referencing page 4, line 26, one could conclude that parental consent was intended to be provided in AS 04.16.049(a)(2) at page 2, line 5. However, parental consent is not required in AS 04.16.049(a)(2) but is required in AS 04.16.049(a)(3) at page 2, line 8. OR: page 4, line 26 and 28 could be changed to read "...age of 16..." and "AS 04.16.049(a)(3)" respectively.

2. Page 3, line 8 - "restaurant or eating place" refers to a specific type of license under AS 04.11.100. If it is intended that persons 19 years of age or older be employed in restaurant premises which might also be "beverage dispensary" (AS 04.11.090) licenses premises, line 8 could be changed to read "premises of a hotel or premises designated as a restaurant for the purpose of this section, may enter and remain"

3. Page 6, line 18 - it would seem appropriate to add "and AS 04.16.049(d)."

4. It has been traditional under law that the "local governing body" defined at AS 04.21.080(a)(10) participate in approving "designated" restaurant premises referred to at lines 5 and 8, page 2, and noted in (2) above.

Vic:

June 23, 1983

Backup for HB 17

Four amendments have been introduced on the floor for HB 17. Amendment #1 is Josephson's wind-in amendment adopted by the Senate June 21, 1983

Amendment #2 is being proposed by Tim Kelly to enable those over the age of 19 to work in alcohol establishments.

Amendment #3 (Fahrenkamp) would allow 19 and 20 year olds to purchase and consume alcohol on premises, but not purchase alcohol from package stores.

Amendment #4 (Fahrenkamp) would enable 19 and 20 year olds to work in licensed premises serving, mixing, delivering, or dispensing alcohol.

Attached is: An explanation of Fahrenkamp's amendments.

A marked copy of the bill.

A copy of each of the amendments.

AMENDMENT 1 SENATE CS FOR CS FOR HB NO. 17 (JUD)

Offered by
Senator Fahrenkamp

The amendment¹ will allow 19 and 20 year olds to purchase and consume alcoholic beverages on licensed premises excluding package stores and other take-out types of premises.

The rationale is that the compelling concern with a 19 year old drinking age law is that it places alcohol closer to younger people. The amendment recognizes this very real concern by restricting the taking of alcoholic beverages from licensed premises by 19 and 20 year olds. If you can't take it away, you can't give it to your younger friends.

It would leave in place the criminal affects for furnishing alcohol to minors under the age of 19.

A second logical conforming amendment² will allow 19 and 20 year olds to work in licensed premises and enable them to serve, mix, deliver or dispense.

The current Judiciary version does not allow this. However, if Amendment #1 is adopted, it becomes ludicrous to allow 19 and 20 year olds to drink on the licensed premises but not be able to sell drinks.

All references to 21 have been dropped as the drinking age is effectively 19 except for the purpose of purchasing to take-away.

It continues all criminal penalties for furnishing liquor to those under 21 by package store licenses.

1- AMENDMENT # 3

2 AMENDMENT # 4

Offered: 6/9/83
Referred: Rules

Original sponsors: Martin, M.W. Miller,
M.M. Miller, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 17 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act authorizing an advisory vote on the drinking
7 age; raising the drinking age to 21; allowing employ-
8 ment of certain minors in licensed premises; and
9 amending other provisions of law relating to the
10 drinking age."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 * Section 1. AS 04.11.090(f) is amended to read:

13 (f) The area designated as the licensed premises under a beverage
14 age dispensary license issued to a bowling alley may include the
15 concourse or lane areas of the bowling alley. Notwithstanding AS 04.
16 16.049, the board may, upon application, authorize access by persons
17 under 21 [19] years of age to the concourse or lane areas designated
18 part of the bowling alley's licensed premises during hours when no
19 alcoholic beverages are being sold, served, or consumed.

20 * Sec. 2. AS 04.11.110(g) is amended to read:

21 (g) Notwithstanding AS 04.16.049, the board may authorize access
22 by persons under 21 [19] years of age to a club's licensed premises
23 during hours when no alcoholic beverages are sold, served, or con-
24 sumed.

25 * Sec. 3. AS 04.11.460(c) is amended to read:

26 (c) For the purposes of this section, "permanent resident" means
27 a person 21 [19] years of age or older who has established a permanent
28 place of abode.

29 * SEC. 1.

~~Sec. 4~~ AS 04.16.049(a) is repealed and reenacted to read:

- ~~—~~ = AMENDMENT # 3 (FAHRENKAMP)
- ~~—~~ = AMENDMENT # 4 - (FAHRENKAMP)
- ~~—~~ = AMENDMENT # 2 - (TIM KELLY)

AMENDMENT # 1 (JOSEPHSON)
(WIND-IN)
SC3 CSHB 17(Jud)

1 (a) A person under the age of ¹⁹~~21~~ years may not knowingly enter
2 or remain in premises licensed under this title unless

3 (1) accompanied by a parent, guardian or spouse who has
4 attained the age of ¹⁹~~21~~ years;

5 (2) the person is at least 16 years of age, the premises
6 are designated by the board as a restaurant for the purposes of this
7 section, and the person enters and remains only for dining; or

8 (3) the person is under the age of 16 years, is accompanied
9 by a person over the age of ¹⁹~~21~~ years, the parent or guardian of the
10 underaged person consents, the premises are designated by the board as
11 a restaurant for the purposes of this section, and the person enters
12 and remains only for dining.

13 * Sec. 5. AS 04.16.049(b) is amended to read:

14 (b) Notwithstanding (a) of this section, a licensee or an [,
15 HIS] agent [,] or ~~an~~ employee of the licensee may refuse entry to a
16 person under the age of ~~21~~ [19] years to that part of licensed prem-
17 ises in which alcoholic beverages are sold, served, or consumed, may
18 refuse service to a person under the age of 21 [19] years, or may
19 require a person under the age of 21 [19] years to leave the portion
20 of the licensed premises in which alcoholic beverages are sold, serv-
21 ed, or consumed.

* SEC. 2.

* ~~sec. 6.~~ AS 04.16.049(c) is amended to read:

23 (c) Notwithstanding any other provision in this section, a
24 person between 16 and 19 years of age may enter and remain within the
25 licensed premises of a hotel, restaurant, or eating place in the
26 course of [HIS] employment if (1) the employment does not involve the
27 serving, mixing, delivering, or dispensing of alcoholic beverages; (2)
28 the person has the written consent of a parent or guardian; and (3)
29 an exemption from the prohibition of AS 23.10.355 is granted by the

1 Department of Labor. The board, with the approval of the governing
2 body having jurisdiction and at the licensee's request, shall desig-
3 nate which premises are hotels, restaurants, or eating places for the
4 purposes of this subsection.

* SEC. 3

5 * ~~Sec. 7.~~ AS 04.16.049 is amended by adding a new subsection to read:

6 (d) Notwithstanding any other provision in this section, a
7 person ⁰²²⁰ 19 years of age or older may be employed within the licensed
8 premises of a hotel, restaurant or eating place, may enter and remain
9 within those premises for the purpose of employment. ^{AND MAY} ~~but may not~~ in
10 the course of employment, sell, serve, deliver or dispense alcoholic
11 beverages.

12 * ~~Sec. 8. AS 04.16.050 is amended to read:~~

13 ~~Sec. 04.16.050. POSSESSION OR CONSUMPTION BY PERSONS UNDER THE~~
14 ~~AGE OF 21 [19]. A person under the age of 21 [19] years may not~~
15 ~~knowingly consume, possess, or control alcoholic beverages except~~
16 ~~those furnished persons under AS 04.16.051(b).~~

17 * ~~Sec. 9. AS 04.16.051(a) is amended to read:~~

18 ~~Sec. 04.16.051. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS~~
19 ~~UNDER THE AGE OF 21 [19]. (a) A person may not furnish an alcoholic~~
20 ~~beverage to a person under the age of 21 [19] years.~~

21 * ~~Sec. 10. AS 04.16.052 is amended to read:~~

22 ~~Sec. 04.16.052. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS~~
23 ~~UNDER THE AGE OF 21 [19] BY LICENSEES. A licensee or an [, HIS] agent~~
24 ~~[,] or employee of the licensee may not with criminal negligence~~

25 ~~(1) allow another person to sell, barter, or give an alco-~~
26 ~~holic beverage to a person under the age of 21 [19] years within~~
27 ~~licensed premises;~~

28 ~~(2) allow a person under the age of 21 [19] years to enter~~
29 ~~and remain within licensed premises except as provided in~~

1 AS 04.16.049;

2 (3) allow a person under the age of 21 [19] years to con-
3 sume an alcoholic beverage within licensed premises;

4 (4) allow a person under the age of 21 [19] years to sell
5 or serve alcoholic beverages.

6 * Sec. 11. AS 04.16.060 is amended to read:

7 Sec. 04.16.060. PURCHASE BY PERSONS UNDER THE AGE OF 21 [19]

8 (a) A person under the age of 21 [19] years may not purchase alco-
9 holic beverages or solicit another to purchase alcoholic beverages for
10 the person under the age of 21 [ON HIS BEHALF].

11 (b) A person may not influence the sale, gift, or service of an
12 alcoholic beverage to a person under the age of 21 [19] years, by
13 misrepresenting the age of that person.

14 (c) A person may not order or receive an alcoholic beverage from
15 a licensee, an [HIS] agent or [] employee of the licensee, or another
16 person, for the purpose of selling, giving, or serving it to a person
17 under the age of 21 [19] years.

18 (d) A person under the age of 21 [19] years may not enter li-
19 censed premises where alcoholic beverages are sold and offer or pre-
20 sent to a licensee or an [, HIS] agent [,] or employee of the licensee
21 a birth certificate or other written evidence of age, that [WHICH] is
22 fraudulent or false or that [WHICH] is not actually the person's [HIS]
23 own, or otherwise misrepresent the person's [HIS] age, for the purpose
24 of inducing the licensee or an [, HIS] agent [,] or employee of the
25 licensee to sell, give, serve, or furnish alcoholic beverages contrary

26 " *SEC. 4. AS 04.16.060(E) IS AMENDED TO READ: "

27 (e) A person [WHO HAS ATTAINED THE AGE OF 19 YEARS ACCOMPANYING
28 A PERSON] under the age of ¹⁹~~21~~ [19] who is seeking to enter and remain
29 in a licensed premises under AS 04.16.049(a)(2) or (3) may not

1 misrepresent the person's age or having obtained the consent of the
2 parent or guardian required by that section [OF THE PERSON UNDER THE
3 AGE OF 19 YEARS].

" * Sec. 5. AS 04.16 is amended by adding new sections to read:

FROM
AMEND.
3.

Sec. 04.16.065. AGE LIMIT FOR PACKAGE STORE SALES. Notwith-
standing any other provision of this title, a package store licensee
licensed under AS 04.11.150 or an agent or employee of the licensee
may not sell alcoholic beverages to a person under the age of 21 years
nor may a person under the age of 21 years purchase alcoholic bever-
ages from a package store.

Sec. 04.16.067. PURCHASE BY PERSONS UNDER THE AGE OF 21. Except
for a package store licensee licensed under AS 04.11.150, a licensee
under AS 04.11 not otherwise prohibited from selling alcoholic bever-
ages to the public, or an agent or employee of that licensee, may sell
alcoholic beverages to a person 19 or 20 years of age only for con-
sumption on the licensed premises.

Sec. 04.16.068. ENFORCEMENT OF AGE LIMITS. For purposes of
enforcement of AS 04.16.065 and AS 04.16.067, in the provisions of
this title and regulations adopted under them relating to age, proof
of age, or consent of a parent or guardian, the age of 21 is substi-
tuted for age 19."

Lift for
SECTION
6.

25 otherwise procuring or attempting to procure alcoholic beverages, has
26 attained the age of ~~21~~ ^{19 or 21} years, ^{AS APPROPRIATE,} or is entering without consent in
27 violation of AS 04.16.049(a)(3) and has not attained the age of 16
28 years, that licensee, agent, or employee shall require the person to
29 furnish proof of age acceptable under (b) of this section or proof of

1 consent in a form determined by the board. If the person questioned
2 does not furnish proof of age acceptable under (b) of this section, or
3 if a licensee, agent, or employee questions or has reason to question
4 the validity of the proof of age furnished, the licensee, employee, or
5 agent shall require the person to sign a statement that the person
6 [HE] is over the age of ~~21 or 16~~ ^{16, 19 or 21} ~~[19]~~ years as appropriate. This
7 statement shall be made on a form prepared by and furnished to the
8 licensee by the board.

9 *SEC. 7.
*Sec. 16. AS 04.21.050(c) is amended to read:

10 (c) A licensee, or an agent or employee of the licensee, may not
11 be charged for a violation of AS 04.16.051 - 04.16.052 if a signed
12 statement as provided in (a) of this section is secured in good faith,
13 or a valid driver's license or identification card is presented indi-
14 cating that the owner and possessor of the presented driver's license
15 or identification card is ~~21 or 16~~ ^{16, 19 or 21} ~~[19]~~ years of age or over as appropriate.

16 *SEC. 8.
*Sec. 17. AS 23.10.355 is amended to read:

17 Sec. 23.10.355. PERSONS UNDER ~~21~~ ¹⁹ ~~[19]~~. No person under ~~21~~ ¹⁹ ~~[19]~~

18 Page 6, following line 22, insert a new section to read:

19 "Sec. 18. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF
JANUARY 1, 1984.

Notwithstanding any other provision of this ^{Chapter} ~~title~~ regarding
age limitations, any person born on or before December 31, 1964
may be present upon licensed premises and may possess, consume,
receive or purchase alcoholic beverages ^{as} otherwise allowed under
this title, and a person may serve, deliver, dispense, furnish or
sell alcoholic beverages to a person born on or before December 31,
1964 ^{as} otherwise allowed under this ~~title~~."

Renumber subsequent section accordingly.

THIS IS THE
WIND-IN AMENDMENT
ADDED BY SENATE
6/21/83.

AMENDMENT ^{#1} as amended

OFFERED IN THE SENATE:

SENATORS ZIEGLER,
BY: JOSEPHSON AND PETTY JOHN

To: AMEND SENATE BILL No. Ellison

HOUSE BILL No. SCS CSHB 17 (Jud)

PAGE: 6

LINE: 23

Page 6, following line 22, insert a new section to read:

"*Sec. 18. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF
JANUARY 1, 1984.

Notwithstanding any other provision of this ^{Chapter} ~~title~~ regarding
age limitations, any person born on or before December 31, 1964
may be present upon licensed premises and may possess, consume,
receive or purchase alcoholic beverages ^{as} ~~as~~ otherwise allowed under
this title, and a person may serve, deliver, dispense, furnish or
sell alcoholic beverages to a person born on or before December 31,
1964 ^{is} ~~as~~ otherwise allowed under this title." ~~§~~

Renumber subsequent section accordingly.

*Amnd to amnd.
Josephson*

*Ziegler moved
Am#1 as amnd
LJP 6/21
12-7-1*

SENATE AMENDMENT # 2

By: Kelly

To: _____ SENATE BILL No. SCS CSH1317(JUD)

To: _____ HOUSE BILL No. _____

PAGE: 3 LINE: 7

after 19: Add or 20
Delete or older

Page 4, following line 26:

Insert: "* Sec. 4. AS 04.16.060(e) is amended to read:"

Page 4, line 28:

Delete "21 [19]" and insert "19"

THE REST OF THIS PAGE
IS TAPED TO PG. 50F HB7.

3 A

A M E N D M E N T

Offered in the Senate

By Fahrenkamp

To: Senate CS for CS for House Bill No. 17 (Judiciary)

Page 1, lines 12 through 28:

Delete sections 1 - 3 in their entirety

• Page 1, line 29, delete "* Sec. 4." and insert "* Section 1."

Page 2, line 1:

Delete: "21" and insert "19"

Page 2, line 4:

Delete: "21" and insert "19"

Page 2, line 9:

Delete: "21" and insert "19"

Page 2, lines 13 - 21:

Delete section 5 in its entirety

Renumber succeeding sections accordingly

Page 3, line 12 - page 4, line 26:

Delete all material

Page 5, lines 4 - 20:

- Delete all material

Re-number succeeding sections accordingly

Page 5, line 26:

- Delete: "21 [19]"
- Insert: "19 or 21"
- After "years" insert ", as appropriate,"

Page 6, line 6:

- Delete: "21 or 16 [19]"
- insert: "16, 19 or 21"

Page 6, line 15:

- Delete: "21 or 16 [19]"
- Insert: "16, 19 or 21"

Page 6, line 18:

Delete: "21 [19]" and insert "19" in both places

Page 6, line 27, following "age":

Delete: "of majority"

Insert: "For the purchase of alcoholic beverages at a package store or for consumption off-premises"

Page 6, line 27, following "lower":

Delete: "the"

Insert: "that"

Page 6, line 28, following "age":

Delete: "of majority"

Page 6, line 28, following "years":

Delete: remainder of sentence except "."

Page 7, line 4:

Delete: "drinking age"

Insert: "age for purchasing alcoholic beverages at a package store or
for consumption off-premises"

Y #2

A M E N D M E N T

Offered in the Senate

By Fahrenkamp

To: Senate CS for CS for House Bill 17 (Judiciary)

Page 3, line 9:

Delete: "but may not"

Insert: "and may"

— ON BILL

<CS FOR HOUSE BILL NO. 17 (JUD) am> by the Judiciary Committee, entitled:

"An Act authorizing an advisory vote on the drinking age; raising the drinking age to 21; allowing employment of certain minors in licensed premises; and amending other provisions of law relating to the drinking age."

was read the first time and referred to the State Affairs Committee and the Judiciary Committee.

The State Affairs Committee considered <CS FOR HOUSE BILL NO.> <17 (JUD) am> (authorizing an advisory vote on the drinking age; raising the drinking age to 21; allowing employment of certain minors in licensed premises; and amending other provisions of law relating to the drinking age). Senator Vic Fischer, Chairman, signed "do not pass". Senators Kelly and Sturgulewski signed "do pass".

The committee attached a zero fiscal note.

CS FOR HOUSE BILL NO. 17 (JUD) am was referred to the Judiciary Committee.

The Judiciary Committee considered <CS FOR HOUSE BILL NO. 17> <(JUD) am> (authorizing an advisory vote on the drinking age; raising the drinking age to 21; allowing employment of certain minors in licensed premises; and amending other provisions of law relating to the drinking age) and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL
NO. 17 (JUD)

with a majority "do pass if amended". Senator Ray, Chairman, signed "do not pass until advisory vote indicates public approval." Senator Ziegler signed "do pass, but only if further amended to 'grandfather' 19- to 21-year olds." Senators Pettyjohn and Eliason signed "do pass if amended."

CS FOR HOUSE BILL NO. 17 (JUD) am was referred to the Rules Committee.

HB 17

SENATE JOURNAL - PAGE 1415- 2 6/21/83

<CS FOR HOUSE BILL NO. 17 (JUD) am> (authorizing an advisory vote on the drinking age; raising the drinking age to 21; allowing employment of certain minors on licensed premises; and amending other provisions of law relating to the drinking age) was read the second time.

Senator Ray moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 1248. Without objection, <SENATE CS FOR CS FOR HOUSE BILL NO.> <17 (JUD)> was adopted.

SENATE CS FOR CS FOR HOUSE BILL NO. 17 (JUD) was read the second time.

Senators Ziegler, Josephson, Pettyjohn and Eliason offered the following Amendment No. 1:

Page 6, following line 22: insert new section to read:
"Sec. 18. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF JANUARY 1, 1984. Notwithstanding any other provision of this title regarding age limitations, any person born on or before December 31, 1964 may be present upon licensed premises and may possess, consume, receive or purchase alcoholic beverages as otherwise allowed under this title, and a person may serve, deliver, dispense, furnish or sell alcoholic beverages to a person

HB 17

SENATE JOURNAL - PAGE 1416- 1 6/21/83

born on or before December 31, 1964 as otherwise allowed under this title."

Renumber subsequent section accordingly

Senator Ziegler moved that Amendment No. 1 be adopted.

Senator Fahrenkamp requested a ruling on the title under Rule 41. President Kerttula ruled that the title is broad enough to accept the amendment.

Senator Gilman moved and asked unanimous consent that he be allowed to abstain from voting. Senator Bennett objected.

Senator Josephson offered the following amendment to Amendment No. 1:

Page 6, line 23: Delete "title" and insert "chapter"
on first line of Amendment No. 1

Delete "as" and insert "if" on line 6 and last line
of Amendment No. 1.

Senator Josephson moved and asked unanimous consent for the
adoption of the amendment to Amendment No. 1. Without ob-
jection, the amendment to Amendment No. 1 was adopted.

HB 17

SENATE JOURNAL - PAGE 1417- 1 6/21/83

The question now being: "Shall Amendment No. 1 as amended
be adopted?" The roll was taken with the following result:

SCS CSHB 17 JUD AM 1

Yeas: 12 Eliason, Ferguson, Gilman, Halford,
Josephson, Kelly, Mulcahy, Pettyjohn,
Rodey, Sackett, Sturgulewski,
Ziegler

Nays: 8 Bennett, Fahrenkamp, Faiks,
Fischer Paul, Fischer Vic, Kerttula,
Moss, Ray

and so, Amendment No. 1 as amended was adopted.

Senator Ray moved and asked unanimous consent that (SENATE CS)
(FOR CS FOR HOUSE BILL NO. 17 (JUD) am S) be considered en-
grossed, advanced to third reading and placed on final pas-
sage. Without objection, it was so ordered.

SENATE CS FOR CS FOR HOUSE BILL NO. 17 (JUD) am S was read
the third time.

Senator Ray moved and asked unanimous consent that he be
allowed to abstain from voting. Senators Josephson, Bennett
and Sackett objected.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL
NO. 17 (JUD) am S (authorizing an advisory vote on the drink-
ing age; raising the drinking age to 21; allowing employment
of certain minors in licensed premises; and amending other
provisions of law relating to the drinking age) pass the
Senate?" The roll was taken with the following result:

SCSCSHB 17 JUD AM S 3RD

Yeas: 12 Eliason, Faiks, Ferguson,
Fischer Paul, Gilman, Halford,

Josephson, Kelly, Pettyjohn, Sackett,
Sturgulewski, Ziegler

Nays: 8 Bennett, Fahrenkamp, Fischer Vic,
Keritula, Moss, Mulcahy, Ray, Rodey

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 17 (JUD) am S
passed the Senate.

Senator Ziegler gave notice of reconsideration on SENATE CS
FOR CS FOR HOUSE BILL NO. 17 (JUD) am S.

Young adults are politically insignificant and they make an ideal scapegoat for the drunk driving problem.

Possible the worst result of raising the drinking age will be the loss of respect for the law by a majority of Alaskans. Many honest people may not obey laws that they believe are hypocritical and unjust. Ten years ago, the full rights of adult citizenship were extended to 18, 19, and 20 year olds. They were given the right to vote, enter into contracts, marry, die in defense of their country, sit on a jury, be jailed, and in some states, put to death for their own actions.

If we raise the drinking age to 21, a person who is 19 will not be allowed to drink at their own wedding.

Car wrecks produce more new quadriplegics and paraplegics than all other causes together. Two-thirds of the severely injured could have walked away from a crash with minor or no injuries if they had worn a seatbelt.

Florida did the right thing by joining 20 other states that require car restraints for children.

The National safety council estimates that 40,000 lives have been saved since the 55mph speed limit was enacted in 1973. If the state of Alaska lowered its speed limit to 50mph, we could probably save many lives.

Automobiles without alcohol are more dangerous than alcohol without automobiles. We should design our automobile safety policy around trying to make cars safer.

Alaska OMVI booking statistics for FY 81:

by age
20-24 year olds 322 (21.7%)
25-29 year olds 302 (20.4%)
30-34 year olds 231 (15.6%)
35-39 year olds 159 (10.7%)

By sex
male 1369 (92.3%)
female 115 7.7%

A scapegoat has been found by the older generation and a class of separate but unequal citizens created.

Having the drinking age at 19 is already a compromise. The drinking age really should be 18 to comply with the age of majority.

Raising the drinking age is an unprincipled proposal where "The ends justify the means."

Many feel that if just one life is saved than this bill is worth it. Would the reduction of speed limits to a 25 mph maximum be worth the saving of one life? Why don't we raise the drinking age to 31? Why not require that all passengers and drivers wear helmets? All of the above propositions would save many lives. But they are politically unpopular.

So instead we are proposing to punish the innocent, because of their political weakness.

Child safety restraints would prevent 90% of the infant car deaths in our state, yet we are not moving on that bill.

The highway safety research center states the wearing of the safety belt is the single most cost effective remedy for highway deaths. Recent research shows, however, that less than 11 percent of the American driving population regularly use their safety belt.

Mandating these two provisions would save more than just one life.

In 1982, there were 51 alcohol related accidents in Alaska. Seven of these accidents involved persons 19 and 20 years old. Those individuals may not have even been driving, and they may not have caused the accident.

Alcohol related accident involvement by age group
(State of Alaska DPS)

19-24	17.2%
25-29	17.5%
30-34	16.5%
35-39	12.3%
40-44	8.8%
45-49	6.7%
50-54	5.6%
55-59	4.5%
60-64	3.0%
65-69	1.7%
70+	1.2%

For many years, the United States has known well the price of freedom. The freedoms, rights and privileges we all enjoy cost. But with years passing and well being for many achieved, we are less willing to pay the price. Valuing our system less and less, we increasingly accept the erosion of those freedoms-- often willing to restrict a whole class for the injustices done by a few members of that class.

HB 17 would forbid over 20,000 (check figure) from consuming alcohol because 7 of those 20,000 were involved in alcohol related accidents in 1979.

Are we willing to accept the cost of allowing freedoms, rights and privileges to be subjugated for the greater good-- whatever that may be?

HB 17 would also increase unemployment for persons under the age of 21--especially women.

Women are for all intents and purposes excluded from the construction field-- another first job for many.

The bill states that persons "under age" would still be allowed to serve alcoholic beverages. But in reality, most bar owners would not hire many under age because of the fear that they would serve persons under age (their friends etc...). This possible first job would become harder to get.

SENATE AMENDMENT # *7*

BY

Kelly

To: _____

SENATE BILL No.

SCS CSHB17 (JUD)

To: _____

HOUSE BILL No. _____

PAGE:

3

LINE:

7

after 19: Add or 20

Delete "or older"

#3*

A M E N D M E N T

#3

Offered in the Senate

By Fahrenkamp

To: Senate CS for CS for House Bill No. 17 (Judiciary)

Page 1, lines 12 through 28:

Delete sections 1 - 3 in their entirety

Page 1, line 29, delete "* Sec. 4." and insert "* Section 1."

Page 2, line 1:

Delete: "21" and insert "19"

Page 2, line 4:

Delete: "21" and insert "19"

Page 2, line 9:

Delete: "21" and insert "19"

Page 2, lines 13 - 21:

Delete section 5 in its entirety

Re-number succeeding sections accordingly

Page 3, line 12 - page 4, line 26:

Delete all material

#3
pg 2

Page 4, following line 26:

Insert: "* Sec. 4. AS 04.16.060(e) is amended to read:"

Page 4, line 28:

Delete "21 [19]" and insert "19"

Page 5, following line 3:

Insert a new bill section to read:

" * Sec. 5. AS 04.16 is amended by adding new sections to read:

Sec. 04.16.065. AGE LIMIT FOR PACKAGE STORE SALES. Notwithstanding any other provision of this title, a package store licensee licensed under AS 04.11.150 or an agent or employee of the licensee may not sell alcoholic beverages to a person under the age of 21 years nor may a person under the age of 21 years purchase alcoholic beverages from a package store.

Sec. 04.16.067. PURCHASE BY PERSONS UNDER THE AGE OF 21. Except for a package store licensee licensed under AS 04.11.150, a licensee under AS 04.11 not otherwise prohibited from selling alcoholic beverages to the public, or an agent or employee of that licensee, may sell alcoholic beverages to a person 19 or 20 years of age only for consumption on the licensed premises.

Sec. 04.16.068. ENFORCEMENT OF AGE LIMITS. For purposes of enforcement of AS 04.16.065 and AS 04.16.067, in the provisions of this title and regulations adopted under them relating to age, proof of age, or consent of a parent or guardian, the age of 21 is substituted for age 19."

#3 3
88

Page 5, lines 4 - 20:

Delete all material

Renumber succeeding sections accordingly

Page 5, line 26:

Delete: "21 [19]"

Insert: "19 or 21"

After "years" insert ", as appropriate."

Page 6, line 6:

Delete: "21 or 16 [19]"

Insert: "16, 19 or 21"

Page 6, line 15:

Delete: "21 or 16 [19]"

Insert: "16, 19 or 21"

Page 6, line 18:

Delete: "21 [19]" and insert "19" in both places

Page 6, line 27, following "age":

Delete: "of majority"

Insert: "For the purchase of alcoholic beverages at a package store
or for consumption off-premises"

3
pg 4

Page 6, line 27, following "lower":

Delete: "the"

Insert: "that"

Page 6, line 28, following "age":

Delete: "of majority"

Page 6, line 28, following "years":

Delete: remainder of sentence except "."

Page 7, line 4:

Delete: "drinking age"

Insert: "age for purchasing alcoholic beverages at a package store or
for consumption off-premises"

AMENDMENT #4

Offered in the Senate

By Fahrenkamp

To: Senate CS for CS for House Bill 17 (Judiciary)

Page 3, line 9:

Delete: "but may not"

Insert: "and may"

Josephson, Kelly, Pettyjohn, Sackett,
Sturgulewski, Ziegler

Nays: 8 Bennett, Fahrenkamp, Fischer Vic,
Kerttula, Moss, Mulcahy, Ray, Rodey

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 17 (JUD) am S
passed the Senate.

Senator Ziegler gave notice of reconsideration on SENATE CS
FOR CS FOR HOUSE BILL NO. 17 (JUD) am S.

HB 17

SENATE JOURNAL - PAGE 1446- 1 6/22/83

Senator Ray requested that the reconsideration on (SENATE CS)
(FOR CS FOR HOUSE BILL NO. 17 (JUD) am S) (authorizing an
advisory vote on the drinking age; raising the drinking age
to 21; allowing employment of certain minors in licensed
premises; and amending other provisions of law relating to
the drinking age) be taken up.

HOUSE BILLS IN THIRD READING

SENATE CS FOR CS FOR HOUSE BILL NO. 17 (JUD) am S was before
the Senate on reconsideration.

Senator Ray moved and asked unanimous consent that SENATE CS
FOR CS FOR HOUSE BILL NO. 17 (JUD) am S be held one legisla-
tive day. Senator Kelly objected, then withdrew his objection.
There being no further objection, it was so ordered and the
bill will appear on the June 23 calendar in third reading.

HB 17

SENATE JOURNAL - PAGE 1467- 1 6/23/83

(SENATE CS FOR CS FOR HOUSE BILL NO. 17 (JUD) am S) (authoriz-
ing an advisory vote on the drinking age; raising the drinking
age to 21; allowing employment of certain minors in licensed
premises; and amending other provisions of law relating to the
drinking age) which was held from June 22 was before the
Senate on reconsideration.

Senator Ray moved and asked unanimous consent that SENATE CS
FOR CS FOR HOUSE BILL NO. 17 (JUD) am S be held one legisla-
tive day. Without objection, it was so ordered and the bill
will appear on the June 24 calendar in third reading.

AMENDMENT #1

OFFERED IN THE SENATE:

SENATORS ZIEGLER,
BY: JOSEPHSON AND PETTY JOHN

To: AMEND SENATE BILL No. _____

HOUSE BILL No. SCS CSHB 17 (Jud)

PAGE: 6

LINE: 23

Page 6, following line 22, insert a new section to read:

"*Sec. 18. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF
JANUARY 1, 1984.

Notwithstanding any other provision of this ^{chapter} ~~title~~ regarding
age limitations, any person born on or before December 31, 1964
may be present upon licensed premises and may possess, consume,
receive or purchase alcoholic beverages ^{if} otherwise allowed under
this title, and a person may serve, deliver, dispense, furnish or
sell alcoholic beverages to a person born on or before December 31,
1964 ^{if} otherwise allowed under this title."

Renumber subsequent section accordingly.

MEMO

TO: Vic

FROM: Suzanne

DATE: June 21, 1983

RE: HB 17

The amendment introduced by Pettyjohn in Senate Judiciary is exactly the same as section 19 from the CS we had drafted in State Affairs.

I assume the amendment introduced on the floor will be the same.
(see attached amendment.)

The memo from Legal Services addresses Section 19 from the State Affairs proposed CS. (See paragraph 3 of the attached memo.)

They cannot put on an effective date under any circumstances.

// The amendment without an effective date would actually lower the drinking age to 18 between the time the Governor signed the bill, and January 1, 1984.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 17, 1983

SUBJECT: Drinking age (SCS CSHB 17 (State Affairs)
version dated May 5, 1983)

TO: Senator Vic Fischer

FROM: *RJ* Russ Josephson
Legislative Counsel

You have asked for an opinion whether secs. 19 and 20 of this version of HB 17 come within the scope of the title of HB 17 as it passed the House. I do not believe they do.

Section 20 is the easier of the two sections to address. The title of CSHB 17 (Judiciary) am, the version of HB 17 that passed the House, did not include a reference to an effective date. Therefore, this section clearly does not fit under that title.

Section 19 presents a closer question. Sec. 19 provides a "grandfather clause" for those age 19 as of January 1, 1984. The title of CSHB 17 (Judiciary) am does not include such a clause. Had the title been broad, this section would not present a problem. However, the title is in a "string title" style; it mentions each of the main points of the bill. It is my feeling that the "grandfather clause" is a significant part of the bill and that the title ought to mention it. Accordingly, I do not feel that sec. 19 fits under the title of the bill as it passed the House.

The problem here, of course, is that under Rule 41(b) of the Uniform Rules of the Alaska State Legislature, one house may not amend the title of a bill introduced in the other house, except for a clerical or technical change. In drafting the committee substitute, I overlooked this restriction. You may want to use a committee bill to accomplish the scheme desired by the committee.

RJ:ljb
20/012

Municipality of Anchorage



POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-6730

TONY KNOWLES,
MAYOR

JUN 17 1983

COMMISSION ON YOUTH
825 L Street

June 13, 1983

Senator Vic Fischer
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Fischer:


The Anchorage Commission on Youth after studying House Bill 17 to raise the drinking age from 19 to 21 years old, took the position not to support this legislation.

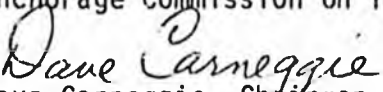
The concensus of the Commission is that this bill unfairly penalizes 19 and 20 years olds for the wide spread alcohol abuse in Alaska and penalizes the majority of 19 and 20 year olds for the alcohol abuse of a few in this age group.

The Anchorage Commission on Youth recognizes the alcohol and other substance abuse problems in Anchorage as well as Alaska, however, other solutions which are directed to the abusers should be found; e.g., penalties for bartenders and bar owner's who serve intoxicated patrons and stiffer penalties for drunk drivers.

We hope you will consider the Commissions position when you are voting on House Bill 17.

Thank you,


William Wood, Chairman
Anchorage Commission on Youth


Dave Carneggie, Chairman
Education Standing Committee

WW/DC/ej

cc: Mayor Tony Knowles



"YOUNG PEOPLE HELPING YOUTH"

Municipality of Anchorage



POUCH 6-650

ANCHORAGE, ALASKA 99502-0650

(907) 264-6730

TONY KNOWLES.
MAYOR

COMMISSION ON YOUTH

825 L Street

June 13, 1983

JUN 17 1983

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Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

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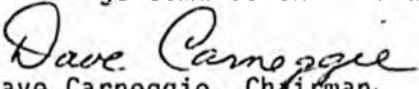
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We hope you will consider the Commissions position when you are voting on House Bill 17.

Thank you,


William Wood, Chairman
Anchorage Commission on Youth


Dave Carneggie, Chairman
Education Standing Committee

WW/DC/ej

cc: Mayor Tony Knowles

COMMISSION

ON YOUTH

"YOUNG PEOPLE HELPING YOUTH"

Car wrecks produce more new quadraplegics and paraplegics than all other causes together. Two-thirds of the severely injured could have walked away from a crash with minor or no injuries if they had worn a seatbelt.

The decline in fatal accidents in Mass. was only 1% when statistics from 3 years before and 2 years after the new legal drinking age was compared. The long term effect of raising the drinking on automobile related traffic fatalities is negligible.

The average daily consumption for those in Mass. between 16 and 19 did not decline after the minimum drinking age was raised.

3 EMPLOYMENT DISCRIMINATION 2

Alcohol related accidents are primarily a male driving problem at every age. Young women of Alaska do not deserve to have their rights restricted because of a driving problem overwhelmingly caused by men.

Indeed, if statistics are to set policy, then females should be allowed to drink at 18, and males of all ages should be refused legal booze after dark-- if they are not accompanied by a woman. They statistically cause more alcohol related fatalities than women in any age group.

OMVI Booking Statistics for FY 81

By sex
male 1369 (92.3%)
female 115 7.7%

Young women are being punished for a problem caused and perpetuated almost totally by men.

HB 17 would also increase unemployment for persons under the age of 21--especially women.

X Many young people are working their way through college and vocational school because of economic necessity. One of the lucrative summer jobs is working in bar or restaurant because of the tips from tourists.

The bill states that persons "under age" would still be allowed to serve alcoholic beverages. But in reality, bar owners would not hire many under age because of they fear that the under age employees would serve persons under age (their friends etc...). This possible first job would become harder to get.

Another serious result of raising the drinking age will be the loss of respect for the law by a majority of Alaskans. Many honest people may not obey laws that they believe are hypocritical and unjust. Ten years ago, the full rights of adult citizenship were extended to 19, and 20 year olds. They were given the right to vote, enter into contracts, marry, die in defense of their country, sit on a jury, be jailed, and in some states, put to death for their own actions.

YEAR	DRIVER AGE	FATAL ACCIDENTS	ALCOHOL RELATED ACCIDENTS FAT.	% ALCOHOL	TOTAL FATALITIES	ALCOHOL RELATED FATALITIES	% ALCOHOL	LICENSED DRIVERS
<u>1979</u>		81	57	70.3%	91	66	72.5%	
	0-18	17	11	64.7	20	13	65%	
	19	2	2	100	2	2	100%	
	20	9	6	66.7	11	8	72.7	
	21+	53	38	71.7	58	43	74.1	
TOTAL UNDER 21 ALCOHOL INVOLVEMENT= (34.8%)								
<u>1980</u>		86	58		95	64		
	0-18	10	5	50.0%	11	6	54.5	
	19	2	1	50.0	4	1	25.0	
	20	3	1	33.3	3	1	33.3	
	21+	71	51	71.8	77	56	72.7	
TOTAL UNDER 21 ALCOHOL INVOLVEMENT= (12.5%)								
<u>1981</u>		90	66	73.3%	100	76	76	
	0-18	13	11	84.6	18	16	88.9	1.4
	19	4	4	100	4	4	100	1.2
	20	2	2	100	3	3	100	1.1
	21+	71	49	69	75	53	70.7	9.4
TOTAL UNDER 21 ALCOHOL INVOLVEMENT= (30.3%)								
<u>1982</u>		98	51	52.0	107	53	49.5	
	0-18		2			2		.8%
	19		5			5		.8%
	20		2			2		1.2%
	21+		42			44		97.1%
TOTAL UNDER 21 ALCOHOL INVOLVEMENT= (17.0%)								

2 ← NOT APPLIED BY HQ. 1

FROM Highway Safety Plan 1983

HP17B Accidents

1.4
1.2
1.1
9.4
11.6

.8%
.8%
1.2%
97.1%
2.9%

SEN. Max Baer BILL

If we raise the drinking age to 21, a person who is 19 will not be allowed to drink at their own wedding.

The 19 and 20 year old drivers in Alaska are not involved in the highest percentage of alcohol related accidents. They are simply the weakest politically.

Studies cited by proponents as supposed justification for a law discriminating by age, make no attempt to compare drivers under 21 with their older counterparts.

① → DECREASING AUTOMOBILE FATALITIES

UNFAIR
WON'T ACCEPT

→ ②

HB 6

Yesterday we passed one of the stiffest pieces of anti-drunk driving legislation in the U.S..

Many ^{other} ways to decrease automobile fatalities are open to us. Of them all, raising the drinking age is probably the most ineffective.

Only Affect 1.6% of all lic. drivers. At best, achieve

~~proposed by proponents, even if accurate, project~~ only a small safety effect associated with raising the drinking age which must be compared with other measures which would have a tremendous affect on decreasing traffic deaths and injuries, such as mandatory seat belts and automatic child safety restraints.

The most hard reliable data on alcohol related traffic fatalities indicates that 18, 19 and 20 year old drivers are less blameworthy than 21-44 year old drivers. For older drivers to censor young drivers is unjustified.

When Florida's drinking age was raised to 19 in 1980; fatalities of 18 year olds when when they were legal to drink--20, fatalities in 1981 when 18 was illegal--19. One less, not "hundreds" as proponents say.

Many feel that if just one life is saved than raising the drinking age is worth it. Would the reduction of speed limits to a 25 mph maximum be worth the saving of one life? Why don't we raise the drinking age to 31? Why not require that all passangers and drivers wear helmets? All of the above propositions would save many lives. But they are politically unpopular. They are an unjustified suppressir of freedoms.

→ Child safety restraints would prevent 90% of the infant car deaths in our state, yet we are not moving on that bill.

→ The highway safety research center states the wearing of the safety belt is the single most cost effective remedy for highway deaths. Recent research shows, however, that less than 11 percent of the American driving population regularly use their safety belt.

2

(2)

PUNISHING A CLASS FOR THE INJUSTICES OF A FEW

For many years, the United States has known well the price of freedom. The freedoms, rights and privileges we all enjoy cost. But with years passing and well being for many achieved, we are less willing to pay the price. Valuing our system less and less, we increasingly accept the erosion of those freedoms-- often willing to restrict a whole class for the injustices done by a few members of that class.

In 1982, there were 53 alcohol related ^{Catalities} accidents in Alaska. Seven of these accidents involved persons 19 and 20 years old. (Those 19 and 20 year old residents may not have even been driving, and they may not have caused the accident. — could have been victims — statistics)

HB 17 would forbid over 15,000 from consuming alcohol because 7 of those 15,000 were involved in alcohol related accidents in 1982.

Are we willing to accept the cost of allowing freedoms, rights and privileges of over 15,000 Alaskans to be suppressed because of the alleged actions of seven?

Whatever lives are saved by raising the drinking age to 21, more than double that number could be saved by going on and raising it to 25, or 30. The statistical case for that is every bit as strong as for coming down on 18-21 year olds. The main difference is that the latter proposition would be politically riskier.

Alcohol related accident involvment by age group
(State of Alaska DPS) 1982

19-24	17.2%*****
25-29	17.5%*****
30-34	16.5%
35-39	12.3%
40-44	8.8%
45-49	6.7%
50-54	5.6%
55-59	4.5%
60-64	3.0%
65-69	1.7%
70+	1.2%

AFFECT ONLY
1.6% of ALL LICENSED
DRIVERS

Alaska OMVI booking statistics for FY 81:

by age	
20-24 year olds	322 (21.7%)
25-29 year olds	302 (20.4%)
30-34 year olds	231 (15.6%)
35-39 year olds	159 (10.7%)

A scapegoat has been found by the older generation and a class of seperate but unequal citizens created.

We are proposing to punish the innocent, because of their political weakness.

1

SLAUGHTER
MATHIEB ON
THE HIGHWAYS

STATE OF ALASKA
THE LEGISLATURE

POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
907-455-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 21, 1983

SUBJECT: Drinking age
(CSHB 17 (Judiciary) am)

TO: Senator Vic Fischer

FROM: *RJ* Russ Josephson
Legislative Counsel

You have asked for a sectional analysis of CSHB 17 (Judiciary) am, which follows.

Please note, as well, that there were some omissions in the floor amendments to CSHB 17 (Judiciary). Primarily, they were phrases and references that appeared in CSHB 17 (Finance) and should have been included when sections of that bill were substituted into CSHB 17 (Judiciary). A copy of CSHB 17 (Judiciary) am with the necessary changes indicated, has been enclosed.

Section 1. Changes the age reference in AS 04.11.090(f), pertaining to bowling alleys, from 19 to 21.

Section 2. Changes the age reference in AS 04.11.110(g), pertaining to access to clubs during times when no alcoholic beverages are sold, from 19 to 21.

Section 3. Changes the age reference in AS 04.11.460(c), pertaining to prior public approval of new or transferred liquor licenses, from 19 to 21.

Section 4. Repeals and reenacts AS 04.16.049(a), pertaining to access of underaged persons to licensed premises. Paragraph (1) of the existing law, allowing access if accompanied by a parent, guardian or spouse, is changed only in the age reference, from 19 to 21.

Paragraph (2) in this bill will allow a person 16 years of age or older to enter a licensed premise designated as a restaurant for purposes of dining only. The present law, by

March 21, 1983

contrast, specifies no age limiter for the underaged person but requires the underaged person to be accompanied by a person over the age of 19 years and to have the consent of a parent or guardian.

Paragraph (3) provides for access to a restaurant by a person under the age of 16 years, if accompanied by a person over the age of 21 years, if the parent or guardian of the underaged person consents, and if the underaged person enters and remains only for dining. It is similar to existing paragraph (2) except for the specification of the age of 16.

Section 5. Amends AS 04.15.049(b) to clarify that the employee referred to in the provision that allows refusal of entry to underaged persons is the employee of the licensee. Makes the age change as well.

Section 6. Amends AS 04.16.049(c), pertaining to the access of underaged persons to licensed premises, to adjust to the other changes in AS 04.16.049. (The access here is for work not involving serving, mixing, delivering, or dispensing of alcoholic beverages.)

Section 7. Adds a new subsection (d) to AS 04.16.049 to allow a person 19 years of age or older to be employed in a licensed premise and to service, deliver or dispense alcoholic beverages. (Incidentally, both this subsection and subsection (c) ought to include the word "sell", as that word is used specifically in AS 23.10.355, which refers to AS 04.16.049.)

Section 8. Amends AS 04.16.050, pertaining to the possession or consumption of alcoholic beverages by an underaged person, by changing the age reference from age 19 to 21.

Section 9. Amends AS 04.16.051, pertaining to furnishing alcoholic beverages to underaged persons, by changing the age reference from age 19 to 21.

Section 10. Amends AS 04.16.052, pertaining to furnishing alcoholic beverages to underaged persons by licensees. Makes the wording sex neutral and changes the age reference from 19 to 21. Paragraph (4) of this section should have the phrase "except as provided in AS 04.16.049(d)" added at the end (page 4, line 4, following "beverages").

March 21, 1983

Section 11. Amends AS 04.16.060, pertaining to the purchase of alcoholic beverages by an underaged person, by making the language sex neutral and changing the age reference from 19 to 21. Note that subsection (e), pertaining to misrepresentation of age or consent of a parent or guardian, needs some amendments to make sense and to reflect the provisions of AS 04.16.049 as they appear in this bill. The changes are noted on page 4, lines 28 and 29, of the bill.

Sections 12 and 13. Amend AS 04.16.200, pertaining to unlicensed persons, by changing the age reference from 19 to 21.

Section 14. Amends AS 04.21.020, pertaining to civil liability of persons providing alcoholic beverages to another, by changing the age reference from 19 to 21.

Sections 15 and 16. Amend AS 04.21.050, pertaining to proof of age, by changing the age reference from 19 to 21, by making references to the new provisions in AS 04.16.049 (secs. 4 through 7 of the bill), and by providing for the Alcoholic Beverage Control Board to determine what form the consent required by AS 04.16.049 should take.

Allows the licensee or the agent or employee of the licensee to request not only proof of age, as at present, but to request proof of consent when required by AS 04.16.049. Note that there are two consents required in that section for two different purposes, one in subsection (a) (3) and one in subsection (c).

Please note that some phrases required in this section by the other amendments to this bill were not amended into this bill. These overlooked phrases are noted on the bill at pages 5 and 6 (page 5, line 25; page 6, lines 3 and 4).

Section 17. Amends AS 23.10.355, pertaining to employment of underaged persons to sell or serve alcoholic beverages or to work on a licensed premise. Changes the age reference from 19 to 21 and simplifies the language referring to licensed premises. Please note that the reference on page 6, line 18, ought to be to AS 04.16.049 rather than to AS 04.16.049(c). This reference change was missed when the bill was amended on the House floor but is necessary because subsection (c) is not the only subsection of AS 04.16.049 with a provision relating to AS 23.10.355. As was mentioned above, because of the wording of this section, the wording of AS 04.16.049 ought to be amended to include the word "sell".

Senator Vic Fischer

Page 4

March 21, 1983

Section 18. Calls for an advisory vote at the next state-wide election to indicate a preference for maintaining the drinking age at 21 or for a return to age 19.

RJ:ljb

Enclosure

10/027

<u>AGE</u>	<u>MALE</u>	<u>% (1)</u>	<u>FEMALE</u>	<u>% (1)</u>	<u>TOTAL</u>	<u>% (2)</u>
14-18	8,367	60.6	5,431	39.4	13,798	5.1
19-24	25,822	55.0	21,111	45.0	46,933	17.2
25-29	25,395	53.3	22,282	46.7	47,677	17.5
30-34	24,950	55.4	20,121	44.6	45,071	16.5
35-39	18,681	55.9	14,753	44.1	33,434	12.3
40-44	13,721	57.4	10,164	42.6	23,885	8.8
45-49	10,588	58.2	7,610	41.8	18,198	6.7
50-54	9,114	59.3	6,252	40.7	15,366	5.6
55-59	7,211	59.3	4,943	40.7	12,154	4.5
60-64	4,922	60.2	3,254	39.8	8,176	3.0
65-69	2,772	61.5	1,738	38.5	4,510	1.7
70 +	2,093	65.1	1,120	34.9	3,213	1.2
Unknown	34	59.6	23	40.4	57	
TOTAL	153,670	56.4	118,802	43.6	272,472	100.0

(1) Percentage of that age group.

(2) Percentage of total licensed drivers.

MOTOR VEHICLE TRAFFIC FATALITY ACCIDENTS

During the years 1976-1978 the rate of alcohol-related fatal accidents occurring in the state appears to have remained fairly constant: approximately one-half of all fatal accidents were alcohol-related. A departure from this trend was reported in 1979 when the rate of alcohol involvement increased to 70% in fatal accidents.

There is some indication that improved reporting of alcohol involvement contributed to this apparent increase. However, alcohol involvement in highway crashes is the state's most serious and enduring problem and has been assigned the highest priority for treatment in the FY1983 highway safety program.

ALCOHOL

The following table reflects the distribution of alcohol/driver by age group. Accidents in which alcohol involvement was not stated or was unknown have been removed from the calculations.

Overall, by over a 2:1 ratio, Alaskans support raising the legal drinking age to 21...

"Currently, the drinking age in Alaska is 19. Some people feel the drinking age should be lowered to 18, while other people feel it should be raised to 21. What do you think... should the drinking age be lowered to 18, left at 19 or raised to 21?"

Lowered to 18..... 6%
 Left at 19..... 27%
 Raised to 21..... 66%

The different constituencies are as follows...

<u>Region</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
Rural.....	4%	20%	76%
Central.....	8%	33%	58%
Southcentral.....	1%	34%	63%
Anchorage.....	8%	24%	66%
Southeast.....	1%	30%	69%

<u>Age</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
18-24.....	7%	35%	57%
25-40.....	6%	27%	67%
41-55.....	5%	26%	68%
55+.....	6%	15%	76%

<u>Sex</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
Male.....	9%	27%	63%
Female.....	3%	26%	70%

<u>Time in Alaska</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
up to 4 years.....	9%	21%	69%
5-7.....	5%	33%	60%
8-13.....	6%	21%	73%
14-19.....	5%	32%	61%
20+.....	3%	31%	64%

Overall, by over a 2:1 ratio, Alaskans support raising the legal drinking age to 21...

"Currently, the drinking age in Alaska is 19. Some people feel the drinking age should be lowered to 18, while other people feel it should be raised to 21. What do you think... should the drinking age be lowered to 18, left at 19 or raised to 21?"

Lowered to 18.....	6%
Left at 19.....	27%
Raised to 21.....	66%

The different constituencies are as follows...

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<u>Time in Alaska</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
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5-7.....	5%	33%	60%
8-13.....	6%	21%	73%
14-19.....	5%	32%	61%
20+.....	3%	31%	64%

<u>Work For</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
Federal gov't.....	9%	16%	72%
State gov't.....	-	29%	71%
Local gov't.....	4%	32%	64%
Private industry...	7%	29%	64%
Not in workforce...	6%	25%	66%

<u>Income</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
up to \$20,000.....	10%	27%	63%
\$20-45,000.....	6%	30%	63%
\$45-60,000.....	3%	25%	72%
\$60,000+.....	5%	26%	67%

<u>Politics</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
Democrat.....	6%	27%	67%
Republican.....	4%	23%	72%
Non-partisan.....	6%	27%	65%
Not registered.....	9%	31%	58%

DITTMAN RESEARCH CORPORATION

(MULTIQEST XXI
MARCH - 17 through 28, 1983)

*Amended by Public Act
1980-100*



JOINT COMMITTEE ON LEGISLATIVE MANAGEMENT
OFFICE OF LEGISLATIVE RESEARCH

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May 16, 1980

FROM: Office of Legislative Research
John Kasprak, Research Attorney

RE: Drinking Age - Arguments for and Against Raising the
Age; Statistical Data ; Impact on Traffic Fatalities

Following is a review of arguments both for and against raising the drinking age, based on the experiences of other states, specifically New Jersey. Additionally, information is provided on studies addressing the issue of the drinking age as related to traffic fatalities.

SUMMARY

Major arguments for raising the drinking age are the prevalence of alcohol in the schools today; the serious problem of drinking and driving by the young; and the lack of maturity by some young citizens in handling alcohol. Opponents of raising the drinking age claim that legislating a higher drinking age does not address the problem of youthful drinking. Rather than raise the age, emphasis should be placed on alcoholism education and counseling in the schools; penalties for selling to minors or possession of alcohol by minors, and better identification programs for the purchase of alcohol it is argued.

Polls taken in New Jersey last year and Connecticut this year favor a raised drinking age. Sixty-three percent of those polled in New Jersey favored raising the state's drinking age to 21 (it was eventually raised to 19) while 47% favored that age in Connecticut.

Studies attempting to identify relationships between the lowering of the drinking age and an increase in traffic fatalities are, at best, inconclusive. A number of studies, particularly the University of Michigan study, have found a connection between a lowered drinking age and more fatalities among the 18-20 year-old driver. Other studies indicate no such connection and in fact, attribute increases (if any) in fatalities to normal year-to-year fluctuations. Being cognizant of the various reporting procedures used in the compilation of data for these studies is important for a satisfactory and meaningful review.

I. RAISING THE DRINKING AGE - ARGUMENTS FOR AND AGAINST

A. The New Jersey Experience

The experience in New Jersey with raising the drinking age last year parallels Connecticut's attempts and concerns in this regard. Proponents of raising the drinking age in New Jersey cited the increased use and abuse of alcohol in the schools; problems with mixing drinking and driving; and out of state youth coming into New Jersey to drink. Proponents of raising the drinking age also addressed the need for:

- 1) alcoholism education and counseling in the schools;
- 2) increased penalties for illegal possession or consumption; and
- 3) identification programs (e.g. driver's license photo program).

The New Jersey Poll, taken for the Gannett News Service, was conducted in January 1979 and surveyed 1,001 registered voters on the drinking age. Sixty-three percent of those polled said they wanted the legal drinking age returned to 21. Only 16% favored a legislative proposal to raise the age from 18 to 19 (the proposal that eventually became law). Nineteen percent favored keeping the age at 18; 2% had no opinion. Raising the age to 21 was popular in most parts of New Jersey. Also, 38% of those polled between the ages of 18 and 24 favored raising the age to 21. Among those between 25 and 34, 54% advocated raising the drinking age to 21.

The legislator sponsoring the measure to raise the drinking age was opposed to a 21 year-old age. He felt that an age that high would only encourage more driving into neighboring New York with its 18 year-old drinking age, and result in an increased amount of fatalities. Returning the age to 21 was the least popular alternative with residents of northern New Jersey suburbs. Apparently, Pennsylvania officials (where the drinking age is 21) were happy with a 19 year-old drinking age for New Jersey, believing that it would reduce somewhat the number of Pennsylvania youth driving to and from New Jersey.

Opponents of a raised drinking age in New Jersey were concerned about encouraging more driving to New York and increasing the chances of accidents. Others did not believe that raising the age would have any impact on liquor use and availability in the schools. California was given as an example of a state with a drinking age of 21, but nevertheless having a problem with a high incidence of alcohol use in the schools. School officials

and parents must take responsibility, according to opponents of raising the age, before legislation to raise the age will make any difference.

Some New Jersey officials said that no statistics conclusively showed that a higher drinking age reduces teenage drinking. A Catholic University (Washington, D.C.) study was cited which suggested that alcoholism may be worse in states with 21 as the drinking age, because drinking then becomes the "forbidden fruit." A Rutgers University professor stated that the legal drinking age has little relation to when the young actually begin to drink. But, Dr. Arthur Yaeger (Physicians for Auto Safety) said that since 1972, fatal accidents have decreased markedly for those over 21, but have remained high for those under 21.

Many experts believe that the real need is for education and alcoholism prevention programs rather than a higher drinking age. Some view raising the age as a "futile gesture that will only take attention away from needed education and prevention programs." ("Experts differ on effect of raising the drinking age," Sunday Star-Ledger, February 11, 1979).

The package of legislation on the drinking age passed in New Jersey does the following:

- 1) requires alcoholism instruction and counseling in public schools;
- 2) requires a minimum fine of \$100 and allows a 30-day driver's license suspension for anyone entering a bar or liquor store to buy alcohol for anyone under age;
- 3) applies the same penalties to anyone under age who possesses or consumes alcohol in a motor vehicle or public place; and
- 4) establishes a driver's license photo program.

Some of the stronger and provoking arguments against raising the drinking age were raised in a commentary in the Atlantic City Press of January 7, 1979. The author considered the drinking age and its implications for adulthood. Raising the age, while continuing to have a lower driving and voting age, has "important effects on the concept of adulthood. Raising the drinking age certifies the importance of alcohol consumption." The commentator continued, "we could interpret these ages as saying that the 'right' to consume alcohol is much more important than the right to vote or the right to drive...the 'right' to drive is so basic and fundamental, one need not wait for adulthood to obtain it." Thus, the state has put itself in "the position of encouraging 18-year olds to drink and drive." The author believes that the 18-year old is in a "no-win" situation -s/he is given the right

to drive and is being encouraged to believe "that a bottle of beer means adulthood."

B. Connecticut Poll

"The Connecticut Poll," conducted by the Institute for Social Inquiry at the University of Connecticut, recently addressed the issue of the drinking age. Those polled were asked if the drinking age should remain at 18, be raised to 19, be raised to 20, or be raised to 21. The poll was taken between January 31 and February 6 of this year and consisted of a random telephone sample of 500 individuals 18-years of age and older. The sampling covered the entire state and was representative of age, race and sex. The error factor was plus or minus 5%. The results were as follows:

Remain at 18 - 27%

Raise to 19 - 7%

Raise to 20 - 17%

Raise to 21 - 47%

Didn't Know - 2%

Respondents were asked why they favored a raised drinking age in Connecticut. The responses were classified. Thirty percent of the total sample felt that 18-year olds were too young to handle liquor; 11% were concerned about highway safety; 10% were worried about younger children obtaining liquor, particularly in the schools, because of the 18-year old drinking age; 17% were classified as idiosyncratic responses (e.g. disapproving of alcohol altogether); 2% had no response; and 29% weren't asked (these were the 27% who didn't want the age raised plus the 2% who didn't have an answer for the original question).

II. HAS LOWERING THE DRINKING AGE LED TO AN INCREASE IN TRAFFIC FATALITIES AND ACCIDENTS FOR THOSE UNDER 21-YEARS OF AGE

An "insurance backgrounder"* report addressed this question and presented arguments and statistics on both sides of the question.

*Insurance Backgrounder, "Does Lowering the Drinking Age Lead to More Highway Crashes?" Published by the Public Relations Department of the State Farm Insurance Companies.

A. Yes It Has Led to An Increase

Those who argue that a lowered drinking age has indeed resulted in an increase in traffic fatalities involving 18-to 20-year olds can cite a number of reports in support of their position. Foremost among them is the University of Michigan's Highway Safety Research Institute Study. Their study compared fatal accidents involving 18-to-20 year old drivers in the four year period (1968-71) before Michigan's drinking age was lowered from 21 with those in the five-year period (1972-76 after the law was changed to 18.

In the 1968-71 period, 26.9% of the 18-to-20 year old drivers involved in fatal accidents were reported by police to have been drinking. For the 1972-76 period, the figure was 41.3% - an increase of 53.5%. This increase is further highlighted by the fact that no significant increases were found in other age groups except for the 15 to 17 age group. For that group, the percentage rose from 15% in the 1968-71 period to 22% for the later period, almost a 50% increase.

It should be noted that changes in police reporting procedures had an effect on the data. The changes occurred in Michigan's reporting procedures and at the federal level. In 1971, Michigan reduced from five to two the number of options given police officers for reporting alcohol involvement in a crash. The options were "had been drinking" or "had not been drinking." Eliminated were "unknown" options. The federal change was the "Fatal Accident Recording System," introduced in 1974 by the National Highway Traffic Safety Administration. As with the new Michigan procedure, this system minimized missing data on motor vehicle accidents, including data on drinking.

Statistics from other states are also cited to support the view that the lowering of the drinking age has led to increased traffic fatalities for the under 21 age group. The Medical Director for the Kemper Insurance group noted Iowa and New Jersey. In Iowa, 124 teenagers died in accidents involving alcohol between 1970 and 1973. Between 1974 and 1977, after Iowa lowered its drinking age, the number increased to 194, a 56.5% increase.

New Jersey had a similar experience. The percentage of 18-20 year old drivers either drunk or impaired involved in fatal accidents increased after the lowering of the age of majority in 1973:

YEAR:	1973	1974	1975	1976	1977	1978
Total Fatal Accidents (18-20-year olds):	227	189	216	212	222	230
Drunk Drivers (18-20-year olds):	16	33	29	32	56	54
Impaired Drivers (18-20-year olds):	21	19	34	23	16	--
Drivers Who Had Been Drinking (18-20-year olds):	20	20	21	19	5	29

These observations should be noted:

1. The percentage of 18-20-year old drivers who were either drunk or impaired has increased since the lowering of the age of majority in 1973.
2. Those who were drunk or impaired increased from 8.9% in 1972 to 16.3% in 1973; to 27.5% in 1974; to 29.2% in 1975; decreased to 25.9% in 1976; increased to 32.4% in 1977; decreased to 23.4% in 1978. (Due to a change in law, as of July 1, 1977, all impaired drivers are carried as drunk drivers.)

(SOURCE: "The Age of Majority As It Relates to the Drinking Driver in New Jersey" - From a New Jersey State Police Report: Fatal Motor Vehicle Accident Comparative Data Report 1978.)

The Insurance Institute for Highway Safety (IIHS) compared fatal crash involvement of drivers under 21 in two states and one province where the drinking age was 18, with fatal crashes among under 21-year old drivers in three adjacent states where the age was 21. (Michigan was compared with Indiana, Ontario with Minnesota, and Wisconsin with Illinois.)

IIHS concluded that "there can be little doubt...that reducing the legal minimum drinking age is a social policy that carries a price in increased fatal motor vehicle collisions." But, the study also cautioned that:

"The effect found in the present study is important, but is not nearly as large as reported increases of greater than 50% in alcohol-related fatal crashes involving 18-20-year old drivers in some states that lowered the minimum drinking age, based on at least partially subjective reports. The number of 15-20-year old drivers involved was only about 5% greater

than a properly calculated expected number in states that changed the law. Apparently, the law change affected the perception and/or the reporting of alcohol involvement by the police more than it affected the fatal crash rate."*

B. No Significant Impact on Accidents

Several studies have concluded that lowering the drinking age has no significant impact on accidents involving 18-20-year olds. The Wisconsin Department of Health and Social Services examined alcohol involvement of 18-to 20-year olds killed in accidents before and after the lowering of Wisconsin's drinking age to 18 in 1972. The study was not based on police reports that are utilized in other state studies because Wisconsin requires blood alcohol testing of all drivers killed in accidents. This would seem to remove, it is argued, some of the subjectivity found in those studies based on police reports.

The Wisconsin study found no significant increase in alcohol involved fatalities among youthful drivers during the years of 1968-73 which included two years of legal drinking at age 18. Approximately 60% of all tested driver fatalities aged 18 to 20 had "appreciable blood alcohol concentrations" (0.5% or more). Interestingly, the percentage in 1973 (62.7%), the first year of 18-year old drinking, was exceeded in two earlier years when the legal age was 21 (1969-64.2%; 1970-66.1%). Actually, the percentage of alcohol involvement was higher for the age groups 21-24 and 25-44 than for the 18-20-year old group.

The results of the Wisconsin study are somewhat limited by the fact that prior to 1972, 18-to 20-year olds could purchase beer where local governments in the state allowed it. The change in the drinking age merely made it legal for this age group to also buy wine and hard liquor. Another study apparently showed that beer drinking played a large part in teenage crash fatalities.

The Rutgers University (N.J.) Center of Alcohol Studies examined youth-traffic fatalities related to the drinking ages in Massachusetts and Maine. Their conclusion was that what appeared to be sizeable increases in fatalities in the year or two after the change of law are "actually normal year-to-year fluctuations." The report also concluded that more fatalities should have been expected given the rapid increases in the number of 18-20 licensed drivers.

In Maine, fatal accidents among 18- and 19-year old drivers rose 23% in 1972 (the year of the lowering of the drinking age), and 48% in 1973. However, there were increases of 77% in 1965 and 27% in 1966. A researcher for the Rutgers Center observed that "large-percentage year-to-year changes are common in all age groups."

The National Highway Traffic Safety Administration sponsored a nationwide survey of teenage drinking practices. The legal drinking age apparently made no difference in drinking practices - the same proportion of high school students were found to be drinkers in states where the legal drinking age was 21 as in states where it was 18 or 19.

III. EFFECTS OF RAISING THE DRINKING AGE - IMPACT ON TRAFFIC FATALITIES

Massachusetts Statistics

A number of states have raised their respective drinking ages in recent years. In the Northeast, these include Massachusetts which raised its age from 18 to 20 in April 1979; New Jersey which raised its age of majority from 18 to 19, effective January 1, 1980; and New Hampshire which raised its drinking age from 18 to 20, effective January 1, 1980.

As stated by a New Jersey Transportation Department official, "it is too early to make any realistic estimates concerning raising the drinking age from 18 to 19 and its impact on fatal accidents." The same would seem to apply to New Hampshire which has had a raised drinking age for only a few months.

Massachusetts has had a 20-year old drinking age for approximately one year. Initial data on "Alcohol Related Fatal Accidents, Operators 19 and under" has been compiled. It should be cautioned that the data is inconclusive for a number of reasons including the small number of accidents, the period of time covered, normal year-to-year fluctuations, and possible increase in the number of licensed drivers.

The figures attempt to compare the number of alcohol related accidents for those under 19 from May to December 1978 (when the drinking age was 18) with May through December 1979 (when the drinking age was 20). For those under 18, alcohol related fatalities rose from 19 to 23, an increase of 21.1%. For those 18, the number of fatalities increased from 16 to 31, or 93.8%. For those 19, alcohol related fatalities decreased from 29 to 21, or a 27.6% drop.

Here is a summary in table form:

AGE	MAY-DEC. 1978 (18-year old drinking age)	MAY-DEC 1979 (20-yr old)	Percent of Change
Under 18	19	23	+ 21.1%
18	16	31	+ 93.8%
19	29	21	- 27.6%
TOTAL	64	75	+ 17.2%

JK:ssc

***** CROSS TABULATION OF *****
 SEX SEX BY OMVIS TOTAL NUMBER OF OMVI BOOKINGS
 ***** PAGE 2 OF 2

		OMVIS				ROW TOTAL
		COUNT				
		12.1		13.1		
SEX						
	1.	4	2		1369	
MALE		0.3	0.1		92.3	
		100.0	100.0			
		0.3	0.1			
	2.	0	0		115	
FEMALE		0.0	0.0		7.7	
		0.0	0.0			
		0.0	0.0			
	COLUMN	4	2		1484	
	TOTAL	0.3	0.1		100.0	

CHI SQUARE = 14.06159 WITH 11 DEGREES OF FREEDOM SIGNIFICANCE = 0.2296

FACILITY ADMISSIONS - MPDB

***** CROSS TABULATION OF *****
 AGEGR AGE IN YEARS GROUPED BY OMVIS TOTAL NUMBER OF OMVI BOOKINGS
 ***** PAGE 1 OF 4

		OMVIS											ROW TOTAL		
		COUNT	1	2	3	4	5	6	7	8	9	10		11	
AGEGR	LESS THAN 15	ROW PCT	COL PCT	TOT PCT	2.1	3.1	4.1	5.1	6.1	7.1	8.1	9.1	10.1	11.1	
	26.	1	1	0	0	0	0	0	0	0	0	0	0	0	1
	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1
	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
	27.	40	6	1	0	0	0	0	0	0	0	0	0	0	47
	85.1	12.8	2.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.2
	4.6	2.0	0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
	2.7	0.4	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
	28.	202	66	27	14	7	4	1	0	0	0	0	1	0	322
	62.7	20.5	8.4	4.3	2.2	1.2	0.3	0.0	0.0	0.0	0.0	0.0	0.3	0.0	21.7
	23.4	22.4	18.2	18.2	20.0	17.4	7.1	0.0	0.0	0.0	0.0	0.0	20.0	0.0	
	13.6	4.4	1.8	0.9	0.5	0.3	0.1	0.0	0.0	0.0	0.0	0.0	0.1	0.0	
	29.	168	66	29	17	6	5	6	4	1	0	1	0	0	302
	55.6	21.9	9.6	5.6	2.0	1.7	1.7	2.0	1.3	0.3	0.0	0.0	0.0	0.0	20.4
	19.5	22.4	19.6	22.1	17.1	21.7	42.9	40.0	12.5	0.0	0.0	0.0	0.0	0.0	
	11.3	4.4	2.0	1.1	0.4	0.3	0.4	0.3	0.1	0.0	0.0	0.0	0.0	0.0	
	30.	126	40	26	12	8	6	3	3	3	3	3	2	0	231
	54.5	17.3	11.3	5.2	3.5	2.6	1.3	1.3	1.3	1.3	1.3	1.3	0.9	0.0	15.6
	14.6	13.6	17.6	15.6	22.9	26.1	21.4	30.0	37.5	40.0	0.0	0.0	0.0	0.0	
	8.5	2.7	1.8	0.8	0.5	0.4	0.2	0.2	0.2	0.2	0.2	0.2	0.1	0.0	
	31.	87	31	15	13	3	3	2	1	1	1	1	1	1	159
	54.7	19.5	9.4	8.2	1.9	1.9	1.3	0.6	0.6	0.6	0.6	0.6	0.6	0.6	10.7
	10.1	10.5	10.1	16.9	8.6	13.0	14.3	10.0	12.5	20.0	0.0	0.0	0.0	0.0	
	5.9	2.1	1.0	0.9	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	
	32.	79	26	11	6	5	1	1	0	0	0	0	0	0	130
	60.8	20.0	8.5	4.6	3.8	0.8	0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	8.8
	9.2	8.8	7.4	7.8	14.3	4.3	7.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
	5.3	1.8	0.7	0.4	0.3	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
	COLUMN TOTAL	863	295	148	77	35	23	14	10	8	5	5	5	5	1486
	(CONTINUED)	58.2	19.9	10.0	5.2	2.4	1.5	0.9	0.7	0.5	0.3	0.3	0.3	0.3	100.0

***** CROSS TABULATION OF *****
 AGEGR AGE IN YEARS GROUPED BY OMVIS TOTAL NUMBER OF OMVI BOOKINGS
 ***** PAGE 2 OF 4

		OMVIS		
AGEGR	COUNT I	12.I	13.I	ROW TOTAL
	ROW PCT I			
	COL PCT I			
	TOT PCT I			
26.	0	0	0	1
LESS THAN 15	0.0	0.0	0.0	0.1
	0.0	0.0	0.0	
27.	0	0	0	47
15-19 YRS	0.0	0.0	0.0	3.2
	0.0	0.0	0.0	
28.	0	0	0	322
20-24 YRS	0.0	0.0	0.0	21.7
	0.0	0.0	0.0	
29.	0	0	0	302
25-29 YRS	0.0	0.0	0.0	20.4
	0.0	0.0	0.0	
30.	1	1	1	231
30-34 YRS	0.4	0.4	0.4	15.6
	25.0	50.0		
	0.1	0.1		
31.	1	1	1	159
35-39 YRS	0.6	0.6	0.6	10.7
	25.0	50.0		
	0.1	0.1		
32.	1	0	0	130
40-44 YRS	0.8	0.0	0.0	8.8
	25.0	0.0	0.0	
	0.1	0.0	0.0	
	COLUMN TOTAL	4	2	1484
	TOTAL	0.3	0.1	100.0

(CONTINUED)

Vic,
FYI.

110 ~~ALASKANS~~ under 21 died in
Viet Nam. ~~CE~~

can die in V.N.
but couldn't have
a beer in Auch.

TESTIMONY OF

GERALD L. HOOD
8500 Pioneer Drive
Anchorage, AK 99504
(907) 333-6589

Before The
SENATE STATE AFFAIRS COMMITTEE

Regarding
SENATE BILL NO. 61
"AN ACT RELATING TO DRIVING A MOTOR VEHICLE"
April 9, 1983

AT LONG LAST IT APPEARS THE LEGISLATURE IS ATTEMPTING
TO RECTIFY A DREADFUL WRONG WHICH HAS BEEN ALLOWED
TO EXIST FOR ALL TOO MANY YEARS: LEGALIZED MURDER IN
THE STATE OF ALASKA - OVER STATED - OVER
DRAMATIC - TOTAL FALSEHOOD - I THINK NOT.

IF I WISHED TO ELIMINATE ANYONE IN THIS ROOM TODAY
(WHICH BY THE WAY I DO NOT) ALL I WOULD HAVE TO DO IS
GO TO THE CORNER BAR - DOWN A COUPLE OF STIFF
ONES - THEN RUN THEM DOWN IN MY CAR - SEEMINGLY -
AT WORST THE PROBABLE OUTCOME FOR ME - 72 HOURS IN
JAIL AND A \$250.00 FINE.

FOR SOME UNKNOWN REASON OUR SOCIETY HAS EXCUSED SUCH HEINOUS CRIMES BECAUSE ALCOHOL IS INVOLVED - GRANTED THE MURDERS I SPEAK OF ARE NOT PREMEDITATED - BUT "ACCIDENTS". THE WEAPON IS NOT A GUN OR KNIFE - BUT A VEHICLE. THE RESULTS ARE THE SAME - THE LOSS OF HUMAN LIFE - AND WHAT PRICE DO WE PLACE ON THAT.

BEFORE I GO ON - LET ME EXPLAIN THE REASON FOR MY PRESENCE HERE TODAY. I AM A VICTIM OF A DRINKING DRIVER. MY FAMILY HAS BEEN A VICTIM THREE TIMES IN THE LAST THIRTEEN YEARS. I AM HERE TO LITERALLY BEG YOU TO STRENGTHEN OUR DRUNK DRIVING LAWS SO THAT THE LIFE OF MY DAUGHTER, WIFE, AND OTHERS MIGHT BE SPARED FROM THIS NEEDLESS SLAUGHTER ON OUR ROADS AND HIGHWAYS.

MY TWENTY YEAR OLD NEPHEW DIED, OR MORE ACCURATELY
WAS KILLED, AT THE HANDS OF A DRINKING DRIVER IN
ANCHORAGE RECENTLY. JUST SO YOU'LL KNOW - HE WAS
DRIVING DOWN THE STREET MINDING HIS OWN BUSINESS -
OBEYING ALL TRAFFIC LAWS - AND HE HAD NOT BEEN
DRINKING. HE WAS RUN DOWN BY A CAR DRAG RACING ON
ONE OF OUR CITIES BUSIEST STREETS. RECORDS INDICATE
ALCOHOL WAS INVOLVED BUT THAT THE DRIVER WAS NOT
LEGALLY DRUNK.

MY NEPHEW WAS HIT WITH SUCH FORCE THAT HIS VEHICLE WAS
DEMOLISHED. HIS NEAR LIFELESS BODY HAD TO BE REMOVED
FROM THE PASSENGER'S SIDE OF THE WRECKAGE BECAUSE
ACCESS FROM THE DRIVER'S SIDE WAS IMPOSSIBLE.

FOURTEEN HOURS AFTER THE ACCIDENT HIS PARENTS WERE
TAKEN INTO THE OPERATING ROOM TO SEE THEIR CHILD WHO
WAS SO CRITICAL HE COULD NOT BE MOVED. I TRULY HOPE
NONE OF YOU WILL EVER HAVE TO KNOW THE AGONY OF
HOLDING YOUR CHILD'S HAND AND BE TOLD THERE IS NO
BRAIN ACTIVITY AND ABSOLUTELY NO HOPE FOR SURVIVAL AS
SEAN'S PARENTS DID. THIS BECAUSE OF A DRINKING DRIVER
WHO WAS DRAG RACING!

WE ARE ANGRY - AND I THINK RIGHTFULLY SO. IT IS NOW
TWO MONTHS AFTER THE ACCIDENT AND THAT DRINKING
DRIVER IS STILL FREE AND PROBABLY STILL DRINKING AND
DRIVING. THE POTENTIAL FOR HIM TO KILL AGAIN ALBEIT
'UNINTENTIONAL" STAGGERS THE MIND.

MY NEPHEW IS GONE. HE DIED SO VIOLENTLY - SO NEEDLESSLY. WE ARE A CLOSE FAMILY, WE LOVED HIM DEARLY, AND NOTHING WILL FILL THE VOID HIS DEATH HAS CAUSED.

WHEN SUCH THINGS HAPPEN WE ALWAYS ASK - WHY? I THINK I KNOW WHY - THE LACK OF AND ENFORCEMENT OF ADEQUATE DRUNK DRIVING LAWS.

MAY I POINT OUT TO YOU - AS I'M SURE OTHERS HAVE BEFORE ME, AND THOSE WHO FOLLOW WILL ALSO - THAT AS RECENTLY AS LAST WEEKEND A YOUNG LAD OF TWENTY-SIX WAS MURDERED BY A DRUNKEN DRIVER HERE IN ANCHORAGE. IN AND BY ITSELF THAT ISN'T TOO ASTONISHING IF YOU LOOK AT THE STATISTICS - IT HAPPENS ALL THE TIME.

IF YOU LOOK A LITTLE DEEPER YOU SHOULD BE SHOCKED AND
HORRIFIED - AND YOU SHOULD BE MOTIVATED TO RIGHT
THIS WRONG.

THE DRIVER IN THIS FATAL ACCIDENT WAS CONVICTED IN 1979
FOR DRUNKEN DRIVING, A MARCH 14 CONVICTION FOR
LEAVING THE SCENE OF AN ACCIDENT, AND A PENDING
CHARGE OF DRIVING WHILE DRUNK ON MARCH 10. BY THE
WAY, THE DRIVER'S BLOOD ALCOHOL CONTENT WAS .34 WHEN
IT WAS TESTED AT A LOCAL HOSPITAL AFTER THE FATAL
ACCIDENT. ACCORDING TO PHYSICIANS I'VE TALKED TO THE
DRIVER SHOULD HAVE BEEN UNCONSCIENCE. THE DRIVER'S
WIFE HAD CALLED POLICE EARLIER THE DAY OF THE ACCIDENT
TO HAVE HIM PICKED UP BECAUSE HE WAS OUT DRIVING
DRUNK. THE POLICE COULDN'T FIND HIM.

IN ADDITION THE POLICE HAD A WARRANT OUT FOR HIS ARREST FOR FAILING TO APPEAR IN COURT ON THE MARCH 10 DRUNK DRIVING CHARGE. YET, TO MY KNOWLEDGE HE WAS NOT ARRESTED AT THE SCENE OF THE ACCIDENT ON THIS WARRANT. HE WAS TREATED AND RELEASED AT A LOCAL HOSPITAL - BASICALLY, GIVEN HIS CAR KEYS - FREE TO GO KILL AGAIN. ONLY UPON THE INSISTANCE OF HIS WIFE WAS HE ARRESTED ON THE OUTSTANDING WARRANT.

HE SPENT THE REMAINDER OF THE NIGHT IN JAIL. HOWEVER, ON SUNDAY AFTER THE ACCIDENT, DUE TO A MONUMENTAL SCREW-UP IN A SYSTEM THAT QUITE LITERALLY STINKS AND IS PRESENTLY GEARED TO PROTECT THE CRIMINAL MORE THAN THE VICTIM, THE DRIVER WAS ARRAIGNED BEFORE A MAGISTRATE AND RELEASED ON HIS OWN RECOGNIZANCE.

HE WAS WARNED NOT TO DRIVE WITHIN EIGHT HOURS OF
DRINKING - THANK GOD - I FEEL MUCH SAFER KNOWING
THAT! THREE DAYS AFTER THE FATAL ACCIDENT THE DRIVER
WAS JAILED WITH A \$10,000 CASH ONLY BAIL WHICH HE COULD
EASILY RAISE ACCORDING TO HIS WIFE WHO WAS QUOTED IN
THE NEWSPAPER AS SAYING, "I THINK NOW HE KNOWS HE
NEEDS HELP. IT'S TOO BAD SOMEONE HAD TO DIE." HOW
MANY MORE PEOPLE COULD HAVE DIED IN THOSE THREE DAYS
THIS DRUNK DRIVER WAS FREE?

IT'S TOO BAD SOMEONE HAD TO DIE.

THEREIN LIES THE FALLACY. IT'S NOT THE DRUNKEN DRIVER
WHO NEEDS HELP - IT'S US - THE VICTIMS - THE
CITIZENS OF THIS STATE WHO NEED HELP.

WE NEED PROPER AND ADEQUATE PROTECTION FROM THIS
CARNAGE, AND WE ARE HERE TODAY DEMANDING IT - YES,
DEMANDING IT - ENOUGH IS ENOUGH - A STIFF SENTENCE
FOR A THREE TIME OFFENDER WHO JUST HAPPENS TO KILL
SOMEONE THE FOURTH TIME AROUND IS A TRAVESTY!

I WANT YOU TO KNOW I SUPPORT THE CONCEPTS OF SENATE
BILL 61.

LET ME JUST SAY THAT THE STRONGER PENALTIES SET FORTH
IN HOUSE BILL 6 SHOULD BE ADHERED TO. MY REAL FEAR IS
THAT YOU WILL DEBILITATE THIS LEGISLATION BY WEAKENING
AMENDMENTS AND THUS RENDER IT MEANINGLESS. THE
PENALTIES YOU ULTIMATELY SET FORTH IN THE LEGISLATION
YOU PASS SHOULD NOT BE SUBJECT TO ALTERATION BY THE
JUDICIAL SYSTEM.

MANDATORY SENTENCING IS A DETERRENT.

THERE ARE TWO OTHER AREAS I STRONGLY URGE YOU TO
STRENGTHEN IN THIS BILL - AND THOSE ARE THE ABILITY
FOR ADMINISTRATIVE REVOCATION OF A DRIVER'S LICENSE AT
THE TIME OF ARREST OR ACCIDENT INVOLVING A DRUNK
DRIVER - AND MOST IMPORTANTLY THE BLOOD ALCOHOL
CONTENT DETERMINED TO BE LEGALLY DRUNK SHOULD BE
REDUCED FROM .10 TO .08.

THERE ARE WILD EYED LIBERALS AMONG US WHO WILL SCREAM
THAT WE SHOULD REHABILITATE THE DRUNKEN DRIVER -
THAT THE STATE SHOULD ADDRESS TREATMENT AND
PREVENTION AS WELL AS IMPRISONMENT.

TO THAT I SAY - YOU REHABILITATE MY NEPHEW, THE
GERRISH BOYS AND COUNTLESS OTHERS FROM THE DEAD AND
THE OUTRAGED PUBLIC I'M A PART OF WILL GIVE SERIOUS
CONSIDERATION AS TO WHETHER DRUNK DRIVERS WHO KILL
AND MAIM DESERVE REHABILITATION.

ANOTHER RED HERRING BEING RAISED IN AN EFFORT TO
REDUCE PENALTIES IN YOUR LEGISLATION IS THE PRESENT
OVER CROWDING OF OUR CORRECTION! SYSTEM AND THE
BURDEN OF INCREASED COST THE INCARCERATION OF THESE
CRIMINALS WOULD CAUSE. AGAIN I ASK YOU - WHAT IS
THE VALUE OF A HUMAN LIFE?

ACCOMPLISH THESE THINGS, INADEQUATE AS I FEEL THEM TO
BE - AND YOU WILL BE TAKING A STEP IN THE RIGHT
DIRECTION IN MAKING THE STATE OF ALASKA A SAFER PLACE
TO LIVE.

I THANK YOU FOR THE TIME ALLOWED ME TO TESTIFY TODAY
AND FOR YOUR UNDERSTANDING IN WHAT IS AN EMOTIONAL
ISSUE FOR MY FAMILY AND ME.

REMEMBER THAT ONLY UNTIL YOU RESPONSIBLY ENACT
ADEQUATE, ENFORCEABLE LEGISLATION - DEATHS LIKE THAT
OF MY NEPHEW WILL CONTINUE TO OCCUR.

THE LIVES AND SAFETY OF ALL ALASKANS ARE IN YOUR
HANDS.

SENATE STATE AFFAIRS COMMITTEE
MEETING SCHEDULE
(3/31/83)

April 5, Tuesday 3:00pm (Butrovich Room, Capitol Bldg.)

- SB 27 Toll-free telephone calls
- SB 115 Individual rights of peace officers
- SB 153 Citizens who assist peace officers
- SB 218 Disclosure of information
- SJR 13 Urging repeal of the Jones Act

April 7, Thursday 3:00pm (Butrovich Room, Capitol Bldg.)

Drunk driving and related issues (SB 61, HB 17, and SB 226)
Invited testimony only. See attached agenda for details.

TELECONFERENCE (Listening only):
South Central, Southeast, and Fairbanks.

April 9, Saturday 9:00am - 4:00pm (AST) (Anchorage Municipal Assembly
Chambers, 3500 E. Tudor)

Drunk driving and related issues (SB 61, HB17, and SB 226)
See attached agenda for details.

April 11, Monday 7:30pm (PST) (Butrovich Room, Capitol Bldg.)

Drunk driving and related issues (SB 61, HB 17, and SB 226).
See attached agenda for details.

TELCONFERENCE:
South Central (except Anchorage), Southeast and Interior.

April 12, Tuesday 1:30pm (PST) (Senate Finance Room, Capitol Bldg.)

Drunk driving and related issues (SB 61, HB 17, and SB 226).
Invited testimony only. See attached agenda for details.

TELECONFERENCE (Listening only):
South Central, Southeast, and Fairbanks.

SENATE STATE AFFAIRS COMMITTEE

AGENDA FOR DRUNK DRIVING HEARINGS

APRIL 7, 1983 3:00pm Butrovich room

- I. DRIVING UNDER THE INFLUENCE: AN OVERVIEW OF THE PROBLEM IN ALASKA
 - A. a statistical look at the situation
 - B. Legal examination of Title 28, Motor Vehicles

- II. THE SYSTEM FROM APPREHENSION TO THE SANCTIONING OF DRUNK DRIVERS IN ALASKA
 - A. current enforcement practices
 - B. court proceedings; conviction rates, and penalties issued in court
 - C. actual penalties served, incarceration and treatment

- III. INTRODUCTION OF LEGISLATION BEFORE THE COMMITTEE
 - A. SB 61, An act related to driving a motor vehicle
 - B. CSHB 17 (Jud) am, Raising the Drinking Age
 - C. SB 226, Training and licensing of drivers

APRIL 9, 1983 in ANCHORAGE AT THE MUNICIPAL ASSEMBLY CHAMBERS from 9:00am--12:00, 1:00pm--4:00pm

- I. INTRODUCTION

II. PREVENTION OF DWI AND AUTO RELATED ACCIDENTS

- A. the importance of public awareness as a deterrent
- B. curfew licenses for drivers under 18 years of age
- C. raising the drinking age
- D. the use of roadblocks as a deterrent
- D. educational programs
- E. licensing procedures as sanctions and deterrents
 - 1. suspensions
 - 2. revocations
 - 3. limited licenses

III TREATMENT

- A. different kinds of alcohol treatment
- B. success of mandatory treatment as a sanction
- C. the Alaska Alcohol Safety Action Program (AASAP) screening program

III COURT/DMV RECORD SYSTEMS

- A. problems with state record systems related to DWI
 - B. National Driver's Register as a record system
- Public testimony will be heard

April 11, MONDAY at 7:30pm (PST) Butrovich room

TELECONFERENCE for Southeast, South Central (except Anchorage), and Interior portions of the state on drunk driving, related issues, SB 61, CSHB 17(Jud) am, and SB 226.

April 12, Tuesday 1:30pm Senate Finance room

EXPERT TESTIMONY WILL BE HEARD FROM H.L. ROSS

I. INTRODUCTION

II. PENALTIES

- A. the use of fines as a sanction
- B. automobile impoundments and forfeitures
- C. the effectiveness of incarceration
- D. community service
- E. other

III. ALTERNATIVE APPROACHES FOR DETERRING THE DRINKING/DRIVING BEHAVIOR

- A. limiting the circulation of alcohol
- B. transportation alternatives to and from drinking establishments

IV. ENFORCEMENT

- A. public perception of size of police force as a deterrent
- B. mandatory breathalyzer test for all persons pulled over for a moving violation

V. SPECIFIC PROBLEM AREAS CONCERNING DRUNK DRIVING

- A. the habitual offender
- B. the effect of mandatory penalties when they are too severe

VI. ROAD SAFETY MEASURES TO DECREASE ACCIDENT
FATALITY RISK

- A. increased amount of street lights to decrease accidents
- B. child restraints
- C. use of road signs designed to mitigate the injuries received from accidents
- D. mandatory seat belt use

VII. CONCLUSIONS