SB

61 #3

See HB 17

SB 226

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 practice

B. court procedings; 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 Dennis Kelso (Alaska Management Technologies

II. PREVENTION OF DWI AND AUTO RELATED ACCIDENTS
testimony will include: ~~Dennis Kelso~~ ALLEN BAILY (Municipal Prosecutor)

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 (Kathy Weltzin Council on Alcohol & Drug Abuse)

F. licensing procedures as sanctions and deterrents
1. suspensions
2. revocations
3. limited licenses

III. TREATMENT (Genelly McKenzie ~~Alaska Alcohol~~ Safety action treatment ~~Project~~ programs)
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 (Allen Baily)
testimony will include: ~~Accepted~~

A. problems with state record systems related to DWI

B. National Driver's Register as a record system

court & correctional system → principle reformation

FOR IMMEDIATE RELEASE:

April 4, 1983

VIC FISCHER SCHEDULES HEARINGS ON DRUNK DRIVING

JUNEAU, AK. -- State Senate action on drunk driving will begin this week with a series of public hearings in Juneau and Anchorage hosted by the Senate State Affairs Committee, according to Anchorage Senator Vic Fischer, committee chair.

"We have got to act now to stop the mayhem being caused by drunk drivers in Alaska," Fischer said today. "We must stop drunks from driving and drivers from drinking."

Three bills on the subject are currently pending in Fischer's State Affairs Committee, including:

S.B. 61, which would increase penalties for those convicted of drunk driving and authorize confiscation of vehicles. The bill was introduced by Anchorage Sen. Joe Josephson and is similar to a House bill introduced by Rep. Mitch Abood. The Abood bill is presently pending before the House Judiciary Committee.

Another bill, H.B. 17, has already been approved by the State House. It would raise the legal drinking age in the state from 19 to 21.

S.B. 226, introduced in the Senate last week, would limit

weekend evening and night time driving hours for those under the age of 18.

Sen. Vic Fischer, author of the bill, said other states that have established such driving curfews have seen dramatic decreases in the number of auto accidents involving young people.

"In tackling drunk driving problems, the Senate State Affairs Committee will take a look at every possible measure that could be applied in Alaska," Fischer said. "No single, simplistic solution will eliminate the problem. We must carefully examine all potentially effective measures," he added.

Fischer expressed particular interest in legislation that would not continue piling people into our jails with the resultant high costs to the public.

"Although serving time is often an appropriate punishment and potential deterrent for drunk drivers, we simply cannot afford the tremendous cost of warehousing everyone who violates the public laws," Fischer explained. "We must also look at other deterrents, we must be much more severe in suspending licenses and levying fines, and we must really push to impound the vehicles of those convicted of drunk driving."

Fischer said he was particularly impressed with District Court Judge Elaine Andrews' recent order to confiscate a car driven by a man with five earlier driving convictions and two license revocations.

"It's about time we took such drastic action," he said. "The

legal precedent established by Judge Andrews under the Anchorage municipal ordinance, sponsored by Sen. Joe Josephson when he was still on the assembly, gives us an excellent basis for action at the state level," Fischer said.

Four days of Senate hearings will begin on April 7th in Juneau. According to Fischer's aide, Suzanne Tryck, invited testimony will focus that day on the drunk driving problem in Alaska and on the current practices of enforcement and adjudication.

A Saturday, April 9th, hearing at the Anchorage Municipal Assembly Chambers on Tudor road will have both formal presentations and public testimony. Persons wishing to address the committee in Anchorage should call the Anchorage LIO office at 278-3668.

The Monday evening teleconference on April 11, 1983 will hear testimony from Southeast, Southcentral (except Anchorage), and Fairbanks on drunk driving and the bills before the committee.

Invited testimony for the last formal day of hearings, April 12, will deal with penalties, alternative deterrents, enforcement, problem areas, and road safety measures as they relate to drunk driving.

A schedule giving the times and dates of the hearings is attached.

-30-

For more information contact: Suzanne Tryck 465-4954

SATURDAY

April 12, Tuesday 1:30pm Senate Finance room

I. INTRODUCTION ~~Dennis Kelso~~

II. PENALTIES ~~ALLEN BAILEY~~
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 breathalizer 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

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

colored plates
fines

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

A. problems with state record systems related to DWI

B. National Driver's Register as a record system

PUBLIC TESTIMONY WILL BE HEARD FOLLOWING THE STRUCTURED PORTION OF THE HEARING

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.

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

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

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April 12, Tuesday 1:30pm Senate Finance room
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MEMO

TO: Vic

FROM: Suzy

RE: questions for 4/12/83 hearing

The hearing this afternoon is set up in this order:

I Larry Ross will give a presentation

VIC-- He should be able to clear up any confusion concerning laws of other countries, the Scandinavian models, and effective measures currently used in the states.

II Larry Ross will discuss the effective and ineffective portions of the bills before the committee (this can be changed)

VIC-- My feeling is that the hearing will progress in a natural order, and that he will cover all the subjects discussed before the committee.

Make Sure we get testimony from Larry Ross on the effectiveness of these measures as deterrents:

1.✓ mandatory sentencing as a specific deterrent and general deterrent.

2. substantial minimum fines.

3.✓ license revocation and suspensions.

4.✓ administrative license revocations.

5. selective enforcement, road blocks, and sobriety checkpoints.

Ask Dr. Ross what the effect would be of adopting the following measure:

1. mandating a .08 presumptive level of Under the Influence (a person with a .08 BAC would be presumed to be driving under the influence)

~ WP

2. ✓presentence investigation.

3. ✓dram shop laws.

4. ✓eliminating beverage consumption in motor vehicles.

Ask Dr. Ross how if juvenile offenders should be treated differently that adult DWI offenders

SENATE STATE AFFAIRS COMMITTEE

AGENDA FOR DRUNK DRIVING HEARINGS
REVISED

APRIL 7, 1983 3:00pm Butrovich room

I. DRIVING UNDER THE INFLUENCE: AN OVERVIEW OF THE PROBLEM IN ALASKA

① Charlie Smith (Highway Safety Planning)
② Gail Horetski (Ass. AG)

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

③ Lt. Colonel Vaden (Alaska State Troopers) — road blocks

A. current enforcement practices

④ Pat Gullafsen (DA's OFFICE)

B. court procedings; conviction rates, and penalties issued in court

⑤ Roger ENDELL (ADULT CORRECTIONS)

C. actual penalties served, incarceration and treatment

III. INTRODUCTION OF LEGISLATION BEFORE THE COMMITTEE

⑥ JOE Josephson

A. SB 61, An act related to driving a motor vehicle

⑦ TERRY Martin

B. CSHB 17 (Jud) am, Raising the Drinking Age

C. SB 226, Training and licensing of drivers

⑧ you.

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

I. INTRODUCTION

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.

Roger Endell

— 60 DWI offenses - serving at anytime

impact on bookings

3,600/yr in '81

4,000/year

75% 1st offenders

Driving while license suspended - 9/yr

overcrowded, understaffed

all instit. at or over capacity

Sanctions → day/fine - rel to inc

— sell cars

— mandat [illegible]

- fines to offset treatment cost

- contract for services

—

20-30K/an for each bed - oper

120-130K to build/bed - capital

---

treat

fines

restitution component

Alc. related infant fail —

~~Ozy~~
Remove drivers lic. admin

3-4 million fail

Finland

PREVENTION OF ALCOHOL ABUSE-THE "PUBLIC HEALTH" APPROACH--FEBRUARY 1983

Alcohol Abuse is Alaska's number one Health, Social Service and Criminal Justice problem. This fact is exceptionally well documented.

Alaska ranks number one in almost all areas of Alcohol related problems in the country.

While the jurisdictions of Nevada, New Hampshire and Washington D.C. constantly have higher "apparent" per capita consumption rates. Once the tourist factor (Nevada and Washington D.C.) and the price differential and subsequent inter-state purchases (Washington D.C. and New Hampshire) are factored out, Alaska has by far, the highest per capita consumption levels in the U.S.

The overwhelming preponderance of scientific evidence suggests that "availability" of alcohol (legal age, relative price, number of hours, number of licences etc.) directly affects per-capita consumption.

This same body of scientific evidence links high per-capita consumption directly to high rates of violence/accidents, social and health problems.

The "Public Health" approach to Alcohol Abuse/Alcoholism prevention, acknowledges that there are two distinct causes for high or low per capita consumption.

1) The social and demographic factors (e.g., population age urbanism, economic, ethnic, racial, cultural and educational factors).

and

2) The "availability" factors which are specifically governed by state and community laws and attitudes.

The goal of the "Public Health" approach to prevention is to gradually reduce the per capita consumption levels in the state and consequently reduce the abuse problems; the "Public Health" model attempts to moderate consumption, not prohibit it.

Changing the social and demographic factors is a long and involved process outside the realm of Public Health policies. In this area however, we advocate forceful education, public information, early intervention techniques as prevention measures, and treatment for the already addicted "alcoholic."

The one area where changes and positive effects are possible in a short time span... with dramatically documented results, is in the area of availability.

It is not possible to reliably pinpoint which specific "availability" factors most encourage or discourage per capita consumption. Only one national study attempts to rate individual states by an "availability" score or scale--Alaska ranks #1 on this list.

In almost every area of "availability" Alaska ranks 1st, or in the highest percentile nationally, for example:

a) Alaska has one liquor licence for every 184 adults of current legal drinking age (19).

b) there has not been an increase in the excise tax on alcohol (a flat dollar amount per gallon) since 1961. Consequently, because of inflation alcoholic beverages get cheaper every year. It appears that the cost of alcohol in Alaska, in relationship to disposable income, is the lowest in the U.S.

c) we have one of the lowest drinking ages in the country. In addition to the disproportionately high accident and fatality rates, in the under 21 age group, 19 year olds also "pass down" alcohol to younger peers.

d) at the state level, bars and liquor stores can sell from 8:00 a.m. until 5:00 a.m. seven days a week.

e) there is relatively little enforcement of existing laws regarding sale to intoxicated persons.

f) there are no restrictions of any kind on advertising.

g) Alaska is one of the 30 states which allow distribution of alcohol through privately licenced stores-20 states sell liquor through state owned outlets.

Per Capita Alcohol Consumption seems to range from a high of 4.7 gallons (Alaska) to a low of 1.3 gallons (North Carolina) with a national average of approxiamately 3.2 gallons.

The Public Health goal is to reduce per capita consumption levels to some moderate middle level.

The most effective measures to meet this goal appear to be:

1. Restoring the drinking age back to 21.

2. Doubling the current excise tax rate-and indexing this new rate to go up with inflation.

3. Establishing new higher population base figures for certain kinds of liquor licences (i.e., bars, and liquor stores).

These measures combined with effective and ongoing education, public information, early intervention and treatment of those already addicted will begin to reverse the tide of alcohol abuse in Alaska.

For information: Howard Scaman 3605 Arctic #1172 Anchorage, Ak. 99502
(907) 349-7914

March 1983

SHOULD THE LEGAL AGE TO DRINK BE RESTORED BACK TO 21 ?

History

Following the repeal of prohibition all states (except New York) established 21 as the legal age to purchase and consume alcoholic beverages. A few states made exceptions and allowed 18 year olds to purchase beer.

Like the rest of the country Alaska had a 21 year old age limit for 38 years.

Following national enactment of a constitutional ammendment giving 18 year olds the right to vote. During the period from 1970 to 1976 26 states lowered the age limit for all or at least some types of alcoholic beverages. Alaska was the first state to lower its legal age (from 21 to 19 for all types of alcoholic beverages).

Current Trends

As of January 1, 1983 of the 26 states which lowered their age limits 22 have raised the age back upward--Legislation or citizen activated initiatives to restore the legal age are currently under consideration in almost all other states.

Problems

Research (primarily from Michigan and Main) in states which lowered and then raised the drinking age indicates clearly that when the drinking age is reduced, youth crash involvement soars, when the age limit is raised again crash involvement among young drivers decreases significantly.

The "filter down" effect of a legal 19 year old age limit is of most concern to educators and social service professionals. The 21 year old drinker is unlikely to pass alcohol along to younger friends--The 19 year old (particularly males) seem to have no compunction about purchasing and passing on alcohol to much younger peers. Consequently, liquor appears to be available in almost unlimited quantity at the Junior High level in Alaska.

The major argument in favor of the lower age seems to be...

> "If they are old enough to fight for their country, they are old enough to drink!"

By this logic we should move immediately to lower the age to 17 since that is the age for enlistment in the military services. "Legal Age" is a relative and subjective expression of a communitees ideas of maturity in Alaska, for example: the legal age for sexual concent

is only 13, drivers permits at 15, drivers licenses at 16, voters age is 18, drinking age is 19. However, in order to be elected to the Alaska House of Representatives and eligible to enact these varies laws you must be 21 (25 for the state Senate) and in order to be considered old enough to enforce these laws you must be 21 (Alaska State Troopers and Anchorage City Police).

Summary

Youth involvement with alcohol and the enormous problems it creates in Alaska is well documented and an epedimic it its proportions.

Restoring the age back to 21 again will not end the problems but it will help dramatically.

Strong enforcement of the law with fines, license suspensions, and sentencing to community services (rather than criminal/penalties) will be effective.

The public health and safety benefits are enormous and the only negative effective might be a loss in revenue to liquor distributors and retailers.

A "wind in" provision could insure that those 19 and 20 year olds now employed in dispensing alcohol could remain in their existing jobs.

Representative Mike Miller (D) Juneau, summed up the issue in the 1982 sessional of the Alaska Legislature:

> "I was one of those who enthusiastically supported and voted for lowering the drinking age in 1970. I realize now we made a mistake"

Based on Miller's plea, the House voted 25 to 14 to restore the age limit to 21. The bill died in Senate Committee last year.

This year the House again passed a bill returning the legal drinking age back to 21...this time by a margin of 32 to 7. The bill is now in the Senate where it faces stiff opposition from a well financed liquor lobby.

For further information call or write:

3605 Arctic #1172
Anchorage, Alaska 99503
(907) 349-7914

DEC 27 1982

The Alcoholism Report

THE AUTHORITATIVE NEWSLETTER FOR PROFESSIONALS IN THE FIELD OF ALCOHOLISM
Vol. XI, No. 4 December 17, 1982 Published Twice a Month

The Presidential Commission on Drunk Driving recommended immediate adoption by states of the 21-year legal drinking age, tough mandatory sentences and big fines for driving under the influence, and consideration of dedicated revenues--including alcohol taxes--as possible funding devices, among a range of actions to "reduce the carnage on our highways."

The Commission's interim report was released at Dec. 13 White House ceremonies coinciding with the formal launching of National Drunk and Drugged Driving Awareness Week by President Reagan (AR, Oct. 29).

PAGE 4 (CONT)

The proposed rulemaking, scheduled to be published in the Federal Register during the first week in January, amounted to a reversal of its previous position spelled out in the advance rulemaking notice Nov. 4, which excluded treatment/rehabilitation from supplemental criteria the agency deemed "more significant or more demonstrable." Constituency groups protested what was seen as a relegation of treatment/rehabilitation to secondary status at a public hearing in Washington, DC, Dec. 13 (AR, Dec. 17).

The rulemaking is designed to implement the recently enacted legislation which gives states additional highway safety (402) grant funds for taking measures against drunk driving. Congress set four criteria for basic grants of 30 percent of a state's 402 highway safety allotment, and directed the Department of Transportation to set additional criteria for supplemental grants of up to 20 percent more of a state's 402 apportionment. The law (PL-97-364) authorizes $125 million over the next three years for the incentive grant program, to be derived from the Highway Trust Fund.

NHTSA ranked establishment of 21 as the minimum drinking age for all alcoholic beverages as first in importance among 21 proposed supplemental criteria, followed by designation of a single state official as the coordinator for alcohol highway safety programs, and establishment and operation of rehabilitation and treatment programs for persons arrested and convicted of alcohol-related traffic offenses. Other criteria in order of their ranking by NHTSA were:

(4) establishment of state and local task forces on drunk driving; (5) statewide driver record systems; (6) local alcohol traffic safety programs in major political subdivisions; (7) prevention and long-term education programs; (8) authorization for courts to conduct screenings of convicted drunk drivers; (9) development and implementation of state-wide evaluation systems; (10) establishment of plans for self-sufficiency for drunk driving programs; (11) roadside sobriety checks; (12) encouraging citizens to report alcohol-related traffic offenses; (13) establishment of a .08 percent BAC as presumptive evidence; (14) adoption of a one-license/one-record policy; (15) authorization of preliminary breath tests where there is probable cause; (16) elimination of plea-bargaining; (17) victim assistance and restitution programs; (18) mandatory impoundment or confiscation of license plates; (19) authorizing officers to require second chemical tests for drugs; (20) enactment of dram shop laws; and (21) use of innovative programs, including some of those recommended in the interim report of the Presidential Commission on Drunk Driving (AR, Dec. 17).

NHTSA asked for comments on two alternative ways of establishing requirements for the supplemental grants. The first would be to provide that states can receive a grant of less than the maximum 20 percent of its FY-83 402 funds if it implemented some, but not all, of the 21 criteria. It suggested the possibility that the criteria be weighted in line with its ranking

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 conscituencies are as follows...

Region	Lower to 18	Leave at 19	Raise to 21
Rural	4%	20%	76%
Central	8%	33%	58%
Southcentral	1%	34%	63%
Anchorage	8%	24%	66%
Southeast	1%	30%	69%

Age	Lower to 18	Leave at 19	Raise to 21
18-24	7%	35%	57%
25-40	6%	27%	67%
41-55	5%	26%	68%
55+	6%	15%	76%

Sex	Lower to 18	Leave at 19	Raise to 21
Male	9%	27%	63%
Female	3%	26%	70%

Time in Alaska	Lower to 18	Leave at 19	Raise to 21
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%

Raising Drinking Age from 18-21	Single	Divorced/ Separated	Married	Total
Favor	55.0	65.5	75.6	69.3
Do Not Favor	45.0	34.5	24.4	30.7

(600)

Although the sample size is small, there appeared, to be a tendency for those in a cohabitational relationship to be less strongly in favor of the proposal similar to the single respondents. The widowed were more strongly in favor of the proposal, which is similar to the married respondents. There also appeared to be a tendency for those married once to be more stongly in favor and those married several times to be less strongly in favor of the proposal.

c. Length of Alaska Residence

Those having lived in Alaska from 4 - 14 years were most strongly in favor of the proposal. Those that lived in Alaska from 0 - 3 years were least supportive of the proposal. This is shown on the following table:

Raising Drinking Age from 18-21	Lived in AK 0-3 Yrs	Lived in AK 4-14 Yrs	Lived in AK 15+ Yrs.	Averace
In Favor	59.5	74.2	69.8	69.5
Do Not Favor	40.5	25.8	30.2	30.5

Although less significant the same trend appears to be true for length of residency in Anchorage.

d. Industry of Employment

Those employed in construction, finance, real estate, public administration, armed forces and service industry are more likely to support the proposal while those in the trades, transportation, communication, utilities, manufacturing and oil extraction industries were less likely to support the proposal. This is shown in the following table:

HB-17

Team Members: Jim Dinehart, Emily Kvamikoff, Larry Baitman

Name and Title of Bill: HB-17; an act relating to age limits under Title 4, Alcoholic Beverages

Current Status: SES Basis Printout

Background Information: Mothers Against Drunk Drivers; Police Force, because of the high accident rate among teenagers; University of Michigan; Highway Research Institute; National Highway Traffic Safety Commission; Research Triangle Institute; Alcohol Safety and Task Force.

Support for Bill: People who supported the bill, such as Rep. Terry Martin and Rep. M. Miller, Senator Robert Ziegler, Senator Richard Eliason, Rep. Milo Fritz, Hugh Malone, and Rep. A. Vaska, all were in favor of raising the drinking age from 19 to 21. Rep. Robert Ziegler wants the bill to pass in such a way that the people who are 19-21 at the present time will still be able to drink.

Opposition to Bill: People who opposed the bill would be people such as liquor store owners, who would lose lots of business; teenagers who would want to have an occasional drink; and Jo Day stated that she would like to see the age stay the same.

Team Position: Our team is in favor of raising the bill from age 19 to 21. We agreed unanimously.

Fiscal Notes: No fiscal notes.

Resources: Right Now, 1981 (mag.), Saturday Evening Post, 1980 (newspaper), Time, 1981, (Mag.), human resources were Senator Bill Ray, Rep. Terry Miller, Rep. Milo Fritz, Rep. Hugh Malone, Sen. Joe Josephson, Jo Day, and students from Close-Up Project, also Rep. Ramona Barnes.

HIGH SCHOOL STUDENTS IN CLOSE UP - JUNEAU "HEADINGS" FEBRUARY 1983

1-1-82	Tikka, Hawkins	yes	Driver*	Tikka	24	.26%
1-2-82	Nickles	NO	—	—	—	—
1-4-82	Hillard	NO	—	—	—	—
1-9-82	Tufts	yes	Driver #2	Heier	25	unknown
1-13-82	Martinson	NO	—	—	—	—
1-27-82	James	NO	—	—	—	—
	#1					
2-6-82	Vaccolone, Joseph	NO	—	—	—	—
2-7-82	SNOW	yes	Driver #1	SNOW	32	.26%
2-18-82	Barrera	yes	Driver #2	McFarland	42	.23%
2-21-82	Vouss	NO	—	—	—	—
2-21-82	Burkett, Burkett	NO	—	—	—	—
2-27-82	Kelly	NO	—	—	—	—
	#8					
3-03-82	Maroney	NO	—	—	—	—
3-16-82	Bicknell	yes	Driver #1	VanLandingham	35	.14%
3-20-82	Muhlhauser, Collar.	NO	—	—	—	—
3-31-82	Doerken	NO	—	—	—	—
	#5					
4-7-82	Western	NO	—	—	—	—
4-7-82	Meyers	yes	Driver #1	Pedigo	32	.10%
	fatal →		Passenger	Meyers	20	.27%
4-8-82	Schweitzman	yes	Driver	Schweitzman	33	.18%
4-13-82	Ritchie Jr.	yes	Driver #1	Christenson	20	unknown
			Passenger	Ritchie Jr.	20	unknown
			Passenger	Moore	19	unknown
4-14-82	Hess	yes	Driver #1	Hess	23	unknown
4-23-82	Abernathy	yes	Driver #1	Abernathy	58	.21%
4-24-82	Lemmer (flip)	?	*			
	#7					
5-1-82	McGuire	NO	—	—	—	—
5-8-82	White	yes	Driver #1	White	40	.16%
5-11-82	Frascatore	NO	—	—	—	—
5-14-82	Katzeek	?	*			
5-15-82	Rasmussen	yes	Driver #2	Rasmussen	28	.24%
5-19-82	Brennan	NO	—	—	—	—
5-21-82	Thomas	NO	—	—	—	—
5-28-82	Lindquist	yes	Driver	Lindquist	21	.22%
	#8		Passenger	Pena	18	unknown
5-31-82	Freeman	yes	Driver #1	Freeman	21	.36%
			Passenger	Wilmoth	27	unknown
6-2-82	Devaney, Hanson	yes	Driver #1	Devaney	18 *	.16% →
			Passenger	Hanson	17	.04%
6-3-82	Baker	NO	—	—	—	—
6-3-82	Griffiths	yes	Driver #1	Gibbs	55	.24%
6-4-82	Harris	yes	Driver #1	Harris	19	.15% →
			Passenger	Child	19	unknown

Date	Name	Alcohol	Type	Name	Age	BAC
1-1-82	Tikka, Hawkins	yes	Driver #1	Tikka	24	.16%
1-2-82	Nickles	NO	—	—	—	—
1-4-82	Hillard	NO	—	—	—	—
1-9-82	Tufts	yes	Driver #2	Heier	25	unknown
1-13-82	Martinson	NO	—	—	—	—
1-21-82	James	NO	—	—	—	—
1-26-82	Vaccaro, Joseph	NO	—	—	—	—
2-7-82	SNOW	yes	Driver #1	SNOW	32	.26%
2-18-82	Barrera	yes	Driver #2	McFarland	42	.23%
2-21-82	Young	NO	—	—	—	—
2-21-82	Burkett, Burkett	NO	—	—	—	—
2-27-82	Kelly	NO	—	—	—	—
3-03-82	Marohn	NO	—	—	—	—
3-16-82	Bickhoff	yes	Driver #1	VanLandingham	35	.14%
3-20-82	Muhlhauser, Collar	NO	—	—	—	—
3-31-82	Doerken	NO	—	—	—	—
4-7-82	Western	NO	—	—	—	—
4-7-82	Meyers fatal →	yes	Driver #1 Passenger	Pedigo Meyers	32 20	.10% .21%
4-8-82	Schweitzman	yes	Driver	Schweitzman	33	.18%
4-13-82	Ritchie Jr.	yes	Driver #1 Passenger Passenger	Christeson Ritchie Jr. Moore	20 20 19	unknown unknown unknown
4-14-82	Hess	yes	Driver #1	Hess	23	unknown
4-23-82	Abernathy	yes	Driver #1	Abernathy	58	.21%
4-24-82	Lemmer (Pilot)	?	*			
5-1-82	McGuire	NO	—	—	—	—
5-8-82	White	yes	Driver #1	White	40	.11%
5-11-82	Frascatore	NO	—	—	—	—
5-14-82	Katzeek	?	*			
5-15-82	Rasmussen	yes	Driver #2	Rasmussen	28	.24%
5-19-82	Brennan	NO	—	—	—	—
5-22-82	Thomas	NO	—	—	—	—
5-28-82	Lindquist	yes	Driver Passenger	Lindquist Perez	21 18	.22% unknown
5-31-82	Freeman	yes	Driver #1 Passenger	Freeman Wilmoth	21 27	.36% unknown
6-2-82	Devaney, Hanson	yes	Driver #1 Passenger	Devaney Hanson	18 17	.16% → .04%
6-3-82	Baker	NO	—	—	—	—
6-3-82	Griffith	yes	Driver #1	Gibbs	55	.24%
6-4-82	Harris	yes	Driver #1 Passenger	Harris Child	19 19	.15% → unknown

Date	Name	Alcohol	Type	Name	Age	%
6-6-82	Booth	yes	Pedestrian	Booth	9	19% →
			Pedestrian	Driver	14	Unknown
			Driver #1	Hoppe	23	.05%
6-10-82	Wallace	yes	Driver #1	Brayton	19 ✓	15% →
			Passenger	Wallace	24	Unknown
6-11-82	Jones	yes	Driver #1	Jones	19 ✓	17% →
			Passenger	Peterson	20	Unknown
6-18-82	Voscien	yes	Driver	Voscien	32	.20%
6-20-82	Arsenault	yes	Driver #1	Hill	37	.24%
			Driver #2	Arsenault	25	.11%
6-20-82	Butcher	yes	Driver #2	Gaw	28	Unknown
6-22-82	Jones	NO	—	—	—	—
6-24-82	Bennett 8	yes	Pedestrian	Bennett	17	.33% →
			Driver	Winstow	25	refused
6-27-82	Clevenger	NO	—	—	—	—
6-30-82	Angavan	yes	Driver #1	Angavan	25	Unknown
7-4-82	Ruthburn	yes	Driver #1	Shelton	22	Unknown
			Driver #2	Ruthburn	32	.17%
7-4-82	Cheney	yes	Driver #1	Cheney	25	.25%
7-4-82	Wendte 15	yes	Driver #1	Wendte	29	.22%
			Passenger	Paddock	31	Unknown
7-5-82	Estrada	NO	—	—	—	—
7-5-82	Jensen	yes	Driver #1	Mason	26	refused
7-6-82	Cross	yes	Driver #1	Cross	32	.31%
7-6-82	McGee	NO	—	—	—	—
7-13-82	Fox	NO	—	—	—	—
7-19-82	Herbert 6	yes	Driver #1	Tussey	30 ✓	.21%
			Passenger	Herbert	53	Unknown
			Driver #2	Fankhauser	36	.06%
7-25-82	Dorley	yes	Driver #1	Tate	19 ✓	.03 →
			Driver #2	Dorley	18 ✓	Unknown
7-21-82	Wells	NO	—	—	—	—
7-27-82	Shelton	NO	—	—	—	—
7-29-82	Fink	NO	—	—	—	—
8-01-82	Pollock, Benham	NO	—	—	—	—
8-5-82	Huss	NO	—	—	—	—
8-13-82	Husted	yes	Driver #1	Husted	25	.24%
8-14-82	Wilson 11	NO	—	—	—	—

DATE	NAME	Alcohol	Type	Name	Age	%
8-18-82	Reed	yes	Driver #1	Dresnek	26	.12%
8-19-82	Smalley	yes	Driver #1	Smalley	25	unknown
			Passenger	Irvin	36	unknown
8-21-82	Marth	yes	Driver #1	Marth	20 ✓	.24% →
8-23-82	Charlie	yes	Driver #1	Gemini	28	.16%
			Passenger	Charlie	34	.33%
			Passenger	Evan	27	.26%
8-29-82	Quintana	yes	Driver	Quintana	19 ✓	.15% →
8-30-82	Klushkan 6	yes	Driver	Nelson	27	.14%
9-10-82	Grotha	yes	Pedestrian	Grotha	28	.26%
9-14-82	Smith	NO	—	—	—	—
9-17-82	Seaton	NO	—	—	—	—
9-18-82	Alliger, Alliger	NO	—	—	—	—
9-18-82	Littner	NO	—	—	—	—
9-22-82	Jones	yes	Driver #1	Jones	22	.19%
9-23-82	Hatten	NO	—	—	—	—
9-25-82	Slaughter	NO	—	—	—	—
9-28-82	Tiley 9 10	yes	Driver #1	Walsh	54	.20%
10-4-82	Jones Jr.	yes	Driver	Jones	27	unknown
10-5-82	West	NO	—	—	—	—
10-10-82	Smiloff	NO	—	—	—	—
10-12-82	Wiedenbeck	yes	Driver #1	Wade (Bobby)	34	.14%
			Passenger	Wade (Mary)	?	unknown
			Driver #2	Wiedenbeck	46	.02%
10-12-82	Lee	NO	—	—	—	—
10-14-82	Bell 4	yes	Driver #1	Williams	29	.22%
			Passenger	Bell	43	unknown
10-15-82	Mack Mack	? *				
10-15-82	Wilson	yes	Driver #1	Davis	32	.26%
10-17-82	Willie	yes	Driver	Willie	32	.23%
11-2-82	Leavett	yes	Driver #1	Leavett	39	.27%
11-9-82	Smith	NO	—	—	—	—
11-13-82	Senaken	? *				
11-20-82	Shadda 8	yes	Pedestrian	Shadda	59	.37%

DATE	NAME	Alcohol	Type	Name	Age	No.
12-1-82	Whitt	NO	—	—	—	—
12-13-82	Stuff	? ★				
12-15-82	Frost Jr.	? NO ★	—	—	—	—
12-17-82	Hoffman	NO	—	—	—	—
12-23-82	Johnson Johnson	NO	—	—	—	—
12-23-82	Modley	yes	Driver	Modley	33	unknown
12-24-82	Tillequsts	yes	Driver*	Leavitt	31	unknown
			Passenger	Tillequsts	21	unknown

TOTAL

5+(55)

Drivers - alcohol related

TOTAL

Fatalities

107

FOR

1982

Horrendous problem = terrible in general
- tragic, sickening on indiv. basis
Leg. determined to act — this sess.

Large task
- no single measure
- some approaches in bills
- must consider others to do job.
- Prevention Rehab. Restit.
- Punishment - incarceration
- lengthen sentences
- license suspension + revocation
(not just ↑ - must
- confisc. vehicles

lefen of drunkeness .10 → .08
→ .05/.15
threshold

— inkeep in vehicles

→ dr. drive & hit law – special penalty

?, age of kids who cruise N. Lights & Benson?

check points – alternative training for DWI's

→ task force on dr. driv. [auth. for a traffic safety comm.]

→ mandatory liability insurance, SB223

→ approp. for

→ incr. levies on alc. to level equiv. to cost related to DWI [& alcoholism] (rather than citizens as a whole)

→ HB6 > SB61

→ admin revocation of driv. lic's

→ now, release on own recognizance, unless danger to comm. or likely failure to appear

→ el. in. prov. that costs cannot be imposed as part of sent.
→ bear cost of ---

→ x driving w/ open alc. container in vehicle

→ $, tools for Judic. to do the job

→ distinguish betw SR22 + court ordered suspension.

→ problem of fines - judge has to issue bench warrants, over + over, - people don't pay, costs too much to collect
→ altern. community service, whatever

→ rehab - alcohol treatment, intensive, while incarcerated.

→ special DWI correct. facility w/ intensive treatment regm. for full period of confinement

→ jud. fiscal mgr — SB 61
→ public defender "

# of police doubled since 78, - 0 - incr. dist. judges

→ may serve 3 day sent. on weekends only.

→ complete alc screening process + appropriate treatment as condition to release of revoked license

→ DWI - problem drinker - mediator
- entry into system for treat.
- need secure facil for treat

→ authority for judge to require treat

→ Resol →

→ digital ignition device
— require on all cars sold/licensed in AK.

→ Put info into computer w/o delay

→ contrib. to DUI ← crime

→ interstate info x-chgs on DUI's
+ license revocation
— Nat'l Hwy Safety → Nat'l Drivers Register

John Olsen Stmt - anti drinking age + curfew ends vs. means,

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):
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S E N A T E S T A T E A F F A I R S C O M M I T T E E

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 procedings; 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 / Rehab / education

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

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 51, 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 breathalizer 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

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

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 handfull 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)

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South Central, Southeast, and Fairbanks.

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

HIGHWAY SAFETY 4/1/83

FACTS ON ALCOHOL AND HIGHWAY SAFETY

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 1973 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 persumed 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

KNOW YOUR LIMITS

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	Influenced
1	.04	.03	.03	.02	.02	.02	.02	.02	Rarely
2					.04	.04	.03	.03	
3	.11								
4	.15	.12	.11						
5	.19	.15	.13	.12	.11				
6	.23	.18	.16	.14	.13	.11	.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	

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

- A blood alcohol concentration (BAC) of .10 percent or greater is the level at which a driver is considered legally intoxicated in most states.

- Approximately 55 percent of fatal crashes involve a driver who has been drinking.

- In single vehicle crashes, where responsibility is apparent, between 60 and 75 percent of dead drivers have BACs greater than .10 percent.

- The average BAC of drivers arrested for drunk driving is approximately .20 percent, double the level for presumed intoxication.

- 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.

- 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.

Charlie Smith
Highway Safety Planning

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.

STATE OF ALASKA

F A T A L A C C I D E N T S

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

STATE OF ALASKA

INJURY ACCIDENTS

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

YEAR	DRIVER AGE	FATAL ACCIDENTS	ALCOHOL RELATED ACCIDENTS	% ALCOHOL	TOTAL FATALITIES	ALCOHOL RELATED FATALITIES	% ALCOHOL	% LICENSED DRIVERS
1979		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= (24.8%)								
1980		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%)								
1981		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	1.3
	20	2	2	100	3	3	100	2.1
	21+	71	49	69	75	53	70.7	95.4
TOTAL UNDER 21 ALCOHOL INVOLVEMENT= (30.3%)								4.6
1982		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%)								2.9%

FROM: Highway Safety Plan. 1983

PREPARED BY: LANCE HERRINGTON, DEPT OF PUBLIC SAFETY 465-4342 AUG 17, 1982

ALASKA HIGHWAY SAFETY PLANNING AGENCY TRAFFIC ACCIDENT PROJECTION

	YEAR. 1	TOTAL ACCIDENTS 2	INJURY ACCIDENTS 3	FATALITIES 4	RATE	PROPERTY DAMAGE + INJURY COSTS 5	
1	1977	15,086	5,085	136	4.5	20,348,441	1
2	1978	12,962	4,822	127	4.5	18,775,536	2
3	1979	13,521	4,560	96	3.5	19,365,434	3
4	1980	13,165	4,993	98	3.8	20,793,029	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
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FROM: DEPARTMENT OF PUBLIC SAFETY

Federal Highway Safety Planning, 1983

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.

STATE ACCIDENT ANALYSIS

YEAR	INJURY ACCIDENTS	FATALITIES	TOTAL ACCIDENTS	M.D.R. (1)	PROPERTY DAMAGE ($)
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

YEAR	POPULATION	LICENSED DRIVERS	VEHICLES (1) REGISTERED	MILES (2) TRAVELED
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.

AGE	MALE	%(1)	FEMALE	%(1)	TOTAL	%(2)
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.

AGE	NUMBER OF ALCOHOL ACCIDENTS	PERCENT INVOLVEMENT	PERCENTAGE OF LICENSED DRIVERS
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, 28.15.181(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). discretionary

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

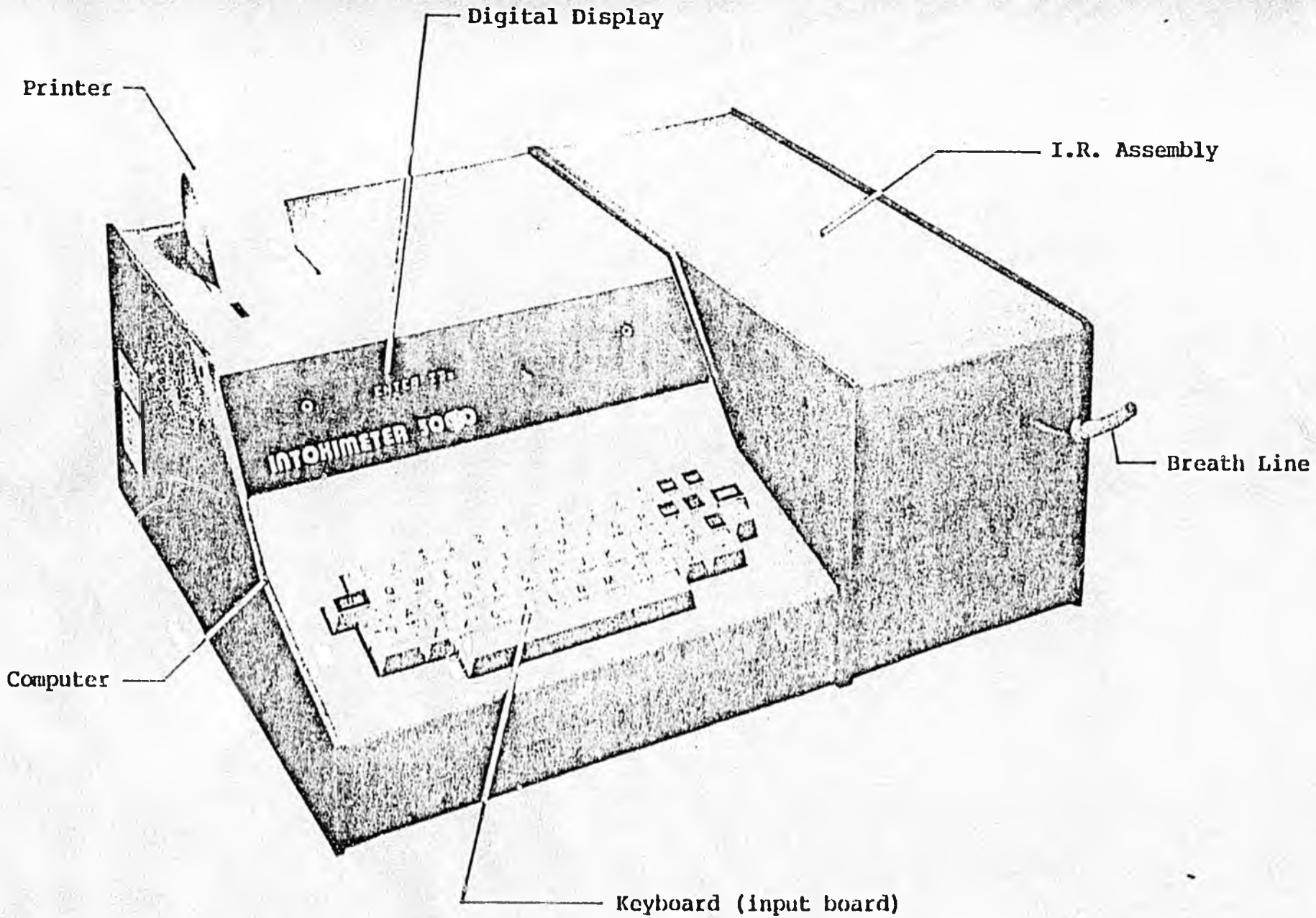
Prepared by.
Suzanne Fryckman
April 1983

presumptive evidense 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.


Digital Display
Printer
I.R. Assembly
Breath Line
Computer
Keyboard (input board)

INTRODUCTION

THE INTOXIMETER MODEL 3000 HAS 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 PRESERVED. IF SO, THE INSTRUMENT WILL INSTRUCT THE OPERATOR AS IN 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	INSTRUMENT SERIAL NUMBER
NOME P.D.	HEADING
SUN JAN 01, 1982	DATE
OPER NAME JOE SMITH	OPERATOR'S NAME
I.D. NO. = AK3123	OPERATOR'S I.D. NUMBER
SUBJ NAME = GERALD MICHAELS	SUBJECTS'S NAME
O.L. NO. = CA 1234567	OPERATOR'S LICENSE NUMBER
DEPT./AGENCY = STATE TROOPERS	DEPARTMENT OR AGENCY
EXT STD S/N = 1234	EXTERNAL NALCO TANK SERIAL NUMBER
EXT STD TARGET VALUE .12	VALUE OF NALCO STANDARD
TEST VALUE TIME	
EXTSTD .12 01:45 BLK .00 01.45	CALIBRATION CHECK ASSURES INSTRUMENT IS CLEAN
SUBJ .15 01.46	SUBJECT TEST RESULTS
BLK .00 01.47 EXTSTD .12 01.47	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.

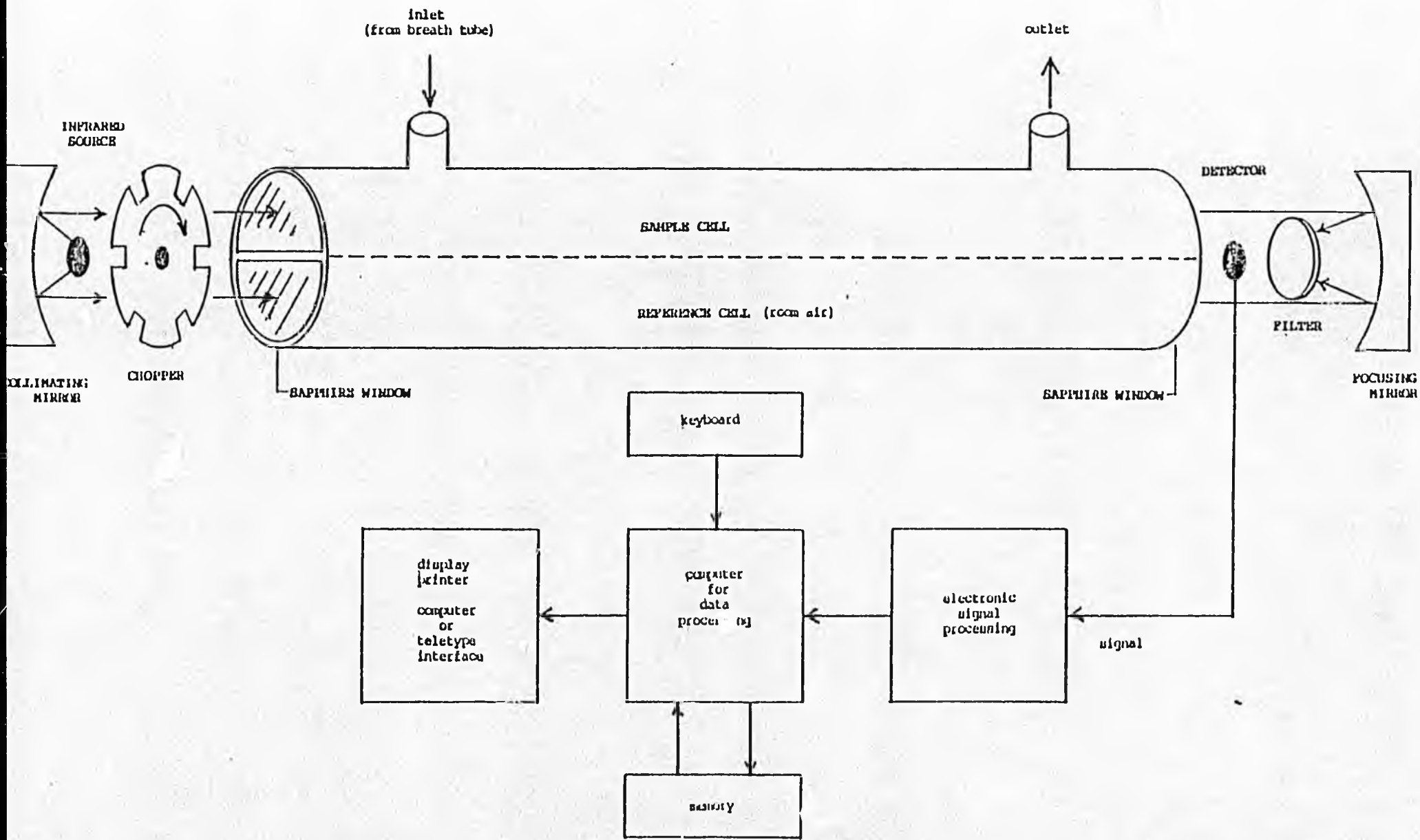
9. DISPLAY WILL REQUEST EXT STD S/N =.
   ENTER THE NALCO SERIAL NUMBER MARKED ON THE NALCO TANK.

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.


inlet
(from breath tube)
outlet
INFRARED
SOURCE
DETECTOR
SAMPLE CELL
REFERENCE CELL (room air)
FILTER
COLLIMATING
MIRROR
CHOPPER
SAPPHIRE WINDOW
SAPPHIRE WINDOW
FOCUSING
MIRROR
keyboard
display
printer
computer
or
teletype
interface
computer
for
data
processing
electronic
signal
processing
signal
memory

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.

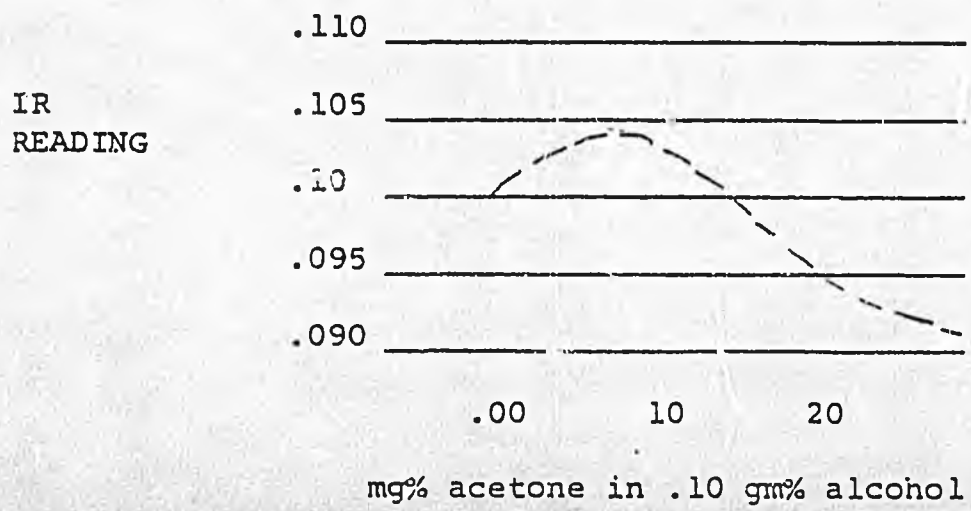
When the IR3000 is first programmed or after being in the factory mode, about 6 alcohol samples in the range of .08 to .25 gm% must be analyzed to calibrate the SC detector for acetone. Also 6 alcohol samples must be analyzed after each test where acetone is present.

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.



SB 61, An act relating to drunk driving

April 5, 1983

This section contains the backup information on SB 61 which includes:

1. SB 61
2. a fiscal note from Commerce and Economic Development
3. a fiscal note from the Division of Corrections
4. a fiscal note from Public Safety
5. a fiscal note from the Department of Law
6. a sectional analysis
7. a comparison between SB 61 and current law

CSHB 17 (Jud) am, An act raising the drinking age...

April 5, 1983

This section contains the backup information on this bill including:

1. a copy of the bill
2. a fiscal note from the Department of Revenue
3. a fiscal note from DHSS
4. a position paper from the Department of Health and Social Services
5. a sectional analysis

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

Introduced: 3/31/83
Referred: State Affairs, Judiciary and Finance

IN THE SENATE BY V.FISCHER

SENATE BILL NO. 226

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled:"An Act relating to the training and licensing of drivers; and providing for an effective date."

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

* Section 1. AS 14.07.020(4) is amended to read:

(4) ~~prescribe by regulation a minimum course of study for the public schools that shall include a driver education program in each high school~~;

* Sec. 2. AS 28.05 is amended by adding a new section to read:

Sec. 28.05.032. DRIVER'S MANUAL. The department shall include in the driver's manual a substantial section explaining the dangers of drinking and driving and containing information about recognizing an intoxicated driver.

* Sec. 3. AS 28.15.041(a) is amended to read:

(a) In addition to the classifications required by AS 28.15.055, the [THE] commissioner shall provide by regulation for the classification of drivers' licenses. The regulations shall specify license classifications which are reasonably necessary for the safe operation of the various types, sizes and combinations of motor vehicles. The regulations shall also establish medical standards, standards of driving conduct and proficiency, and other standards governing the issuance, renewal, or denial of these licenses. The department may examine each applicant to determine the applicant's [HIS] qualifications according to the class of license applied for, and upon issuing a driver's license the department shall indicate on

the license the classification for which an applicant for a license has qualified by examination. The regulations and any subsequent modifications under this section become effective only if approved by a concurrent resolution adopted by a majority vote of each house of the legislature.

* Sec. 4. AS 28.15.051 is amended by adding a new subsection to read:

(f) A permittee under (a), (b) or (c) of this section or a licensee under (e) of this section may not drive between 12 midnight and 5:00 a.m. on any day and between 9:00 p.m. and 12 midnight on Friday and Saturday, except that a permittee under (d) of this section may participate in organized motorcycle races after normal curfew time.

* Sec. 5. AS 28.15 is amended by adding a new section to read:

Sec. 28.15.055. DRIVER'S LICENSES. (a) A person 16 years of age, or a person 17 years of age ~~who has not successfully completed a high school course in driver's education~~ may apply to the department for a stage one provisional driver's license. A person holding a stage one provisional driver's license has all the rights and privileges of a person with an unrestricted and unlimited driver's license except that the holder of the stage one provisional license may not drive between the hours of 12 midnight and 5:00 a.m. unless

(1) accompanied by a parent, guardian or spouse who is 18 years of age or older and has held a valid driver's license for at least one year; or

(2) traveling to or from work, or in the course of employment, and in possession of a signed affidavit from the employer.

(b) A person 17 years of age may apply to the department for a stage two provisional driver's license if the person has

~~(1) successfully completed a high school course in driver's~~

education; and

(2) not been convicted of refusal to submit to a chemical test of breath, driving while intoxicated or any other moving violation, or a violation of AS 28.15.051(f) or (a) of this section within six months immediately preceding the date of application.

(c) A person 18 years of age or older may apply for an unrestricted and unlimited driver's license and the department shall issue the license to the person if the person is qualified.

(d) The requirements of this section are in addition to and not in lieu of any other requirements of law for the licensing of drivers.

* Sec. 6. AS 28.15.081(a) is amended to read:

(a) The department shall examine every applicant for a driver's license. The examination shall include (1) a test of the applicant's eyesight, (2) a test of the applicant's [HIS] ability to read and understand official traffic control devices, (3) the applicant's [HIS] knowledge of safe driving practices, (4) the applicant's knowledge of the effects of alcohol and drugs on drivers and the dangers of driving under the influence of alcohol or drugs, (5) the applicant's knowledge of the laws relating to driving while intoxicated and the traffic laws and regulations of this state. The examination [, AND] may include a demonstration of ability to exercise ordinary and reasonable control in the driving of a motor vehicle of the type and general class of vehicles for which the applicant seeks a license. However, an applicant who has not been previously issued a driver's license by this or another jurisdiction must demonstrate [HIS] ability, and must present medical information that [WHICH] the department reasonably requires to determine [HIS] fitness to safely drive a motor vehicle of the type and general class of vehicles for which the applicant [HE] seeks a license.

* Sec. 7. AS 28.15.111(a) is amended to read:

(a) Upon successful completion of the application and all required examinations, and upon payment of the required fee, the department shall issue to every qualified applicant a driver's license indicating the stage of the license, if it is a provisional license, and the type or general class of vehicles which the licensee may drive. The license shall display

(1) a distinguishing number assigned to the license;

(2) the licensee's full name, address, date of birth, brief physical description, and color photograph; and

(3) either a facsimile of the signature of the licensee or a space upon which the licensee must write the licensee's [HIS] usual signature with pen and ink. No license is valid until signed by the licensee. If facilities are not available for the taking of the photograph required under this section, the department shall endorse on the license, the words "valid without photograph."

* Sec. 8. AS 28.15 is amended by adding a new section to read:

Sec. 28.15.213. REVOCATION OF PROVISIONAL LICENSES. (a) A stage one provisional license shall be revoked if the holder of the license is convicted of

(1) driving while intoxicated;

(2) any two other moving violations;

(3) refusal to submit to a chemical test of breath; or

(4) driving in violation of curfew restrictions.

(b) A stage two provisional license shall be revoked if the holder of the license is convicted of

(1) driving while intoxicated or any other moving violation;

(2) refusal to submit to a chemical test of breath; or

(3) driving in violation of curfew restrictions.

(c) A person whose license is revoked under (a) of this section may apply for and may be issued an instruction permit under AS 28.15.-051 if the person is otherwise eligible for that permit. Unless otherwise prohibited by law, the holder of the revoked stage one provisional license may apply for a new stage one provisional license three months after the issuance of the instruction permit.

(d) A person whose license is revoked under (b) of this section may apply for and may be issued a stage one provisional license if the person is otherwise eligible for that license. Unless otherwise prohibited by law, the holder of the revoked stage two provisional license may apply for a new stage two provisional license three months after the issuance of the stage one provisional license.

(e) If the driver's license of a stage one or stage two provisional licensee is revoked or suspended by the department or a court under another provision of law for a conviction of an offense that would be grounds for revocation of the license under this section, the revocation requirement of this section is considered satisfied.

* Sec. 9. A person under 18 years of age who was licensed to drive before January 1, 1984 must obtain a stage one or stage two provisional license, as appropriate, no later than April 1, 1984. A license issued to a person under 18 years of age before January 1, 1984 expires on April 1, 1984 if not renewed before that date. A permittee issued a permit before January 1, 1984 may apply for a stage one provisional license when qualified.

* Sec. 10. This Act takes effect January 1, 1984.

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. 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 a separate page for any Analysis

Prepared By: Steve Hole
Phone: 465-2865
Division: Management, Law, & Finance
Date:
Approved by Commissioner: Marshall L. Lind
Date: 4-8-83
Department: Education

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3/8/83

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

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)

OPERATING	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
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: Date: 4-6-83
Department: Public Safety

Distribution:
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Copy to Office of Management and Budget (for Legislature introduced bills)
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Copy to Requestor (if different from Sponsor)

3/8/83

FISCAL NOTE ANALYSIS SB 226

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: 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						

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

	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	1020	
21.		Other		

FOR D&H USE ONLY
4A KEY NUMBER — — - — — - — — - — — - — —

JUSTIFICATION

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.

Requested equipment breakdown is as follows:

Typewriter	$1,245
Chair	163
Total	$1,408

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

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	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION: PFT	STAFF MONTHS: 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION: Juneau	ELECTION DISTRICT: 4	LEG.		

3.	CONTINUATION LEVEL		ADDITION	
4.	TYPE OF EXPENDITURE			AMOUNT
	1		2	3
	PERSONAL SERVICES			
5.	Sal		19,176	
6.	Ben		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	1020	
21.		Other		

FOR B&M USE ONLY
4A KEY NUMBER ___ - ___ - ___ - ___ - ___

JUSTIFICATION

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.

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

01-1136 (7/82) - 13

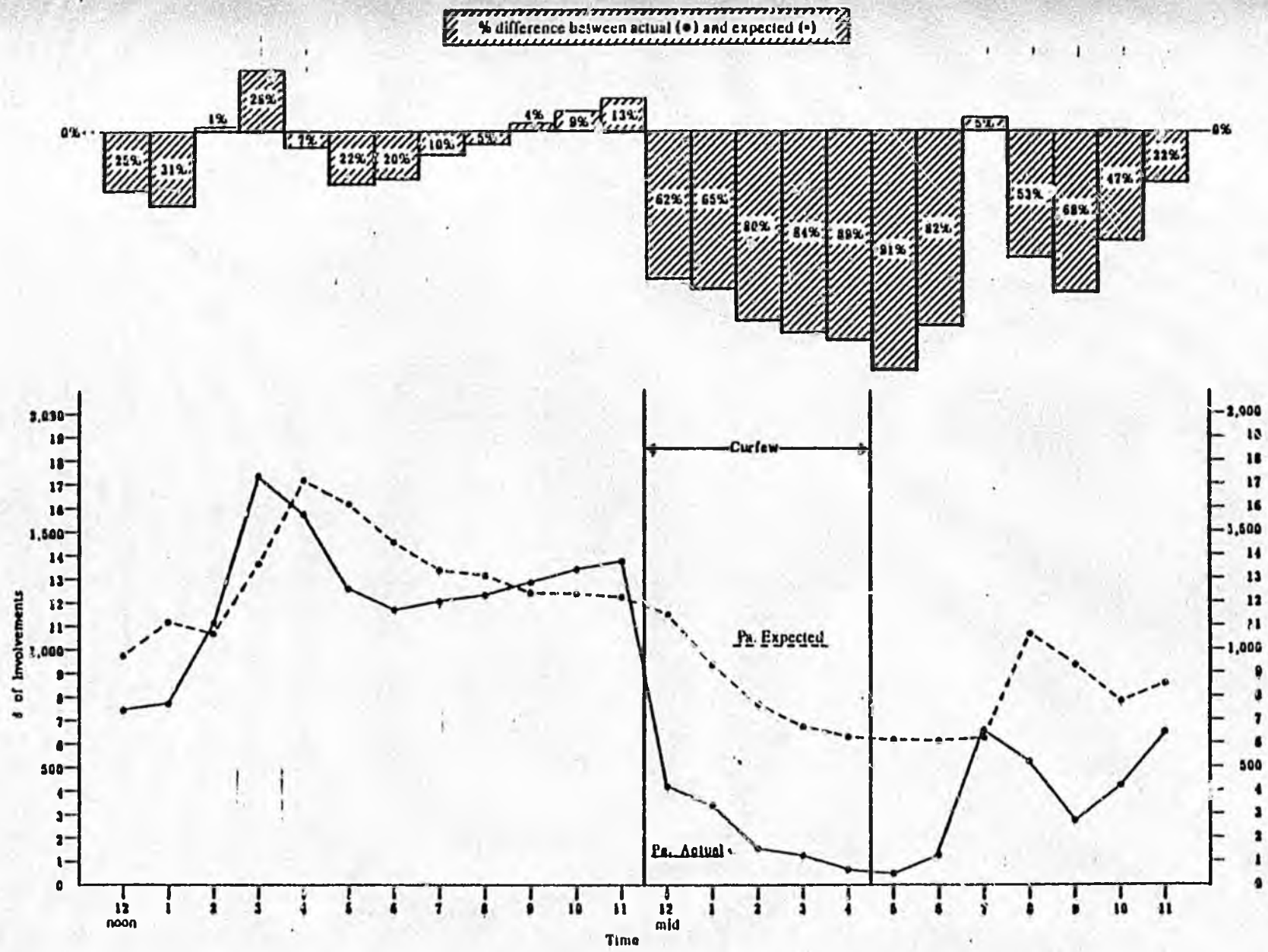

Figure 2. Actual numbers of crash involvements by hour of day for Pennsylvania 16 year old drivers, versus expected numbers based on relationship between Pennsylvania-Ohio 21-24 year olds and numbers of crash involved 16 year old Ohio drivers (1978-1980).

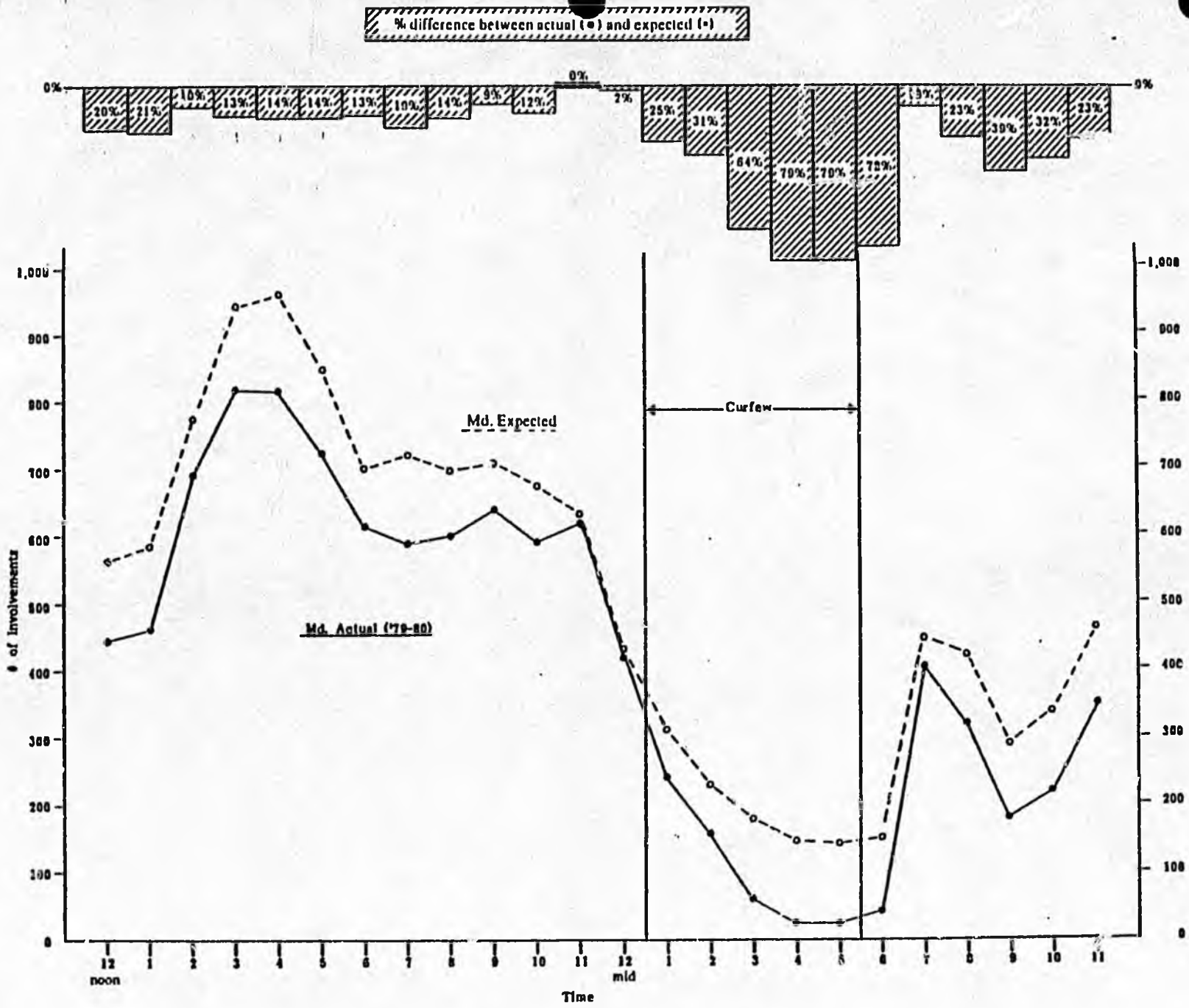

Figure 3. Actual numbers of crash involvements by hour of day for Maryland 16 year old drivers ('79-80) versus expected numbers based on relationship between Maryland ('79-80) - Maryland ('74-78) 21-24 year olds and numbers of crash involved 16 year old Maryland ('74-78) drivers.

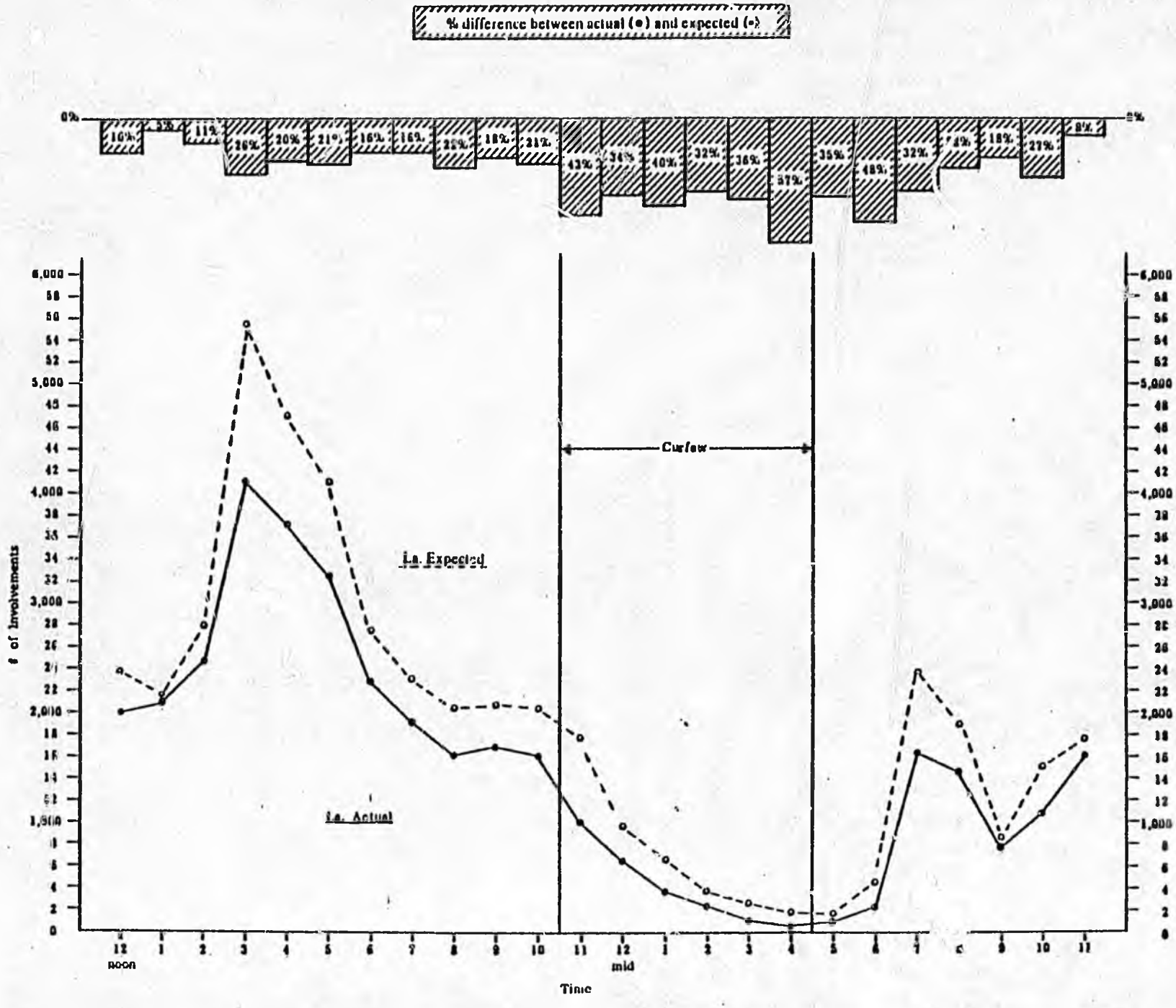

Figure 4. Actual numbers of crash involvements by hour of day for Louisiana 16 year old drivers, versus expected numbers based on relationship between Louisiana-Mississippi 21-24 year olds and numbers of crash involved 16 year old Mississippi drivers (1976-1980).

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

ARIZONA LEGISLATIVE COUNCIL

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MEMO

October 27, 1981

TO:

FROM: Richard R. Greenfield, Deputy Director

RE: Increasing the Drinking Age to 21; Con Arguments (R-35-120)

Pursuant to your request, the subject of increasing the drinking age to 21 was examined with a view toward developing the most appropriate con arguments.

Background. According to information received from the National Conference of State Legislatures (effective through September 1981), the statutory drinking age in the fifty United States and the District of Columbia is as follows:

MINIMUM DRINKING AGE* AND BEVERAGE

State	Effective Date	Beer: Not Over 3.2% Alcohol	Beer: Over 3.2% Alcohol	Wine: Table	Wine: Fortified (over 14%)	Distilled Spirits: All
Alabama	7/75	19	19	19	19	19
Alaska	9/70	19	19	19	19	19
Arizona	8/72	19	19	19	19	19
Arkansas	3/35	21	21	21	21	21
California	12/33	21	21	21	21	21
Colorado	4/45	18	21	21	21	21
Connecticut	10/72	18	18	18	18	18
Delaware	7/72	20	20	20	20	20
District of Columbia	2/34	18	18	18	21	21
Florida	7/73	18	18	18	18	18
Georgia	7/72	18	18	18	18	18
Hawaii	3/72.	18	18	18	18	18
Idaho	7/72	19	19	19	19	19
Illinois	10/73	19	19	19	19	19
(increased)	1/80	21	21	21	21	21
Indiana	1/34	21	21	21	21	21
Iowa	7/73	18	18	19**	19**	19**
Kansas	3/49	18	21	21	21	21
Kentucky	5/38	21	21	21	21	21
Louisiana	11/48	18	18	18	18	18
Maine	10/77	20	20	20	20	20
Maryland	7/74	18	18	18	21	21
Massachusetts	4/79	20	20	20	20	20
Michigan	12/78	21***	21***	21***	21***	21***

MINIMUM DRINKING AGE* AND BEVERAGE

State	Effective Date	Beer: Not Over 3.2% Alcohol	Beer: Over 3.2% Alcohol	Wine: Table	Wine: Fortified (over 14%)	Distilled Spirits: All
Minnesota	9/76	19	19	19	19	19
Mississippi	7/66	18	18+	18+	21	21
Missouri	5/45	21	21	21	21	21
Montana	7/73	19	19	19	19	19
Nebraska	7/72	19	19	19	19	19
Nevada	12/33	21	21	21	21	21
New Hampshire	5/79	20	20	20	20	20
New Jersey	1/73	18	18	18	18	18
New Mexico	12/34	21	21	21	21	21
New York	5/34	18	18	18	18	18
North Carolina	5/35	18	18	18	21	21
North Dakota	12/36	21	21	21++	21	21
Ohio	8/35	18	21	21	21	21
Oklahoma	12/76	18	21	21	21	21
Oregon	12/33	21	21	21	21	21
Pennsylvania	7/35	21	21	21	21	21
Rhode Island	3/72	18	18	18	18	18
South Carolina	5/35	18	18	18	18	21
South Dakota	7/72	18	21	21+++	21	21
Tennessee	6/79	19	19	19	19	19
Texas	8/73	18	18	18	18	18
Utah	3/35	21	21	21	21	21
Vermont	7/71	18	18	18	18	18
Virginia	7/74	18	18	21	21	21
Washington	1/34	21	21	21	21	21
West Virginia	6/72	18	--+++	18	18	18
Wisconsin	3/72	18++++	18++++	18	18	18
Wyoming	5/73	19	19	19	19	19

Notes:

*In general, minimum drinking age means the minimum age for which purchase of the relevant alcoholic beverage is legal.

**Does not apply to beer or to those persons born on or before 6/30/60.

***Effective 12/3/78, the minimum drinking age was raised from 18 to 19; effective 12/23/78, the legal age was raised again to 21.

+Age 18 applies in Mississippi for both beer having not over 4.0% alcohol and "light wine"; otherwise, age 21.

++Defined as wine under 3.2% by weight or 4% by volume.

+++Purchase of this beverage not legal.

++++No minimum age is given for persons accompanied by parent or guardian.

Thus, of the fifty states and the District of Columbia, a total of twenty-five states provide that persons must be at least 21 to consume distilled spirits; four states permit consumption of distilled spirits at age 20 or older; ten states permit the consumption of distilled spirits at age 19 or older; and the remaining twelve states permit the consumption of distilled spirits at age 18 or older. With respect to beer over 3.2 percent alcohol, a total of nineteen states have established age 21 as the minimum drinking age; a total of four states have established age 20 as the minimum drinking age; a total of nine states have established 19 as the minimum drinking age; and a total of eighteen states have established age 18 as the minimum drinking age. Purchase of beer over 3.2 percent alcohol is not legal in West Virginia. With respect to beer of 3.2 percent alcohol concentration or under, a total of five states (Colorado, Kentucky, Ohio, Oklahoma and South Dakota) which otherwise limit the consumption of beer over 3.2 percent alcohol to persons age 21 or older, permit the consumption of so-called "low-alcohol" beer by persons age 18 or older. Finally, with respect to fortified wines (generally defined as those wines above 14 percent alcohol by volume), a total of twenty-four states have established age 21 as the minimum drinking age, a total of four states have established age 20 as the minimum drinking age, a total of ten states have established age 19 as the minimum drinking age, and a total of thirteen states have established age 18 as the minimum drinking age. With respect to table wines (those table wines below 14 percent alcohol concentration), three states or jurisdictions (District of Columbia, Mississippi and North Carolina) which otherwise require persons to be age 21 to drink fortified wines, permit persons age 18 or over to drink table wines.

A total of twenty-seven states lowered the minimum age for the consumption of beverage alcohol after the passage of the 26th Amendment (which lowered the voting age) went into effect in 1972. Since 1976, a total of nine states have raised the drinking age.

Review of the Literature--Some Applicable Con Arguments. Most proposals to increase the drinking age back to 21 are justified on the basis of reducing the number of traffic accidents arising from alcohol abuse among teenagers. There have been relatively few studies which have specifically investigated the variety of drinking-related problems which could be connected with the reduction in the legal drinking age, such as crime rates, public drunkenness, school attendance, family functioning or employment.[1] Review of the literature indicates that while the weight of the evidence suggests otherwise, the traffic safety arguments are not necessarily always accurate.

For example, an Iowa report entitled "Statistical Analysis of the Effect of Law Lowering Legal Drinking Age from [illegible]3 Years on Fatal Accidents in Iowa" concluded that:

> Results of the analysis show that allowing Iowans aged 18 to 20 to consume alcoholic drinks legally, has not significantly increased their involvement as drinking drivers in fatal traffic accidents.[2]

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[1] See, for example, R. G. Smart and W. Schmidt, "Drinking and Problems from Drinking After a Reduction in the Minimum Drinking Age", 70 British Journal of Addiction 347 (1975). R. G. Smart and J. Finley, "Increases in Youthful Admissions to Alcoholism Treatment in Ontario", 1 Journal of Drug Alcohol Dependency 83 (1975). R. L. Hammand, "Legal Drinking at 18 or 21 - Does It Make Any Difference?", 3 Journal of Alcohol Drug Education 18 (1973).

[2] Quoted in B. Bishop, "Effects of Lowering the Drinking Age", Legislative Research, State Capitol, Salem, Oregon, 1979, Report 79:123, p. 2.

It is significant to note that the 1973-1974 fatalities for 18-20 year old drivers in Iowa during the first two years after the drinking age was lowered were lower than the previous three years.

A Minnesota study conducted by the state Department of Public Safety concluded:

> Allowing Minnesotans age 18 to 21 to consume beverage alcohol legally has not increased the involvement of youthful drinking drivers in fatal traffic crashes.[3]

The Minnesota study did find an increase in all fatal accidents involving drivers under 21 after the law took effect. However, there was a substantial decrease in fatalities where the driver was between 18 and 20 and was either intoxicated or had been drinking.

A March 1974 report issued by the National Highway Traffic Safety Administration (NHTSA) entitled "The Effect of Lower Legal Drinking Ages on Youth Crash Involvement" compared the experiences of Michigan, Vermont and Maine (three states where the drinking age had been lowered) to two sets of control states: (a) New York and Louisiana (where the drinking age had been 18 for several years); and (b) Pennsylvania and Texas (where the drinking age had remained at 21 for several years). The NHTSA report found an increase in alcohol-related traffic accidents among 18-20 year olds in Maine and Michigan after the minimum drinking age was lowered. However:

> No shift in magnitude was found for any crash frequency or rate in Vermont following the lower legal drinking age. No evidence was found in any control state that the 18 to 20 year old alcohol-related crash experience increased except in Pennsylvania where the older group experience increased as well. On the basis of these analyses we are confident that in Michigan and probably in Maine alcohol-related crashes increased beyond any normally expected level after the legal drinking ages were changed. We are confident that these changes were casually related to the legal change.[4]

The NHTSA study also noted that the relative effect of the lower legal drinking age was related to a number of characteristics in any specific jurisdiction. Among the factors which the NHTSA concluded should be considered are the density and relative size of the affected population, jurisdictional proximity of the population base to a long-term 18 year old drinking state, and the extent to which alcoholic beverage laws are enforced. Vermont, it should be remembered, borders on New York, a state which has, for a number of years, permitted 18 year olds to drink.

A 1973 report entitled "The Impact of Lowering the Age of Majority to 18" to the White House Conference on Youth had several findings which are worthy of note. The study noted that one of the major reasons for the overinvolvement of 18 to 20 year olds in drinking driving accidents is their sheer inexperience with both drinking and driving. Another finding was that while accidents involving 18-20 year old drinkers have increased by a substantial amount based on the experiences of Michigan, Vermont and Tennessee (three states in which the minimum drinking age had been recently lowered), 18-20 year olds do not account for many more of the accidents than their relative proportion of the driving population would lead one to expect.

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[3] Ibid, p. 3.

[4] Ibid, at pp. 4-5.

A publication of the National Institute on Alcohol Abuse and Alcoholism entitled "Alcohol Topics" Volume 1, Number 4 (1976), noted that the con arguments against raising the drinking age back to 21 included:

1. The fact that the 18 year old was already drinking and that the reduction in the drinking age merely legalized existing practices.

2. Statistical reports suggesting a significant increase in accidents following a reduction in the legal drinking age may be only reflecting changes in the record-keeping that have occurred as more media emphasis has been placed on the issue.

Mr. Richard Zylman of the Center of Alcohol Studies at Rutgers University has noted, for example,[5] that prior to the decrease in the minimum age, police collision reports recorded the presence of alcohol only in the most criminally negligent accidents, and rarely in deaths. According to the Zylman argument, pressure from safety officials, legislators and the news media has been so extensive that many police officers record any evidence of alcohol whether or not it has been a causal factor in the accident. Zylman also points out that analysis of a ten year period for fatal Michigan automobile accidents by 18 and 19 year old drivers shows that the rate of yearly increase during four of these years was equal to, or greater than, the increase following the reduction in the minimum drinking age.

According to Dr. Gerardo Gonzalez, Director of the University of Florida's Alcohol Abuse Prevention Program, raising the drinking age back to 21 will not get at the problems but may actually interfere with positive prevention programs. Gonzalez indicated that young people do not listen to "prohibitionist-style" remarks. Gonzales' research indicated that 95 percent of all teenagers had made the decision to drink by the time they were out of high school. About 16 percent started drinking in middle school (grades 7 through 9) and the remaining 34 percent started drinking in high school. The primary factor in the responsible use of alcohol by teenagers was effective parental involvement.[6]

Two British researchers, R. G. Smart and W. Schmidt,[7] reported the results of a survey of 220 vice principals conducted in the Toronto, Canada area seven months after the change in the law reducing the minimum drinking age. Eighty-six percent of this group replied. Slightly more vice principals were against the new law than were for it. Those who were against the reduction reported more drinking problems after the age was lowered. It was unclear, according to Smart and Schmidt, whether their unfavorable attitude to the law led to or followed their negative perceptions about the effects of the law.

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[5]R. Zylman, "Fatal Crashes Among Michigan Youth Following Reduction of Legal Drinking Age", Journal of Studies in Alcohol 36:171 (1975).

[6]DISCUS newsletter, June-July, 1979, Distilled Spirits Council of the United States, Washington, D.C.

[7]R. G. Smart and W. Schmidt, "Drinking and Problems From Drinking After a Reduction in the Minimum Drinking Age", British Journal of Addiction, 70:347-358 (1975).

Among the studies suggesting no dangerous [illegible]y impact from reducing the minimum age for drinking cited in a 1980 Connecti[illegible] of Legislative Research memo[8] was one from the State of Wisconsin. The Wis[illegible]epartment of Health and Social Services examined the alcohol involvement of 18 to [illegible] 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 of apparent alcohol involvement in a crash because such reports are inherently subjective. Instead, the study was based on the blood alcohol testing which the state requires of all drivers killed in accidents. The Wisconsin study suggested no significant increase in alcohol-involved fatalities among youthful drivers during the period 1968-1973, a period which included two years of legal drinking at age 18 (1972-1973). The percentage of all tested driver fatalities aged 18 to 20 with appreciable blood alcohol concentrations (BAC) (appreciable was defined as 0.5% BAC or more) was higher prior to reducing the minimum age than after. In 1969, the average percentage of 18 to 20 year old drivers killed in automobile accidents with appreciable BAC levels was 64.2 percent; while in 1970, the BAC was 66.1 percent and in 1973, the BAC was 62.7 percent. The Wisconsin study was somewhat flawed 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 minimum age simply made it legal for the age group to also buy wine and hard liquor.

A January 7, 1979 editorial in the Atlantic City Press provides several cogent arguments against raising the drinking age.[9] The editorial suggested that raising the drinking age while continuing to have a lower driving and voting age has significant effects on the societal concept of adulthood. According to the editorial writer, an increase in the drinking age would stand as testimony to the importance society places on alcohol consumption. An effect of these differing age levels is that one might say that the "right" to consume alcohol is considered by society to be more important than the right to vote or the right to drive. The editorial concluded by noting that increasing the drinking age back to 21 could lead the 18, 19 or 20 year old to conclude that "a bottle of beer means adulthood".

Conclusion. This office will undertake further research on this topic and provide a follow-up report shortly. The Distilled Spirits Council of the United States in Washington, D.C. has been contacted for research assistance. It must be noted, however, that the weight of the statistical evidence supports a conclusion that lowering the drinking age leads to at least a temporary increase in alcohol-related accidents. Whether the rate will moderate over time is presently unclear.

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[8] J. Kasprak, "Drinking Age - Arguments For and Against Raising The Age; Impact on Traffic Fatalities", Office of Legislative Research, Hartford, Connecticut, May 16, 1980.

[9] Ibid

ARIZONA LEGISLATIVE COUNCIL

MEMO

November 13, 1981

TO:

FROM: Richard R. Greenfield, Deputy Director

RE: Raising the Legal Drinking Age to 21; Con Arguments (Addendum to R-35-120)

As noted in my October 27, 1981 memo to you on this subject, this office contacted the Distilled Spirits Council of the United States (DISCUS, an industry trade group) for additional con arguments which might be useful for your purposes. This information has recently arrived. A copy is enclosed for your reference.

By way of a general summary, DISCUS provided copies of four articles:

1. Richard Zylman, "Drinking Practices Among Youth Are Changing Regardless of the Legal Drinking Age", Journal of Traffic Safety Education, October 1976, p.p. 31-37.

2. James F. Rooney and Sanford M. Schwartz, "The Effect of Minimum Drinking Age Laws Upon Adolescent Alcohol Use and Problems", 6 Contemporary Drug Problems, p.p. 569-582 (Winter 1977).

3. Selden D. Bacon et al., "Defining Adolescent Alcohol Use: Implications for a Definition of Adolescent Alcoholism", 37 Journal of Studies on Alcohol, p.p. 1014-1019 (1976).

4. Howard I. Blane and Linda E. Hewitt, "Alcohol and Youth: An Analysis of the Literature -- 1960-1975", National Institute on Alcohol Abuse and Alcoholism, March 1977.

The Zylman article examines the hypothesis that lowered drinking ages cause an increase in teenage drinking with all of the associated side effects. The converse of this hypothesis is that in the absence of any change in the law there would be no change in teenage drinking. He cites one New York study which suggests a significant increase in teenage drinking for the five years preceding 1974. This increase was reported notwithstanding the fact that New York has permitted 18 year olds to drink since 1934. A California study suggested a significant increase in high school students' drinking between 1968 and 1974. Yet California, according to most recent data reported by the National Conference of State Legislatures, has had the same 21 year old drinking limit since 1933. Finally, Zylman cites a 1973 study of teenagers for the National Commission on Marijuana and Drug Abuse which demonstrated a significant increase in the use of all drugs, including alcohol, since the late 1960's. Zylman concludes by tracing the increase in teenage drinking to societal factors. He states that:

> to withhold the right to drink legally at the age of 18, or worse, to rescind that right once it has been granted, runs the risk of criminalizing a normal activity among youth and thereby alienating all youth because of the few -- the few who will use and abuse alcohol with or without sanction of the law.

The Bacon article, which reported the results of a workshop on adolescent alcoholism, suggested that there is a need for more definitional clarity. Depending on one's value system or point of view, a problem drinker could be anyone who drinks. Additionally, numerous independent variables must be examined in any attempt to examine adolescent alcoholism. Only ten of these variables are: (1) quantity; (2) frequency; (3) weight of user; (4) duration of drinking episode; (5) experience of user; (6) situation of use; (7) psychological and physiological status of user; (8) definition of role of drinker by drinker and others; (9) definition of act of drinking by the drinker and others; and (10) patterns of use over time. Change any of these variables and one's definition of adolescent alcoholism changes substantially. Bacon concluded by noting the need for more definitional clarity in any study of what is admitted to be a problem.

The Rooney and Schwartz article indicated that there is considerable debate as to the actual effect of state minimum drinking age laws. Researchers have indicated three hypotheses regarding the impact of a lowered drinking age:

1. Forbidden Fruit Hypothesis. One researcher claims that higher legal age limits may encourage clandestine drinking by the young and reduce the likelihood of learning healthy attitudes toward alcohol. Another researcher has suggested that higher minimum age limits may actually encourage the use of alcohol as a means of symbolic aggression against social authority.

2. Restriction Hypothesis. This hypothesis implies that a higher drinking age may actually postpone alcohol use on the part of youth. Rooney and Schwartz note that support for this hypothesis has come from several researchers studying the effects of alcohol on traffic accidents among youth. Two Michigan researchers concluded that an increase in alcohol-related collisions had occurred in Michigan subsequent to lowering the drinking age. It was held that the increase could not be explained by a change in police reporting practices.

3. Null Hypothesis. This hypothesis suggests that a lower drinking age has had no substantive effect. One researcher examined fatal automobile crash data for Michigan for the two years following a decrease in the legal drinking age. It was concluded that the reported increased crash rates reflected a change in police reporting practices and not an actual change in the behavior patterns of 18 to 20 year olds.

Rooney and Schwartz then reported on the results of their study of over 4,000 high school seniors in five states which were evenly mixed between urban and rural environments. Findings included a conclusion that states with higher legal drinking ages clearly have proportionately more adolescents who consume alcohol and who consume greater quantities on a more frequent basis. The Rooney and Schwartz study also indicated that the incidence of alcohol-related problems is higher in states with a higher legal drinking age. In conclusion, Rooney and Schwartz come down in support of the "forbidden fruit" hypothesis as follows:

> It appears that the imposition of state drinking age laws for minors, while alcohol is readily available and frequently used by the remainder of society, places alcohol into what Durkheim has called the "sacred," and fosters a "forbidden fruit" syndrome.

Finally, the Blane-Hewitt survey of the literature suggested several findings worthy of note:

-- Teenagers generally start to drink between the ages of 13 and 14 years.

-- Approximately twenty percent of all teenagers get "high, tight or drunk" once a month or more often. This percentage does not appear to have changed substantially over the years in question.

-- Peer and parental influences are most important in establishing teenage drinking habits. Parental drinking status and adolescent drinking status frequently coincide.

-- Behavioral variables of church attendance, religious involvement and academic achievement are negatively related to adolescent alcohol abuse.

-- Recent reports of a severe increase in teenage alcohol abuse are complicated by confusion of the effects of intoxication with alcoholism, greater public awareness and acceptance of alcohol problems, increased police attention to drinking and driving, younger drinking age laws, clinical admission policies and methodological weaknesses. Some adolescents exhibit severe involvement with alcohol as one aspect of a socially disorganized, delinquent lifestyle that may represent a clinical entity separate from alcoholism.

-- Blane and Hewitt are generally critical of previous research concerning alcohol and youth finding that it has been typified by the failure to adopt a conceptual approach, to adhere to commonly accepted standards of research practice, to build on the work of others and by a methodological singularity.

Additional Research. This office will continue to keep an open file on this subject and will contact you when the receipt of additional information justifies preparation of an additional report.

Encls.

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

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

April 2, 1982

MEMORANDUM

TO: Representative Ramona Barnes

FROM: Felicity Watt, Research Staff

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 nor 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.

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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
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
Nebreaska	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).

Representative Barnes
April 2, 1982
Appendix A

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

SHOULD THE DRINKING AGE BE RAISED IN FLORIDA?

THE FACTS IN A NUTSHELL

-- Presently 34 states and the District of Columbia permit consumption of alcoholic beverages in some form under age 21. Five are at age 18; fourteen (including Florida) are at 19; six are at 20; sixteen are at 21; and ten have a mixture between 18 and 21.

-- THE MOST RELIABLE HARD DATA ON ALCOHOL RELATED TRAFFIC FATALITIES INDICATES THAT 18, 19 AND 20 YEAR OLD DRIVERS ARE LESS BLAMEWORTHY THAN 21-44 YEAR OLD DRIVERS. (National Highway Traffic Safety Administration 5/82 Technical Report, at B(4)). For older drivers to condemn these young drivers is unjustified.

-- Florida has 771,000 adult citizens under 21. That is 15.8% of our registered voters. These young citizens do not deserve a law discriminating against them because of age.

-- Alcohol related accidents are primarily a male driving problem at every age. (87% of the drivers are men, according to one study.) THE YOUNG WOMEN OF FLORIDA DO NOT DESERVE TO HAVE THEIR RIGHTS RESTRICTED BECAUSE OF A DRIVING PROBLEM OVERWHELMINGLY CAUSED BY MEN.

-- Preliminary figures indicate Florida's new, tough DUI laws, applicable to all ages, are working.

-- The drinking age was raised to 19 in 1980. Fatalities of 18 year olds when 18 was legal (1980) - 20. Fatalities in 1981 (18 illegal) - 19. One less, not "hundreds" as proponents say. Does prohibition work? No! *

-- Estimates by proponents, even if accurate, project only a small safety effect which must be compared with other measures which would have a tremendous positive effect on traffic deaths and injuries, such as mandatory seat belts and automatic restraints.

-- 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.

* Florida Division of Motor Vehicle statistics.

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

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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 states[2–9] 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 Respondents' Demographic Characteristics in Massachusetts and New York Surveys 1979–1981

	Massachusetts			New York		
	Before	After		Before	After	
Demographics	(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	78	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	33	32	33	29
500+	19	17	14	17	16	16
Condition of Car						
Poor–Fair	18	20	18	19	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	16
Drank Last Month 5+ Times						
Parties‡	15	13	18	11	12	11
Car	18	17	16	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.)

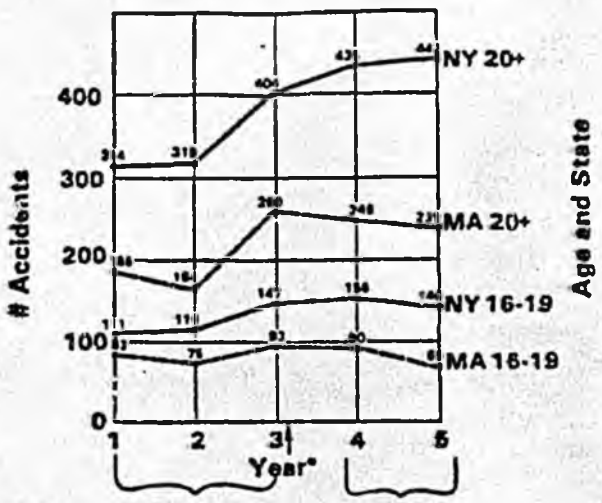
whether the law had any impact on the dependent variables in Tables 3, 4, and 5. The analysis compares Massachusetts to New York with respect to changes in the dependent variable, say driving after drinking, from the pre-law survey to the post-law surveys, adjusting for possible initial differences between the states on the dependent variable. Relations are cited as significant if $p < .05$.

In addition, data from the US Department of Transpor-

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	
Drove 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.



Percent of all drivers in Single Vehicle Nighttime Fatal Accidents Age 16-19		Pre Law 1	2	3	Post Law 4	5
	NY	26	27	27	26	24
	MA	31	31	26	27	22

1 = Year law went into effect

* Year	1 April 1976 - April 15, 1977
2	1977 - 1978
3	1978 - 1979
4	1979 - 1980
5	1980 - 1981

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

chusetts 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 drinking 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 15 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.

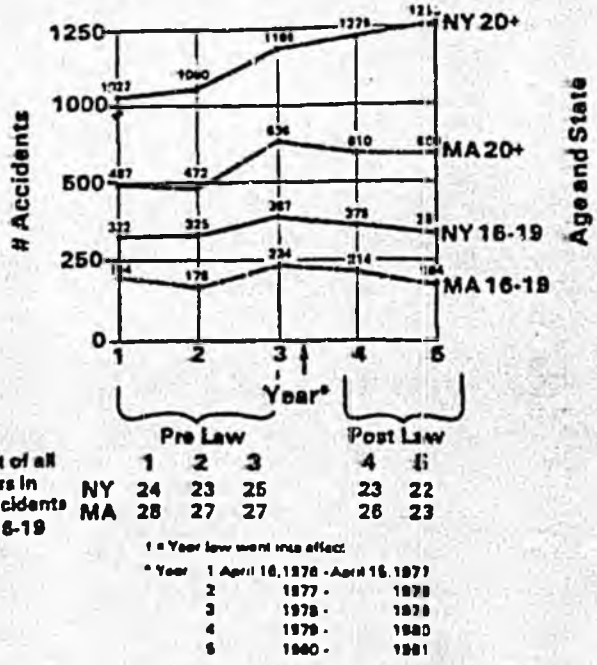
Three separate statistical procedures tested whether these teenage accident trends in Massachusetts were significantly different from the trends in New York. The accident totals for each age group and each year were fitted to a log-linear model using the methods of Bishop, Fienberg and Holland.[15] The 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

*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.



Percent of all drivers in Fatal Accidents Age 16-19		1	2	3	4	5
	NY	24	23	25	23	22
	MA	28	27	27	26	23

1 = Year law went into effect

* Year 1 April 16,1976 - April 15,1977
2 1977 - 1978
3 1978 - 1979
4 1979 - 1980
5 1980 - 1981

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 to 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 previously 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 0 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	16
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 time; 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.

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Bill asks advisory vote on raising drinking age

The Associated Press

JUNEAU — Raising Alaska's legal drinking age to 21 could make the state's highways safer, the director of the Alaska Council on Prevention of Alcohol and Drug Abuse told a House panel Thursday.

Drivers from 18 to 20 years old are extraordinarily prone to automobile accidents and more apt to lose control when they drink, Barbara Hoffman told the House Judiciary Committee.

The committee is considering a bill calling for an advisory vote on the issue. Voters would express their opinions at the first general election after passage of the bill.

Consultants on alcoholism testified both for and against the legislation. An expert hired by the alcohol council said figures show social problems involving youths are declining in states where the drinking age has been raised. An expert hired by bar and restaurant owners said the figures are inconclusive.

Frank Lee, who last year supported the bill but this year testified in opposition to it for an Anchorage bar and restaurant association, said data can be interpreted in many ways.

Bar and restaurant owners don't think the proposed advisory ballot offers the right question, he said, suggesting the legislature consider a vote on raising the age of majority from 19 to 21.

The voting age and the age for other legal responsibilities should be tied to the drinking age, he said.

The bill before the Judiciary Committee restricts the change in the legal age to "the purpose of regulation of the sale, consumption, service, furnishing, barter, purchase, gift or delivery of intoxicated liquor."

Rep. Charles Anderson, R-Anchorage, said he is bothered by the idea of "legislating against" 19 to 21 year olds.

Committee Chairwoman Ramona Barnes, R-Anchorage, and Rep. Randy Phillips said they have been getting cards on the issue saying, "I'm 18. I vote."

Bill sponsor Rep. Terry Martin, R-Anchorage, said the bills has political ramifications that make some politicians nervous, but he argued polls show Alaskans strongly in favor of changing the drinking age.

Since the age was lowered, Martin said there has been a "tremendous increase in teenage traffic accidents.

"We're talking life and death," he said.

Hoffman said Alaska has a lot of problems with alcohol because of its climate, a young population and an general lust for adventure.

"It seems as though what we really have is a high-risk population," she said. "We place a very high value on high-risk" adventures.

She classified drinking in Alaska as "a willing risk for recreational behavior."

A spokesman for the state Department of Health and Social Services said the agency supports raising the drinking age to eliminate liquor's "pass down effect."

He said 19 year olds drink with 15 and 16 year olds, whereas 21 year olds associate with 22 and 23 year olds.

Sheffield backs age change

The Associated Press

FAIRBANKS — Democratic gubernatorial candidate Bill Sheffield told a group of high school students Thursday that Alaska should raise its legal drinking age from 19 to 21.

The Anchorage businessman said the change would be a first step toward reducing alcohol abuse in the state.

"Other states in the Lower 48 have been increasing the legal drinking age — and with impressive results," Sheffield said in remarks prepared for an American government class at Lathrop High School in Fairbanks. "The automobile accident rate has declined, thousands of lives have been saved and young people are leading more productive lives."

He said there were almost 2,900 fewer traffic fatalities in Michigan the first year after it raised its drinking age from 18 to 21.

To illustrate the severity of the problem in Alaska, Sheffield said alcohol was a factor in:

- 64 percent of the criminal homicides in 1980;
- 80 percent of the suicides;
- 70 percent of the traffic fatalities;
- 48 percent of the violent crimes (78 percent in rural areas).

Juveniles account for about 52 percent of the arrests of liquor law violators and 64 percent of the arrests for non-aggravated assaults, he said.

"Waiting two more years to have a drink won't kill anyone," Sheffield said. "Taking the drink might."

The Atlanta Journal AND CONSTITUTION SUNDAY, FEBRUARY 6, 1983

Is age a vital DUI factor?

By Pamela Fine
Staff Writer

Raising Georgia's legal drinking age is not likely, by itself, to cause a significant reduction in teenage driving fatalities or consumption of alcohol, according to conclusions reached in a new study by researchers at Boston University's Schools of Medicine and Public Health.

Writing in the February issue of the American Journal of Public Health, the nine researchers reported that teenage driving deaths have declined only slightly in Massachusetts since that state raised its legal drinking age from 18 to 20 in 1979.

"The law has not had as marked an impact as [illegible] it would have," one of the study's authors, [illegible]ngson, said last week.

[illegible] researchers said weak and inconsistent law [illegible]cement efforts in their state were partly to blame for the poor results.

Without vigorous efforts to apprehend, convict and punish drunk drivers and those who sell alcohol to or buy it for minors, raising the drinking age may be nothing more than a symbolic statement to teenagers that the community disapproves of their drinking, they said.

"Who can argue with that?" responded Sen. Paul Coverdell (R-Atlanta), who is the principal sponsor of proposed legislation that would raise Georgia's legal drinking age from 19 to 21.

He said his proposal was not created in a vacuum. The General Assembly is taking researchers' advice to heart by trying to stiffen DUI penalties and law enforcement efforts in addition to raising the legal drinking age, he said.

Coverdell added, however, that he differed with the researchers' conclusion that increasing the drinking age, by itself, would have only a symbolic effect.

He said his research shows that, "for whatever reason," raising the drinking age causes young drivers to be more cautious about drinking and driving.

"We cannot cure drinking, but the statistics I've [illegible] on states that raised their drinking age show [illegible]hat enough of the teenagers alter their behavior in some force to reduce deaths," the senator said.

In the Boston University study, automobile accident statistics from 1976 to 1981 for Massachusetts were compared to accident statistics from New York, which has kept its legal drinking age at 18.

In addition, the researchers analyzed the drinking and driving habits of about 1,000 teens, aged 16 to 19, over a three-year period. Their work included random telephone surveys of the teenagers before and after Massachusetts raised its legal drinking age.

Among their findings:

- The decline in fatal accidents for that age group was only 1 percent when statistics from three years before and two years after the new legal drinking age were compared.
- While single-vehicle nighttime crashes among those aged 18 and 19 dropped 15 percent after the law, such accidents among those aged 16 and 17 rose by more than 20 percent.
- Although about 10 percent of the teenagers reported that after the law changed, they drove less frequently after "any drinking," there was no change in the habits of the 11 percent who said they drove after drinking heavily (six or more drinks).
- Nearly 40 percent of the teenagers said they had attempted to purchase alcohol after the legal drinking age was raised.
- The proportion of teenagers who had someone else purchase alcohol for them or who most often obtained alcohol from their homes doubled from 21 to 43 percent after the law took effect.

"The average daily consumption of alcohol in the 16 to 19-year-old age group during the two years after the law was passed did not decline in Massachusetts compared to New York," the researchers wrote.

"The results suggest that raising the drinking age reduced single-vehicle nighttime accidents but not overall fatal accidents in Massachusetts relative to New York among 18- and 19-year-olds," they concluded.

The study also indicated that teenagers who have been legally allowed to drink but would have the privilege revoked if the legal drinking age is raised are likely to resist the change.

The authors say it may be wiser to crack down on drunk driving laws for all drivers rather than specifically target one group, whose lifestyle patterns may not change substantially under a higher legal drinking age.

"Let's not forget that teenagers still constitute only a small fraction, one fifth or less, of fatalities in accidents," said Hingson, an associate professor of socio-medical sciences.

While Hingson said Georgia's proposal holds some promise of accident reductions, he noted that research indicates it may not be the lifesaver its supporters contend.

Coverdell and other proponents of the higher drinking age, however, point to research by the Washington-based Insurance Institute for Highway Safety that, they said, suggests otherwise.

The safety institute compared accident statistics from nine states that raised their legal drinking age to those from states where statutes were not changed. The study concluded that states with higher legal drinking ages can expect a 28 percent reduction in nighttime teenage fatal accidents.

But the Massachusetts researchers say that while the institute research itself is not necessarily wrong, other states considering drinking-age proposals cannot automatically assume the 28 percent reduction.

They said the driving laws in the nine states that were studied may be more stringent and law enforcement efforts more vigorous than in states considering the change.

The Massachusetts study, they said, analyzed actual drinking habits of teenagers in addition to accident statistics, something the highway safety institute did not do.

"If the (Georgia) law is to have any impact at all," Hingson said, "you must have coordinated law enforce

Tom Teepen

The drinking-age controversy

Maybe it is my knee-jerk-liberal's indoctrination in the premise that there are no simple answers to complex problems, but whatever the source, I am skeptical of the move in the General Assembly to bump Georgia's legal drinking age up from 19 to 21.

The goal is to cut drunken-driving injuries and deaths, and there can be no arguing with success. States that have made this move have seen striking reductions in DUI fatalities.

I wonder, however, whether drunken driving should serve as the be-all of such a social decision. Even if it should, this may not be the best way to go about the problem.

In relation to the miles they drive, drivers 18 through 20 are involved in DUI fatalities 2.6 times more often than the population overall. But drivers 21 through 24 are just about as bad. They are involved in 2.1 times more DUI deaths than the overall average.

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. The statistical case for that is every bit as strong as for coming down on 18-to-21-year-olds. The main difference is that the latter proposition would be politically riskier.

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: That's the biggest DUI offender category — but just try to sell that one in the legislature.

A provocative study of legal drinking ages was conducted a few years ago by Dr. James F. Rooney, an associate professor of sociology at Penn State. With funding from the Boys Town Center for the Study of Youth Development, Rooney surveyed 5,000 persons in five states.

Two states had legal drinking at 20 and 21; three at 18. To his own surprise, Rooney found just the opposite of what you'd expect. Young people drank more, drank more often, drank in larger numbers and had more drinking problems in the higher-age states.

Rooney suspects the "forbidden fruit" syndrome.

Then, too, as with any law, there is the issue of enforceability. Our current 19-year-old line pretty well fits the distinction young people make themselves — that great social continental divide: High school and post-high school. The legal drinking age of 19 is reinforced by the customs of the people who are its subjects — always a good omen for enforcement.

Time was when 21 was a similar line. Many of the privileges, if they are that, of adulthood were reserved for then — voting, property ownership, etc. But the once-magic age of 21 has become meaningless. A 21-year drinking limit will rake against the grain, striking many in that age group as arbitrary and even abusive. The inevitable resulting enforcement problems will weigh against whatever gains are made in reducing accidents.

Frankly, I'm put off by an unmistakable undercurrent that runs through this debate. Listen closely, and you can't miss the keenness of some to punish young people some way, somehow, for being young — and especially for having a youth which many older folks see as enjoying freedoms that they missed out on.

It is certainly true that 18-to-21-year-olds are at the same time new drivers and new drinkers, an inherently volatile mix of inexperience.

I wonder, however, if we could address the resulting problems both more fairly and more effectively by what would amount to a provisional licenses in both fields, allowing beer at 18 or 19 but holding off harder stuff until 21 — and making driving far more clearly a privilege for the first three years, with licenses that could be revoked for reckless operation of any sort.

Just a thought.

The Orlando Sentinel
MARCH 19, 1983

Gordon says drinking age should be 18

By Robert A. Liff

SENTINEL MIAMI BUREAU

MIAMI BEACH — State Sen. Jack Gordon, looking with amused cynicism at proposals to raise the drinking age to 21, says he might suggest an amendment if it ever reaches the floor of the Senate.

Gordon, a Miami Beach Democrat, says the drinking age should be lowered from 19 to 18.

And drinking should be banned between the ages of 35 and 45.

"That age group has the highest percentage of drunk driving traffic fatalities," Gordon said.

State Rep. Fran Carlton, D-Orlando, has proposed raising the drinking age in Florida from 19 to 21. She cites statistics that show a high percentage of drunken driving traffic fatalities involve drivers in that age group.

But Gordon, who is a health food addict and rarely drinks, thinks Carlton and other supporters, including Senate President Curtis Peterson, are "essentially prohibitionists."

Peterson and Carlton, neither of whom could be reached for comment Friday, are teetotalers who do not share Gordon's views.

"A lot of people see young people as a group they can attack with relative impunity," Gordon said.

"And young people haven't made significant use of the ballot."

Gordon, who admits his proposal is tongue-in-cheek, says raising the drinking age will violate the Florida Constitution.

"The Constitution says every natural person has a right to be free from governmental interference in his private life," Gordon said.

He invited a court challenge to the raised drinking age, if it passes, on those grounds.

Gordon, 60, cheerfully admits that his strong civil-libertarian instincts make him a minority in Florida's upper legislative house.

*** The Orlando Sentinel

This is the man who, during legislative debate on his proposal to legalize personal use of marijuana, claimed that because only fertilized female plants were ripped out of the ground by drug agents, the issue was one of civil rights.

Gordon didn't win the marijuana fight.

But in the grand Florida legislative tradition of "politics makes strange bedfellows," Gordon's cosponsor on the marijuana bill was Senate Dean Dempsey Barron, a Democrat from Panama City.

Gordon has managed to get into, and stay in, the Senate leadership despite his liberal views. He was former chairman of the powerful Senate Appropriations Committee and now serves as Senate president pro tempore and chairman of the Education Committee.

The Orlando Sentinel

The Orlando Sentinel, Wednesday, March 2, 1983 A-11

Attack drunken driving, but don't pick on youth

My word / Victor Hastings

SPECIAL TO THE SENTINEL

Those who want to raise Florida's drinking age unfailingly couch their arguments in such emotional terms as "saving young lives" and "keeping our highways safe." It is our legislators' sacred duty, they proclaim, to raise the legal limit to 21, thereby ensuring domestic tranquility, promoting the general welfare, with liberty and justice for all, and so on.

It would be all too easy for our legislators to attempt to remedy the drunken-driving problem by raising the drinking age from 19 to 21. Young adults are a politically insignificant group, and they make an ideal scapegoat for the drunken-driving problem.

Of course raising the drinking age to 21 would "save young lives," but why stop there? Why don't we save thousands of adult lives by raising the legal limit to 40? Why don't we just re-enact the 18th Amendment and be done with it altogether?

It is an all-too-American habit to treat a problem by attacking its symptoms. Raising the drinking age is an absurd "solution" to a serious problem, because it presupposes that young adults are somehow more to blame for drunken-driving deaths. Such is simply not the case.

No, a solution to the problem goes much deeper than the relatively insignificant question of "when shall we allow people to begin drinking?" First, we must admit that all drivers, not just young ones, are dangerous when drunk; in other words, we must create substantially tougher penalties for drunken driving. Consider Sweden, where the presence of stringent laws against drunken driving has been enormously successful.

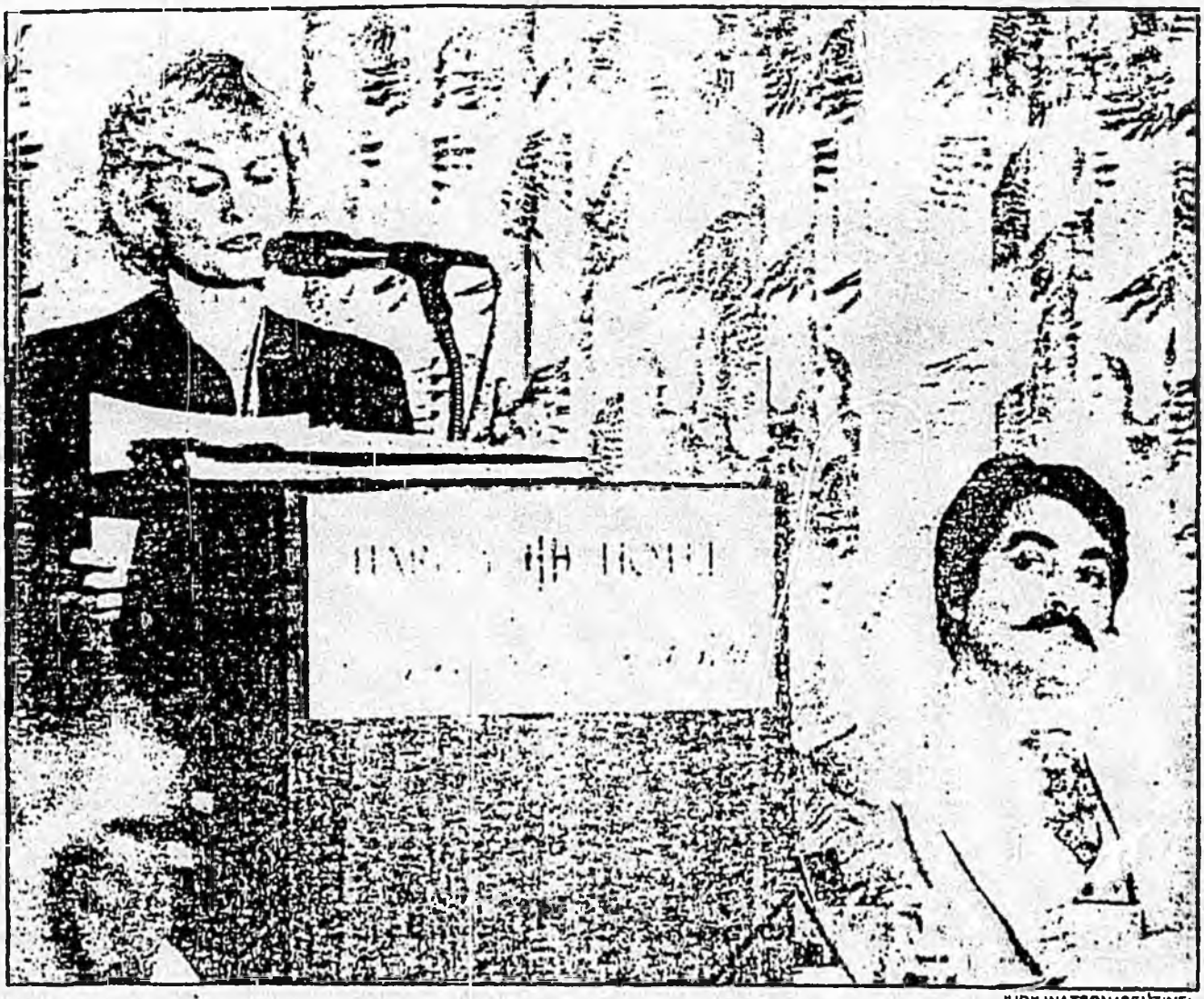
However, it is one thing to enact more severe penalties; it is entirely another to enforce them. Our courts are just now beginning to realize that death at the hands of a drunken driver differs little from death at the hands of a gun-wielding attacker. The greatest benefit of groups like Mothers Against Drunk Driving is that they produce a change in thinking; at long last, Americans are beginning to consider the implications of driving while impaired.

As part of the "change in thinking," I would advocate the discontinuance of Breathalyzer tests in drunken-driving cases. Just as polygraphs and traffic radar have been demonstrated to be inaccurate under field conditions, so also can Breathalyzer data be misleading. A blood-alcohol level of 0.10 percent (the definition of "drunkenness," according to Florida statutes) is enough to induce alcoholic stupor in some persons; others can register 0.10 and never feel it. In any case, "trial by machine" smacks of Orwell.

The use of videotape cameras during drunken-driving arrests would, I feel, allow juries to decide for themselves whether a defendant was intoxicated. Videotapes could be introduced as evidence without any of the constitutional hassles that have rendered Breathalyzer evidence virtually — and, I might add, justifiably — useless in courts of law.

Another solution we must consider, although I have little belief that it would ever be passed, is to raise the driving age to 18, with a restricted permit at 16. Most European countries do not issue driver licenses to minors. After all, driving is inherently more dangerous than drinking; it is the combination that is deadly.

Victor Hastings, 22, former editor of the Wake Forest University student newspaper, is now a graduate student at the University of Central Florida.



JUDY WATSON/SENTINEL

Snow casts skeptical glance as Carlton cites figures backing higher drinking age.

Sparks fly at drinking age debate

Tourist association members argue after Snow, Carlton square off

By Sandra Mathers

OF THE SENTINEL STAFF

Orlando restaurateur Bob Snow and state Rep. Fran Carlton squared off Friday in their first face-to-face debate on what's sure to be one of the most controversial issues before the Florida Legislature: raising the state's legal drinking age from 19 to 21.

Their opposing positions, presented at an Orlando Area Tourist Trade Association luncheon in the Harley Hotel, were predictable. What wasn't as predictable was the debate among OATTA members that followed.

Carlton, an Orlando Democrat, is primary sponsor of House Bill 24, which would raise the state's legal drinking age to 21. She cited a stream of statistics to support her contention that there were more alcohol-related traffic deaths in Florida in 1981 in the 19- and 20-year-old age group than any other.

"In 1981, 25,000 nationwide died in alcohol-related highway accidents and 4,484 of them were 16 to 24 years old," she said. "The youthful death toll is a national scandal."

Snow, founder and president of the Florida Entertainment and Dining Association, a lobby group fighting the bill, argued that raising the drinking age is discriminatory, unwarranted and unenforceable.

"We're looking at a problem of drunken driving, not of age," he said. "Across the board, those under 21 are not more blameworthy than other age groups; they're getting a bum rap."

Snow cited national statistics showing that the alcohol-related accident rate for 18- to 20-year-olds

Please see DEBATE, C-6

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DEBATE

From C-1

was less than 48 percent, compared with a rate of 50.5 percent for 22- to 24-year-olds.

Immediately after Carlton and Snow concluded their polite, but intense, presentations, Cathy Kern, OATTA president, called for a straw vote among members on the issue.

But the show of hands indicating overwhelming support for leaving the minimum drinking age at 19 sparked a hot exchange between Gene Hassett, OATTA's founder and operations director of Yogi Bear Campgrounds, and Mark Kirkham, president of the Winter Park Restaurant Association.

"We're organized to support only issues that affect tourism and I say (this issue) does not," Hassett said. "We're voting on a moral issue here and OATTA wasn't formed to take moral stands."

OATTA, he said, was formed seven years ago to promote tourist-related businesses ranging from airlines to dairies.

"We aren't just an organization of hotels and motels," he said.

Kirkham, who is not an OATTA member, countered that a new Florida State University study shows that $25 million in tax revenues and $1 billion in liquor sales would be lost if the drinking age were raised.

"This is money in your pockets," Kirkham said. "We've already wiped out freshmen when we raised the age to 19 and now the sophomores, juniors and seniors will go.

"Florida is a spring break state and our students will go elsewhere."

Hassett shot back, "You're saying we'll lose revenues, but when the age went from 18 to 19 (liquor) consumption increased by 6 percent, not decreased."

Florida raised the legal drinking age from 18 to 19 in 1980.

Kerns said both the straw vote and members' concerns will be presented to the OATTA board of directors' meeting next week.

But Hassett said he will "do everything in my power" to persuade the board to remain neutral on the issue.

"OATTA shouldn't be pulled into this issue. Not even the liquor lobby is taking a stand on the drinking age, because sales won't be lost; only the point of sale will change," he said.

Hassett was referring to an entertainment industry belief that raising the drinking age will drive underage drinkers out of restaurants and bars and into package stores to purchase liquor.

Two hours before the Carlton-Snow debate, Mothers Against Drunk Driving staged a press conference at the Harley with Rep. Richard Crotty, a Republican from Orlando, and Rep. Art Grindle, a Republican from Altamonte Springs, to announce their support of four drunken driving bills.

In addition to Carlton's bill to raise the legal drinking age, the group is backing House bills 51, 37 and 127.

Bill 51 would prohibit anyone from drinking alcohol either while operating or riding in a motor vehicle. Bill 37 calls for a seven-day mandatory imprisonment for convicted drunken drivers who refuse to participate in required public service or community work projects.

Bill 127 would increase the period of license suspension from three to six months for those who refuse to take a breath, urine or blood test.

158 20

Should Florida's drinking age be 21?

YES

By Fran Carlton

SPECIAL TO THE SENTINEL

Richard was 20 years old. On Nov. 3, 1981, at 11:20 p.m., he was killed on Palmer Avenue in Winter Park in the automobile that he was driving at a high speed after he consumed two pitchers of beer.

It was a needless, useless death.

Nineteen- and 20-year-old drivers killed more people in alcohol-related highway accidents in Florida than drivers in any other age groups in 1981, according to the National Transportation Safety Board.

In Florida in 1981, 170 people died in alcohol-related highway accidents in which the driver was under 21. That figure comprises 25.5 percent of all alcohol-related highway deaths.

This is a gross overrepresentation since drivers under 21 make up only about 10 percent of all licensed drivers and drive only about 9 percent of the vehicle miles driven in Florida.

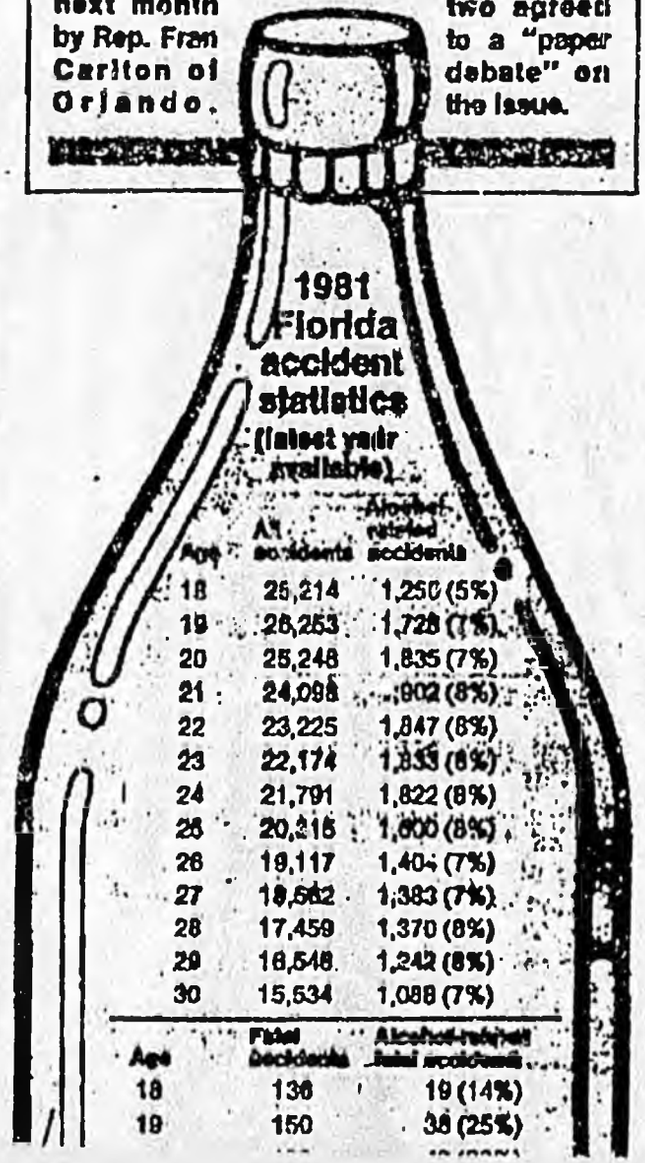
As a result of the highway carnage wrought by young drivers under the influence of alcohol, the National Transportation Safety Board is urging that the legal minimum age for drinking and purchasing alcohol be raised to 21 nationwide. This plea is being supported by a large majority of the public and by local, state and national organizations.

The movement to lower the legal drinking age began in 1970 when ratification of the 26th Amendment gave 18-year-olds the right to vote in federal elections. The states responded by changing their majority laws. Along with the right to vote, making wills, signing contracts and getting married, the legal drinking age became an issue before state legislatures.

By mid-1973, 24 states had reduced the legal alcohol-consumption age to 18, 19 or 20. Florida [illegible] drinking age to 18 in 1973.

A debate on the issue

A bill to raise Florida's drinking age from 19 to 21 will be introduced into the Legislature next month by Rep. Fran Carlton of Orlando. Bob Snow, owner of Orlando's Church Street Station, will lead the fight against the bill. The two agreed to a "paper debate" on the issue.



1981 Florida accident statistics (latest year available)

Age	All accidents	Alcohol-related accidents
18	25,214	1,250 (5%)
19	26,253	1,728 (7%)
20	25,248	1,835 (7%)
21	24,098	1,802 (8%)
22	23,225	1,847 (8%)
23	22,174	1,833 (8%)
24	21,791	1,822 (8%)
25	20,315	1,600 (8%)
26	19,117	1,404 (7%)
27	18,562	1,383 (7%)
28	17,459	1,370 (8%)
29	16,548	1,242 (8%)
30	15,534	1,088 (7%)

Age	Fatal accidents	Alcohol-related fatal accidents
18	136	19 (14%)
19	150	38 (25%)

ages," the commission said, noting that there is a direct correlation between the minimum drinking age and alcohol-related crashes among the age groups affected.

An Associated Press article carried in the *The Orlando Sentinel* last September quoted Dr. Morris Chafetz, president of the Health Education Foundation in Washington, from a speech where he said, "For the past 75 years, there has been a remarkable increase in the life expectancy of people in this country with one notable exception. Between the ages of 16 and 24, the life expectancy has dropped to what it was 20 years ago. Of deaths in that age group, 75 percent are due to car accidents attributed to excessive use of alcohol or drugs."

And according to a January 1983 Gallup Poll, a large majority of Americans, including young people, would vote in favor of raising the drinking age to 21 if given the chance in a referendum. Nationwide, 77 percent favored, and only 20 percent opposed the idea. Among 18-, 19- and 20-year-olds, the poll found 58 percent in favor of raising the drinking age to 21, with 38 percent opposed. High school students were even more in favor of a 21-year-old drinking age, with 80 percent for and only 17 percent against.

The opponents of raising the age to 21 are leading people to believe that should HB24 pass, those persons under 21 years of age could no longer work in places that serve alcoholic beverages. This is untrue. The Florida statute specifically states that anyone 18 years of age or older can work in such an establishment. The legislation would not change that in any way. If young people lose their jobs it will be because their employers choose to fire them.

The opponents also raise the question that if you are going to raise the age, why 21? Why not 24, or 35, or even 40? There is precedent for 21. Currently, 16 states have set 21 as the legal age for the purchase of all alcoholic beverages.

The Hotel Employees and Restaurant Employees

of alcohol-related school problems put an end to the campaign to lower the drinking age. No state has lowered the legal age since 1973.

To the contrary, a reverse trend to raise the drinking age is occuring throughout the nation.

Lowering the drinking age from 21 to 18 was a faulty decision from the beginning. Disturbing statistics make it increasingly apparent that Florida, along with many other states, participated in an experiment that failed.

A study by the National Highway Traffic Safety Administration shows that in eight states (Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Hampshire and Tennessee), raising the legal drinking age produced an average annual reduction of 28 percent in nighttime fatal accidents involving 18 to 21-year-old drivers.

The National Transportation Safety Board, in urging restoration of the legal drinking age to 21, said, "Available data shows a direct correlation between minimum drinking age and alcohol-related accidents in the 18- to 21-year-old drivers.

"In 1981, 25,000 persons died in alcohol-related highway accidents. Of these, 8,484, or about 25 percent, were between the ages of 16 and 24."

"This death toll of young Americans is grossly disproportionate and can be accurately termed a national scandal. Raising the drinking age to 21 nationwide could help save these young lives," says Jim Burnett, chairman of the National Transportation Safety Board.

In a "Report to the Nation by the Presidential Commission on Drunk Driving," the commission urged states to raise the age.

"States should immediately adopt 21 years as the minimum legal drinking age for all alcoholic bever-

21	152	41 (25%)
22	174	38 (22%)
23	140	31 (22%)
24	138	35 (25%)
25	132	25 (19%)
26	157	28 (18%)
27	133	33 (25%)
28	118	21 (18%)
29	128	31 (24%)
30	80	15 (17%)

Source: Florida Department of Highway Safety and Motor Vehicles.

MIKE WRIGHT/SENTINEL

...international have joined the presidential commission, Secretary of Defense Caspar Weinberger, the Florida PTA and a long list of state and national organizations and government officials in support of raising the legal drinking age to 21.

A group made up of bar and restaurant owners recently organized to oppose raising the legal age to purchase alcohol in Florida. They are very vocal in their opposition. According to James Fell, author of a 1982 report by the National Highway Traffic Safety Administration, his statistics have been misused by this organization to infer results that were not intended. The reason for their opposition appears to be very self-serving. *The Fort Lauderdale News* in a recent editorial expressed it this way: "Members of the group sell booze and they are fearful they will lose some business if a bill to raise the drinking age passes."

It is unfortunate that these individuals and organizations would put their own financial gain above saving the lives of young people.

The evidence is overwhelming: Raising the age to 21 in Florida will save hundreds of lives.

Legal drinking ages in the U.S.

Drinking at age 18:

Hawaii, Louisiana, Vermont, West Virginia, Wisconsin.

Drinking at age 19

Alabama, Alaska, Arizona, Connecticut, Florida, Georgia, Idaho, Iowa, Minnesota, Montana, New York, Tennessee, Texas, Wyoming.

Drinking at age 20:

Delaware, Maine, Massachusetts, Nebraska, New Hampshire, Rhode Island.

Age 21 for hard liquor, 18 or 19 for beer & wine:

Colorado, Kansas, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Virginia and the District of Columbia.

Drinking at age 21

Arkansas, California, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, Nevada, New Jersey, New Mexico, North Dakota, Oregon, Pennsylvania, Utah, Washington.

Rep. Fran Carlton of Orlando is prime sponsor of House Bill 24 (HB24), which calls for Florida's drinking age to be raised from 19 to 21. She wrote this article for The Orlando Sentinel.

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to 21; rather, it seeks to

NO

From G-1

19- and 20-year-old drivers compared with older citizens, or the law cannot be justified.

Young drivers have been made the scapegoats of this legislation. I think it's a bum rap and that the facts bear me out. In reviewing the studies cited on this subject, I have found that alcohol abuse on the highways is a very serious problem that deserves our attention, but it cannot be blamed on any one age group.

As a matter of fact, there are reliable statistics indicating that 18-, 19- and 20-year-old drivers are slightly less blameworthy in alcohol-related traffic fatalities than older citizens, aged 21 through 44. I refer to data compiled by the National Highway Traffic Safety Administration and published in its technical report of May 1982.

This study covers the 15 states NHTSA selects as having the best and most reliable reporting procedures for comparison by age. They represent a fair cross-section of states in terms of drinking ages — six are at 21 and six are at 18.

Rep. Carlton says that of all deaths in the 16-to-24 age group, "75 percent are due to automobile accidents attributed to excessive use of alcohol or drugs."

This claim has been printed all over Florida, along with Mrs. Carlton's characterization that the figure is "shocking." I believe that it is not only shocking, but inaccurate. The best data shows that the alcohol involvement in automobile fatalities in those age groups goes from 36.6 percent for ages 16 and 17 to 50.4 percent for the worst of all age groups, 22 through 24, so obviously, 75 percent is a substantial overstatement.

Another widely circulated statement by Rep. Carlton is that "... hundreds of lives have been saved

Other studies, such as the one done by the commissioner of probation in Massachusetts in 1979, show an increase of 26 percent in the number of teen-age DWIs *after* the drinking age was increased. The reasons given: "Teen-agers are probably not obeying the new law, and the inability to legally drink in a bar or tavern may induce some teen-agers to do more drinking in cars." This study suggests that such a law merely changes the point of sale from a restaurant or similarly controlled situation to the package and convenience stores where someone's older friend buys a six-pack to be consumed, many times behind the wheel, of the very car we are trying to keep off our roads.

I would like to appeal to the common sense of the readers. Do you think the passage of this law will stop 19- and 20-year-olds, who are adults for all other purposes, from drinking?

Alcohol consumption figures from states that have raised the drinking age have not gone down, they have gone up. Even consumption in Florida went up 6.4 percent, per capita, after the drinking age was raised to 19. Illegal package sales go up, drinking and driving probably goes up with it, and the result: a cruel hoax perpetuated on our young citizens by well-meaning crusaders under the banner of "Saving Just One Life."

If we are serious about saving lives, we could save not just one life but 25,000, by government estimates, if we enacted a law as England just did making the use of seat belts mandatory.

If raising the drinking age in fact has *not* proven effective, what then is the cost to the state of Florida of this discriminatory legislation?

I have seen preliminary figures showing a tax loss to the state of Florida of $10 million to $24 million per year. Thirty-four states in our country now allow drinking under the age of 21. All of our surrounding states (Alabama, Georgia, Mississippi and Louisiana) allow 18- and 19-year-olds to drink. They have beautiful beaches and

B-3-18

hood should be raised to 21; rather, it seeks to restrict one right while otherwise leaving those citizens as adults. I think it is unsound, unconstitutional and hypocritical. For example, I don't see how a man can be mature enough at 19 to own and operate a restaurant, but not be permitted to take a drink from it until he is 21.

The law is clearly discriminatory by age. Thus it is incumbent on those pushing it to show factually the clear and present need for this discrimination. There has got to be something markedly worse about the driving performance of

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Bob Snow, owner of the Church Street Station complex in Orlando and Seville Quarter in Pensacola, is president of the Florida Entertainment and Dining Association, which represents more than 100 establishments and 40,000 employees. He wrote this article for The Orlando Sentinel.

Please see NO, G-5

Another widely circulated statement by Rep. Carlton is that "... hundreds of lives have been saved since enactment of the higher drinking age in Florida." She was referring to Florida's raising the age from 18 to 19, effective October 1980.

In 1980, the year before the drinking age was raised to 19, the number of 18-year-olds killed in traffic accidents in Florida was 20, according to the Florida Department of Highway Safety and Motor Vehicles. The year following, 1981, there were 19 fatalities in the 18-year-old category — one less. The proponents of raising the drinking age say that there was a "5 percent decrease in fatalities." While this may be technically correct (5 percent of 20 is 1), it is nowhere near "hundreds," and I believe this is typical of exaggerated claims made to persuade the public to accept this discriminating law.

Proponents also point to a one-year study in Michigan for support. This study brought forth this comment by the actual author of the Michigan study, Alexander Wagenaar, who said in the *Michigan Transportation Research Institute Review*, July-Oct. 1982: "Even in Michigan, a relatively populous state, no significant effect of the raised drinking age was discernible from an analysis limited to fatal crashes."

Dr. Wagenaar, whom proponents praise for his "empirical data" to support raising the drinking age, went on to say that he suggests a differentiated drinking-age policy, gradually allowing young persons to use alcohol as they approach age 21.

"For example, young persons might be allowed to consume alcohol in their own homes at any age. Consumption in a restaurant under parental supervision might be allowed for young persons over the age of, say, 16. Drinking under adult supervision might be allowed at age 18, with adults providing alcohol to minors held liable for alcohol-related problems that might result." Contrary to what proponents might say, Dr. Wagenaar is not recommending raising the drinking age to 21.

ana) allow 18- and 19-year-olds to d[illegible]. They have beautiful beaches and aggressive tourism programs.

We all know stories about the weekend exodus of young partygoers driving across state lines with lower drinking ages and the tragic results of some of them trying to drive home.

The loss of jobs in Florida in the tourism industry will be staggering; estimated at upward of 20,000. Many more jobs will be lost in the college restaurants and pubs whose owners tell me that this law will bankrupt them. Students working their way through college as a waiter, waitress or bartender will be a thing of the p[illegible]. Enforcing a non-drinking law among underage employees is impossible in a responsible, well-run establishment.

The problem here concerns drunken driving, not age. The solution is with strict DWI laws such as Florida already has in place. There was a 23 percent reduction in traffic fatalities of all ages in the six months following enactment of these new laws last July. Let's give them a chance to work. Let's use the example of the state of Georgia, which just recently derailed an attempt to raise the drinking age, but added an alcohol-awareness program to its existing driver's education program. The Florida Restaurant and Dining Association believes laws of this type are sound and supports them.

Our association is promoting a Designated Driver program (DD), as in Europe, where one of the party refrains from drinking, to ensure a safe drive home. We feel that educational programs such as this, combined with stricter enforcement of existing laws, would have a real effect on curbing the tragic results of drunken driving.

Alcohol abuse is a serious problem, and there needs to be social as well as some legal changes to attack it. Our association recognizes that and supports well-conceived efforts. However, we oppose a law that unjustly discriminates by age, that will have little safety effect, and will turn many young citizens into lawbreakers.

The Orlando Sentinel

C. DAVID BURGIN, Editor

STEPHEN R. VAUGHN, Executive Editor

. . . and get on with seat belts

Treating drunken drivers as criminals is overdue, but there's one other lifesaver that the country has not faced up to. It is the seat belt. Those bothersome things would have saved more than 16,000 of last year's dead. Instead, the victims slammed into steering wheels and windshields and onto pavements.

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 seat belt. Yet only about 11 percent of U.S. drivers wear them.

This reckless driving is a national catastrophe. In cold cash, it cost the country roughly $39 billion in 1980. That includes medical bills and lost work, which we all pay for in higher prices, higher taxes and higher insurance premiums. It's clear that government, business and individuals must do more.

One priority is to equip cars with passive restraints — seat belts that protect passengers automatically. Washington and Detroit have ducked their duty on this, though they figure an automatic system would cost customers less than $100 extra.

The federal government had ruled that all new cars must have passive restraints, starting with large models in the fall of 1981. The Reagan administration put off that deadline for two years before repealing the whole rule. Last year, a federal appeals court decided unanimously that repeal was illegal. Rather than go ahead with this overdue lifesaving rule, federal deregulators are appealing to the Supreme Court in an EPA-style fling.

These restraint systems are needed, but they aren't enough. It's already too late to require them in this fall's models, and the impact of any phase-in schedule will be dulled by today's slower trade-in rate for cars. Better efforts are needed to get people to use seat belts now.

Standbys like public service ads to buckle up don't seem to have had much effect. Part of the problem may be the milquetoast quality of many such appeals. By comparison, the Virginia Department of Transportation Safety has given every state high school an outstanding film about people crippled in car accidents.

The National Highway Traffic Safety Administration is pushing businesses and government agencies to begin carrot-and-stick policies to change people's behavior. At that agency, for example, employees who sign pledges to wear seat belts are eligible for prize drawings. By comparison, Florida is coasting. For example, Florida Highway Patrol troopers are required to wear seat belts, but that policy should apply to all state workers on official business.

Florida did the right thing by joining more than 20 other states that require car restraints for children. Now, with D.C. and Motown idling, our bureaucracy and businesses need to shift into leadership on seat belts. They should prod Floridians to treat themselves as well as they must now treat their kids.

20-A

Focus on drunks, not age . . .

Raising the drinking age in Florida from 19 to 21 no doubt would reduce the number of alcohol-related deaths on Florida highways. No one will argue with that. But to aim only at young drunken drivers is shortsighted and unfair. Florida needs to focus on the whole problem — drunken drivers of all ages. That could save even more lives.

Orlando's Democratic Rep. Fran Carlton is leading the campaign to raise Florida's drinking age. She cites a pile of statistics showing that in every state that raised its drinking age, there has been a decline in the number of young adults killed in alcohol-related accidents.

It would be easy to jump on Mrs. Carlton's bandwagon. To oppose her is to risk seeming insensitive to the slaughter on our highways. But the issue is how to get all drunks off Florida highways, not just the young ones.

According to figures compiled by the National Highway Traffic Safety Administration, the 22-24 age group is the most likely to be involved in an alcohol-related fatal accident. The drivers in slightly more than half — 50.4 percent — of the fatal accidents in this age group had been drinking. The figures for younger drivers are almost as bad: 47.5 percent among 19-year-olds; 47.2 percent for 20-year-olds; and 49.6 percent for 21-year-olds.

Florida's own accident records show much the same thing. In 1981, the number of alcohol-related accidents was virtually the same for 19- and 20-year-olds as for those aged 21 through 24.

If statistics are to be the basis for raising the drinking age, it should be set at 25, not 21. Of course, Florida's drinking age is not about to be raised to 25.

In a compromise three years ago, Florida raised the drinking age from 18 to 19 rather than go all the way to 21. The argument then was that 19 would help get alcohol out of our high schools and, thus, help keep it out of the hands of younger teen-agers. The 21-year-old proposal is less persuasive. Already there is talk of a compromise this year that would provide for sales of beer and maybe wine to the under-21 group, but not hard liquor. But there are better alternatives that would help reduce the number of traffic deaths in every age category.

Rep. Marilyn Evans-Jones of Melbourne wants a state law banning open containers of alcoholic beverages in all motor vehicles. And State Rep. Art Grindle of Altamonte Springs wants an automatic six-month loss of driving privileges for anyone refusing to take a breath test that measures the amount of alcohol in the blood. Now the penalty is only 90 days, and even a drunk usually can figure out that is better not to take the test than increase the risk of a drunken-driving conviction.

Those are two solid proposals. Yet even they will be only as good as the enforcement effort that supports them. There should be so much enforcement that the word gets out that you will be caught and punished for drunken driving.

Florida should leave the drinking age alone but make stringent enforcement a fact of life for all drunken drivers, not just the young ones. That is the best way to reduce the number of alcohol-related deaths on Florida roads.

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

by

Cheryl Lynn
Research Scientist

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 responsibleness 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

State	Beer	Wine	Liquor	3.2 Beer
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-to-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

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*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

	Age Groups				
	16-17	18	19	20	24
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.(1)

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.(33)) 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 enfranchised 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 1974-1974, 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	1,935	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*	18.80*	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*	73,908*	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, $p < .05$.

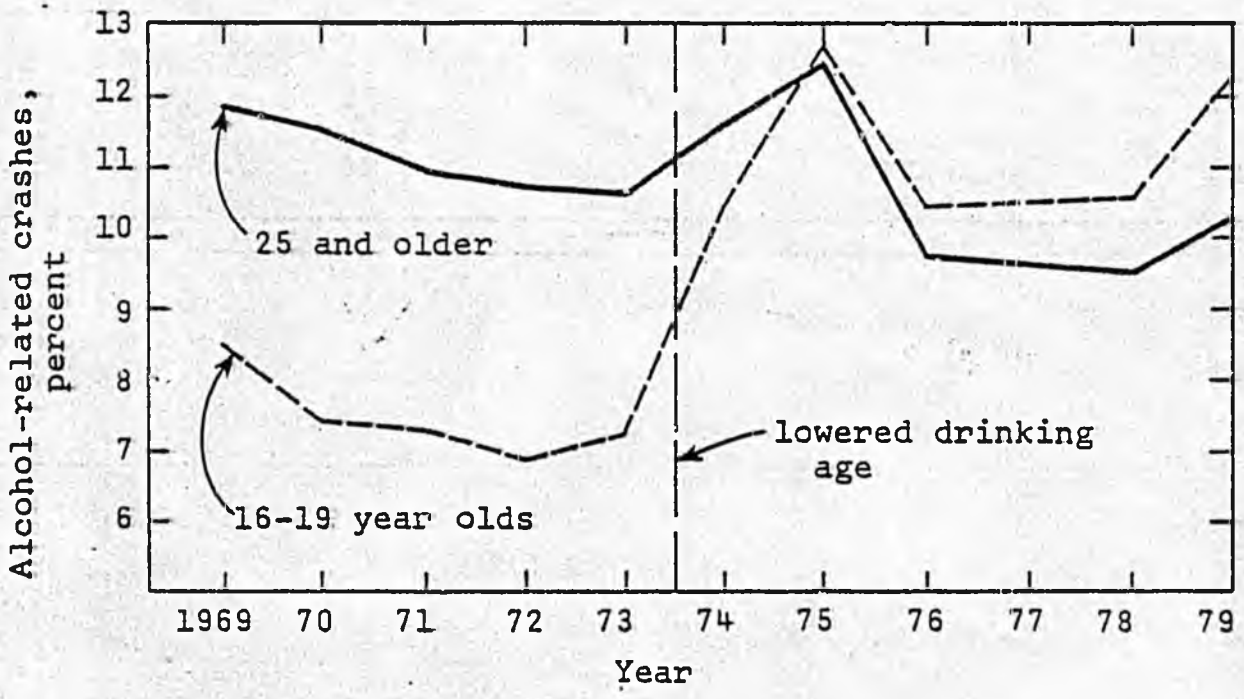

Figure 1. Percentage of alcohol-related crashes over time for young and older drivers.

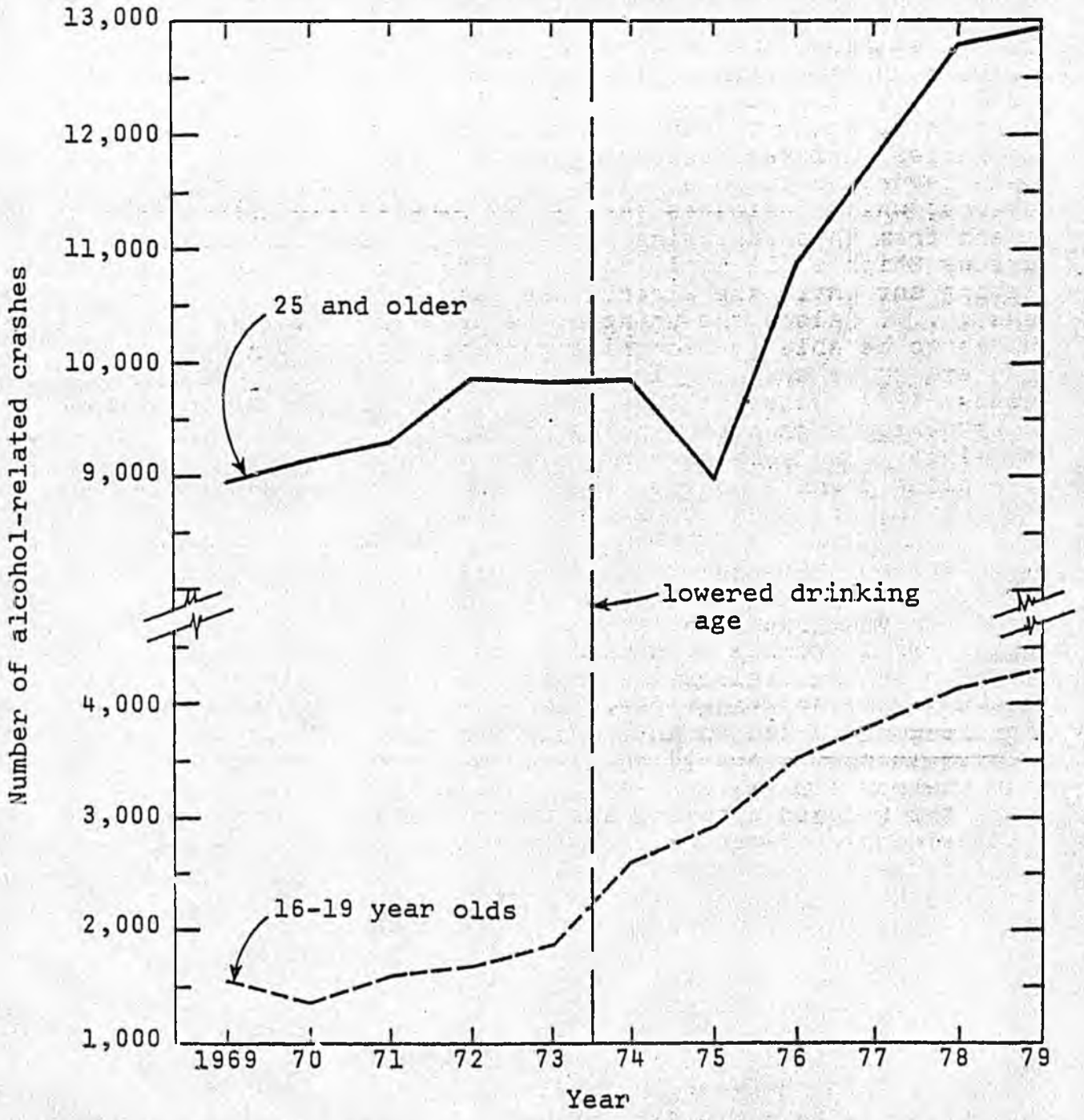

Figure 2. Numbers of alcohol-related crashes over time for youthful and older drivers.

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 enfrancised 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.)

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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	154
Uninsured Motorist		11
		301
Age 18		(1.60)
BI	25/50	134
PD	10	141
UM		11
		286

B1 - Underage Male
Occasional Operator
Without Driver Training

Age	16 - 17	(2.70)
BI	25/50	227
PD	10	238
UM		11
		476
Age 18		(2.50)
BI	25/50	210
PD	10	220
UM		11
		441

C1 - Underage Male
Principal Operator
Without Driver Training

Age	16 - 17	(3.50)
BI	25/50	294
PD	10	308
UM		11
		613
Age 18		(3.30)
BI	25/50	277
PD	10	290
UM		11
		578

A2 - With Driver Training

Age	16 - 17	(1.60)
BI	25/50	134
PD	10	141
UM		11
		286
Age 18		(1.50)
BI	25/50	126
PD	10	132
UM		11
		269

B2 - With Driver Training

Age	16 - 17	(2.25)
BI	25/50	189
PD	10	198
UM		11
		398
Age 18		(2.10)
BI	25/50	176
PD	10	185
UM		11
		372

C2 - Principal Operator With
Driver Training

Age	16 -17	(3.10)
BI	25/50	260
PD	10	273
UM		11
		544
Age 18		(2.90)
BI	25/50	244
PD	10	255
UM		11
		510

Alaska State Auto Club

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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

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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's 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 d r i v i n g 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 d r i v i n g involved?**

On the contrary, abolishing driver education would actually INCREASE

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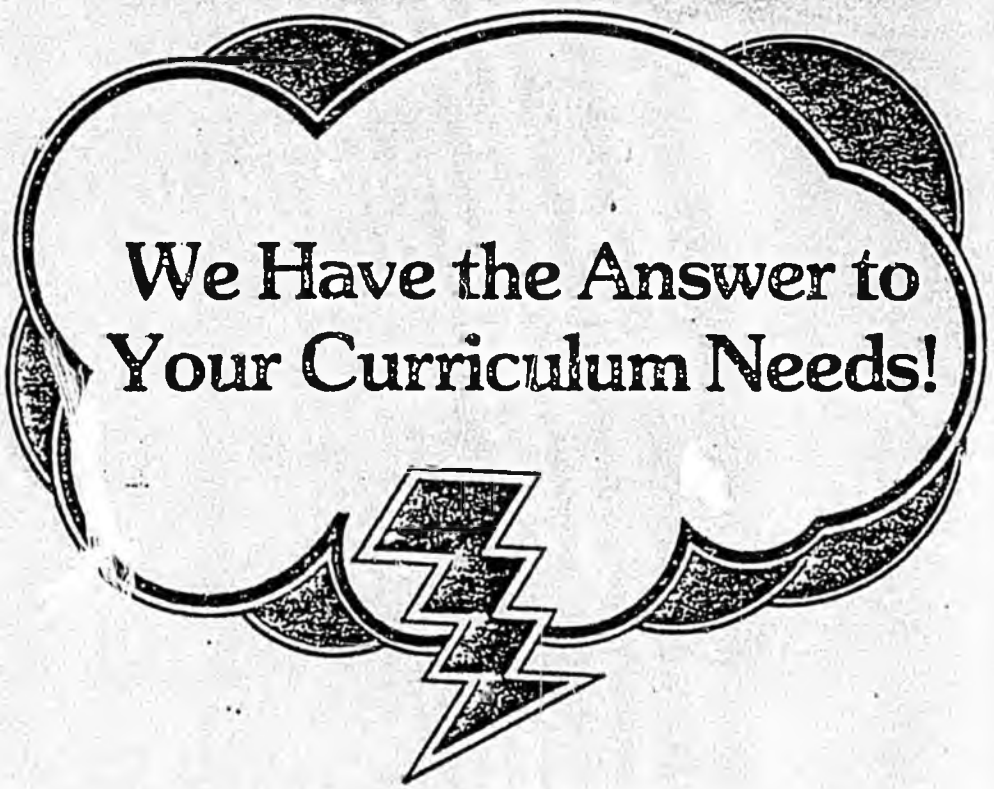

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FUEL MANAGEMENT INSIGHTS
Taken from Driver Education Newsletter - Chicago Public Schools

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.)

Chicago Public High School Driver Education Fuel Management Statistics

Two consecutive months:	May 1979	June 1979
Total miles driven	61,114 miles	91,772 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	91,772 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, f, g, h; (2) a, b, d, e; (3) c, f, g, h; (4) i, j, k.

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-hundredths 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 drivers, 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-

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 Summer Meeting Highlights

—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 IHSC DEA 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 IHCSDEA has been a member of the Illinois Conference of Women Leaders for Traffic Safety.

CHICAGO MOTOR CLUB

Are School Childre Really Safe?

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 li of thousands of children each ye This menace will continue to threa the well-being of our children if we not band together and take action prevent its growth.

I'm not speaking of crime, ev though this is a major concern to m of us. I am referring to the threat injury and death brought about lack of traffic safety awareness a responsibility. Absence of the skills and attitudes can result in u necessary risk-taking and accide involvement. Our children a falling prey to situations that fright mame, and kill them. Many of the accidents occur because children la the skills, education, and experien that could help them avoid dangers.

Safety experts state that traf accidents are the leading cause death among children three throu fourteen. This tragic fact often overlooked unconciously. Too ma people, adults as well as childre think of a traffic crash as somethi that happens to someone else. Ho ever, the sad fact is that no one immune to traffic accidents. Furth the risk posed by these accident greatest for those children who ma little knowledge of traffic to help decision-making.

If safety records of children are improve, traffic safety education mu begin with the very young an

Continued on page 11

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 large 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 Strolch.

"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," Strolch 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 1983.

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 youngters 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.

January, 1964

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

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 EUDCATION 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 resonable 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 becuase 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.

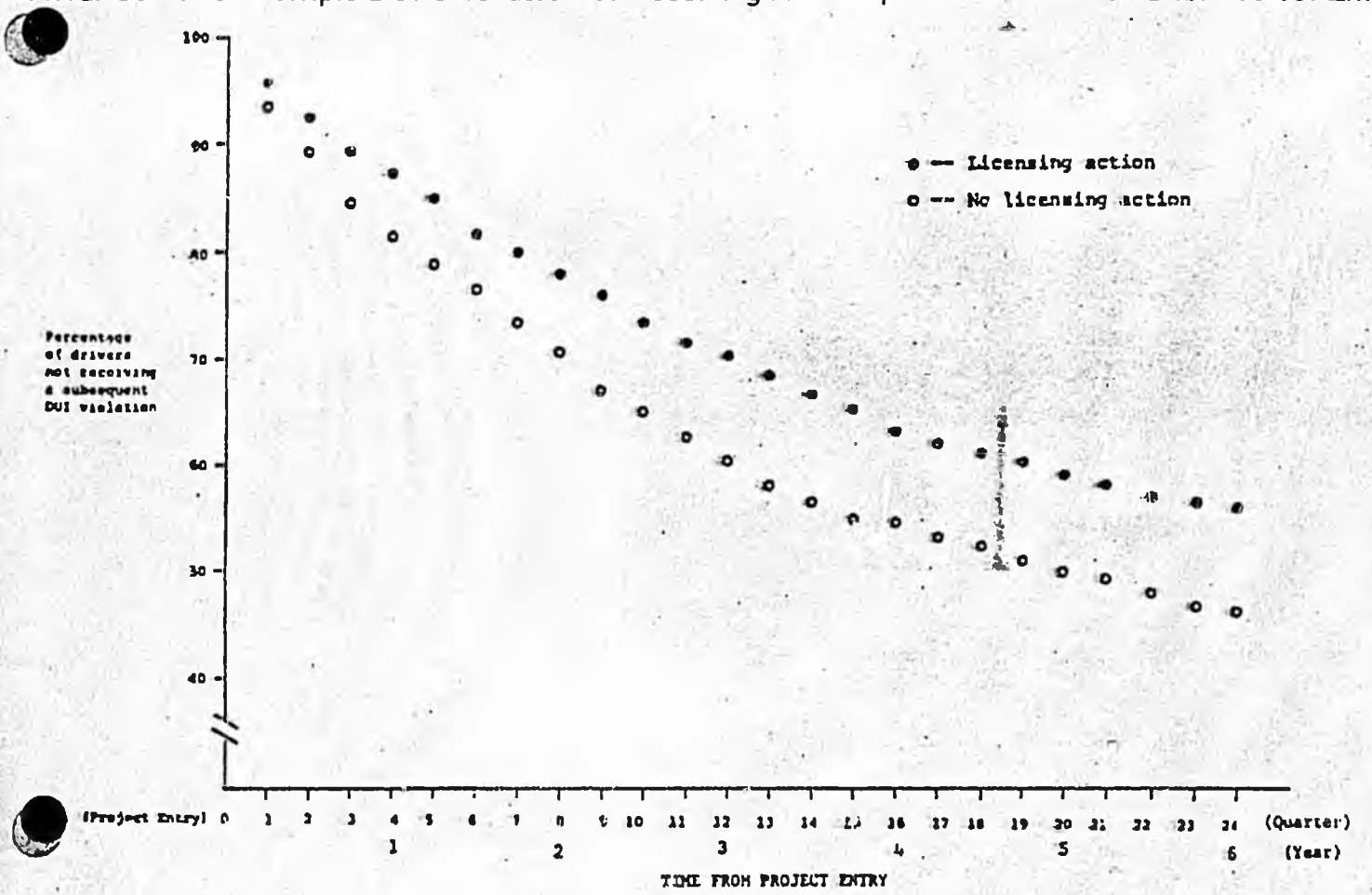
It is apparent from these results that the imposition of licensing controls reduces the driving exposure of drivers convicted of multiple DUI offenses and is thus justified as a traffic safety countermeasure. The duration of this effect is addressed in the following survival curve analysis.

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 preceeding 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.

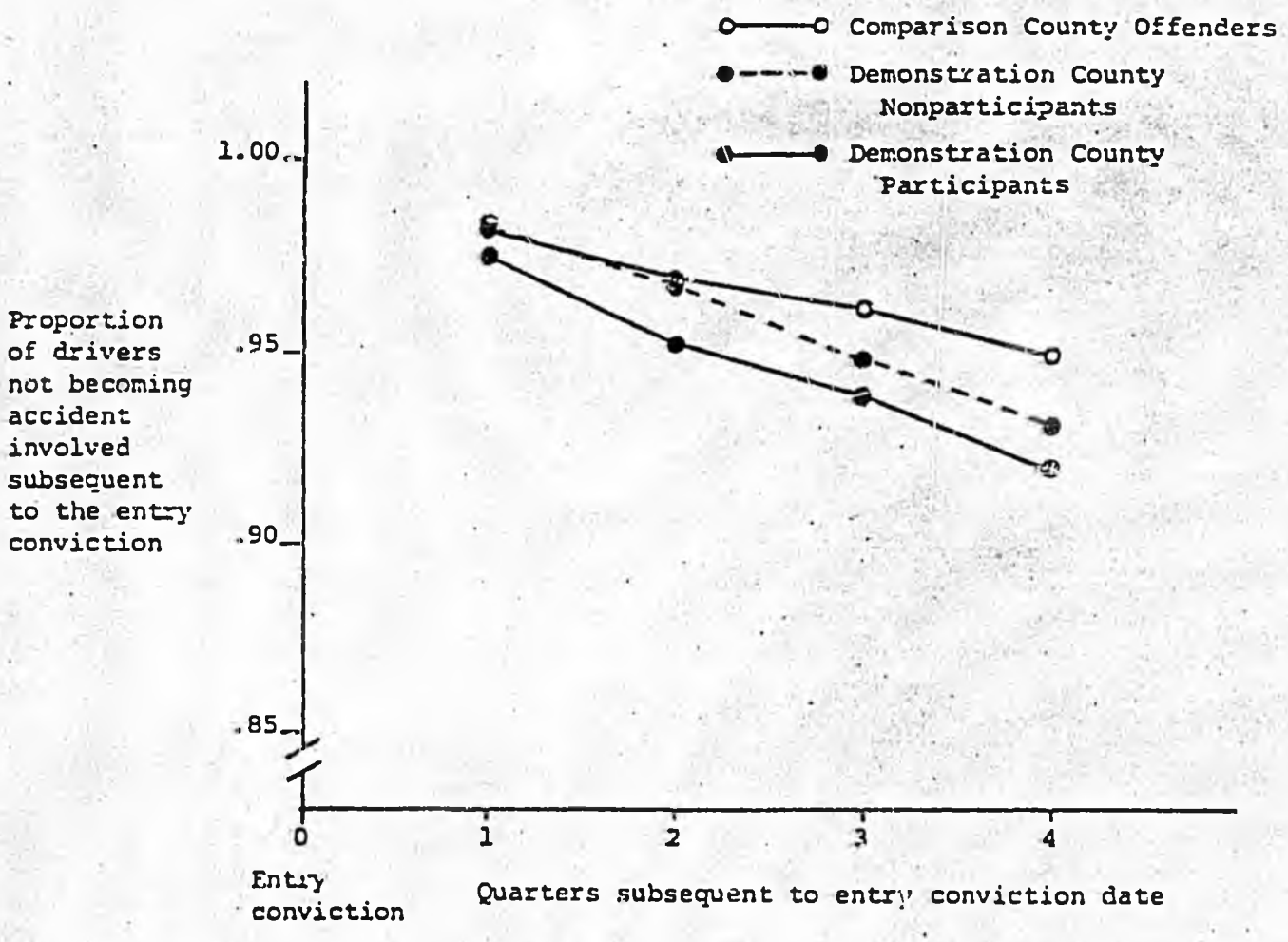
The data from the demonstration and comparison counties were also assessed in a survival curve analysis. Figure 2 shows the

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.

References

Epperson, W.V., Harano, R.M., & Peck, R.C. Final report to the legislature of the State of California in accord with resolution chapter 152, 1972 legislative session (Senate Concurrent Resolution 44 --Harmer). Sacramento: California Department of Motor Vehicles, 1975.

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 about 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 Sweitzer, 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:
_____ ¾-inch "U-Matic" cassette
_____ ½-inch "Beta" cassette
_____ ½-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 caseloads - 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.

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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

* 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 recieve 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 Conta 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.

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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 site
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

THOMAS W. SCHMIDT
SECRETARY
PUBLIC SAFETY AND
CORRECTIONAL SERVICES

WILLIAM M. LINTON
DEPUTY SECRETARY

COLONEL W. T. TRAVERS, JR.
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

letter intent SB615

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 pysco-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.

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
PIKESVILLE, 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 cite 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 roadblocks 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

STATE LAW DEPARTMENT

MARYLAND STATE POLICE
PIKESVILLE, MD. 21208

DATED 4-28-82

MEMORANDUM:

FILE NO.: 03-82-008-IOP

TO: Lt. Col. J. G. Lough

FROM: James J. Doyle, III JJD

SUBJECT: Second Draft of MSP Procedure Regarding Sobriety Checkpoints

There are still a couple of problem areas in the second draft concerning sobriety checkpoints.

First, the draft correctly states that installation commanders are authorized to use highway checkpoints. However, I believe that the Special Order should make it clear that only the installation commander may authorize a specific highway checkpoint at a specific location for a specific time. No other personnel would be authorized to set up a checkpoint. It is very important to the legal success of this program that our individual troopers in the field not make the decision to set up or maintain any highway checkpoint. The discretion for authorizing the specific place and time of the checkpoint should rest with the installation commander.

Secondly, I believe that the Special Order should clarify what the trooper is authorized to do at the checkpoint. There should be a clear statement that unless the trooper has a basis for believing that the driver is intoxicated, from either talking to him or from his physical appearance or movements during the brief stop, etc., the trooper may not request the driver to perform any coordination tests or to submit to a preliminary breath test. Unless the trooper has probable cause to believe that the person is driving under the influence, or while intoxicated, the person may not be asked to submit to a PBT or coordination tests.

I think the Special Order should also address the situation where a motorist, approaching a checkpoint, turns around before reaching it. In that situation, no action should be taken by MSP personnel. There is nothing that requires a motorist to proceed along a road through a checkpoint.

Finally, I believe that the use of these checkpoints was initially designed to be a pilot program conducted in one county rather than statewide. I believe that this pilot program approach is the correct one. Unanticipated problems may develop that should be studied and corrected before this program is applied on a statewide basis.

Please let me take a look at the third, and hopefully the final, draft of the Special Order before it is approved and incorporated into the pilot program.

JJD

OFFICES OF

STEPHEN H. SACHS
ATTORNEY GENERAL

GEORGE A. NILSON
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1-800-492-5062

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. 01-82-399

I have reviewed this and believe that it conforms with all the guidelines previously given and, therefore, approve its implementation.

JJD

MARYLAND STATE POLICE

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...	98

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 DISTRIBUTED.... 4850
	FEMALE....	201	
	TOTAL.....	861	PERCENT RETURNED 21

DATE DISTRIBUTED	NUMBER DISTRIBUTED	NUMBER RETURNED	PERCENT RETURNED
12/17/82	769	138	17
12/18/82	726	170	23
12/26/82	478	106	23
1/01/83	701	216	31
1/02/83	464	93	20
1/06/83	354	85	24
1/21/83	566	61	11
TOTAL	4850	861	21

REPORT PREPARED BY THE MARYLAND STATE POLICE TRAFFIC PROGRAM PLANNING UNIT.

QUESTION #5
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 [illegible]
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 HAD 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 HARFORD 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 HOURS EARLY.
THEY SHOULD BE USED MORE FREQUENTLY.

CHECKPOINTS LOOK LIKE AN ACCIDENT. NEEDS MORE LIGHTS AND ADVANCE NOTICE.
TRY USING THE HORN PLEASE WHEN MOVING CARS UP.
IT VIOLATES 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 PENALITIES.
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 SURE THIS IS THE ANSWER.
THIS PRACTICE IS QUESTIONABLE IN A FREE SOCIETY.
UNCONSTITUTIONAL AND A WASTE OF TAXPAYERS MONEY.

QUESTION #5
COMMENTS
I STRONGLY FAVOR THESE CHECKPOINTS.
THE SYSTEM SEEMS EFFICIENT AND WELL PLANNED.
THE CHECKPOINTS ARE AN INCONVIENCE 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 INCONVIENT 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 FLARES.
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.
/ GOOD IDEA.
I ALL FOR IT.
JOULD LIKE TO SEE YOU CHECK FOR DRUG USERS AS WELL.
(RTAIN LIMITATTIONS 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
ANNAPOLIS 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,

Governor

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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. (Reckless 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.

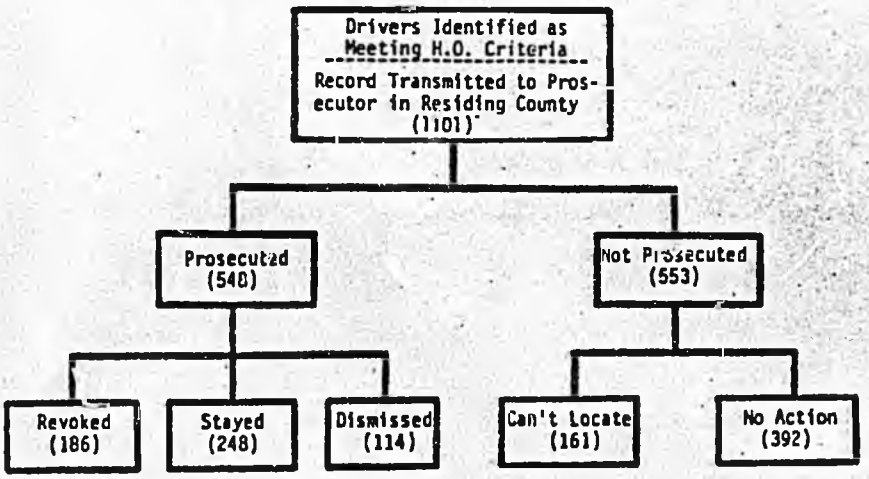
Procedure. The action taken by the courts, reported to the DOL, and entered on the driver record determined the group assignment for each subject. There were five groups in the study: (1) subjects who had their licenses Revoked; (2) subjects who received a Stay of revocation and treatment for alcoholism; (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	0.4	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 technique 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 concommitant 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/nonrevoked 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; Paulsrude 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 issued 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 ($\underline{N}$ = 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

Measure	GROUP: Revoked (N=186)	Stayed (N=248)	Dismissed (N=114)	Cannot Locate (N=161)	No Action (N=392)	p
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

LEGISLATIVE AFFAIRS AGENCY

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

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 CSHB 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.

ANCHORAGE, ALASKA, SATURDAY, APRIL 2, 1983 PRICE 25 CENTS

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 h[illegible] 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 Orlansky, 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

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with it in Anchorage."

Jackson's acknowledgement 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[illegible]pal 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.