

HB

204

HFIN

FILE

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
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Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 26, 1996

SUBJECT: Driving offenses by minors - (CSHB 204(FIN))

TO: Representative Mark Hanley
Attn: Michelle Toohey

FROM: Michael F. Ford: 222
Legislative Counsel

The CS adopted by the finance committee for HB 204 contains several issues that I wanted to bring to your attention. As this bill was not reviewed by our office prior to action by the finance committee, we were unable to bring these matters to the attention of the committee until now.

1. Title questions - The bill's title refers to "vehicle" on page 1, lines 2 and 4. This should be changed to refer to a "motor vehicle, aircraft, or watercraft" to reflect the substantive provisions in sections 5 and 6. Also, on page 1, line 4, after "alcohol" a reference to refusal to submit to a chemical breath test should be added. Also, the use of the term "vehicle" in sec. 5 should be changed to "motor vehicle, aircraft, or watercraft."
2. References to municipal ordinances - Several provisions of law contained in HB 204 were amended last session. Therefore the language in HB 204 as amended by the finance committee was not existing law. Specifically, in Chapter 9, SLA 1995 language was added to provisions of law contained in secs. 1, 2, 3, and 4 of HB 204 to refer to a violation of "a municipal ordinance with substantially similar elements" in addition to the listed offenses. Because of the changes made in AS 28.15.183(a) last session, the insertion of a reference to AS 28.35.280 and 28.35.285 on page 2, line 5, of the finance CS raises a question regarding the application of a violation of a municipal ordinance with substantially similar elements. References to municipal ordinances should probably be included for all listed offenses, in order to be consistent with existing law. This problem also appears in secs. 2, 3, and 4 of CSHB 204(FIN).
3. Differences in affected age groups - The affected age group in sec. 6 is 13 to 21 years old. The affected age group in existing law (as in sec. 1 of CSHB 204(FIN)) is age 14 to 21. While this is not a legal problem it is a difference that I wanted to point out to the committee.

Representative Mark Hanley

February 26, 1996

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4. Incorrect citation - In sec. 28.35.285(b), there is a required notice for a person "cited for violating (a) of this section". This should probably be change to read "cited for violating this section" because there is nothing in (a) to violate.

5. Jurisdiction of offenses - Take a look at 47.10.010(b). It is not clear whether AS 28.35.080, 28.35.085, and 28.35.909 are "traffic offenses." Do you want them heard in district court or juvenile court?

6. Effective date - Sec. 11 of CSHB 204(FIN) contains a contingent effective date provision. We recommend this be changed to require that the A.G. notify the Revisor of Statutes and the Lieutenant Governor if the contingency occurs and second that the language be changed to clearly provide for a final decision by either the Alaska Court of Appeals or the Alaska Supreme Court. Also the effective date seems to contemplate that only community work service will trigger the right to counsel and a jury, whereas the \$1,000 fine imposed under AS 28.35.280, 28.35.285 and 28.35.290 would seem more likely to trigger the right to counsel and a jury. A decision based on the amount of the fine, however, would not trigger sec. 11. Finally, we would recommend that another bill section be added to provide that the bill take effect after a specified time period (30 days?) after the contingency occurs.

Please contact me if you have further questions.

MFF:glc:klb

96-118.glc

HOUSE COMMITTEE REPORT

(11)

Date Referred: March 28, 1995

FURTHER REFERRALS:

Date of Committee Action: 2/22/96

The FINANCE Committee considered:

HB 204

HOUSE BILL NO. 204

NO DRINK BEFORE DRIVING IF UNDER 21

"An Act relating to the administrative revocation of a minor's license to drive; creating criminal offenses of minor operating a vehicle after consuming alcohol, a minor's refusal to submit to chemical test, and driving during the 24 hours after being cited for minor operating a vehicle after consuming alcohol; establishing penalties for these offenses; and relating to implied consent to certain testing if operating a motor vehicle, aircraft, or watercraft."

recommends it be replaced with the following committee substitute CS HB 204 (Fin) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) Court fiscal note(s) _____

zero fiscal note(s) (2) DOT (2) DPS (1) LAW zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Mark Hanley</i>	Hanley	X			
<i>Glen Mulder</i>	Mulder	X			
<i>Stan Brown</i>	Brown	✓			
<i>Mike Navarre</i>	Navarre	✓			
<i>Paul Parnell</i>	Parnell	✓			
<i>Vic Kohring</i>	Kohring	X			

CO CHAIR'S SIGNATURE *Mark Hanley*
Hanley

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 204

Revision Date: _____
 Title: "An Act relating to the administrative revocation of a minor's license to drive..."
 Sponsors: Rules Committee by Request of Governor
 Requestor: (H) FIN

Dept. Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE: (Thousands of Dollars)

102 Federal Receipts						
103 GF Match						
104 GF						
105 GF/Program Receipts						
107 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Office of Public Advocacy.

Prepared by: Brant McGee, Public Advocate
 Division: Office of Public Advocacy

Phone: 274-1684
 Date: _____

Approved by Commissioner: Mark Bover *MB*
 Agency: Department of Administration

Date: 2/22/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 204

Revision Date: _____
 Title: "An Act relating to the administrative revocation of a
 motor's license to drive..."
 Sponsor: Rules Committee by Request of Governor
 Requestor: (H) FIN

Dept. Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Public Defender Agency.

Prepared by: John Salemi, Director
 Division: Public Defender Agency

Phone: 264-4400
 Date: _____

Approved by Commissioner: Mark Boyer *MR Boyer*
 Agency: Department of Administration

Date: 2/16/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 204

Revision Date: 2/21/96 Dept. Affected: Department of Law
 Title: "...administrative revocation of a minor's license
to drive...operating a motor vehicle after consuming alcohol..." BRU: Criminal Division
 Sponsor: House Rules on Request of the Governor Component: Criminal Division
 Requester: House Finance Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

002 Federal Receipts						
003 GF Match						
004 GF						
005 GF/Program Receipts						
006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 28 to establish a "zero tolerance level" for minors who consume alcohol and then operate a motor vehicle, aircraft, or watercraft by creating three new criminal violations: "minor operating a vehicle after consuming alcohol", "minor's refusal to submit to a chemical test", and "driving within the 24 hours after being cited for minor operating a vehicle after consuming alcohol." These new offenses would be infractions and would not result in jail time being imposed. However, the penalty would be a fine of not more than \$1,000, an order that the minor perform community work service, or a combination of the two. The bill also provides that a minor convicted of these violations will also be subject to administrative revocation of the minor's driver's license under the state's "use it, lose it" statutes. The bill will not have a fiscal impact for the Department of Law because infractions are presented in district court by the arresting officer, which does not require the presence or assistance of a prosecutor.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/21/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/21/96
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: HB 204

Revision Date: February 21, 1996
Title: An Act relating to alconol related driving offenses of minors...
Sponsor: Rules
Requestor: H. Finance

Dept. Affected: Public Safetv
BRU: Motor Venicles
Component: Driver Services
COMPONENT SERIAL NO. 0500

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

*002 Federal Receipts	-0-	-0-	-0-	-0-	-0-	-0-
*003 GE Match	-0-	-0-	-0-	-0-	-0-	-0-
*004 GE	-0-	-0-	-0-	-0-	-0-	-0-
*005 GE/Program Receipts	-0-	-0-	-0-	-0-	-0-	-0-
*006 GE/MHTIA	-0-	-0-	-0-	-0-	-0-	-0-
Other	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

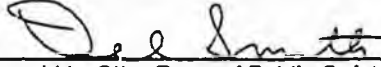
Estimate of current year (FY 96) impact: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill will not impact the programs of the Division of Motor Vehicles. Current law requires DMV to administratively revoke the driver's license for the offense of minor in possession or consumption of alcohol.

Prepared By: Juanita M. Hensley Phone: 465-2650
Division: Motor Vehicles Date: 2/21/96
Approved by Commissioner:  Date: 2/20/96
Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: HB 204

Revision Date: February 21, 1996 Dept. Affected: Public Safety
 Title: An Act relating to alcohol related driving offenses of minors... BRU: Alaska State Troopers
 Sponsor: Rules Component: Detachments
 Requestor: H. Finance COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)


1002 Federal Receipts	-0-	-0-	-0-	-0-	-0-	-0-
1003 GF Match	-0-	-0-	-0-	-0-	-0-	-0-
1004 GF	-0-	-0-	-0-	-0-	-0-	-0-
1005 GF/Program Receipts	-0-	-0-	-0-	-0-	-0-	-0-
1006 GF/MHTIA	-0-	-0-	-0-	-0-	-0-	-0-
Other	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
 This bill will not impact the programs of the Alaska State Troopers. Currently troopers are enforcing the alcohol laws as they pertain to minors including serving revocation notices to drivers.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: 2/21/96
 Approved by Commissioner:  Date: 2/21/96
 Agency: Ronald L. Otte, Dept. of Public Safety

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0031
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HB 204

February 27, 1995

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Phillips:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to minors operating vehicles after consuming alcohol. Despite our best efforts to date, the number of drunk drivers continues to rise in Alaska. The state needs new tools to respond to the problem of drunk driving.

An important step in making our roads and other avenues of transportation safe is to focus on high-risk drivers and let the police take them off the road before tragedy strikes. Two particularly high-risk groups of drivers are those who operate commercial motor vehicles and minors. The legislature addressed commercial motor vehicle operators in 1992, passing stringent laws that keep commercial drivers off the roads when they are under the influence of alcohol. The time has come to do the same with underage drivers, who generally are not allowed under the law to possess or consume any alcohol.

This bill establishes a "zero tolerance level" for minors who consume alcohol and then operate a motor vehicle, aircraft, or watercraft. It does this by creating three new criminal violations: "minor operating a vehicle after consuming alcohol," "minor's refusal to submit to a chemical test," and "driving within the 24 hours after being cited for minor operating a vehicle after consuming alcohol."

These new offenses are only infractions and cannot result in jail time being imposed. Instead, the penalty is a fine of not more than \$1,000, an order that the minor perform community work service, or a combination of the two. An important feature of the proposed new law is that the minor can be taken off the road and to a police station or other location for the administration of a chemical test to determine the presence of

The Honorable Gail Phillips
February 27, 1995
Page 2

alcohol in the minor's blood or breath. If the minor refuses to take the test, that is a separate infraction, much like the misdemeanor crime of refusal we have for driving-while-intoxicated cases.

This bill's amendments to AS 28.15.183 and 28.15.184 would make the minor's driver's license or permit, privilege to drive, or privilege to obtain a license subject to administrative revocation under those "use it, lose it" statutes.

Under the bill, a minor who is cited for driving after consuming alcohol is prohibited from operating a motor vehicle, aircraft, or watercraft during the 24 hours after the citation is issued. This will help ensure that the minor stays off the road or other avenues of transportation while under the influence of alcohol.

I urge your favorable action on this bill.

Sincerely,



Tony Knowles
Governor

HB 204

AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS



MEMORANDUM

TO: Drivers License Contacts

FROM: Michael R. Calvin, Director of Driver Services

DATE: February 1, 1996

SUBJECT: National Highway System Legislation

MRC

As I'm sure you are aware, President Clinton signed the National Highway System bill in November, 1995. This legislation impacts drivers license administration in a number of ways. Attached are two overviews of the NHS legislation.

States are required to enact .02% BAC legislation for persons under 21 years of age. States failing to pass legislation will have 5% of their highway construction funds withheld beginning October 1, 1998. The penalty increases to 10% in 1999 and each year thereafter.

When drafting .02% legislation, please be sure to include language to prohibit expungement of these BAC/DWI convictions for commercial drivers.

Another pertinent section of the legislation exempts replacement snow plow drivers from CDL requirements when the regular operator is unable to operate the equipment or in snow emergency situations.

Please feel free to contact Sheila Prior or me if you have questions or need additional information.

MRC/sp
Attachment

cc: W. Marshall Rickert, Executive Vice President
Phil Forjan, FHWA
Regional Directors

THE NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

The National Highway System Designation Act of 1995 (P.L. 104-59) was signed by President Clinton on November 28, 1995. Summarized below are the major provisions of the legislation.

THE NATIONAL HIGHWAY SYSTEM

System Designation

Designates the National Highway System (NHS) developed by the Department of Transportation (DOT) in cooperation with the States, local officials and metropolitan planning organizations (MPOs). The DOT proposed the system to Congress on December 9, 1993, as required by the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. The system approved by Congress reflects modifications agreed upon by the DOT and Congress as of November 13, 1995. The total mileage is 160,955 miles and includes the Interstate System as well as other roads important to the Nation's economy, defense and mobility.

The ISTEA called for Congress to establish the system by law and set a deadline of September 30, 1995. Until the system was designated, the law prevented future NHS and Interstate Maintenance (IM) funds from being released to the States. With the enactment of the NHS legislation, the \$5.4 billion of FY 1996 funds that have been withheld since October 1 can be distributed to the States.

Future Modifications

The NHS is a dynamic system that can change in response to future travel and trade demands. The NHS legislation permits the Secretary to approve most of the modifications to the system (except connections to major intermodal terminals, see below), without congressional approval. The State must cooperate with local and regional officials in proposing the modifications. In metropolitan areas the local and regional officials shall act through the metropolitan planning organization.

Connections to Major Intermodal Terminals

Within 180 days of enactment, the Secretary must send to Congress proposed NHS connections to major intermodal facilities, e.g., ports, airports, rail terminals, etc. There will be a one-time congressional approval of the intermodal connections. In the future, the Secretary may modify the connections proposed by the States in cooperation with MPOs and local and regional officials. Until approved by Congress, the Secretary may approve projects using NHS funds on connections to intermodal terminals that meet the Secretary's criteria.

SAFETY

National Maximum Speed Limit

Repeals the law which required that the States, as a condition of receiving Federal-aid

highway assistance, adhere to a national maximum speed limit. The provision will take effect 10 days after enactment. An exception to the 10-day period is provided if the legislature of a State is not in session on the date of the bill's enactment and the Governor declares, before the end of the 10-day period, that the legislature is not in session and the State prefers an applicability date for the repeal of the national maximum speed limit law that is after the date on which the legislature will convene. If this occurs, then the Federal repeal is applicable to the State on the 60th day following the date on which the legislature next convenes.

The Secretary must submit a report to Congress by September 30, 1997, of the record of each State that raised its speed limit above the current maximums. The human and economic costs, as well as any benefits, should be included in the study.

Motorcycle Helmets

Repeals the law which penalized States that did not enact motorcycle helmet requirements. The penalty was a forced transfer of funds from Federal-aid highway construction programs to safety programs.

Zero-tolerance for Blood Alcohol Content in Minors

Requires that the States enact and enforce a law that considers an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle to be driving while intoxicated or driving under the influence of alcohol. States failing to meet this requirement will have 5% of their highway construction funds withheld beginning October 1, 1998. The penalty is increased to 10% on October 1, 1999, and on October 1 of each fiscal year thereafter.

National Driver Register

Extends the \$2.55 million authorization of this NHTSA safety program for another year.

MOTOR CARRIER PROVISIONS

Commercial Motor Vehicle Safety Pilot Program

Establishes a pilot program to exempt vehicles and drivers of vehicles between 10,000 and 26,000 pounds from the Federal Motor Carrier Safety Regulations. The program will begin within 270 days after enactment.

Applicants must meet specific requirements to participate, i.e., have a satisfactory safety rating or meet criteria established by the Secretary. Vehicles transporting more than 15 passengers or hazardous materials are not eligible for the program. Through monitoring and reporting of safety related data, the Secretary shall determine continued participation in the program.

Within 3 years of enactment, the Secretary must conduct a zero-based review to determine the need, costs and benefits of the regulations to determine whether they should apply to this group of vehicles and their drivers. After the review is completed the

Secretary shall grant such exemptions or modify or repeal existing regulations as appropriate.

Exemptions from Hours-of-Service Regulations and Commercial Driver's License (CDL) Regulations

Provides exemptions from the hours-of-service regulations for specific industry groups including: transporters of agricultural commodities and farm supplies; ground water well drilling rigs; utility service vehicles; and construction equipment and materials.

Exempts replacement drivers of snow plows from CDL requirements when the normal operator is unable to operate the snow plow or if a snow emergency requires additional operators. The Secretary is required to conduct a regulatory review of these exemptions to determine the impact of such exemptions on public safety.

Winter Home Heating Oil Delivery State Flexibility Pilot Program

Directs the Secretary to implement a one-season pilot program of up to five States to permit the States to exempt the hours-of-service regulations for drivers of intrastate home heating oil deliveries that occur within 100 air miles of a central terminal or distribution point. The pilot program is limited to the winter heating season following November 1, 1996.

The program requires the States to meet several safety and enforcement criteria. The Secretary may suspend a State's participation if a State has not complied with the criteria. After the program is completed, the Secretary is to review the results to determine whether to amend the regulations to provide flexibility to motor carriers delivering home heating oil during winter periods.

MITIGATION OF SECTION 1003(c)

Section 1003(c) of ISTEA required that, in accord with the Budget Enforcement Act of 1990, authorizations from the highway account of the Trust Fund for FY 1992-96 be held to \$98.6 billion. Authorizations in that period exceeded the limit by \$2.55 billion. This meant that FY 1996 authorizations had to be cut 12.54% across-the-board to hold total funding to the \$98.6 billion maximum allowed. The NHS legislation contains two provisions to partially mitigate the effects of this cut.

Funding Restoration

Provides \$291.5 million (\$266.5 million authorized from specified rescissions and reductions plus \$25 million transferred from Congestion Pricing funds) in FY 1996 and \$180 million (\$155 million authorized from specified rescissions and reductions plus \$25 million transferred from Congestion Pricing funds) in FY 1997 to be distributed to the States by percentages specified in the NHS legislation.

The above amounts are derived from various rescissions, reductions and transfers, including:

- selected demonstration project funds,
- a portion of the FHWA Administrative funds,
- Magnetic Levitation prototype development funds for FYs 96 and 97
- high-speed ground transportation technology demo funds for FY 97,
- part of the FHWA Section 402 safety funds,
- part of the FY 97 NHTSA highway safety program funds, and
- unobligated Congestion Pricing Pilot Program funds and FY 96 and 97 authorizations for the program.

The funding restoration amounts may be used for any project eligible under Chapter 1 of Title 23. They are available for 4 fiscal years and are subject to the obligation limitation. They are not subject to administrative takedowns.

Urbanized areas over 200,000 population are guaranteed a certain share of the funding restoration amounts received by a State.

States may spend up to 1/2 percent of the funding restoration amounts on metropolitan planning and up to 1-1/2 percent for State planning and research.

State Unobligated Balance Flexibility

Allows States to designate part of their unobligated balances that existed on September 30, 1995 for use on projects of their choice that are eligible under Chapter 1 of Title 23.

First, the Secretary will determine, as soon as possible, the amount of unobligated balance that each State may designate for flexible use. That amount will equal --
 the amount of the reduction of each State's FY 1996 funds as a result of Section 1003(c) minus restoration funding the State receives under the NHS legislation.

Second, the States will notify the Secretary, within 30 days of enactment (or as soon as possible), which unobligated program funds it will use flexibly. Within 45 days of enactment (or as soon as possible), the Secretary must make the funds available for flexible use.

The funds under this section are available for projects under Chapter 1 of Title 23, will be available for the same period for which such amounts were originally made available, and will be subject to the obligation limitation.

Restrictions --

- Unobligated balances of STP funds attributed to areas over 200,000 may be used flexibly only if the MPO for a particular area certifies in writing.
- Transportation Enhancement and CMAQ funds may not be used flexibly unless the State has exhausted all flexibility and transferability provided under Title 23 and this section and still does not have sufficient funds available for a project.
- No more than 1/3 of Interstate Construction unobligated balances may be used flexibly.

INNOVATIVE FINANCING

State Infrastructure Bank (SIB) Pilot Program

Allows up to 10 States or multi-State entities to establish transportation infrastructure banks; the DOT will establish procedures for choosing the participants in the program. The infrastructure banks may be used to make project loans, enhance credit, subsidize interest rates, and provide other assistance for eligible highway and transit capital projects. The funds from the bank may not be used as a grant. The recipients of the assistance can be public and private entities.

No new Federal-aid funds are provided to capitalize the banks. States entering into cooperative agreements with the Secretary to establish infrastructure banks could contribute up to 10% of several categories of their Federal-aid highway and Federal transit funds to capitalize the bank. Funds attributable to urbanized areas over 200,000 could only be used with permission of the MPO for the area. States must match 25% (lower for sliding scale States) of the Federal contribution with funds from non-Federal sources. Federal-aid funds are considered obligated when contributed to the bank.

By March 1, 1997 the Secretary must have reviewed the financial condition of each transportation infrastructure bank and report to Congress with an evaluation of the pilot program.

Eligibility of Bond and Other Debt Instrument Financing for Reimbursement as Construction Expenses

Allows States to use Federal-aid funds for bond principal, interest costs, issuance costs, and insurance on Title 23-eligible projects. Although these costs are eligible for Federal participation, such eligibility does not constitute a Federal commitment or guarantee on the part of the United States to provide for payments of principal and interest.

Limitation on Advance Construction

Permits the States to advance construct projects provided the project is on the State's transportation improvement program (STIP). This eliminates the requirements that 1) future year authorizations had to be in place in order to advance construct, and 2) the total of advance construct projects could not exceed a cumulative dollar limit.

Toll Roads -- Federal Share for Highways, Bridges, and Tunnels

Sets the Federal share for toll projects at a maximum 80 percent of eligible costs. Before this change, the Federal share for toll projects varied from 50 percent to 80 percent based on activity and system designation.

Toll Roads – Loan Program

Allows Federal-aid loans to non-tolled projects with dedicated revenue streams and permits interest rates at or below market rates, as needed to make the project feasible. Repaid funds can now be used to credit enhance similar projects.

Donations of Funds, Materials, or Services for Federally Assisted Projects

Allows private funds, materials, or services to be donated to a specific Federal-aid project and permits the State to apply the value to the State's matching share. Before this change, States could receive credit only for donations of private property incorporated into a Federal project, or for State and local funds.

MANDATES/REQUIREMENTS

In addition to the safety mandates discussed above, the NHS legislation removes and adds other mandates to the program.

Removal of Mandates

Suspension of Management Systems

The States may choose not to implement in whole or in part any of the management systems required under ISTEA. The Secretary may not impose the 10% penalty on funds if the State elects this option.

The Comptroller General, in cooperation with the States, is required to report to Congress by October 1, 1996 recommending to what extent the management systems should be implemented.

Asphalt Pavement Containing Recycled Rubber

Eliminates the penalty and requirements related to the State use of crumb rubber.

Metric System

Establishes that no State be required to erect or modify any highway signs to the metric system. Also, until September 30, 2000, any metric activity by the States related to Federal-aid highway projects is optional.

Additional Mandates

Quality Improvement

Requires States to conduct an analysis of the life-cycle costs of each usable segment of the NHS costing \$25 million or more.

Value Engineering

Requires States to carry out value engineering analysis for any project on the NHS costing \$25 million or more.

OTHER PROVISIONS**Scenic Byways**

A State may exclude from a State-designated scenic byway any segment of highway that is determined not to possess the scenic criteria for which the byway is designated. This is a codification of the DOT's interpretation of current law.

Motorist Call Boxes

Signs identifying free motorist aid call boxes and their sponsorship by corporations or other organizations are allowed on call boxes and call box posts in highway right-of-way. Signs are limited in size, limited to one per every 5 miles, and 20% must be in areas outside of urbanized areas.

Transportation Enhancements

Streamlining measures -- As an alternative to waiting for reimbursement of funds, States now have the flexibility to obtain a Federal advance of funds for transportation enhancement activities, provided that the State has a project selection process that involves other public agencies and citizens who have expertise related to transportation enhancements.

Environmental compliance -- Directs the Secretary to develop, to the extent appropriate, categorical exclusions for transportation enhancements. Directs the Secretary to work with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers to develop a nationwide programmatic agreement for the process for reviewing the effects that transportation enhancement activities have on historic properties.

Applicability of the Uniform Act to Conservation Organizations -- Provides rules for how to treat land acquisitions made by non-profit conservation organizations where the land is subsequently incorporated into a transportation enhancement activity. In general, the conservation organization would be treated as a private property owner, except when acting as an agent of a State government or when acquisition has prior Federal approval.

Transportation Conformity

Clarifies that the transportation conformity requirements of Title 23 and the Clean Air Act Amendments of 1990 (CAAA) apply only to areas designated as "nonattainment," and to areas that are redesignated to attainment and must submit a maintenance plan under the CAAA. A conformity analysis only needs to be done for specific transportation related pollutants for which an area is designated nonattainment.

Congestion Mitigation and Air Quality Improvement (CMAQ) Program

Freezes the amount of CMAQ funds apportioned to each State to FY 1994 levels. Funds may be used in areas designated as nonattainment, or in maintenance areas that were formerly nonattainment areas under the Clean Air Act. In addition, States now have the ability to receive credit against their share of project costs through donations.

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S.440

One Hundred Fourth Congress

of the

United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Wednesday,

the fourth day of January, one thousand nine hundred and ninety-five

An Act

To amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

[Italic->] Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [<-Italic]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE- This Act may be cited as the 'National Highway System Designation Act of 1995'.

(b) TABLE OF CONTENTS-

Sec. 1. Short title; table of contents.

Sec. 2. Secretary defined.

TITLE I--NATIONAL HIGHWAY SYSTEM

Sec. 101. National highway system designation.

TITLE II--TRANSPORTATION FUNDING FLEXIBILITY

Sec. 201. Findings and purposes.

Sec. 202. Funding restoration.

Sec. 203. Rescissions.

Sec. 204. State unobligated balance flexibility.

Sec. 205. Relief from mandates.

Sec. 206. Definitions.

TITLE III--MISCELLANEOUS HIGHWAY PROVISIONS

Sec. 301. Traffic monitoring, management, and control on NHS.

Sec. 302. Transferability of apportionments.

Sec. 303. Quality improvement.

Sec. 304. Design criteria for the national highway system.

Sec. 305. Applicability of transportation conformity requirements.

Sec. 306. Motorist call boxes.

Sec. 307. Quality through competition.

Sec. 308. Limitation on advance construction.

Sec. 309. Preventive maintenance.

Sec. 310. Federal share.

Sec. 311. Eligibility of bond and other debt instrument financing for reimbursement as construction expenses.

Sec. 312. Vehicle weight and longer combination vehicles exemptions.

Sec. 313. Toll roads.

Sec. 314. Scenic byways.

Sec. 315. Applicability of certain requirements to third party sellers.

Sec. 316. Streamlining for transportation enhancement projects.

Sec. 317. Metropolitan planning for highway projects.

Sec. 318. Non-Federal share for certain toll bridge projects.

Sec. 319. Congestion mitigation and air quality improvement program.

Sec. 320. Operation of motor vehicles by intoxicated minors.

Sec. 321. Utilization of the private sector for surveying and mapping services.

Sec. 322. Donations of funds, materials, or services for federally assisted projects.

Sec. 323. Discovery and admission as evidence of certain reports and surveys.

Sec. 324. Alcohol-impaired driving countermeasures.

Sec. 325. References to Committee on Transportation and Infrastructure.

Sec. 326. Public transit vehicles exemption.

Sec. 327. Use of recycled paving material.

Sec. 328. Roadside barrier technology.

Sec. 329. Corrections to miscellaneous authorizations.

Sec. 330. Corrections to high cost bridge projects.

Sec. 331. Corrections to congestion relief projects.

- Sec. 332. High priority corridors.
- Sec. 333. Corrections to rural access projects.
- Sec. 334. Corrections to urban access and mobility projects.
- Sec. 335. Corrections to innovative projects.
- Sec. 336. Corrections to intermodal projects.
- Sec. 337. National recreational trails.
- Sec. 338. Intelligent transportation systems.
- Sec. 339. Eligibility.
- Sec. 340. Miscellaneous corrections to Surface Transportation and Uniform Relocation Assistance Act of 1987.
- Sec. 341. Accessibility of over-the-road buses to individuals with disabilities.
- Sec. 342. Alcohol and controlled substances testing.
- Sec. 343. National driver register.
- Sec. 344. Commercial motor vehicle safety pilot program.
- Sec. 345. Exemptions from requirements relating to commercial motor vehicles and their operators.
- Sec. 346. Winter home heating oil delivery State flexibility program.
- Sec. 347. Safety report.
- Sec. 348. Moratorium on certain emissions testing requirements.
- Sec. 349. Roads on Federal lands.
- Sec. 350. State infrastructure bank pilot program.
- Sec. 351. Railroad-highway grade crossing safety.
- Sec. 352. Collection of bridge tolls.
- Sec. 353. Traffic control.
- Sec. 354. Public use of rest areas.
- Sec. 355. Safety belt use law requirements for New Hampshire and Maine.
- Sec. 356. Orange County, California, toll roads.
- Sec. 357. Compilation of title 23, United States Code.
- Sec. 358. Safety research initiatives.
- Sec. 359. Miscellaneous studies.

TITLE IV--WOODROW WILSON MEMORIAL BRIDGE

- Sec. 401. Short title.
- Sec. 402. Findings.
- Sec. 403. Purposes.
- Sec. 404. Definitions.
- Sec. 405. Establishment of authority.
- Sec. 406. Government of authority.
- Sec. 407. Ownership of bridge.
- Sec. 408. Project planning.
- Sec. 409. Additional powers and responsibilities of authority.
- Sec. 410. Funding.
- Sec. 411. Availability of prior authorizations.
- SEC. 2. SECRETARY DEFINED.

In this Act, the term 'Secretary' means the Secretary of Transportation.

TITLE I--NATIONAL HIGHWAY SYSTEM

SEC. 101. NATIONAL HIGHWAY SYSTEM DESIGNATION.

(a) IN GENERAL- Section 103(b) of title 23, United States Code, is amended by adding at the end the following:

^ (5) DESIGNATION OF NHS- The National Highway System as submitted by the Secretary of Transportation on the map entitled 'Official Submission, National Highway System, Federal Highway Administration', and dated November 13, 1995, is hereby designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

^ (6) MODIFICATIONS TO NHS-

^ (A) IN GENERAL- Subject to paragraph (7), the Secretary may make modifications to the National Highway System that are proposed by a State or that are proposed by the State and revised by the Secretary if the Secretary determines that each of the modifications--

^ (i) meets the criteria established for the National Highway System under this title; and

^ (ii) enhances the national transportation characteristics of the National Highway System.

^ (B) COOPERATION- In proposing modifications under this

Protection Agency, determines that the facility or program is likely to contribute to the attainment of a national ambient air quality standard; or'.

(c) EFFECT OF LIMITATION ON APPORTIONMENT- Notwithstanding any other provision of law, for each of fiscal years 1996 and 1997, the amendments made by subsection (a) shall not affect any apportionment adjustments under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943).

(a) IN GENERAL- Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

Sec. 161. Operation of motor vehicles by intoxicated minors

(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE-

(1) FISCAL YEAR 1999- The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5)(B) of section 104(b) on October 1, 1998, if the State does not meet the requirement of paragraph (3) on that date.

(2) THEREAFTER- The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5)(B) of section 104(b) on October 1, 1999, and on October 1 of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on that date.

(3) REQUIREMENT- A State meets the requirement of this paragraph if the State has enacted and is enforcing a law that considers an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle in the State to be driving while intoxicated or driving under the influence of alcohol.

(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE-

(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS-

(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2000- Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2000, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2000- No funds withheld under this section from apportionment to any State after September 30, 2000, shall be available for apportionment to the State.

(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE- If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS- Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned. Sums not obligated at the end of that period shall lapse.

(4) EFFECT OF NONCOMPLIANCE- If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), the funds shall lapse.'

(b) CONFORMING AMENDMENT- The analysis of such chapter is amended by adding at the end the following:

161. Operation of motor vehicles by intoxicated minors.'

Section 306 of title 23, United States Code, is amended--

(1) by inserting (a) IN GENERAL- ' before 'In'; and



National Transportation Safety Board

Washington, D.C. 20594

March 29, 1995

Office of the Chairman

Honorable Tony Knowles
Governor
State of Alaska
P. O. Box 110001
Juneau, Alaska 99811

Dear Governor Knowles:

It is my understanding that you have proposed legislation making it illegal for any minor to operate a vehicle after consuming alcohol. I am pleased that you are addressing the problem of alcohol-involved crashes among young drivers. Let me share with you the findings and recommendations of the National Transportation Safety Board regarding young drivers.

Young drivers are over-represented in traffic crashes and deaths. In 1990, drivers aged 15-20 years comprised only 7.1 percent of licensed drivers, but accounted for 14.9 percent of all driver fatalities. Further, while young drivers do only 20 percent of their driving at night, over half the crash fatalities of adolescent drivers occur during nighttime hours. First-year drivers (primarily ages 16 and 17) have twice the average number of crashes and, on a miles-driven basis, four times the number of crashes involving more experienced drivers.

After analyzing a large body of research involving young driver highway accidents and actions to prevent crashes by young drivers, the Safety Board has called for a major reassessment by the states to reduce crashes among drivers under 21. Nearly 20 years ago, safety researchers identified two major factors that contribute to the high fatality rate among youth: their lack of driving experience and their tendency to engage in risk-taking behavior. When alcohol is added to this already dangerous situation, the traffic risks are greatly enhanced.

The Safety Board's experience shows that the most effective deterrents are tough and fair laws as well as energetic enforcement combined with intensive and targeted education campaigns. Therefore, the Safety Board recommended adoption of a series of state legislative and policy actions that can be effective in reducing automobile crashes involving young drivers. Among these is the enactment of a comprehensive law that prohibits drivers under the age of 21 from driving with any measurable blood alcohol concentration.

Many States permit drivers under age 21 to drive legally with alcohol in their system, as long as their BAC does not exceed the State's adult legal limit (usually 0.10 percent). One study concludes, "Although young people drink and drive less often than people of other age groups, the young who do choose to drink and drive

are at significantly higher risk of fatal crash than other age groups of drinking drivers." The Safety Board believes that underage drivers with any measurable alcohol should not drive.

To combat the underage drinking-driving problem, by the end of last year, 30 States had enacted laws to prohibit vehicle operation by underage drivers with a BAC level lower than the BAC level specified for drivers over 21.

A law lowering the BAC for underage drivers has been found to be effective in reducing nighttime fatal crashes among teenagers in Maine, even though only 40 to 50 percent of teenagers knew about the law. A study of the Maryland 0.02 percent BAC law found statistically significant reductions (a minimum 11 percent reduction) in alcohol-related crashes in the affected age group. When combined with a public information and education campaign, the Maryland law resulted in a nearly 50 percent reduction in underage alcohol-related crashes over a 2-year period, 1989-1990.

Laws reducing the legal BAC for youth can be strengthened by imposing administrative license revocation when they are arrested with any measurable BAC. State laws should be enacted to administratively suspend or revoke the driver's license of an alcohol-positive driver who is under the age of 21. Further, enforcement and public information efforts should accompany implementation of these laws. Often, when impaired driving law sanctions are implemented through the judicial process, penalties are imposed very slowly or not at all, especially where juvenile courts have jurisdiction. A substantial body of research supports the effectiveness of both administrative adjudication and license revocation in reducing crashes among drivers of all ages. The driver's license is an important possession for a young person, and it is reasonable to expect a significant benefit from revoking the license of underage drivers caught driving with any measurable BAC.

The Uniform Vehicle Code published by the National Committee on Uniform Traffic Laws and Ordinances contains a model law, Section 6-208, that provides guidance in drafting license revocation legislation for persons under 21 (copy enclosed). However, the Safety Board supports a zero alcohol tolerance for young drivers rather than the 0.02 percent level contained in Section 6-208. States that have laws with a BAC of 0.00 or 0.02 percent for young drivers are significantly more effective in reducing youth fatalities than are States that have laws with higher BACs (0.04, 0.05 or 0.06 percent). States that have zero tolerance laws for underage drivers appear to be more effective in reducing youth fatalities than States with a 0.02 percent BAC law for young drivers.

Our young people are this nation's most valuable resource. Too many of them are being killed and injured in highway crashes. We need to act forcefully now to reduce this loss and to continue the gains that were made during the early 1980's. Thus, the Safety Board strongly supports legislation lowering the allowable blood alcohol limit for drivers under age 21.

The National Transportation Safety Board is an independent Federal agency charged by Congress to investigate transportation accidents, determine their probable cause and make recommendations to prevent their recurrence. The Safety Board also conducts special studies of significant transportation safety problems. The recommendations that arise from our investigations and safety studies are our most important product.

Enclosed is a copy of the Safety Board's recommendation letter to the States. Please do not hesitate to contact me if you would like further information about these recommendations, or if there is any other way that the National Transportation Safety Board can be of assistance to you.

Sincerely,



Jim Hall
Chairman

Enclosures

cc: Attorney General Bruce Botelho



**National
Transportation
Safety Board**

Safety Information

Washington, D.C. 20594

TESTIMONY OF

STEVE BLACKISTONE

NATIONAL TRANSPORTATION SAFETY BOARD

BEFORE THE

FLORIDA SENATE CRIMINAL JUSTICE COMMITTEE

ON

LOW BLOOD ALCOHOL LIMITS FOR UNDERAGE DRIVERS

FEBRUARY 21, 1995

Good afternoon Chairman Burt and members of the Committee. It is a pleasure to be in Tallahassee today to talk with you about the problem of young drivers in traffic crashes and our recent recommendations for reducing these crashes. I am here on behalf of Safety Board Chairman Jim Hall, who is in Washington today addressing the national summit on drunk driving called by Secretary of Transportation Federico Pena.

The National Transportation Safety Board is an independent Federal agency that investigates transportation accidents and makes recommendations to prevent their recurrence. For example, the Board recently adopted its report on the circus train derailment in Lakeland, and next month will complete its investigation of the Intercession City grade crossing accident. The Safety Board also conducts special studies of significant transportation safety problems. The recommendations that arise from our investigations and safety studies are our most important product. In our 27 year history, more than 80 percent of our recommendations have been adopted by the organizations and government bodies in a position to effect improvements in transportation safety.

Today, I want to talk about some of our most important recommendations: those that address the tragedy of our young people killed in highway crashes.

No high school graduation season passes without reports of car crashes involving recent graduates and alcohol. Unfortunately, these accidents occur throughout the year as well, and alcohol consumption is frequently a factor. In 1993, traffic accidents accounted for 40 percent of all deaths of persons aged 15 to 20. This was the leading cause of death in that group. And, 40 percent of these deaths were alcohol related. These accidents tragically demonstrate the easy access that teenagers have to alcohol and the lethal consequences of teenage alcohol use when combined with driving. And, they point up the need to take action to deal with these problems.

Teen age drinking and driving is dangerous even where a relatively low alcohol levels are involved. For example, on May 12, 1989, four teens (ages 16 and 17) in Montgomery County, Maryland, attended a high school graduation party at which kegs of beer were available. None of the four had been invited to the party, but all four had paid for admission. No adult continuously supervised the party and police had responded to a complaint about the party. One of the four was the designated driver who was to be alcohol-free. According to police, after leaving the party, the designated driver was speeding on a wet country road, lost control of the vehicle, and hit an on-coming car. Two passengers were killed while the driver and another passenger were seriously injured. The designated driver had a 0.05 percent BAC, below the 0.08 percent level in effect for teenagers at the time in Maryland.

Young drivers are over-represented in traffic crashes and deaths. In 1992, almost 7200 16- to 20-year old drivers were involved in fatal crashes nationwide.

That is more than 16 percent of all fatalities that occurred on our nation's highways. But, this age group comprised only about 7 percent of all licensed drivers. Further, while young drivers do only 20 percent of their driving at night, over half the crash fatalities of adolescent drivers occur during nighttime hours. First-year drivers (primarily ages 16 and 17) have twice the average number of crashes and, on a miles-driven basis, four times the number of crashes involving more experienced drivers. As high as these numbers seem, there has been a significant reduction in both youth alcohol-related fatal crashes and alcohol-related fatalities.

According to the Insurance Institute for Highway Safety (IIHS), 53 percent of the teenage drivers who died in highway crashes in 1980 had a blood alcohol concentration (BAC) of 0.10 percent or higher. By 1987, the 53-percent figure had dropped to 28 percent, a reduction of nearly half. However, by 1989, the percentage of fatally injured teenage drivers with a BAC of 0.10 or higher had increased to 33 percent. This figure has remained relatively constant since then. Clearly, then, underage drinking and driving plays a major role in youth traffic crashes and fatalities.

The reduction in alcohol related fatal crashes involving teenage drivers during the 1980's has been attributed to raising the legal minimum age for the sale of alcohol to 21 in all States. By the early 1980's, overwhelming evidence emerged that laws enacted in the early 1970's to lower the drinking age had resulted in a sharp increase in alcohol-related traffic fatalities among youth. In those States that subsequently reinstated the 21 drinking age in the late 1970's, reductions in these fatalities were realized.

The National Highway Traffic Safety Administration (NHTSA) has estimated that the age 21 laws have saved more than 12,000 lives since States started raising the minimum drinking age. While the minimum drinking age law changes did not stop teenage drinking and driving, they made it more difficult for those under 21, and especially those under 18, to obtain alcohol. However, the recent increases in the percentage of alcohol-related fatal crashes among drivers under 21 indicate a need for new efforts to reduce alcohol-related crashes of drivers in this age group.

These figures led the Safety Board to review young driver (under age 21) licensing, and underage drinking and driving research, and State laws. After analyzing a large body of research involving young driver highway accidents and actions to prevent crashes by young drivers, the Safety Board called for a major reassessment by the states of ways to reduce crashes among drivers under 21. As a result of this analysis, a series of new recommendations was issued.

These recommendations call on Florida and all States to tighten and vigorously enforce their underage drinking and driving laws in order to reduce highway crashes and fatalities. Although no State allows the sale of alcohol to persons under age 21,

the Safety Board found that many States, including Florida, still allow a driver under age 21 to legally drive with a substantial amount of alcohol in his or her system as long as their BAC does not exceed the State's adult legal limit.

Nearly 20 years ago, safety researchers identified two major factors that contribute to the high fatality rate among youth: their lack of driving experience and their tendency to engage in risk-taking behavior. When alcohol is added to this already dangerous situation, the traffic risks are greatly enhanced.

Research has shown that young drivers are particularly susceptible to impairment by small amounts of alcohol. For example, male drivers aged 16 to 20 have six times the driver fatality risk in single vehicle crashes at BACs from 0.01 to 0.04 percent compared to male drivers age 25 and older at these low levels. Further, although young people drink and drive less often than older adults, the young people who do choose to drink and drive are at significantly higher risk of fatal crash than other age groups of drinking drivers. Approximately one-third of the 15 to 20 year old drinking drivers in fatal crashes had BACs between 0.01 and 0.09 percent.

Any level of alcohol in the blood system impairs perception and performance. The Safety Board believes that to save lives, "zero" BAC is the only acceptable level that should be tolerated for drivers under 21. Drivers under the legal drinking age should not be permitted to drive with any amount of alcohol in their system, and a recommendation embodying this principle was issued to Florida.

There has been a remarkable movement in the states to adopt a lower BAC standard for drivers under the legal drinking age. There are now 30 States that have laws to prohibit vehicle operation by underage drivers with a BAC level lower than that specified for drivers over 21. And, half of these laws have been enacted just in the last two years.

We are beginning to see concrete results from these new laws. An analysis of the first four states to reduce the legal blood alcohol limits for young drivers revealed a 34 percent reduction in nighttime fatal crashes among the affected drivers. This reduction was substantially greater than occurred among adults in those states, or among youth in four nearby comparison states.

A new study from Boston University confirms the previous findings that zero tolerance laws save lives. That study evaluated the experience of the 12 states that have had laws for at least a year, and found that lowering the BAC limit for young drivers does significantly reduce single vehicle nighttime fatal crashes.

Let me take a moment to share with you the experiences of just two states. First, in the case of Maryland's law [0.02 percent for those under 21] a study found statistically significant reductions (a minimum of 11 percent) in alcohol-related

crashes. When combined with a targeted public information and education campaign, the Maryland law resulted in a nearly 50 percent reduction in underage alcohol-related crashes over a two-year period.

Second, in Maine, a law lowering the BAC to 0.02 percent for drivers under 21 has been found to be effective in reducing nighttime fatal crashes among teenagers, even though only 40 to 50 percent of teenagers knew about the law.

Most State laws appear to place responsibility for underage drinking on the seller of alcohol, but not on the underage purchasers who also should be responsible for their actions. State laws, including Florida's, misplace responsibility, send a mixed message to youth, and impede enforcement. Florida's law prohibits the sale of alcoholic beverages to persons under age 21, but does not prohibit the purchase or attempted purchase by minors. Neither does it prohibit public consumption by minors. With such deficiencies, it is no surprise that alcohol is readily available to minors and that, as a consequence, alcohol-related crashes involving drivers under age 21 continue to occur. To maximize the lives saved from the establishment of a minimum drinking age, it is essential to reduce alcohol availability, improve State minimum drinking age laws and enforce these laws.

The Safety Board believes that States should enact comprehensive laws to prohibit the attempt by minors to purchase alcohol or the purchase of alcohol by minors, the public possession of alcohol by minors, public consumption of alcohol by minors, and the misrepresentation of age and use of false identification by minors to purchase alcohol. I urge you to review Florida's statute and consider adding prohibitions on the purchase, attempt to purchase, and public consumption of alcohol by persons under age 21.

In conclusion, highway crashes among young drivers, including alcohol-related crashes, will remain a serious and persistent problem unless concrete and comprehensive steps are taken. To reduce these crashes, the Safety Board believes an effective combination of tough, fair laws, vigorous enforcement, and intensive and targeted educational campaigns is needed. Thus, as a result of its study, the National Transportation Safety Board recommended that Florida take several actions. The most important are:

- ▶ Vigorously enforce the minimum drinking age laws [to achieve a significant reduction in the rate of alcohol purchase by underage persons.]
- ▶ Vigorously enforce youth drinking and driving laws [to increase the percentage of alcohol-impaired young drivers who are arrested.]
- ▶ Take driver license action against underage purchasers.

- ▶ Enact laws that prohibit drivers under the age of 21 from driving with any measurable blood alcohol concentration (any level above 0.00 BAC), to include provisions for administrative license revocation.

The National Transportation Safety Board hopes that you will take these recommendations, and the experience of other states, seriously as you act on the pending legislation to strengthen Florida's underage drinking laws.

Our young people are this nation's most valuable resource. Too many of them are being killed and injured in highway crashes. We need to act forcefully now to reduce this loss and to continue the gains that were made during the early 1980's. Thus, the Safety Board strongly supports legislation lowering the allowable blood alcohol limit for drivers under age 21 to zero.

Thank you again for inviting the Safety Board to testify about this important problem, and I would be happy to answer any questions that you may have.

FACT SHEET

September 1994

STATE LEGISLATIVE

Zero-Tolerance Laws To Reduce Alcohol-Impaired Driving By Youth

The U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) encourages States to enact zero tolerance laws designed to reduce drinking and driving among younger drivers. Such laws should:

- Establish that any measurable amount (.02 maximum) of alcohol in the blood, breath, or urine of a driver under age 21 would be an "illegal per se" offense; and,
- Provide for immediate driver license suspension periods for those under age 21 who exceed the applicable blood alcohol concentration (BAC) limit.

All 50 States and the District of Columbia now have laws that prohibit the purchase and public possession of alcoholic beverages by those under the age of 21. Therefore, it would seem reasonable to expect drivers under the age of 21 to have no alcohol in their systems, and the appropriate BAC for these drivers would be zero. However, NHTSA recognizes that, given the present level of technology of alcohol breath testing devices, it is difficult for law enforcement officers to detect extremely low amounts of alcohol in the body. It is for this reason that the agency generally supports States that have laws establishing a BAC level of 0.02, at which it is illegal for those under the age of 21 to operate a motor vehicle.

Younger drivers place a high value on their drivers' licenses, and the threat of license revocation has proved to be an especially effective sanction for this age group.

Key Facts

- More than 40 percent of all deaths of 15 to 20 year olds result from motor vehicle crashes. In 1993, 40 percent of the 5,905 traffic fatalities of 15 to 20 year olds were alcohol-related. The percentage translated to 2,364 traffic fatalities in this age group that were alcohol-related last year.
- In 1993, 24 percent of 15 to 20 year old drivers involved in fatal crashes had some alcohol in their blood. The alcohol involvement rate for young drivers, based on the total licensed driver population, is about twice that of the over 21 age driver.
- NHTSA estimates that 816 lives were saved in 1993 by minimum drinking age laws. Since 1975, it is estimated that almost 13,968 lives have been saved in the affected ages by these laws. However, young people under age 21 are still greatly over-represented in alcohol-related crashes and fatalities.
- Driver license revocation or suspension has proven to be an effective deterrent in reducing crashes and the reoccurrence of alcohol-related driver offenses in the general population. Some State licensing officials believe sanctions have an even greater effect on younger drivers, since they value their drivers' licenses so highly.

U.S.
Department of
Transportation



National
Highway
Traffic Safety
Administration

States with Special Laws for Youth

Twenty-nine States and the District of Columbia have lower BAC limits for underage drivers: Arizona, Arkansas, California, Georgia, Idaho, Illinois, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin. These BAC limits vary from 0.00 to 0.07 percent. Arizona, Arkansas, California, the District of Columbia, Idaho, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New Mexico, Ohio, Oregon, Tennessee, Utah, Virginia, Washington, and West Virginia provide zero tolerance for everyone below 21. To correspond to age 21 alcohol purchase laws, NHTSA supports the use of age 21 as an appropriate threshold for lower BAC limits and longer suspension periods.

How The Laws Work

Typically, zero tolerance laws provide that any amount of alcohol in the body of a driver under age 21 (generally measured as 0.02 percent BAC or greater) is an offense for which the driver's license may be suspended for a period varying from 10 days to three months. These laws should allow a police officer to require a breath test from any driver under the age of

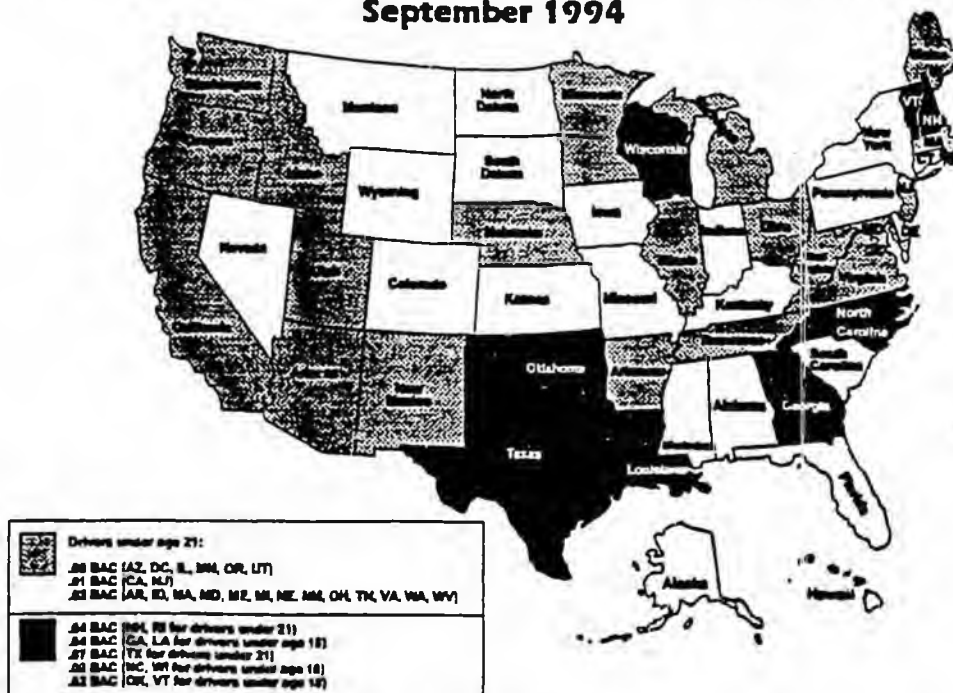
21, if the officer has probable cause to believe that the individual has been drinking (and should not require that the officer have probable cause to suspect actual impairment). Refusal to take such a test should result in license suspension under implied consent or administrative license revocation (ALR) laws. In the 37 States and the District of Columbia with ALR laws, providing a sample that is positive for alcohol should result in license suspension under that law. Currently, States vary in whether the special BAC level for underage drivers is included in their ALR laws.

Other States, such as Delaware, have taken the approach of extending the period of license suspension and increasing other penalties for underage youth without changing the BAC definition of an offense. Many States have extended the period of license suspension and also changed the BAC definition.

Cost Benefit Estimates

A NHTSA evaluation of the 0.02 law in Maryland showed an 11 percent decrease in the number of drivers under age 21 involved in crashes who, police report, "had been drinking." A study of four other States (Maine, New Mexico, North Carolina, and Wisconsin) revealed a 34 percent decline in adolescent night fatal crashes during

States with Lower BAC Levels for Youthful DWI Offenders September 1994



Cost Benefit Estimates *(continued)*

the post-law years compared to only a 7 percent decrease in adult night fatal crashes. A more recent study of 12 States with lower limits showed a 16 percent decrease in single vehicle nighttime fatal crashes for drivers targeted by the laws while these crashes rose one percent among drivers of the same ages in comparison States where the laws were not changed.

Making any amount of alcohol in the body of an underage person an offense can make the enforcement effort easier. If the officer has any reason to suspect that the individual has been drinking, he or she can demand a breath test and take action to arrest the underage driver. Passive sensors, which can detect low BACs, permit the police to identify individuals with small amounts of alcohol in their bodies. This has the potential to reduce enforcement and adjudication time and expense, particularly if handled in an administrative process.

Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991

ISTEA provides incentive grants to States that achieve at least five of the following six criteria:

- An expedited administrative procedure for suspending the license of drunk drivers;
- A law setting a 0.10 blood alcohol concentration as evidence of driving while intoxicated (after three years, it must drop to 0.08);
- A statewide sobriety checkpoint program;
- A self-sustaining drunk driving prevention program;

- A program to prevent drivers under age 21 from obtaining alcoholic beverages; and
- A mandatory sentence of 48 consecutive hours in jail or not less than 10 days of community service for any person convicted of DWI more than once in any five year period.

States can also earn supplemental grants, one of which is based on adopting a 0.02 blood alcohol concentration limit for drivers under age 21.

Additional Sources of Information

A number of reports have supported legislation of this type:

Lower BAC Limits For Youth: Evaluation of the Maryland .02 Law. NHTSA Report Number DOT HS 807 860, March 1992. (Technical Summary. DOT HS 807 859, March 1992.)

"Reduced BAC Limits for Young People (Impact on Night Fatal Crashes)", Alcohol, Drugs, and Driving, R. Hingson, et al., Vol. 7 No. 2, pp 117-127.

"Lower Legal Blood Alcohol Limits for Young Drivers" R. Hingson, et al, 73rd Meeting, Transportation Research Board, January 1994.

These reports and additional information are available through your State Office of Highway Safety, the NHTSA Regional Office serving your State, or from NHTSA Headquarters, Traffic Safety Programs, NTS-21, 400 Seventh St., S.W., Washington, D.C. 20590, (202) 366-9588.

Telephone: (907) 522-6233
FAX: (907) 522-6234



Mothers Against Drunk Driving

Anchorage Chapter
615 East 82nd Avenue, Ste. 31
Anchorage, AK 99518-3157

Representative Garry Davis
Chair, House Transportation Committee
State Capitol
Juneau, Alaska 99801-1182

3 March 1995

Dear Representative Davis;

I write on behalf of our members, the Board of Directors, victims of drunk driving and all of us potential victims. We strongly support of Governor Knowles' six-point anti-crime package, particularly the two sections dealing with the alcohol problem.

Trusting we get our background data from the same sources, I will refrain from reciting a long list of familiar statistics. Suffice to acknowledge the tragedy that half the accidental deaths of our youth are alcohol or other drug related. We all must be ever vigilant in finding ways to eliminate this shameless waste of young talent. The governor's bill is another step in that direction. It also seems to tie in well with last year's "use it/loose it" and gives law enforcement officials a stronger hand.

Calls to this office from the general public address the repeat DWI offender more than any other one issue. The public is irate over the number of repeat offenders and the number of offenses an individual can accumulate with minimal consequences. MADD agrees with the Governor that drunk driving is drunk driving regardless of the technicalities of the convictions. All offenses should be countable. This bill would also tie in well with SB4 and HB 159 which would elevate three DWIs in five years to felony status.

Your committee's positive acceptance and action on these bills will be loudly applauded by MADD.

Sincerely,

David H. Herndon
Executive Director

Modifying Attitudes toward Drinking and Driving



**ALASKA COUNCIL ON
PREVENTION
OF ALCOHOL AND DRUG ABUSE, INC.**

March 6, 1995

Rep. Gary Davis, Chair
House Transportation Committee
State Capitol
Room 420
Juneau, AK 99801

Dear Representative Davis:

On behalf of the Alaska Council on Prevention of Alcohol and Drug Abuse, I would like to offer our complete support for HB 204 as it was introduced on February 27, 1995, by Governor Tony Knowles.

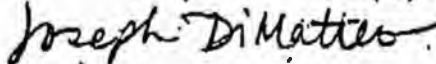
This important bill provides the state with new tools to respond to the problem of drunk driving by establishing a "zero tolerance level" for minors who consume alcohol and then operate a motor vehicle, aircraft or watercraft.

The Alaska Council supports this intolerance for underage drinking and wholeheartedly believes that lives will be saved as a result of its strict enforcement. We are aware that drunk driving statistics continue to rise in Alaska despite the tireless efforts of law enforcement, and we believe the passage of this bill will help prevent the presence of additional drunk drivers on our streets and highways.

We support the bill's amendments to AS 28.15.183 and 28.15.184 which would give police officers and the appropriate officials the right to revoke a minor's driver's license or permit, privilege to drive and privilege to obtain a license, if the minor is found to be intoxicated while driving.

We support all other aspects of this bill as it is written, and urge your favorable action on it. Thank you, Gary, for your time and attention to this important matter.

Sincerely,



Joseph DiMatteo
Executive Director

3333 DENALI STREET, SUITE 201 • ANCHORAGE, ALASKA 99503
(907) 258-6021 • FAX (907) 258-6052 • (800) 476-PREV OUTSIDE ANCHORAGE AREA ONLY

MADD
Nat'l Hwy Traffic Safety Assn
Nat'l Traffic Safety Bureau

Alaska Pol. Assn
Alaska Assn of Pol.

Alaskans For Drug-Free Youth

Statewide Headquarters
 2417 Tongass, Suite #114
 Ketchikan, Alaska 99901
 Tel 907 247-2273
 1-800-478-2273
 Fax 907 247-2232

Post-It™ brand fax transmittal memo 7671		# of pages	1
To	Gary Davis	From	Mimi Tucker
Co.		Co.	ADFY
Dept.		Phone #	247-2273
Fax #	465-3835	Fax #	247-2232

March 7, 1995

Representative Gary Davis
 Chairman, House Transportation Committee
 State Capitol, Room 420
 Juneau, AK 99801

Dear Representative Davis:

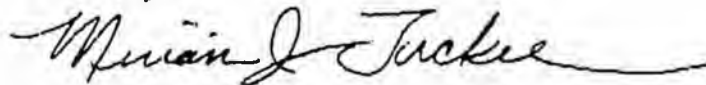
Alaskans For Drug-Free Youth, Ketchikan Partner, supports passage of HB204. We feel this bill offers an opportunity to intervene early with minors who operate a motor vehicle after consuming alcohol. This piece of legislation establishes a zero tolerance level for minors who consume alcohol and then drive.

An additional preventative feature of this bill is the provision that any minor who is cited for driving after consuming alcohol will be prohibited from operating a motor vehicle, aircraft, or watercraft during the 24 hours after the citation is issued. This will ensure that the minor does not drive while under the influence of alcohol.

The "zero tolerance" level for minors within this piece of legislation reinforces the support for no use of alcohol by anyone under the age of 21 and will make a positive impact in support of nurturing drug-free youth and their potential.

Please pass this early intervention legislation to help youth refuse the use of alcohol. This violation tool before a traffic judge can prevent future road tragedies for our young people.

Sincerely,



Miriam Tucker, President
 Ketchikan Partner



Community Partners

Anchorage
 Fairbanks
 Juneau
 Ketchikan
 Nome
 Petersburg
 Wrangell

Advisory Board

Mrs. Erma Lee Hinkel

Tom Pool, Special Agent
 Drug Enforcement Administration

Mrs. Nancy Murkowski
 Congressional Families for
 Drug-Free Youth

Billy G. Andrews
 FBI Demand Reduction Coordinator

Corporation Sponsors
 Alascom
 Alyaska Pipeline Service Company
 Exxon Company, U.S.A.
 Hames Group
 Ketchikan Pulp Company
 The Landing/Gilmore/Annabelle's
 Louisiana Pacific Foundation
 A United Way Southeast Agency



LETTER OF SUPPORT

A Partner of National Family Partnership®
 Dedicated to Healthy Drug-Free Youth

Rep. Gary Davis, Chair
House Transportation Committee
State Capitol
Room 420
Juneau, AK 99801

March 7, 1995

Dear Representative Davis:

I am writing in support of HB 204 as it was introduced on February 27, 1995 by Governor Tony Knowles. If this sort of bill had been in effect when I was in high school, I believe many of the car crashes and drinking and driving that occurred unchecked might have been prevented.

Kids are smart and will react to a law that will effect them if they are caught in a car where alcohol or other drugs are present. This important bill gives the state stronger tools to combat impaired driving and sends a clear and consistent message that "zero-tolerance" is the standard for minors who consume alcohol and attempt to operate a motor vehicle, aircraft, or watercraft.

I support this intolerance for underage drinking and strongly believe that it will get young people thinking about the consequences and directly save lives by keeping kids accountable for drinking or being in the presence of those drinking while driving.

I support the bill's amendments to AS 28.15.184 and 28.15.184 which gives police officers and the appropriate officials the right to revoke a minor's driver's license or permit, privilege to drive and privilege to obtain a license, if the minor is found to be intoxicated while driving.

Representative Davis, I urge your favorable action on this bill. Thank you for your time and attention.

Sincerely,

Tim S. McGrath

Tim S. McGrath
Alaskan

*5889 Kenninghill Dr.
Anchorage, AK 99504-3734*

March 7, 1995

Rep. Gary Davis, Chair
House Transportation Committee
State Capitol
Room 420
Juneau, AK 99801

Dear Representative Davis:

I, would like to offer my complete support for HB 204 as it was introduced on February 27, 1995, by Governor Tony Knowles.

This bill is important to me because it provides the state with new tools to respond to the problem of drunk driving by establishing a "zero tolerance level" for minors and I also believe this should apply to adults who consume alcohol and then operate a motor vehicle, aircraft or watercraft.

I, support the intolerance for underage drinking and believe that lives will be saved as a result of this bill's enforcement. As a parent of three teenagers I have a difficult time going to sleep on the weekends that the kids are out on the highways and by ways of Anchorage. I believe the passage of this bill will help prevent the presence of additional drunk drivers on our streets and highways.

I, support the bill's amendments to AS 28.15 183 and 28.15 184 which would give police officers and the appropriate officials the right to revoke a minor's driver's license or permit, privilege to drive and privilege to obtain a license, if the minor is found to be intoxicated while driving.

I, urge your favorable action on this bill.

Sincerely,

Sam Lambull

Sam Lambull

*7431 Tangle Ct.
Anch. AK 99504*

LETTER OF SUPPORT

HOUSE COMMITTEE REPORT

3/28/95
~~Rules~~
 Finance added

(7)
 Date Referred: March 17, 1995

FURTHER REFERRALS:

Date of Committee Action: 3-27-95

The JUDICIARY Committee considered:

HB 204

HOUSE BILL NO. 204

NO DRINK BEFORE DRIVING IF UNDER 21

"An Act relating to the administrative revocation of a minor's license to drive; creating criminal offenses of minor operating a vehicle after consuming alcohol, a minor's refusal to submit to chemical test, and driving during the 24 hours after being cited for minor operating a vehicle after consuming alcohol; establishing penalties for these offenses; and relating to implied consent to certain testing if operating a motor vehicle, aircraft, or watercraft."

recommends it be replaced the same title
 with the following committee substitute _____ a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) Courts fiscal note(s) _____
(indeterminate)

zero fiscal note(s) _____ zero fiscal note(s) (2) Admin, Law
(2) Pub Safety 2/27/95

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Brian Porter</u> Porter	<input checked="" type="checkbox"/>			
<u>Alber... Vezey</u>			<input checked="" type="checkbox"/>	
<u>... Finkelstein</u>	<input checked="" type="checkbox"/>			
<u>Beth... B. Davis</u>	<input checked="" type="checkbox"/>			
<u>... Green</u>	<input checked="" type="checkbox"/>			
<u>... Bunde</u>	<input checked="" type="checkbox"/>			
<u>... Tooley</u>	<input checked="" type="checkbox"/>			
	(6)		(1)	

CHAIR'S SIGNATURE Brian Porter
Porter

HOUSE USE COMMITTEE REPORT

3/17/95

(7)

Date Referred: February 27, 1995

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 3/15

The TRANSPORTATION Committee considered:

HB 204

HOUSE BILL NO. 204

NO DRINK BEFORE DRIVING IF UNDER 21

"An Act relating to the administrative revocation of a minor's license to drive; creating criminal offenses of minor operating a vehicle after consuming alcohol, a minor's refusal to submit to chemical test, and driving during the 24 hours after being cited for minor operating a vehicle after consuming alcohol; establishing penalties for these offenses; and relating to implied consent to certain testing if operating a motor vehicle, aircraft, or watercraft."

recommends it be replaced the same title
 with the following committee substitute a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ (5) zero fiscal note(s) (a) Admin, Law, _____
 (a) Public Safety 2/27/95

SIGNING WT.' RECOMMENDATIONS	DP	DNP	NR	AM
<i>James Sanders</i> Sanders	✓			
<i>William Williams</i> Williams	✓			
<i>Jannette James</i> James	✓			
<i>Sileen P. MacLean</i> MacLean	✓			
<i>Beverly Masek</i> MASEK	✓			
<i>G. Davis</i> G. Davis			✓	
	(5)		(1)	

CHAIR'S SIGNATURE *G. Davis*
 G. Davis