

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984

3008 SSA SB 61 (FILE 2) - (FILE 3) 8672

1.	POSITION TITLE Motor Vehicle Rep. II			RANGE/STEP 9A	BARG. UNIT GG	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION NON PERM	STAFF MONTHS 4	RP NUMBER	PCN NUMBER	DRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 7-15	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT	<p>This position will work in the field office and be responsible to issue driver's licenses during the start up period when all 16 and 17 year olds must obtain a different license.</p>				
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	6,596							
6.	Benefits	642							
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES	01	7,238						
10.	Travel	02							
11.	Contractual	03							
12.	Commodities	04							
13.	Equipment	05							
14.	Other								
15.	TOTAL COST								
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		7,238					
19.		I-A Receipts 1005							
20.		Program Receipts 1020							
21.		Other							
FOR D&H USE ONLY									
4A KEY NUMBER _____									

13 REQUEST FOR
NEW POSITION

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

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Revised Date

FY 84

1.	POSITION TITLE Motor Vehicle Rep. II				RANGE/STEP 9A	BARG. UNIT GG	FORM 12 PAGE/LINE	GOV.	APPROV.	DESIGN.
2.	TYPE OF POSITION NON PERM	STAFF MONTHS 4	RP NUMBER	PCN NUMBER	DRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 7-15	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		6,596							
6.	Benefits		642							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01		7,238					
10.	Travel		02							
11.	Contractual		03							
12.	Commodities		04							
13.	Equipment		05							
14.	Other									
15.	TOTAL COST									
	RECEIPT CODE		FUNDING SOURCE							
16.			Federal Receipts 1002							
17.			G.F. Match 1003							
18.			General Funds 1004		7,238					
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20.			Program Receipts 1020							
21.			Other							
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This position will work in the field office and be responsible to issue driver's licenses during the start up period when all 16 and 17 year olds must obtain a different license.

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(A) First Year Costs

	<u>AST Cost</u>	<u>Academy Cost</u>	<u>Total DPS 1984 Cost</u>
100 Personal Services	306,652 (1)		306,652
200 Travel	10,000 (1)		10,000
300 Contractual Services	87,840 (1)	30,000	117,840
400 Commodities	16,500 (1)	2,000	16,700
500 Equipment	203,000 (2)		203,000
TOTAL	<u>623,992</u>	<u>32,000</u>	<u>654,192</u>

- (1) Cost at 1/2 full year costs to reflect time needed to bring on and train new Troopers.
- (2) Equipment cost at estimated purchase price.

(B) Subsequent Year Costs

	<u>1984 (A)</u>	<u>1985 (B)</u>	<u>1986(B)</u>
100 Personal Services	613,304	650,102	689,108
200 Travel	20,000	21,200	22,472
300 Contractual Services	175,680	186,221	197,394
400 Commodities	33,000	34,980	37,079
TOTAL	<u>841,984</u>	<u>892,503</u>	<u>946,053</u>

- (A) Costs as if they were a full year. Not carried to fiscal note.
- (B) 6% inflation added each year. No equipment costs and subsequent Academy costs.

TROOPER COSTS

PERSONAL SERVICES - 100

\$2,998 x 12 months =	\$35,976	
+ 300 hours OT	5,427	
SUB TOTAL	<u>\$41,403</u>	
+ .2721% Benefits	11,266	
+ 6.13 SBS	2,240	
+ \$240 per month - Health Benefits	<u>2,880</u>	
TOTAL PERSONAL SERVICES		\$57,789

TRAVEL & PER DIEM - 200

Average - This will vary
TOTAL TRAVEL & PER DIEM 2,000

CONTRACTUAL - 300

Telephone/Postage, \$85 per month x 12	1,020	
Photo Processing, \$40 per month x 12	480	
PSEA Physical Exam, Average	300	
Uniform PSEA Cleaning Allowance*	540	
HWCf Vehicle - Monthly Cost Replacement \$369 per month + 2,000 miles x .45 =	<u>15,228</u>	
TOTAL CONTRACTUAL		17,568

COMMODITIES - 400

Uniforms/with all accessories; jacket, hats, handcuffs, etc.	1,900	
Film Supplies + Office Supplies	750	
Vehicle Accessories - Blanket, tire chains, snow tires, flares, etc.	<u>650</u>	
TOTAL COMMODITIES		3,300

EQUIPMENT - 500

Patrol - Vehicle - initial cost	12,000	
Light Bar	500	
Underhood Speaker	100	
Car Radio	3,000	
Siren/Amplifier	250	
MX 360 Radio-Portable w/charger	3,200	
Moving Radar Gun	600	
Firearms (revolver, shotgun, & rifle)	<u>650</u>	
TOTAL EQUIPMENT		<u>20,300</u>

TOTAL TROOPER COST TO THE BRU \$100,957

*Tentative cost under the proposed increases effective 01/01/83.

TROOPER COSTS

PERSONAL SERVICES - 100

\$2,998 x 12 months =	\$38,724	
+ 300 hours OT	8,763	
SUB TOTAL	<u>\$47,487</u>	
+ .2721% Benefits	12,921	
+ 6.13 SBS	2,240	
+ \$240 per month - Health Benefits	<u>2,880</u>	
TOTAL PERSONAL SERVICES		\$65,528

TRAVEL & PER DIEM - 200

Average - This will vary
TOTAL TRAVEL & PER DIEM 2,000

CONTRACTUAL - 300

Telephone/Postage, \$85 per month x 12	1,020	
Photo Processing, \$40 per month x 12	480	
PSEA Physical Exam, Average	300	
Uniform PSEA Cleaning Allowance*	540	
HWCF Vehicle - Monthly Cost Replacement \$369 per month + 2,000 miles x .45 =	<u>15,228</u>	
TOTAL CONTRACTUAL		17,568

COMMODITIES - 400

Uniforms/with all accessories; jacket, hats, handcuffs, etc.	1,900	
Film Supplies + Office Supplies	750	
Vehicle Accessories - Blanket, tire chains, snow tires, flares, etc.	<u>650</u>	
TOTAL COMMODITIES		3,300

EQUIPMENT - 500

Patrol - Vehicle - initial cost	12,000	
Light Bar	500	
Underhood Speaker	100	
Car Radio	3,000	
Siren/Amplifier	250	
MX 360 Radio-Portable w/charger	3,200	
Moving Radar Gun	600	
Firearms (revolver, shotgun, & rifle)	<u>650</u>	
TOTAL EQUIPMENT		<u>20,300</u>

TOTAL TROOPER COST TO THE BRU \$108,696

*Tentative cost under the proposed increases effective 01/01/83.

FAIRBANKS
TROOPER COSTS

PERSONAL SERVICES - 100

\$3,346 x 12 months =	\$40,152	
+ 300 hours OT	9,087	
SUB TOTAL	<u>\$49,239</u>	
+ .2721% Benefits	13,398	
+ 6.13 SBS	2,240	
+ \$240 per month - Health Benefits	<u>2,880</u>	
TOTAL PERSONAL SERVICES		\$67,757

TRAVEL & PER DIEM - 200

Average - This will vary		
TOTAL TRAVEL & PER DIEM		2,000

CONTRACTUAL - 300

Telephone/Postage, \$85 per month x 12	1,020	
Photo Processing, \$40 per month x 12	480	
PSEA Physical Exam, Average	300	
Uniform PSEA Cleaning Allowance*	540	
HWCF Vehicle - Monthly Cost Replacement		
\$369 per month + 2,000 miles x .45 =	<u>15,228</u>	
TOTAL CONTRACTUAL		17,568

COMMODITIES - 400

Uniforms/with all accessories; jacket, hats, handcuffs, etc.	1,900	
Film Supplies + Office Supplies	750	
Vehicle Accessories - Blanket, tire chains, snow tires, flares, etc.	<u>650</u>	
TOTAL COMMODITIES		3,300

EQUIPMENT - 500

Patrol - Vehicle - initial cost	12,000	
Light Bar	500	
Underhood Speaker	100	
Car Radio	3,000	
Siren/Amplifier	250	
MX 360 Radio-Portable w/charger	3,200	
Moving Radar Gun	600	
Firearms (revolver, shotgun, & rifle)	<u>650</u>	
TOTAL EQUIPMENT		<u>20,300</u>

TOTAL TROOPER COST TO THE BRU

\$110,925

*Tentative cost under the proposed increases effective 01/01/83.

1.	POSITION TITLE State Trooper 10				RANGE/STEP	BARG. UNIT	FORM 12 PAGE/LINE	GOV	APPROV	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION See Below	ELECTION DISTRICT	LEC		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>Implementation of the proposed legislation (SB 226) would require additional State Troopers to enforce its provisions. It is estimated that two additional Troopers would be needed in each of the following five locations: Anchorage, Fairbanks, Juneau, Ketchikan, and Soldotna/Kenai.</p> <p>Assumptions include an effective date of July 1, 1983 and an annual inflation rate of 6% for FY 85 and beyond. Equipment and Academy training costs would be incurred only in the first year. FY 83 costs allow for recruitment and training time.</p> <p>See fiscal note for detail salary calculation.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary									
6.	Benefits									
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES			01 305,652						
10.	Travel			02 10,000						
11.	Contractual			03 117,840						
12.	Commodities			04 16,700						
13.	Equipment			05 213,000						
14.	Other									
15.	TOTAL COST			654,192						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		654,192						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER										

13 REQUEST FOR
NEW POSITION

AGENCY Public Safety
PROGRAM Crime ID & Apprehension
BRU Alaska State Troopers
COMPONENT Detachments & CIB

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FY 84

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: CS SB 225 (State Affairs)
 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 or Subprogram(s) Affected: Driver/Vehicle Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

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

Not identified by sponsor.

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

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

Distribution:

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

3/8/83

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) 15.0

380 - professional services (contract at \$.75 per drivers license issued) 9.0

382a - DP Char (programming and maintenance)	<u>2.0</u>	
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	<u>.5</u>	
Total		<u>5.1</u>

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. Proposed AS 28.15.055(a) outlines what a stage one provisional license is valid for. The bill does not address what a stage two provisional license is valid for. This should possibly be covered in proposed AS 28.15.055(b).

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.	APPRDV.	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				JUSTIFICATION					
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 102B								
21.		Other								
FOR B&H USE ONLY										
4A KEY NUMBER										

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.

AGENCY Department of Public Safety,

PROGRAM Life and Property Protection

BRU Driver/Vehicle Services

COMPONENT Field Services

13 REQUEST FOR
NEW POSITION

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1.	POSITION TITLE Document Processing Clerk II			RANGE/STEP 8B	BARG. UNIT GG	FORM 12	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	DRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEG.		
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>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.</p> <p>Equipment breakdown is as follows: Typewriter - \$1,245 File Cabinet - 291 Chair - 188 Total \$1,724</p> <p>Prepared showing full year costs. Only 1/2 year reflected on fiscal note for FY84.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	19,176								
6.	Benefits	3,367								
7.	Supplemental Benefits	1,175								
8.	Fixed Benefits	2,880								
9.	TOTAL PERSONAL SERVICES	01	26,598							
10.	Travel	02	-							
11.	Contractual	03	-							
12.	Commodities	04	100							
13.	Equipment	05	1,724							
14.	Other									
15.	TOTAL COST		28,422							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts	1002							
17.		G.F. Match	1003							
18.		General Funds	1004	28,422						
19.		I-A Receipts	1005							
20.		Program Receipts	1028							
21.		Other								

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4A KEY NUMBER

AGENCY Department of Public Safety

PROGRAM Life and Property Protection

DRU Driver/Vehicle Services

COMPONENT Driver Services

FY 84

13 REQUEST FOR
NEW POSITION

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1.	POSITION TITLE Driver Improvement Specialist			RANGE/STEP 16B	BARG. UNIT CG	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 7-15	LEG.	
3.	CONTINUATION LEVEL	ADDITION			JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	32,040							
6.	Benefits	5,626							
7.	Supplemental Benefits	1,964							
8.	Fixed Benefits	2,880							
9.	TOTAL PERSONAL SERVICES	01	42,510						
10.	Travel	02	1,900						
11.	Contractual	03							
12.	Commodities	04	100						
13.	Equipment	05	2,069						
14.	Other								
15.	TOTAL COST		46,579						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts	1002						
17.		G.F. Match	1003						
18.		General Funds	1004	46,579					
19.		I-A Receipts	1005						
20.		Program Receipts	1028						
21.		Other							
FOR B&M USE ONLY									
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This position will be responsible to hold hearings under driver license administrative suspension programs. Each time a provisional license is revoked under proposed AS 28.15.213, the department must offer a hearing per AS 28.05.131. It is estimated this bill will generate an additional 1,500 administrative license actions annually. In addition to holding hearings would be responsible to maintain current records concerning the hearings.

Travel is based on two trips to Fairbanks annually, two trips to Southeastern annually, and two trips to the Kenai Peninsula annually.

Requested equipment breakdown is as follows:
 Typewriter - \$1,245
 Desk - 426
 File Cabinet - 235
 Chair - 163
 Total \$2,069

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

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AGENCY Department of Public Safety
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1.	POSITION TITLE Motor Vehicle Rep. II				RANGE/STEP 9A	BARG. UNIT GG	FORM 12 PAGE/LINE	COV.	APPROV.	DISAPP.	
2.	TYPE OF POSITION NON PERM	STAFF MONTHS 4	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT 18-21	LEG.			
3.	CONTINUATION LEVEL				JUSTIFICATION						
4.	TYPE OF EXPENDITURE										
	1		2		3						
	PERSONAL SERVICES										
5.	Salary		7,448								
6.	Benefits		725								
7.	Supplemental Benefits										
8.	Fixed Benefits										
9.	TOTAL PERSONAL SERVICES		01		8,173						
10.	Travel		02								
11.	Contractual		03								
12.	Commodities		04								
13.	Equipment		05								
14.	Other										
15.	TOTAL COST										
	RECEIPT CODE				FUNDING SOURCE						
16.					Federal Receipts 1002						
17.					G.F. Match 1003						
18.					General Funds 1004						
19.					I-A Receipts 1005						
20.					Program Receipts 1028						
21.					Other						
				8,173							
FOR B&M USE ONLY											
4A KEY NUMBER											

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

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AGENCY Department of Public Safety

PROGRAM Life and Property Protection

BRU Driver/Vehicle Services

COMPONENT Field Services

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3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1		2						
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5.	Salary		6,596						
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15.	TOTAL COST								
<p>This position will work in the field office and be responsible to issue driver's licenses during the start up period when all 16 and 17 year olds must obtain a different license.</p>									
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<div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>FOR D&M USE ONLY 4A KEY NUMBER _____</p> </div>									

13 REQUEST FOR
NEW POSITION

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

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FY 84

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2.	TYPE OF POSITION NON PERM	STAFF MONTHS 4	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 7-15	LEG.							
3.	CONTINUATION LEVEL				JUSTIFICATION										
4.	TYPE OF EXPENDITURE				<p>This position will work in the field office and be responsible to issue driver's licenses during the start up period when all 16 and 17 year olds must obtain a different license.</p>										
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5.	Salary		6,596												
6.	Benefits		642												
7.	Supplemental Benefits														
8.	Fixed Benefits														
9.	TOTAL PERSONAL SERVICES		01								7,238				
10.	Travel		02												
11.	Contractual		03												
12.	Commodities		04												
13.	Equipment		05												
14.	Other														
15.	TOTAL COST														
	RECEIPT CODE	FUNDING SOURCE													
16.		Federal Receipts 1002													
17.		G.F. Match 1003													
18.		General Funds 1004		7,238											
19.		I-A Receipts 1005													
20.		Program Receipts 1020													
21.		Other													
FOR B&M USE ONLY															
9A KEY NUMBER _____															

13 REQUEST FOR
NEW POSITION

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

Page of
Revised Date

FY 84

STATE OF ALASKA
THE LEGISLATURE

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


LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

May 5, 1983

SUBJECT: Driver's licenses, curfews, and license
revocations (SSSB 226)

TO: Senator Vic Fischer

FROM:  Russ Josephson
Legislative Counsel

Following is the sectional analysis of SSSB 226 which you requested.

Section 1 requires the Department of Public Safety to include in the driver's manual information concerning drinking and driving.

Section 2 is a technical amendment to AS 28.15.041(a), adding a reference to a new section of law creating the new types of driver's licenses.

Section 3 amends AS 28.15.051 to indicate that certain persons licensed under this section may not drive between midnight and 5:00 a.m. on any day and between 9:00 p.m. and midnight on Friday and Saturday. An exception is made for motor-driven cycle permittees to participate in organized races after curfew.

Section 4 creates provisional driver's licenses. A stage one provisional license, to be held by persons 16 years old and some persons 17 years old, carries a restriction on driving between midnight and 5:00 a.m. unless certain conditions are met. A stage two provisional license may be held by a person 17 years of age with a clean record during the six months preceding the application for the stage two license.

The holder of the stage two provisional license may lose that license and revert to a stage one provisional license if the person violates other provisions of this bill. The section also provides that a person 18 years of age or older

may apply for an unrestricted and unlimited driver's license (the typical adult license). The requirements of the section are in addition to present requirements of law.

Section 5 requires that the driver's examination test the applicants knowledge of the laws relating to driving while intoxicated.

Section 6 is a technical amendment of AS 28.15.111(a) requiring that the driver's license indicate the stage of the license, if it is a provisional license, in addition to the other information now required.

Section 7 is a new section stating the grounds for revoking the two types of provisional licenses. The section provides for the issuance of the next lower stage of license or instruction permit to a person whose license has been revoked. Thus, for example, a person who holds a stage two provisional license that is revoked may apply for a stage one provisional license. Application for a new provisional license at the level of the license revoked may be made only after at least three months' time.

Section 8 explains who must obtain which type of license, and when. The key date is April 1, 1984.

Section 9 provides a January 1, 1984, effective date.

RJ:ljb
17/030

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

CRIMINAL DIVISION

POUCH KC - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3428

May 5, 1983

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

Re: Senate Bill 61

Dear Senator Fischer:

This letter is response to your memorandum of April 28, 1983, to Attorney General Gorsuch requesting a review of the impoundment, forfeiture, and administrative license revocation provisions contained in SB 61. You also asked for an opinion regarding sobriety checkpoints and mandatory preliminary breath tests. Because your memo did not indicate what aspects of these provisions you wished to be discussed, I contacted Ms. Suzanne Tryck of your office for clarification. Ms. Tryck indicated that your request was directed toward possible constitutional problems in these provisions. They are discussed below in the order given in your memorandum.

The impoundment provision of SB 61 provides that a peace officer who has probable cause to believe that a motor vehicle was used in the commission of a DWI offense, the motor vehicle. The bill requires that the owner or a person with the right to possess the motor vehicle shall pay the costs of impounding and storing the vehicle. The bill does not address the situation of indigent persons who do not have the funds to pay the impound or the storage fees. If their cars were to be in effect, permanently forfeited because of an inability to pay the impound fees, this would violate due process of law. See, e.g., Sutton v. City of Milwaukee, 521 F.Supp. 733 (Wis.Dis.Ct. E.D.) and Lominac v. Municipality of Anchorage, Op. No. 220 (Ak.Ct.App., February 18, 1983).

There are some practical and administrative problems with the impoundment provision as currently drafted in SB 61. For example, section 15 of the bill cross references to AS 28.05.131. That section is a general hearing section, and is not specifically designed for an impoundment situation. The bill provides that a vehicle is to be returned to a first offender after 15 days. But, under AS 28.05.131, a hearing may

not be held less than 10 days after service of the notice upon the owner. Thus, by the terms of the statute, a first offender would seldom, if ever, receive a hearing before the period of impoundment has expired.

The provisions of the bill which allow an "innocent" person to redeem a car from impoundment are very narrow. The language is probably sufficient to meet the due process requirements of F/V American Eagle v. State, 620 P.2d 657 (Alaska 1980) and State v. Rice, 626 P.2d 104 (Alaska 1981), but would in most cases probably prevent a spouse of a person arrested for DWI from redeeming the vehicle.

The forfeiture of the motor vehicle of a repeat DWI offender does not itself violate the constitution, provided that the statute supplies sufficient due process guarantees and is applied in a nondiscriminatory manner. There are some administrative problems with the forfeiture provisions as currently drafted, including the fact that the court is required to give notice to persons who have an ownership or security interest in the vehicles. (See, AS 28.35.038 on page 14.) The court is a neutral party in a legal action, and should not be expected to fulfill duties regarding notice and proof between the litigants. I direct your attention to the forfeiture provisions contained in section 18 of CSHB 6 (JUD). That language appears to achieve the aim of the comparable language in SB 61, but does not contain the drafting problems discussed above.

The notion of administratively suspending or revoking licenses for refusal to take a breathalyzer test or because of a breath test result of .10 or higher is not a new one, and differing versions of administrative revocation statutes have been in effect in virtually all states for several years. The administrative revocation procedures for breathalyzer refusal and a breath test result of .10 have been combined and included in new sections AS 28.15.165 and 28.15.166, section 3 of CSHB 6. I recommend that your committee consider substituting those provisions for the sections in SB 61 which deal with license revocations in these circumstances.

A possible problem with the license revocation provisions in SB 61 is that it does not indicate what happens to the person's license if he or she files for a review of the revocation within the seven-day period allowed. Also, there is no indication of what recourse, if any, a person has following the expiration of the seven-day period. This is of some concern, as our state supreme court has indicated in dicta that Alaskan law will be held to a higher standard in administrative license revocation proceedings than that imposed upon jurisdictions at the federal level. In Graham v. State, 633 P.2d 211 (Alaska 1981), the court indicated that a breathalyzer refusal was not the type of emergency situation which would justify summary

action in the suspension of a person's driver's license before a hearing could be held. 633 P.2d at 216. This is contrary to a holding of the United States Supreme Court in Mackey v. Montrym, 443 U.S. 1 (1979), where the court approved a pre-hearing revocation of the license of a person who refused to submit to a breath test.

I have reviewed the material which you supplied regarding the use of roadblock sobriety check points to detect the intoxicated driver. The cases and theories which were discussed in the legal analyses included in the materials confirms other research in this area. Thus, it appears that sobriety check points would be constitutional if reasonable in scope and duration, the intrusion upon privacy was minimal, every car or every car in a particular numerical sequence was stopped, and the roadblocks are at a fixed location. One note of caution, however. The Alaska Supreme Court has required a higher standard when stopping a citizen than that which the United States Supreme Court adopted in Terry v. Ohio, 392 U.S. 1 (1968). Our court has held that there must be a reasonable suspicion that imminent public danger exists. Coleman v. State, 553 P.2d 40, 46 (Alaska 1976). While our court has recognized that an intoxicated driver does constitute an immediate threat to the public safety, sobriety roadblocks result in the stopping of people who are not suspected of drunk driving, but are merely being checked for the possibility. There is no case decision which would preclude such procedures, if properly implemented, but our courts may subject the practice to a more thorough scrutiny than it might receive in other jurisdictions or at the federal level.

The final area upon which you asked for comment is a test of mandatory preliminary breath testing of persons who have been stopped for moving violations. Approximately 14 states currently have preliminary breath testing statutes of some sort. Some require a person to give a preliminary breath sample only if he or she is suspected of driving while intoxicated; others require the giving of a sample if a person has been involved in an accident or is suspected of having committed a traffic violation. Refusal to submit to a preliminary breath test is generally considered a minor violation, noncriminal in nature, and the sanction is generally revocation of the license. Preliminary breath testing presents substantial constitutional questions, although some judicial decisions in other jurisdictions which have upheld these statutes.

The potential problem with a statute of this nature is that a person may be stopped, and his or her breath "seized" upon less than probable cause. The United States Supreme Court in Terry v. Ohio, 392 U.S. 1 (1968) has approved the stop, search, and seizure of a person based on less than probable cause, i.e. "a reasonable suspicion." As stated earlier,

however, our court requires a higher standard for stops in this state than that in operation at the federal level. See, Coleman v. State, 553 P.2d 40, 46 (Alaska 1976).

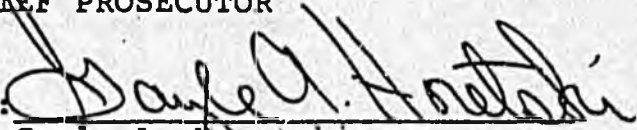
I hope these comments are of assistance to the committee in considering action on SB 61. I remain willing to work with the committee on improving the language of the bill, if requested.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

DANIEL W. HICKEY
CHIEF PROSECUTOR

By:


Gayle A. Hovetski
Assistant Attorney General

GAH/lb-91

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

May 12, 1983

MAY 12 1983

The Honorable Vic Fischer
Senator
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Fischer:

This is in reply to a request from Senate State Affairs for a departmental position paper on a proposed amendment to SB 61 which will change the requirement as to which agency will handle the original request for a hearing after administrative license action. That being, a person whose license is revoked under AS 28.15.165 could ask for an administrative hearing by the Department of Public Safety rather than a court review.

The department has objection to such action for the following reasons. The department currently has hearing officers only in Anchorage. If a person in Ketchikan, Nome, Barrow, Unalaska, Fairbanks, etc., asks for an administrative hearing, we are required to hold that hearing at the office of the department nearest to the residence of that person unless the person agrees that the hearing can be held elsewhere. Whenever possible, in areas more than 50 miles from Anchorage, or outside Fairbanks, we presently attempt to handle administrative hearings by phone. If the individual objects, a hearing officer must schedule a hearing at the office nearest the individual's residence, and travel to that location to hold the hearing.

In instances such as outlined, there may be considerable delay between the time a hearing is requested and when it is held. During that time, the license action must be stayed until the hearing. In other words, the person arrested for drunk driving will be allowed to continue to drive until the hearing is held.

The Honorable
Vic Fischer

- 2 -

May 12, 1983

The department holds hearings regularly in Anchorage, and approximately every two months in Fairbanks. However, not on a regular basis in other areas of the state. The court system has judges and/or magistrates scattered throughout the state who can handle the court review as outlined in present law. The department only has hearing officers in Anchorage. If the proposed amendment is passed, and our fiscal note approved, a hearing officer would be added to Fairbanks. I feel, since the court system already has the staff throughout the state, no change should be made switching the responsibility to the Department of Public Safety, requiring an increase of staff, travel, and other expenses.

It should also be pointed out that if the law is changed as proposed, and the person is unsatisfied with the administrative hearing results, such as non-issuance of a limited license, that person can appeal the decision of the hearing officer to the district court per AS 28.05.141(d). Over 95% of the court reviews under the present law have been to request limited driving privileges.

Another possible problem area is that there will be two different agencies with the authority to grant limited driving privileges, the Department of Public Safety and the courts. If one denies and the other grants, there will be confusion on the defendant's part as to whether or not he can legally drive, as well as creating a difficult situation for law enforcement officers and prosecutors.

Since a copy of the proposed committee substitute has not been perused, the attached fiscal note is based only on the assumption that the department would be required to hold hearings on any request for a limited license following an administrative revocation under AS 28.15.165, but not in instances where the court takes the license action under AS 28.15.181.

Sincerely,


Robert J. Sundberg
Commissioner

cc: Emil Notti
Legislative Aide, Office of the Governor
Kevin K. Bruce
Special Assistant to the Governor

S

B

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3

see

HB

17

SB

22

6

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 proceedings; conviction rates, and penalties issued in court
 - C. actual penalties served, incarceration and treatment

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

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

I. INTRODUCTION *Dennis Kelso*
Alaska Management Technologies

II. PREVENTION OF DWI AND AUTO RELATED ACCIDENTS
testimony will include: ~~Dennis Kelso~~ *Allen Bailey*
(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 *(Kathryn Weltzin)*
(Council on Alcohol & Drug Abuse)
- F. licensing procedures as sanctions and deterrents
 - 1. suspensions
 - 2. revocations
 - 3. limited licenses

III. TREATMENT *Emily McKenzie* *Safety Action*
testimony will include: *Alaska Alcohol Treatment*
Project Program

- 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 Bailey*
testimony will include: ~~Municipal~~

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

court
correctional
system
→ principle
of 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 *Deanna Kelso*

II. PENALTIES *ALLEN BARRY*
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

restitution

III. ALTERNATIVE APPROACHES FOR DETERRING THE DRINKING/DRIVING BEHAVIOR
testimony will include:

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

IV. ENFORCEMENT
testimony will include:

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

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

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

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

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

April 12, Tuesday 1:30pm Senate Finance room

INVITED TESTIMONY

I. INTRODUCTION

II. PENALTIES

testimony will include:

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

ask

*Effectiveness
of*

(circled)

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

where

(circled)

are there any possibilities for dealing w/ PD by developing

IV. ENFORCEMENT

testimony will include:

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

(circled)

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) A. a statistical look at the situation
- ② Gail Bretski (Ass. AG) 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) A. current enforcement practices - road blocks
- ④ Pat Gullafsen (IDA's OFFICE) B. court proceedings; 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
- ⑧ you. 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

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 - AN 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 - recurring at any time

impact on bookings

4,000/year

3,600/yr in '81

75% 1st offenders

~~4,000~~
~~3,600~~
~~75%~~

Driving while license suspended - 9/yr

overcrowded understaffed

all inst. at or over capacity

Sanctions → day/fine - vol to inc

- sell cars

- mandat to treat

- fines to offset treatment cost

- contract for services

20-30K/yr for each bed - oper

120-130K to build / bed - capital

treat

fines

restoration component

Alc. related default fail -

~~000~~

Remove business 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 approximately 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 amendment 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 communities ideas of maturity in Alaska, for example: the legal age for sexual consent

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 epidemic in 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

The Alcoholism Report

DEC 27 1982

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 conscutuencies are as follows...

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

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

<u>Sex</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
Male.....	9%	27%	63%
Female.....	3%	26%	70%

<u>Time in Alaska</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
up to 4 years.....	9%	21%	69%
5-7.....	5%	33%	60%
8-13.....	6%	21%	73%
14-19.....	5%	32%	61%
20+.....	3%	31%	64%

ANCHORAGE
MAY 1983

<u>Raising Drinking Age from 18-21</u>	<u>Single</u>	<u>Divorced/ Separated</u>	<u>Married</u>	<u>Total</u>
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 strongly 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:

<u>Raising Drinking Age from 18-21</u>	<u>Lived in AK 0-3 Yrs</u>	<u>Lived in AK 4-14 Yrs</u>	<u>Lived in AK 15+ Yrs.</u>	<u>Average</u>
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 Kvanikoff, 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. Razona Barnes.

*HIGH SCHOOL STUDENTS IN
CLOSE UP - JUNEAU "HEADLINES"
FEBRUARY 1983*

1-1-82	Tikka, Hawkins	Yes	Driver #1	Tikka	24	.26%
1-2-82	Nickles	NO	—	—	—	—
1-4-82	Hillard	NO	—	—	—	—
1-9-82	Tuffs	Yes	Driver #2	Heier	25	unknown
1-13-82	Martinson	NO	—	—	—	—
1-27-82	JAMES	NO	—	—	—	—
2-6-82	Vacalone, 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	Vouza	NO	—	—	—	—
2-21-82	Burkett, Burkett	NO	—	—	—	—
2-27-82	Kelly	NO	—	—	—	—
3-03-82	Maroney	NO	—	—	—	—
3-16-82	Bicknell	Yes	Driver #1	Vandenberg	35	.14%
3-20-82	Muhlhauser, Collar	NO	—	—	—	—
3-31-82	Doerken	NO	—	—	—	—
4-7-82	Western	NO	—	—	—	—
4-7-82	Meyers	Yes	Driver #1 Passenger	Pedigo Meyers	32 20	.10% .27%
4-8-82	Schwettman	yes	Driver	Schwettman	33	.18%
4-13-82	Ritchie Jr.	yes	Driver #1 Passenger Passenger	Christison 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	Lemser (Pied)	?	*	—	—	—
5-1-82	McGurr	NO	—	—	—	—
5-8-82	White	yes	Driver #1	White	40	.16%
5-11-82	Frascatore	NO	—	—	—	—
5-14-82	Katzek	?	*	—	—	—
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 Peraja	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	Griffiths	Yes	Driver #1	Gibbs	55	.24%
6-4-82	HARRIS	yes	Driver #1 Passenger	Harris Hild	19 19	.15% unknown

1-1-82	Tikka, Hawkins	Yes	Driver #1	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	—	—	—	—
2-6-82	Vacovone, 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	Maroney	NO	—	—	—	—
3-16-82	Bicknell	Yes	Driver #1	Vanlandingham	35	14%
3-20-82	Muhlhausen, Collar	NO	—	—	—	—
3-31-82	Doerken	NO	—	—	—	—
4-7-82	Western	NO	—	—	—	—
4-7-82	Meyers	Yes	Driver #1 Passenger	Pedigo Meyers	32 20	10% 27%
4-8-82	Schwettman	Yes	Driver	Schwettman	33	18%
4-13-82	Ritchie Jr.	Yes	Driver #1 Passenger Passenger	Christison 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 (Pia)	?	*	—	—	—
5-1-82	McGuirl	NO	—	—	—	—
5-8-82	White	Yes	Driver #1	White	40	16%
5-11-82	Frascatore	NO	—	—	—	—
5-14-82	Katzek	?	*	—	—	—
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 Peraja	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	Grippers	Yes	Driver #1	Gibbs	55	24%
6-4-82	HARRIS	Yes	Driver #1 Passenger	Harris Pillio	19 19	15% Unknown

DATE	Name	Alcohol	Type	Name	Age	%
6-6-82	Booth	yes	Pedestrian Pedestrian Driver #1	Booth Werner Hopp	19 14 23	19% → Unknown .05%
6-10-82	Wallace	yes	Driver #1 Passenger	Brayton Wallace	19 ✓ 24	15% → Unknown
6-11-82	Jones	yes	Driver #1 Passenger	Jones Peterson	19 ✓ 20	12% → Unknown
6-18-82	Nosjren	yes	Driver	Nosjren	32	.20%
6-20-82	Arsenault	yes	Driver #1 Driver #2	Hill Arsenault	37 25	.24% .11%
6-20-82	Butcher	yes	Driver #2	Gaw	28	Unknown
6-22-82	Jones	NO	—	—	—	—
6-24-82	Bennett	yes	Pedestrian Driver	Bennett Winstow	17 25	.33% → refused
6-27-82	Cleaver	NO	—	—	—	—
6-30-82	Angasak	yes	Driver #1	Angasak	25	Unknown
7-4-82	Ruthburn	yes	Driver #1 Driver #2	Sheldon Ruthburn	22 32	Unknown .17%
7-4-82	Cheney	yes	Driver #1	Cheney	29	.25%
7-4-82	Wendte	yes	Driver #1 Passenger	Wendte Paddock	29 31	.22% Unknown
7-5-82	Sistrada	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	yes	Driver #1 Passenger Driver #2	Turney Herbert Fankhauser	30 ✓ 53 36	.21% Unknown .06%
7-25-82	Donley	yes	Driver #1 Driver #2	Tate Donley	19 ✓ 18 ✓	.03 → Unknown
7-26-82	Wells	NO	—	—	—	—
7-27-82	Shelton	NO	—	—	—	—
7-29-82	Finley	NO	—	—	—	—
8-01-82	Pollock, Benkm	NO	—	—	—	—
8-5-82	Huss	NO	—	—	—	—
8-13-82	Husted	yes	Driver #1	Husted	25	.24%
8-14-82	Wilson	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	Trvin	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	Kluskam	yes	Driver	Nelson	27	.14%
9-10-82	Grotts	yes	Pedestrian	Grotts	28	.26%
9-14-82	Smith	NO	—	—	—	—
9-17-82	Seaton	NO	—	—	—	—
9-18-82	Allison Filiger	NO	—	—	—	—
9-18-82	Wittner	NO	—	—	—	—
9-22-82	Jones	yes	Driver #1	Jones	22	.19%
9-23-82	Hatten	NO	—	—	—	—
9-25-82	Slaughter	NO	—	—	—	—
9-28-82	Tilley	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	Wiederbeck	yes	Driver #1	Wade (Bobby)	24	.14%
			Passenger	Wade (Mary)	2	unknown
			Driver #2	Wiederbeck	46	.02%
10-12-82	Lee	NO	—	—	—	—
10-14-82	Bell	yes	Driver #1	Williams	29	.22%
			Passenger	Bell	43	unknown
10-15-82	Mark 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	Shadden	?	*			
11-20-82	Shadda	yes	Pedestrian	Shadda	59	.37%

DATE	NAME	Alcohol	Type	Name	Age
12-1-82	Whitt	NO	---	---	---
12-13-82	Stuff	?	---	---	---
12-15-82	Frost Jr.	NO	---	---	---
12-17-82	Hoffman	NO	---	---	---
12-23-82	Johnson	NO	---	---	---
12-23-82	Mudley	Y/N	Driver	Mudley	33
12-24-82	Illegals	Y/N	Driver #	Leavitt	31
			Illegals	Illegals	21
					Unknown
					Unknown
					Unknown

TOTAL
 54
 Drivers = alcohol related

TOTAL
 Fatalities
 107
 For
 1982

Horrendous problem - terrible in general.
Fragile, sentencing on indiv. basis
has determined to act - this case.

Large task

- no single measure
- some approaches in bills
- must consider others to do job.
- Prevention Rehab. Restit.
- Punishment - incarceration
- lengthen sentence
- license suspension + revocation
(not just D - must)
- confis. vehicles

level of drunkenness .10 → .08
→ .05/.15
threshold

— inebriation in vehicles

→ dr. drive & hit law - special penalty

? age of kids who cruise N. lights & Benson?

check points - alternative transport for DWI's

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

→ mandatory insurance, SB 22 '3

→ approp. for

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

→ HB 6 > SB 61

→ admin revocation of driv. lic's

- now, release on own recognizance, unless danger to comm. or likely failure to appear
- et in prov. that costs cannot be imposed as part of sent.
→ bear cost of ---
- x driving w/ open alc. container in vehicle
- \$,400 for Judic. to do the job
- distinguishable SR 22 + 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.

By nec. to solve existing program
→ special DWI correct. fund
w/ intensive treatment
regm. for full period
of confinement

→ jud. fiscal note 5861
→ public defender "

of police doubled since 78; 0-incr. dist. judges

→ not serve 3 days, sent. on
weekends only.

→ complete alc. screening process
+ as appropriate, fitting
as condition to reinstatement
of revoked license

→ DWI - problem drinker - mediator
- entry into system for treatment
- not secure facility for treatment

→ authority for judge to
require treatment

- Resol →
- digital ignition device
→ require on all cars sold/
licensed in AK.
- put info into computer
up delay
- contrib. to DMV ← crime
- interstate info x chgs on DMV's
+ license revocation
- North Hwy Safety → Nat'l Drivers Register.

John Ulmer Stout - anti drinking app + a few
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).
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SENATE STATE AFFAIRS COMMITTEE

AGENDA FOR DRUNK DRIVING HEARINGS

APRIL 7, 1983 3:00pm Butrovich room

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

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

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

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

- I. INTRODUCTION

②

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

publishing names

③

TREATMENT

/ Rehab / educ /

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



automatic in jail

⑤

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

track

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 11, 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

① 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

do cover costs.
penalties
- jails
#

② III. ALTERNATIVE APPROACHES FOR DETERRING THE DRINKING/DRIVING BEHAVIOR

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

③ IV. ENFORCEMENT

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

road blocks

info sys

④ 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 handful of measures quickly contemplated.

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

Enclosed you will find an agenda for the hearings.

As backup for these hearings you will find sections on:

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

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

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(3/31/83)

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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 Borckenstein and others.

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

Blood Alcohol and Body Weight

NEW YORK STATE

CHART FOR RESPONSIBLE PEOPLE WHO MAY SOMETIMES DRIVE AFTER DRINKING!

APPROXIMATE BLOOD ALCOHOL PERCENTAGE

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

Estimated .01% for each 40 minutes of drinking
One drink is 1 oz. of 100 proof liquor, 12 oz. of beer, or 4 oz. of table wine.

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

Past Approaches and Current Activities

Federal Action:

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

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

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

State Action

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

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

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

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

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

DRUNK DRIVING FACTS

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

REALISTIC EXPECTATIONS

Problem Drinkers:

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

Social Drinkers:

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

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