

105TH CONGRESS
1ST SESSION

S. 708

To amend title 23, United States Code, to provide for a national minimum penalty for an individual who operates a motor vehicle while under the influence of alcohol.

IN THE SENATE OF THE UNITED STATES

MAY 6, 1997

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to provide for a national minimum penalty for an individual who operates a motor vehicle while under the influence of alcohol.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Deadly Driver Reduc-
5 tion and Matthew P. Hammell Memorial Act”.

1 **SEC. 2. MINIMUM PENALTY FOR AN INDIVIDUAL WHO OP-**
 2 **ERATES A MOTOR VEHICLE WHILE UNDER**
 3 **THE INFLUENCE OF ALCOHOL.**

4 (a) IN GENERAL.—Chapter 1 of title 23, United
 5 States Code, is amended by adding at the end the follow-
 6 ing:

7 **“§ 162. National minimum penalty for an individual**
 8 **who operates a motor vehicle while**
 9 **under the influence of alcohol**

10 “(a) WITHHOLDING OF APPORTIONMENTS FOR NON-
 11 COMPLIANCE.—

12 “(1) FISCAL YEAR 2001.—The Secretary shall
 13 withhold 5 percent of the amount required to be ap-
 14 portioned to any State under each of paragraphs
 15 (1), (3), and (5)(B) of section 104(b) on October 1,
 16 2000, if the State does not meet the requirements
 17 of paragraph (3) on that date.

18 “(2) THEREAFTER.—The Secretary shall with-
 19 hold 10 percent (including any amounts withheld
 20 under paragraph (1)) of the amount required to be
 21 apportioned to any State under each of paragraphs
 22 (1), (3), and (5)(B) of section 104(b) on October 1,
 23 2001, and on October 1 of each fiscal year there-
 24 after, if the State does not meet the requirements of
 25 paragraph (3) on that date.

26 “(3) REQUIREMENTS.—

1 “(A) IN GENERAL.—A State meets the re-
2 quirements of this paragraph if the State has
3 enacted and is enforcing a law that provides for
4 a minimum penalty consistent with the follow-
5 ing:

6 “(i) In the case of the first offense of
7 an individual of operating a motor vehicle
8 while under the influence of alcohol, rev-
9 ocation of the individual’s driver’s license
10 for at least 180 days.

11 “(ii) In the case of the second offense
12 of an individual of any alcohol-related of-
13 fense while operating a motor vehicle (in-
14 cluding operating a motor vehicle while
15 under the influence of alcohol), revocation
16 of the individual’s driver’s license for at
17 least 1 year.

18 “(iii) In the case of the third or sub-
19 sequent offense of an individual of any al-
20 cohol-related offense while operating a
21 motor vehicle (including operating a motor
22 vehicle while under the influence of alco-
23 hol), permanent revocation of the individ-
24 ual’s driver’s license.

1 “(B) TERMS OF REVOCATION.—A revoca-
2 tion under subparagraph (A) shall not be sub-
3 ject to any exception or condition, including an
4 exception or condition to avoid hardship to any
5 individual.

6 “(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-
7 ANCE AND NONCOMPLIANCE.—

8 “(1) PERIOD OF AVAILABILITY OF WITHHELD
9 FUNDS.—

10 “(A) FUNDS WITHHELD ON OR BEFORE
11 SEPTEMBER 30, 2002.—Any funds withheld
12 under subsection (a) from apportionment to any
13 State on or before September 30, 2002, shall
14 remain available until the end of the third fiscal
15 year following the fiscal year for which the
16 funds are authorized to be appropriated.

17 “(B) FUNDS WITHHELD AFTER SEPTEMBER
18 30, 2002.—No funds withheld under this
19 section from apportionment to any State after
20 September 30, 2002, shall be available for ap-
21 portionment to the State.

22 “(2) APPORTIONMENT OF WITHHELD FUNDS
23 AFTER COMPLIANCE.—If, before the last day of the
24 period for which funds withheld under subsection (a)
25 from apportionment are to remain available for ap-

1 portionment to a State under paragraph (1), the
2 State meets the requirements of subsection (a)(3),
3 the Secretary shall, on the first day on which the
4 State meets the requirements, apportion to the State
5 the funds withheld under subsection (a) that remain
6 available for apportionment to the State.

7 “(3) PERIOD OF AVAILABILITY OF SUBSE-
8 QUENTLY APPORTIONED FUNDS.—Any funds appor-
9 tioned under paragraph (2) shall remain available
10 for expenditure until the end of the third fiscal year
11 following the fiscal year in which the funds are so
12 apportioned. Sums not obligated at the end of that
13 period shall lapse or, in the case of funds appor-
14 tioned under section 104(b)(5)(B), shall lapse and
15 be made available by the Secretary for projects in
16 accordance with section 118.

17 “(4) EFFECT OF NONCOMPLIANCE.—If, at the
18 end of the period for which funds withheld under
19 subsection (a) from apportionment are available for
20 apportionment to a State under paragraph (1), the
21 State does not meet the requirements of subsection
22 (a)(3), the funds shall lapse or, in the case of funds
23 withheld from apportionment under section
24 104(b)(5)(B), shall lapse and be made available by

1 the Secretary for projects in accordance with section
2 118.”.

3 (b) CONFORMING AMENDMENT.—The analysis for
4 chapter 1 of title 23, United States Code, is amended by
5 adding at the end the following:

“162. National minimum penalty for an individual who operates a motor vehicle
while under the influence of alcohol.”.

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