

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (a)(6), (7), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 157, added Pub. L. 105-178, title I, § 1403(a), June 9, 1998, 112 Stat. 237; amended Pub. L. 108-88, § 6(a)(1), Sept. 30, 2003, 117 Stat. 1119; Pub. L. 108-202, § 6(a), Feb. 29, 2004, 118 Stat. 483; Pub. L. 108-224, § 5(a), Apr. 30, 2004, 118 Stat. 632; Pub. L. 108-263, § 5(a), June 30, 2004, 118 Stat. 703; Pub. L. 108-280, § 5(a), July 30, 2004, 118 Stat. 881; Pub. L. 108-310, § 6(a)(1), Sept. 30, 2004, 118 Stat. 1152; Pub. L. 109-14, § 5(a)(1), May 31, 2005, 119 Stat. 329; Pub. L. 109-20, § 5(a)(1), July 1, 2005, 119 Stat. 351; Pub. L. 109-35, § 5(a)(1), July 20, 2005, 119 Stat. 384; Pub. L. 109-37, § 5(a)(1), July 22, 2005, 119 Stat. 399; Pub. L. 109-40, § 5(a)(1), July 28, 2005, 119 Stat. 415; Pub. L. 109-59, title I, § 1406, Aug. 10, 2005, 119 Stat. 1231, related to safety incentive grants for use of seat belts, prior to repeal by Pub. L. 112-141, § 3(a), div. A, title I, § 1519(b)(1)(A), July 6, 2012, 126 Stat. 413, 575, effective Oct. 1, 2012.

Another prior section 157, added Pub. L. 97-424, title I, § 150(a), Jan. 6, 1983, 96 Stat. 2131; amended Pub. L. 99-272, title IV, § 4102(f), Apr. 7, 1986, 100 Stat. 113; Pub. L. 100-17, title I, §§ 105(h), 124, Apr. 2, 1987, 101 Stat. 144, 164; Pub. L. 102-240, title I, §§ 1002(h), 1013(a), (b), Dec. 18, 1991, 105 Stat. 1918, 1940; Pub. L. 103-272, § 5(f)(3), July 5, 1994, 108 Stat. 1374, related to minimum allocations to States, prior to repeal by Pub. L. 105-178, title I, § 1403(a), June 9, 1998, 112 Stat. 237.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2021, see section 10003 of Pub. L. 117-58, set out as an Effective Date of 2021 Amendment note under section 101 of this title.

§ 158. National minimum drinking age

(a) WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.—

(1) IN GENERAL.—

(A) FISCAL YEARS BEFORE 2012.—The Secretary shall withhold 10 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(4)¹ of this title on the first day of each fiscal year after the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

(B) FISCAL YEAR 2012 AND THEREAFTER.—For fiscal year 2012 and each fiscal year thereafter, the amount to be withheld under this section shall be an amount equal to 8 per cent of the amount apportioned to the non-compliant State, as described in subparagraph (A), under paragraphs (1) and (2) of section 104(b).

(2) STATE GRANDFATHER LAW AS COMPLYING.—If, before the later of (A) October 1, 1986, or (B) the tenth day following the last day of the

first session the legislature of a State convenes after the date of the enactment of this paragraph, such State has in effect a law which makes unlawful the purchase and public possession in such State of any alcoholic beverage by a person who is less than 21 years of age (other than any person who is 18 years of age or older on the day preceding the effective date of such law and at such time could lawfully purchase or publicly possess any alcoholic beverage in such State), such State shall be deemed to be in compliance with paragraph (1) in each fiscal year in which such law is in effect.

(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.

(c) ALCOHOLIC BEVERAGE DEFINED.—As used in this section, the term “alcoholic beverage” means—

(1) beer as defined in section 5052(a) of the Internal Revenue Code of 1986,

(2) wine of not less than one-half of 1 per centum of alcohol by volume, or

(3) distilled spirits as defined in section 5002(a)(8) of such Code.

(Added Pub. L. 98-363, § 6(a), July 17, 1984, 98 Stat. 437; amended Pub. L. 99-272, title IV, § 4104, Apr. 7, 1986, 100 Stat. 114; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 105-178, title I, § 1103(l)(2), June 9, 1998, 112 Stat. 125; Pub. L. 112-141, div. A, title I, § 1404(f), July 6, 2012, 126 Stat. 558.)

Editorial Notes

REFERENCES IN TEXT

Section 104 of this title, referred to in subsec. (a)(1)(A), was amended generally by Pub. L. 112-141, div. A, title I, § 1105(a), July 6, 2012, 126 Stat. 427.

The date of the enactment of this paragraph, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 99-272, which was approved Apr. 7, 1986.

The Internal Revenue Code of 1986, referred to in subsec. (c), is set out in Title 26, Internal Revenue Code.

AMENDMENTS

2012—Subsec. (a)(1). Pub. L. 112-141 designated existing provisions as subpar. (A), inserted subpar. heading, and added subpar. (B).

1998—Subsec. (a)(1). Pub. L. 105-178, § 1103(l)(2)(A)(i)-(iii), redesignated par. (2) as (1), substituted “In general” for “After the first year” in heading and “104(b)(3), and 104(b)(4)” for “104(b)(2), 104(b)(5), and 104(b)(6)” in text, and struck out former par. (1) which read as follows:

“(1) FIRST YEAR.—The Secretary shall withhold 5 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the first fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.”

Subsec. (a)(2), (3). Pub. L. 105-178, § 1103(l)(2)(A)(ii), (iv), redesignated par. (3) as (2) and substituted “paragraph (1)” for “paragraphs (1) and (2) of this subsection”. Former par. (2) redesignated (1).

Subsec. (b). Pub. L. 105-178, § 1103(l)(2)(B), added subsec. (b) and struck out heading and text of former subsec. (b) which related to period of availability for ap-

¹ See References in Text note below.

portionment to State of funds withheld by the Secretary pending State enactment of federally-prescribed minimum drinking age.

1986—Subsec. (a). Pub. L. 99-272, § 4104(d)(1), added subsection heading.

Subsec. (a)(1). Pub. L. 99-272, § 4104(d)(2)–(4), added paragraph heading, aligned margins, and inserted “first” before “fiscal year beginning”.

Subsec. (a)(2). Pub. L. 99-272, § 4104(a), (d)(3), (5), added paragraph heading, realigned margins, and substituted “each fiscal year after” for “the fiscal year succeeding”.

Subsec. (a)(3). Pub. L. 99-272, § 4104(b), added par. (3).

Subsec. (b). Pub. L. 99-272, § 4104(c), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The Secretary shall promptly apportion to a State any funds which have been withheld from apportionment under subsection (a) of this section in fiscal year if in any succeeding fiscal year such State makes unlawful the purchase or public possession of any alcoholic beverage by a person who is less than twenty-one years of age.”

Subsec. (c). Pub. L. 99-272, § 4104(d)(6), added subsection heading.

Subsec. (c)(1). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

MINIMUM DRINKING AGE

Pub. L. 97-424, title II, § 209, Jan. 6, 1983, 96 Stat. 2140, provided that: “The Congress strongly encourages each State to prohibit the sale of alcoholic beverages to persons who are less than 21 years of age.”

§ 159. Revocation or suspension of drivers' licenses of individuals convicted of drug offenses

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

(1) BEGINNING IN FISCAL YEAR 1996.—The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) of section 104(b) on the first day of each fiscal year which begins after the fourth calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on the first day of such fiscal year.

(2) FISCAL YEAR 2012 AND THEREAFTER.—The Secretary shall withhold an amount equal to 8 percent of the amount required to be apportioned to any State under each of paragraphs (1) and (2) of section 104(b) on the first day of each fiscal year beginning after September 30, 2011, if the State fails to meet the requirements of paragraph (3) on the first day of the fiscal year.

(3) REQUIREMENTS.—A State meets the requirements of this paragraph if—

(A) the State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

(i) the revocation, or suspension for at least 6 months, of the driver's license of

any individual who is convicted, after the enactment of such law, of—

(I) any violation of the Controlled Substances Act, or

(II) any drug offense; and

(ii) a delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual applies for the issuance or reinstatement of a driver's license if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted; or

(B) the Governor of the State—

(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after the effective date of this section a written certification stating that the Governor is opposed to the enactment or enforcement in the State of a law described in subparagraph (A), relating to the revocation, suspension, issuance, or reinstatement of drivers' licenses to convicted drug offenders; and

(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i).

(b) EFFECT OF NONCOMPLIANCE.—No funds withheld under this section from apportionments to any State shall be available for apportionment to that State.

(c) DEFINITIONS.—For purposes of this section—

(1) DRIVER'S LICENSE.—The term “driver's license” means a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways.

(2) DRUG OFFENSE.—The term “drug offense” means any criminal offense which proscribes—

(A) the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act; or

(B) the operation of a motor vehicle under the influence of such a substance.

(3) CONVICTED.—The term “convicted” includes adjudicated under juvenile proceedings.

(Added Pub. L. 102-143, title III, § 333(a), Oct. 28, 1991, 105 Stat. 944; amended Pub. L. 102-388, title III, § 327(a), Oct. 6, 1992, 106 Stat. 1547; Pub. L. 105-178, title I, § 1103(l)(3)(E), June 9, 1998, 112 Stat. 126; Pub. L. 112-141, div. A, title I, § 1404(g), July 6, 2012, 126 Stat. 558.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Transportation Equity Act for the 21st Century, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 105-178, which was approved June 9, 1998.

The effective date of this section, referred to in subsec. (a)(1), (3)(B)(i), is Nov. 5, 1990. See section 333(e) of Pub. L. 102-143, set out as a note below.