

105TH CONGRESS
1ST SESSION

H. R. 982

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 1997

Mrs. LOWEY introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, provide for a national minimum sentence for a person 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 Burton H. Greene Memorial Act”.

1 **SEC. 2. MINIMUM SENTENCE FOR A PERSON WHO OPER-**
2 **ATES A MOTOR VEHICLE WHILE ALCOHOL-IM-**
3 **PAIRED.**

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 sentence for a person who**
8 **operates a motor vehicle while alcohol-**
9 **impaired**

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 sections
15 104(b)(1), 104(b)(3), and 104(b)(5)(B) on October
16 1, 2000, if the State does not meet the requirement
17 of paragraph (3) on such 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 sections
22 104(b)(1), 104(b)(3), and 104(b)(5)(B) on October
23 1, 2001, and on October 1 of each fiscal year there-
24 after, if the State does not meet the requirement of
25 paragraph (3) on such date.

1 “(3) REQUIREMENT.—A State meets the re-
2 quirement of this paragraph if the State has enacted
3 and is enforcing a law which provides for a mini-
4 mum sentence consistent with the following:

5 “(A) In the case of the first conviction of
6 a person of operating a motor vehicle while
7 under the influence of alcohol, revocation of the
8 person’s driver’s license for 6 months.

9 “(B) In the case of the second conviction
10 of a person of operating a motor vehicle while
11 alcohol-impaired, revocation of the person’s
12 driver’s license for 1 year.

13 “(C) In the case of the third or subsequent
14 conviction of a person of operating a motor ve-
15 hicle while alcohol-impaired, permanent revoca-
16 tion of the person’s driver’s license.

17 A revocation pursuant to this paragraph shall not be
18 subject to any exception or condition, including an
19 exception or condition to avoid hardship to any indi-
20 vidual.

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

23 “(1) PERIOD OF AVAILABILITY OF WITHHELD
24 FUNDS.—

1 “(A) FUNDS WITHHELD ON OR BEFORE
2 SEPTEMBER 30, 2002.—Any funds withheld
3 under subsection (a) from apportionment to any
4 State on or before September 30, 2002, shall
5 remain available until the end of the third fiscal
6 year following the fiscal year for which such
7 funds are authorized to be appropriated.

8 “(B) FUNDS WITHHELD AFTER SEPTEMBER
9 SEPTEMBER 30, 2002.—No funds withheld under this
10 section from apportionment to any State after
11 September 30, 2002, shall be available for ap-
12 portionment to such State.

13 “(2) APPORTIONMENT OF WITHHELD FUNDS
14 AFTER COMPLIANCE.—If, before the last day of the
15 period for which funds withheld under subsection (a)
16 from apportionment are to remain available for ap-
17 portionment to a State under paragraph (1), the
18 State meets the requirement of subsection (a)(3),
19 the Secretary shall, on the first day on which the
20 State meets such requirement, apportion to the
21 State the funds withheld under subsection (a) that
22 remain available for apportionment to the State.

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

11 “(4) EFFECT OF NONCOMPLIANCE.—If, at the
 12 end of the period for which funds withheld under
 13 subsection (a) from apportionment are available for
 14 apportionment to a State under paragraph (1), the
 15 State does not meet the requirement of subsection
 16 (a)(3), such funds shall lapse or, in the case of
 17 funds withheld from apportionment under section
 18 104(b)(5)(B), such funds shall lapse and be made
 19 available by the Secretary for projects in accordance
 20 with section 118.”.

21 (b) CLERICAL AMENDMENT.—The table of sections at
 22 the beginning of such chapter is amended by adding at
 23 the end the following:

“162. National minimum sentence for a person who operates a motor vehicle
 while under the influence of alcohol.”.

