

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.

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## 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

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## 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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