

106TH CONGRESS
1ST SESSION

H. R. 1597

To amend title 23, United States Code, to provide for national minimum sentences for individuals convicted of operating motor vehicles under the influence of alcohol.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 1999

Mrs. LOWEY (for herself and Mr. CANADY of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to provide for national minimum sentences for individuals convicted of operating motor vehicles 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. NATIONAL MINIMUM SENTENCES FOR INDIVIDUALS**
 2 **CONVICTED OF OPERATING MOTOR VEHI-**
 3 **CLES WHILE UNDER THE INFLUENCE OF AL-**
 4 **COHOL.**

5 (a) IN GENERAL.—Section 164 of chapter 1 of title
 6 23, United States Code, is amended to read as follows:

7 **“§ 164. National minimum sentences for individuals**
 8 **convicted of operating motor vehicles**
 9 **while under the influence of alcohol**

10 “(a) DEFINITIONS.—In this section, the following
 11 definitions apply:

12 “(1) BLOOD ALCOHOL CONCENTRATION.—The
 13 term ‘blood alcohol concentration’ means grams of
 14 alcohol per 100 milliliters of blood or grams of alco-
 15 hol per 210 liters of breath.

16 “(2) DRIVING UNDER THE INFLUENCE.—The
 17 term ‘driving under the influence’ mean driving or
 18 being in actual physical control of a motor vehicle
 19 while having a blood alcohol concentration above the
 20 limit established by the State in which the motor ve-
 21 hicle is driven or controlled.

22 “(3) MOTOR VEHICLE.—The term ‘motor vehi-
 23 cle’ means a vehicle driven or drawn by mechanical
 24 power and manufactured primarily for use on public
 25 highways, but does not include a vehicle operated
 26 solely on a rail line or a commercial vehicle.

1 “(b) WITHHOLDING OF APPORTIONMENTS FOR NON-
2 COMPLIANCE.—

3 “(1) FISCAL YEAR 2003.—The Secretary shall
4 withhold 5 percent of the amount required to be ap-
5 portioned to any State under each of paragraphs
6 (1), (3), and (4) of section 104(b) on October 1,
7 2002, if the State does not meet the requirements
8 of paragraph (3) on such date.

9 “(2) THEREAFTER.—The Secretary shall with-
10 hold 10 percent (including any amounts withheld
11 under paragraph (1)) of the amount required to be
12 apportioned to any State under each of paragraphs
13 (1), (3), and (4) of section 104(b) on October 1,
14 2003, and on October 1 of each fiscal year there-
15 after, if the State does not meet the requirements of
16 paragraph (3) on such date.

17 “(3) REQUIREMENTS.—A State meets the re-
18 quirements of this paragraph if the State has en-
19 acted and is enforcing a law which provides for a
20 minimum sentence consistent with the following:

21 “(A) Except as provided in subparagraph
22 (B), in the case of the first conviction of an in-
23 dividual for operating a motor vehicle while
24 under the influence of alcohol—

1 “(i) revocation of the individual’s driv-
2 er’s license for 6 months;

3 “(ii) imposition of a \$500 fine on the
4 individual; and

5 “(iii) an assessment of the individual’s
6 degree of alcohol abuse and treatment, as
7 appropriate.

8 “(B) In the case of the first conviction of
9 an individual for operating a motor vehicle with
10 a blood alcohol concentration of .16 or
11 greater—

12 “(i) revocation of the individual’s driv-
13 er’s license for 6 months, or for 2 years if
14 the individual refused to take breath test
15 to determine the individual’s blood alcohol
16 concentration at the time of arrest;

17 “(ii) imposition of a requirement on
18 the individual prohibiting the individual
19 from operating a motor vehicle with a
20 blood alcohol concentration of .05 or great-
21 er for 5 years;

22 “(iii) impoundment or immobilization
23 of the individual’s motor vehicle for 30
24 days;

1 “(iv) imposition of a requirement on
2 the individual requiring the installation of
3 an ignition interlock system on the individ-
4 ual’s motor vehicle for 180 days;

5 “(v) imposition of a \$750 fine on the
6 individual;

7 “(vi) 10 days imprisonment of the in-
8 dividual or 60 days community service; and

9 “(vii) an assessment of the individ-
10 ual’s degree of alcohol abuse and treat-
11 ment, as appropriate.

12 “(C) Except as provided in subparagraph
13 (D), in the case of the second conviction of an
14 individual for operating a motor vehicle while
15 under the influence of alcohol—

16 “(i) revocation of the individual’s driv-
17 er’s license for 1 year, or for 2 years if the
18 individual refused to take breath test to
19 determine the individual’s blood alcohol
20 concentration at the time of arrest;

21 “(ii) imposition of a requirement on
22 the individual prohibiting the individual
23 from operating a motor vehicle with a
24 blood alcohol concentration of .05 or great-
25 er for 5 years;

1 “(iii) impoundment or immobilization
2 of the individual’s motor vehicle for 60
3 days;

4 “(iv) imposition of a requirement on
5 the individual requiring the installation of
6 an ignition interlock system on the individ-
7 ual’s motor vehicle for 1 year;

8 “(v) imposition of a \$1,000 fine on
9 the individual;

10 “(vi) 10 days imprisonment of the in-
11 dividual or 60 days community service; and

12 “(vii) an assessment of the individ-
13 ual’s degree of alcohol abuse and treat-
14 ment, as appropriate.

15 “(D) In the case of the third or subsequent
16 conviction of an individual for operating a
17 motor vehicle while under the influence of alco-
18 hol or in the case of a second such conviction
19 if the individual’s first conviction was a convic-
20 tion described in subparagraph (B), permanent
21 revocation of the individual’s driver’s license.

22 A revocation pursuant to this paragraph shall not be
23 subject to any exception or condition, including an
24 exception or condition to avoid hardship to any indi-
25 vidual.

1 “(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-
2 ANCE AND NONCOMPLIANCE.—

3 “(1) PERIOD OF AVAILABILITY OF WITHHELD
4 FUNDS.—

5 “(A) FUNDS WITHHELD ON OR BEFORE
6 SEPTEMBER 30, 2004.—Any funds withheld
7 under subsection (b) from apportionment to any
8 State on or before September 30, 2004, shall
9 remain available until the end of the third fiscal
10 year following the fiscal year for which such
11 funds are authorized to be appropriated.

12 “(B) FUNDS WITHHELD AFTER SEP-
13 TEMBER 30, 2004.—No funds withheld under
14 this section from apportionment to any State
15 after September 30, 2004, shall be available for
16 apportionment to such State.

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

1 State the funds withheld under subsection (b) that
2 remain available for apportionment to the State.

3 “(3) PERIOD OF AVAILABILITY OF SUBSE-
4 QUENTLY APPORTIONED FUNDS.—

5 “(A) IN GENERAL.—Any funds appor-
6 tioned pursuant to paragraph (2) shall remain
7 available for expenditure until the end of the
8 third fiscal year following the fiscal year in
9 which such funds are so apportioned.

10 “(B) TREATMENT OF CERTAIN FUNDS.—
11 Any funds apportioned pursuant to paragraph
12 (2) that are not obligated at the end of the pe-
13 riod referred to in subparagraph (A) shall
14 lapse.

15 “(4) EFFECT OF NONCOMPLIANCE.—If, at the
16 end of the period for which funds withheld under
17 subsection (b) from apportionment are available for
18 apportionment to a State under paragraph (1), the
19 State does not meet the requirement of subsection
20 (b)(3), such funds shall lapse.”.

21 (b) CLERICAL AMENDMENT.—The item relating to
22 section 164 in the analysis for such chapter is amended
23 to read as follows:

“164. National minimum sentences for individuals convicted of operating motor
vehicles while under the influence of alcohol.”.

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